

## CONNECTICUT SAFE SCHOOL COALITION

### Guidelines for Connecticut Schools to Comply with GENDER IDENTITY AND EXPRESSION NON-DISCRIMINATION LAWS

October 4, 2012

#### FREQUENTLY ASKED QUESTIONS

#### Part One: About the Law - Public Act No. 11-55

**Purpose** – to provide information and guidance to students, parents and school faculty and staff on the rights, responsibilities and best educational and employment practices for transgender and gender non-conforming students.<sup>1</sup>

**Question:** What is Public Act No. 11-55 - AN ACT CONCERNING DISCRIMINATION?

**Answer:** This Connecticut law – effective – October 1, 2011 prohibits discrimination on the basis of gender identity or expression in all areas and contexts in which the laws already prohibit discrimination on the basis of sex. This includes the areas of employment, public accommodations, the sale or rental and use of housing, the granting of credit, education and other laws including those over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with the CHRO, which enforces antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 holding that the prohibition against sex discrimination in the laws over which CHRO has jurisdiction, covers discrimination on the basis of gender identity or expression making PA 11-55 a clarification of existing legal obligations.

**Question:** What was CHRO's declaratory ruling in 2000?

**Answer:** In 2000, the CHRO Commissioners issued a declaratory ruling concluding that CHRO has jurisdiction to investigate and process claims of discrimination on the basis of gender identity or expression in employment, public accommodations, housing (the sale, rental or use of property), and the extension of credit, because the status is covered under the prohibition against sex discrimination. Public Act 11-55 codifies this protection against discrimination on the basis of gender identity or expression in the statutes and explicitly authorizes the CHRO to investigate and process complaints of discrimination on the basis of gender identity or expression in these

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<sup>1</sup> Information regarding the law is presented for general informational purposes only. It should not be used as a substitute for consulting the updated statutes, for obtaining legal advice for specific issues pertaining to a situation or for calling the CHRO or other applicable entity to obtain additional or more specific information on particular questions.

areas, including certain provisions beyond those specifically challenged in the petition leading to the declaratory ruling (such as in education). The act applies the same rules, procedures, and remedies that apply to other types of discrimination complaints, including the right for a complainant to obtain a release of jurisdiction of the state claim to file a lawsuit at court within the applicable statutory timeframes. (See Conn. Gen. Stat. §46a-100 to §46a-102, as amended by Public Act 11-237.)

**Question:** What does “gender identity or expression” mean?

**Answer:** The act defines “gender identity or expression” as a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior differs from that traditionally associated with the person's physiology or assigned sex at birth. The definition specifies that gender-related identity can be shown by providing evidence in various ways, including (1) medical history, (2) care or treatment of the gender-related identity, (3) consistent and uniform assertion of such an identity, or (4) any other evidence that the identity is sincerely held, part of a person's core identity, or that the person is not asserting such an identity for an improper purpose. Although the law includes these as examples, they need not be shown in every case and are an illustrative list, not an exclusive one. In addition, the list suggests ways that a person's gender-related identity “can be” shown, not that it must be. The law includes no examples of how a gender-related appearance or behavior may be shown. (See Conn. Gen. Stat. §46a-51(21), as amended by Public Act 11-55.)

**Question:** Are there exceptions to the law?

**Answer: Yes.** The act specifies that its prohibition of discrimination on the basis of gender identity or expression does not apply to religious corporations, entities, associations, educational institutions, or societies regarding (1) employment of people to perform work for them or (2) matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that these entities have established.

**Question:** Can penalties be imposed and are damages recoverable when the law is violated?

**Answer: Yes.** The act amends Conn. Gen. Stat. §46a-58(a) to include gender identify or expression and makes it a violation to deprive someone of rights, privileges, or immunities secured or protected by state or federal laws or constitutions because of the person's gender identity or expression. Criminal violations can be charged for criminal conduct. See Conn. Gen. Stat. §46a-58 and §53-37, as amended by Public Act 11-55. For example, the act makes it a class D felony for anyone to deprive someone of their rights under this section, based on gender identity or expression, while wearing a mask, hood or other device designed to conceal his or her identity. (See Conn. Gen. Stat. §53-37, as amended by Public Act 11-55.) The act makes it a class A misdemeanor to, on the basis of gender identity or expression, burn crosses or simulations thereof on or place nooses on any public property or on private property without the written consent of the owner. If property is damaged as a result of the conduct this would make the conduct a class D felony. (See Conn. Gen. Stat. §46a-58(e).) Criminal violations are

processed by the local and state police departments and prosecuted by the CT State's Attorney's Office.

When a complainant files a discrimination complaint with the CHRO and the case is processed to the point of being adjudicated in the CHRO's Public Hearing proceedings, the CHRO Human Rights Referee is authorized to order civil penalties for some types of discriminatory conduct. For example, CHRO is authorized to award punitive damages in public accommodations discrimination violations and housing discrimination violations. Conn. Gen. Stat. §46a-64(c) and §46a-64c(g). Courts are also authorized to award punitive damages in some circumstances. (For example, see Conn. Gen. Stat. §46a-89(b) (discriminatory housing or public accommodations practices), §46a-98 (credit) and §46a-98a.)

In CHRO's Public Hearing proceedings, the CHRO Human Rights Referee is authorized to order monetary relief and other forms of affirmative relief, equitable and compensatory relief, when the referee determines that unlawful discrimination has occurred. (See Conn. Gen. Stat. §46a-86 et seq.) CHRO can also seek injunctive relief and other applicable relief through the court. (See Conn. Gen. Stat. §46a-89, §46a-89a and §46a-90).

A person may obtain a release of jurisdiction from the CHRO and file a private action at court. (See Conn. Gen. Stat. §46a-100 to §46a-102, as amended by Public Act 11-237.) The court, ruling on the court case, is authorized to award "legal and equitable relief which it deems appropriate including, but not limited to, temporary or permanent injunctive relief, attorney's fees and court costs." (See Conn. Gen. Stat. §46a-104.)

**Question:** Are students in public schools protected by this law?

**Answer: Yes.** The act requires public schools to be open to all children and to give them an equal opportunity to participate in school activities, programs, and courses of study without discrimination on account of gender identity or expression. (See Conn. Gen. Stat. §10-15c and §10a-6(b), as amended by Public Act 11-55.<sup>2</sup>) This act adds protections to the antidiscrimination statutes in education similar to Public Act 97-247: An Act Concerning Revisions To The Education Statutes. Public Act 97-247, which added protection against discrimination based on sexual orientation to the list of kinds of discrimination prohibited against students in public schools. The other protected statuses are race, color, sex, religion and national origin. (See Conn. Gen. Stat. §10-15c, as amended by Public Act 11-55.)

Public Act 11-55 also prohibits boards of education from discriminating on the basis of gender identity or expression in employing or paying teachers. (See Conn. Gen. Stat. §10-153, as amended by Public Act 11-55.)

Further under existing law, it is a discriminatory practice for anyone to deprive another person of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or

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<sup>2</sup> Also, see Public Act 11-232, An Act Concerning the Strengthening of School Bullying Laws.

constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability. The act adds gender identity or expression to this list. By doing so, and by prohibiting discrimination against students on the basis of gender identity or expression in public schools with respect to activities, programs, and courses of study, the act authorizes CHRO to investigate claims of discrimination against students on the basis of gender identity or expression by public schools.

**Question:** Are school employees protected by this law?

**Answer: Yes.** The act prohibits an employer or employer's agent, except in the case of a *bona fide* occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges based on the individual's gender identity or expression. This prohibition applies to any employer, public or private, that employs three or more people. It applies to all employees except those employed (1) by their parents, spouse, or children, or (2) in domestic service. See Conn. Gen. Stat. §46a-51(9) and (10.) (Also see Conn. Gen. Stat. §46a-58(a), §46a-60 and §46a-81c, as amended by Public Act 11-55. Also see Conn. Gen. Stat. §10-153, as amended by Public Act 11-55.)

**Question:** Are parents/guardians protected by this law?<sup>3</sup>

**Answer: Yes.** Public schools are considered places of public accommodation. The act prohibits anyone from denying someone, on the basis of gender identity or expression, full and equal accommodations in any public establishment (i. e. one that caters or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people on the basis of gender identity or expression. The rights of students' parents/guardians are protected under this act since public schools are places of public accommodation. A school cannot limit any student's parent/guardian access to the school facilities, staff or educational or other activities or access to student-related information to one mother or father in a family with same-sex parents or on the basis of a parent's sexual orientation or on the basis of the student's sexual orientation. Further, a school cannot limit any student's parent/guardian access to the school facilities, staff or educational or other activities or access to student-related information to any mother, father or guardian because of her or his gender identity or expression or because of the student's gender or expression.

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<sup>3</sup> This response does not address other legal parental obligations and responsibilities that otherwise require a parent/guardian access to a school to attend to his or her child's or children's educational needs, health needs and other needs.

## **Part Two: Students and Schools**

In growing numbers, transgender and gender non-conforming students are coming forth in schools. Transgender students are children whose assigned birth sex does not match their internalized sense of who they are as either a boy or a girl, that is, their gender identity. For example, a transgender girl is one who was assigned the sex of male at birth but has a clear and persistent female gender identity. A transgender boy is one who was assigned the sex of female at birth but has a clear and persistent male gender identity. For most of these children, having a persistent cross-gender identification can be interruptive of their healthy emotional and psychosocial development unless and until they receive support for expressing their gender identity and receive recognition for that gender identity. Gender non-conforming students are those whose gender-related identity, appearance, or behavior do not in some way meet the stereotypically expected norms for a student of that assigned sex at birth. It includes transgender students who live their lives consistent with their gender identity rather than their assigned birth sex. It also includes masculine appearing or acting female students as well as feminine appearing or acting male students.<sup>4</sup> The law requires that all of these students be guaranteed an equal educational opportunity.

There is evidence that a school's failure to recognize and support a child's gender identity or expression can result in significant harm to the child. That harm has been the basis of several successful and pending lawsuits against schools and school districts across the country.<sup>5</sup> This document describes the ways in which schools can provide a safe, supportive and non-discriminatory learning environment for transgender and gender non-conforming students.

These youth, because of widespread misunderstanding and lack of knowledge about their lives, are at higher risk for peer ostracism, victimization, and bullying in the school environment, in addition to the psychological harm they may suffer in an environment that rejects them for their gender identity. At the same time, many school administrators may not know best practices for ensuring these young people's safe and dignified integration into school systems. These realities create a higher potential for the development of maladaptive behaviors along with diminished self-esteem, confidence and self-worth for transgender and gender non-conforming youth who are in school environments without systems in place to provide them appropriate support.

Ensuring a safe, nurturing and equal educational environment for these children and youth involves a system-based approach. It is imperative that the school system, along with family and education professionals, be supportive role models and strong advocates for the safety and well-being of such children including ensuring full respect for the expression of the student's gender identity.

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<sup>4</sup> See, WPATH, *Standards of Care 7<sup>th</sup> Version* (2011) at 4 (discussing the differences between transgender and gender nonconforming individuals).

<sup>5</sup> *Doe v. Yunits*, 2000 WL 33162199 (Mass. Super. Ct. 2000).

**Question:** How should schools treat a young elementary school child who is still transitioning and not firmly committed to one gender or the other? How long will it take? What kinds of variability are there in transition? What is meant by “social transition” or “gender transition?”

**Answer:** A person’s gender identity is an innate, largely inflexible characteristic of one’s personality that is generally firmly established by the age of four, although the age at which individuals come to understand and express their gender identity may vary based on each person’s social and familial development. For some children, that can mean a period of experimentation with different expressions of one’s gender identity. During this time, the child may express different elements of his/her understanding of their own “boy-ness or girl-ness”. Because the school’s job is to create a safe and welcoming environment in which all children can learn, administrators and teachers must develop strategies for creating a safe school climate and managing their environments – as well as (potentially) their own discomfort with the ambiguity.

The term “gender transition” describes the experience by which a person goes from living and identifying as one gender to living and identifying as another. For most youth, and for all young children, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as “social transition,” which can sometimes, though not always, be supervised by medical professionals, whereby they begin to live and identify as the gender consistent with their gender-related identity. Some transgender youth who are close to reaching puberty or after commencing puberty may complement social transition with medical intervention that can include hormone suppressants, cross-gender hormone therapy, and for a small minority of youth may also include a range of gender-confirming surgeries. The decision about whether and how to undergo gender transition is one that is personal to each individual and turns on the unique circumstances of each case. Some transgender and gender variant youth will not undergo gender transition at all. There is no threshold medical or mental health diagnosis or treatment requirement that any youth must meet in order to have his/her gender-related identity supported, confirmed, and respected by a school.

Some ideas:

- Reframe dress codes to describe what the school considers appropriate clothing without assigning clothing options to particular genders (for example: Many dress codes say, “boys pants and shorts must cover their underwear ; Girls pants, shirts or dresses must cover their underwear. “ Why not say, “all outer clothing (pants, shorts, shirts, dresses and the like) must completely cover all underwear”)
- Eliminate gender based sorting of children (i.e. boys line up over here; and the like). This may be a violation of Title IX. Use other forms of grouping children (birthdays between January and June; everybody who is wearing something green, etc.)
- Consider free choice play areas. If boys want to wear dresses and head to the housekeeping section, they are free to do so. If a girl wants to go to the construction site, do not discourage them.

- Challenge children’s gender ‘norming’ with simple interjections like, “some boys do and some boys don’t; everybody likes different things”
- Children’s toy, games and clothing preferences can be quite fluid. Respond to questions about fluidity, or to comments about a child’s choices using the overall philosophy of inclusivity: At this school, everybody gets to be whoever they say they are. At this school, everybody gets to choose how they want to dress or play.
- Relax. Children will most often follow the emotional lead of their adult caregivers. If you are anxious, nervous or uncomfortable with the child’s gender fluidity, the child’s peers will be as well. If you are calm (e.g. everybody is different – isn’t that cool?), they will be calm.
- When you hear mean, intervene – everywhere and every time. That means paying attention on the playground, in the bathrooms and hallways, at the bus, in the café, and everywhere children are – not just in the classroom.
- Include gender identity and expression as well as actual or perceived sexual orientation in all of your non-discrimination materials. Not only is that required by State Statute, it will be useful should you need to address the concerns of parents/guardians or other community members.

**Question:** How should schools handle a student’s change of name?

**Answer:** All schools are to accurately indicate the student’s chosen name, as affirmed by the parents or legal guardian, on all records. If the student has previously been known by his/her birth name, the parents may request that the student record be amended to reflect the student’s chosen name.<sup>6</sup> The school should promptly train all teachers, staff, and school administrators to use the student’s chosen name. In all instances, where a student is using a chosen name, the birth name is considered private information and is not to be disclosed. Some transgender children may have a legal change of name; however, not all will. The student’s chosen name, where confirmed by parents or a legal guardian, is to be used regardless of whether or not the student has completed a legal name change.<sup>7</sup>

**Question:** What is the proper use of pronouns for transgender and gender non-conforming youth?

**Answer:** School personnel should use the name and pronouns appropriate to the student’s gender identity regardless of the student’s assigned birth sex. Continued intentional misuse of the

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<sup>6</sup> See, GLSEN, *Model District Policy on Transgender and Gender Nonconforming Students* (2011) at 8, available at [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1977-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1977-1.pdf). See also, California Safe Schools Coalition, *Model School District Policy Regarding Transgender and Gender Nonconforming Students* (2009) at 2, available at <http://www.genderspectrum.org/images/stories/csscmodelpolicy1209.pdf>.

<sup>7</sup> Arnold H. Rutkin, et al., *Family Law and Practice*, 7 Conn. Prac., Family Law & Prac. § 9:1 (3d ed.) (“Pursuant to common-law principles recognized in Connecticut, one may use any name as the designation by which he or she may be known in the community. In addition, one could lawfully effectuate a change of name without resort to any legal proceedings and for all purposes the name assumed would constitute the individual’s legal name.”)

student's name and pronouns, and reference to the student's former gender by school personnel or peers may undermine the student's therapeutic treatment and potentially deny the student an equal educational opportunity, and is contrary to the goal of treating all students with dignity and respect. Such misuse may also breach the student's privacy, and may create a risk of physical and psychological harm to the student. It is strongly suggested that teachers privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in class, in correspondence to the home or at conferences with the student's parents. In cases where students and parents may be in disagreement about the name and pronoun to be used at school, school officials may refer families to appropriate outside counseling services.<sup>8</sup>

**Question:** What are "Gender Markers?"

**Answer:** Gender markers are the designation on school and other records that indicate what a student's gender is. For most students, the gender marker will be determined by a student's assigned birth sex. For transgender students, however, the gender marker shall be determined by the student's asserted gender identity. All schools are to accurately indicate the student's gender identity on all records. If the student has previously been known by his/her assigned birth sex, the parents may request that the gender marker on the student records be amended to reflect the student's gender identity. The school will promptly train all teachers, staff, and school administrators to use the pronoun that matches the student's gender identity and ensure that all school records reflect the student's gender identity and not the assigned birth sex. If the student is just entering the school, registration may be completed using the gender marker that reflects the gender identity of the student. The assigned birth sex is considered private medical information and is not to be disclosed.<sup>9</sup>

The gender marker may be changed by the school after the school receives a student record amendment request submitted by the student, parents or legal guardian with or without accompanying documentation confirming that the assigned birth sex does not accurately reflect the student's gender identity.<sup>10</sup> Documentation from any health care provider, including a pediatrician or mental health professional, or a letter from the parents or legal guardian stating the fact of the student's gender identity shall be sufficient to serve as confirmation. The documentation need not be retained by the school nor submitted to the Department of Education. The school need only indicate "correction of existing record," or "medical documentation," for example, as the reason for the change of gender marker.

**Question:** What should I know about Disclosing Information Regarding the Student?

**Answer:** The school principal should meet with the parents to determine which school staff should be informed of the fact that the student's gender identity is different than the assigned birth sex. For younger children, it may be appropriate to inform the school nurse as well as the classroom teacher to ensure that the student receives the appropriate support for a safe and

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<sup>8</sup> See, GLSEN, *supra* at 8; California Safe Schools Coalition, *supra* at 2.

<sup>9</sup> See, GLSEN, *supra* at 7.

<sup>10</sup> See, GLSEN, *supra* at 8; California Safe Schools Coalition, *supra* at 2.

respectful learning environment. For older children, the parents and school principal may determine that only the school nurse need know or, in some cases, that no school staff beyond the principal or other senior administrator need have information about the child's assigned birth sex. Since the student's birth certificate and health records may contain name and gender information that differs from school records, these documents are to be kept apart from the student's school records. The school may choose to keep these documents locked in the office of the principal or nurse. Alternatively, the school may simply note that these records have been received and accepted without retaining the documents themselves.<sup>11</sup>

**Question:** What kind of Education and Training should be provided?

**Answer:** All schools should incorporate training and education regarding transgender children into their basic teacher and staff training curriculum. Because many schools will have transgender children within the school community without anyone being aware of it, it is important to have available training for all school personnel regardless of the perception of need for it. In addition, while no transgender students may currently be in attendance at the school, there may well be transgender students in attendance at some future time making training

essential for all schools. Additional training should be made available at the request of any teacher or staff member.<sup>12</sup>

**Question:** What restrooms should students use?

**Answer:** Students should have access to the restroom that corresponds to their gender identity asserted at school.<sup>13</sup> Schools may maintain separate restroom facilities for male and female students provided that they allow students to access them based on their gender identity and not exclusively based on student's assigned birth sex. If the student and administrator feel that there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, any student may be provided access to a reasonable alternative restroom such as a single stall "unisex" restroom or the health office restroom. In all instances, decisions about alternative restroom use should be governed by the school administrator's judgment concerning the safety and best interests of the student in question.<sup>14</sup> Under no circumstances may a student be required to use a restroom facility that is inconsistent with that student's asserted gender identity.<sup>15</sup>

**Question:** What locker rooms should students use?

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<sup>11</sup> See, GLSEN, *supra* at 7-8.

<sup>12</sup> See, *Id.* at 12.

<sup>13</sup> See, California Safe Schools Coalition, *supra* at 3. See also, U.S. Office of Personnel Management, *Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace*, <http://www.opm.gov/diversity/Transgender/Guidance.asp>.

<sup>14</sup> See, Los Angeles Unified School District, *REF-1557: Transgender and Gender Nonconforming Students—Ensuring Equity and Nondiscrimination* (2005) at 3, available at <http://www.casafeschools.org/TransgenderLAUSD.pdf>.

<sup>15</sup> See, GLSEN, *supra* at 8.

**Answer:** Students should have access to the locker room that corresponds to their gender identity asserted at school. Any transgender or gender non-conforming student who is uncomfortable using the facility that is consistent with his/her gender identity, should be provided a safe and non-stigmatizing private alternative. In no case should a transgender student be forced to use the locker room corresponding to their gender assigned at birth. In locker rooms that involve undressing in front of others, a private option should be provided for any student who finds changing in groups or in front of others to be invasive or embarrassing.<sup>16</sup> Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

- Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students); or
- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).<sup>17</sup>

Requiring a transgender or gender non-conforming student to use a separate, non-integrated space (as opposed to providing a requested alternative), threatens to publicly identify the student as transgender as well as marginalize and stigmatize him or her. Such treatment is likely to result in the deprivation of an equal educational environment for the student and is to be avoided unless such an accommodation is affirmatively sought by the student.

**Question:** How should students be assigned to physical education classes?

**Answer:** Transgender students should be permitted to participate in sex-segregated athletic activities based on their gender identity.<sup>18</sup> Denying students such an opportunity is likely to result in their inability to participate in sports programs and physical education courses. This may risk exposing the school to liability under the law. Schools are reminded that programs, including physical education classes and school athletic teams, are educational opportunities and are critical to developing optimal student health, self-esteem and well-being. To the extent that there may also be competitive activities included in the curricular or extracurricular program, students enjoy a range of benefits based on their individual interest or athletic ability. There is no educationally sound or principled justification for denying transgender students athletic opportunities and no empirical reason to believe transgender students have any particular athletic advantage because of their ability to participate based on their gender identity rather than on their assigned birth sex.<sup>19</sup> Physical education classes and courses are generally co-educational per Title IX.

**Question:** What dress code should be followed?

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<sup>16</sup> See, GLSEN, *supra* at 8-9; California Safe Schools Coalition, *supra* at 3.

<sup>17</sup> See, LA Unified School District, *supra* at 3.

<sup>18</sup> See, GLSEN, *supra* at 9; California Safe Schools Coalition, *supra* at 3.

<sup>19</sup> See, Pat Griffin & Helen J. Carroll, *On the Team: Equal Opportunity for Transgender Student Athletes* (2010) at 14-17, available at <http://www.nclrights.org/site/DocServer/TransgenderStudentAthleteReport.pdf?docID=7901>.

**Answer:** Students shall have the right to dress in accordance with their gender identity that is asserted at school, within the constraints of the dress codes adopted at their school site.<sup>20</sup> All students should be permitted to wear any clothing that is appropriate for students with the same gender identity. For example, all students with a female gender identity should be permitted to wear clothing that is appropriate for any girl students to wear. All students with a male gender identity should be permitted to wear clothing that is appropriate for any boy student to wear.

**Question:** If I believe there is a violation of the law, who should I complain to and how?

**Answer:** Each public school is required to have a published grievance procedure. Your first step should be to try making a complaint to the school.

Complaints may also be directed to the Connecticut state civil rights agency -

Commission on Human Rights and Opportunities  
25 Sigourney Street  
Hartford, Connecticut 06106  
Phone: 860-541-3400  
Connecticut Toll Free 1-800/ 477-5737  
TDD 860/ 541-3459 / FAX 860/ 246-5068  
Website: <http://www.ct.gov/chro/>

### **Part Three: References and Resources**

#### References for this Document

Arnold H. Rutkin, et al., *Family Law and Practice*, 7 Conn. Prac., Family Law & Prac. § 9:1 (3d ed.).

California Safe Schools Coalition, *Model School District Policy Regarding Transgender and Gender Nonconforming Students* (2009), available at <http://www.genderspectrum.org/images/stories/csscmodelpolicy1209.pdf>.

GLSEN and the National Center for Transgender Equality, *Model District Policy on Transgender and Gender Nonconforming Students* (2011), available at [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1977-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1977-1.pdf)

Los Angeles Unified School District, *REF-1557: Transgender and Gender Nonconforming Students—Ensuring Equity and Nondiscrimination 3* (2005), available at <http://www.casafeschools.org/TransgenderLAUSD.pdf>.

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<sup>20</sup> See, GLSEN, *supra* at 11; California Safe Schools Coalition, *supra* at 3.

Minneapolis Public Schools, *Guidance for Administrators: Ensuring Equal Opportunity and Freedom From Harassment for Transgender and Gender Non-Conforming Students and Staff*, available at [http://outfrontnewsletter.org/documents/mps\\_policy.pdf](http://outfrontnewsletter.org/documents/mps_policy.pdf).

Pat Griffin & Helen J. Carroll, *On the Team: Equal Opportunity for Transgender Student Athletes* (2010) at 14-17, available at <http://www.nclrights.org/site/DocServer/TransgenderStudentAthleteReport.pdf?docID=7901>.

San Francisco Unified School District, *BOE Administrative Regulation R5163, Article 5: Students, Section: Non-Discrimination for Students and Employees*, available at <http://www.casafeschools.org/SFUSDgenderregs.pdf>.

Transgender Law Center. *Transgender and Gender Non-Conforming Youth: Recommendations for Schools*. Retrieved from the World Wide Web Aug. 22, 2011  
<http://www.transgenderlaw.org/resources/tlcschools.htm>

U.S. Office of Personnel Management, *Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace*, <http://www.opm.gov/diversity/Transgender/Guidance.asp>.

## Resources

Buzuvis, E. (2011). *Transgender Student-Athletes and Sex-Segregated Sport: Developing Policies of Inclusion for Intercollegiate and Interscholastic Athletics*. Western New England College School of Law, 21 Seton Hall Journal of Sports & Entertainment Law, Vol. 21, p. 1, 2011  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1646059](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1646059)

Griffin, P and Carroll, H. (October 4, 2010). *On the Team: Equal Opportunities for Transgender Student*. National Center for Lesbian Rights.  
<http://sports.glsen.org/resources/on-the-team/>

*On the Team: Equal Opportunities for Transgender Student-Athletes* is a report from a 2009 national think tank co-sponsored by the National Center for Lesbian Rights and the Women's Sports Foundation. The purpose of this report is to provide guidance to high school and collegiate athletic programs about how to provide transgender students fair, respectful and legal access to school sports teams. This report includes best practice and policy recommendations and provides guidance for implementing these policies. The report also provides definitions of relevant terms, a discussion of competitive equity issues and an extensive list of resources. The report is intended for school administrators, athletic directors, coaches, students and their parents.

ACLU: LGBT Project. *Transgender Student Resources*. Retrieved from the World Wide Web Aug. 22, 2011  
<http://gbge.aclu.org/schools/transgender-student-resources>

Answer: Beyond the Binary: A Toolkit for Gender Identity Activism in Schools

<http://www.gsanetwork.org/BeyondtheBinary/btbonline.pdf>

In-depth information aimed at school personnel and students about creating a safe space at school for transgender and gender nonconforming students.

Bending the mold: An Action Kit for Transgender Youth

<http://data.lambdalegal.org/pdf/305.pdf>

Offers suggestions to keep schools safe for transgender children

Resources for Gender Variant Children and Trans-Identified and Questioning Youth and Their Allies

[http://www.safeschoolscoalition.org/RG-gender\\_nonconforming\\_trans\\_youth.html](http://www.safeschoolscoalition.org/RG-gender_nonconforming_trans_youth.html)

Lists and describes many excellent websites, books, and videos.

Answers to Your Questions About Transgender Individuals and Gender Identity

<http://www.apa.org/topics/transgender.html>

A brochure put together by the Office of Public Communication, American Psychological Association, and the Task Force on Gender Identity, Gender Variance, and Intersex Conditions. Contains answers to basic questions and additional resources.

Harsh Realities: The Experience of Transgender Youth in Our Nation's Schools

[http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1375-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1375-1.pdf)

An in-depth study of the experiences of transgender youth in school.

Trans-academics.org

<http://www.trans-academics.org/>

Flagship project of the Association for Gender Research, Education, Academia & Action. Provides education and community resources on gender identity issues. Includes a reference library with over 1600 listings of academically-oriented

publications, research and educational tools, and community announcements

## **Part Four: Agencies and Organizations for Support**

### **ANTI-DEFAMATION LEAGUE**

Connecticut Regional Office  
1952 Whitney Avenue  
Hamden, CT 06517  
Tel: 203-288-6500  
Fax: 203-288-8010  
Website: <http://regions.adl.org/connecticut/>

This agency can assist with:

- ❖ Assistance with complaints on gender identity issues.

The Connecticut Regional Office, established in the early 1950s, is responsible for overseeing ADL's operations in the state. From assisting victims of discrimination to reaching thousands with anti-bias education, ADL's Connecticut Regional Office impacts public policy and improves our communities. ADL advocacy and programs focus on anti-Semitism and all forms of bigotry, extremism, hate crimes, and civil rights.

Recognizing that education is an antidote to the virus of hate, ADL's Connecticut Regional Office delivers the highest quality anti-bias education in communities across the state. Last year alone, ADL's outstanding team of professional education staff and 55 A WORLD OF DIFFERENCE® trainers reached more than 20,000 students, including teachers, parents, state employees and community members.

### **COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

25 Sigourney Street  
Hartford, Connecticut 06106  
Phone: 860-541-3400  
Connecticut Toll Free 1-800/ 477-5737  
TDD 860/ 541-3459 / FAX 860/ 246-5068  
Website: <http://www.ct.gov/chro/>

This agency can assist with:

- ❖ Technical expertise in gender identity issues.
- ❖ Providing training in gender identity issues.

- ❖ Assistance with complaints on gender identity issues.

**Agency Mission:** The mission of the Connecticut Commission on Human Rights and Opportunities (CHRO) is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education.

**Statutory Authority:** Connecticut General Statutes, Chapter 814c. Link directly to the Connecticut General Statutes at: [CT General Statutes 2011](#)

It is the statutory responsibility of the Commission to:

- Enforce human rights laws that ban illegal discrimination in employment, housing, public accommodations and credit transactions.
- Monitor compliance with state contract compliance laws and with laws requiring affirmative action in state agency personnel practices.
- Establish equal opportunity and justice for all persons in Connecticut through education and outreach activities.

## **CONNECTICUT STATE DEPARTMENT OF EDUCATION**

Dr. William A. Howe

Education Consultant

State Title IX Coordinator/Civil Rights Compliance/Multicultural Education

CT State Department of Education

165 Capitol Avenue, Room 227

Hartford, CT 06106

Tel: 860-713-6752

Fax: 860-713-7023

Email: [william.howe@ct.gov](mailto:william.howe@ct.gov)

This agency can assist with:

- ❖ Technical expertise in gender identity issues.
- ❖ Providing training in gender identity issues.
- ❖ Assistance with complaints on gender identity issues.

## **CONNECTICUT TRANSADVOCACY COALITION**

PO Box 111

Farmington, CT 06034

Info Line (860) 983-8139

<http://www.transadvocacy.com/>

This agency can assist with:

- ❖ Assistance with complaints on gender identity issues.

The Connecticut TransAdvocacy Coalition [CTAC] mission is to improve, through Education, political and social Advocacy and Activism, societal attitudes and the law in order to achieve equal rights for the Trans and gender non-conforming individuals and communities. CTAC is a true grassroots and coalition oriented organization comprising individuals and organizations dedicated to the advancement and attainment of full Human Rights for all trans and gender non-conforming people in every aspect of society and actively opposes discriminatory acts.

### **CONNECTICUT WOMEN'S EDUCATION AND LEGAL FUND**

One Hartford Square West, Suite 1-300

Hartford, Connecticut 06106

Tel: 860.247.6090

Fax: 860.524.0705

Information & Referral Service - Call 860.524.0601 or Toll Free: 800.479.2949

Email: [cwealf@cwealf.org](mailto:cwealf@cwealf.org)

website: <http://cwealf.org/>

This agency can assist with:

- ❖ Technical expertise in gender identity issues.
- ❖ Assistance with complaints on gender identity issues.

CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives.

Since 1973 CWEALF has worked to advance women's rights and opportunities in Connecticut. With special expertise in family law, sex discrimination in employment and education, hate crimes and LGBT civil rights, CWEALF is dedicated to ensuring equal rights and opportunities for women and low-income people. As one of the oldest women's rights organizations in the country, CWEALF is a vital resource to women and policy makers in Connecticut.

CWEALF provides an information, referral and advocacy service while also training and empowering women in Connecticut to advocate for themselves. Each year, CWEALF helps thousands of women and low-income people navigate legal and social service systems. By incorporating these experiences into our public policy and advocacy work,

CWEALF is able to offer innovative approaches to issues affecting women and gender equity throughout the state.

**THE CONNECTICUT COMMISSION ON CHILDREN**

18-20 Trinity Street  
Hartford, CT. 06106-1591  
Tel: 860-240-0290  
Fax: 860-240-0248

This agency can assist with:

- ❖ Assistance with complaints on gender identity issues.

Created with bipartisan support in 1985 by the Connecticut legislature, the Commission on Children brings together the various levels of government, the private sector, nonprofit agencies, and philanthropy to promote public policies in the best interests of children. The agency is mandated to:

- provide information and conduct research regarding the status of children and children's programs in the state of Connecticut;
- enlist the support of leaders in business, education, and state and local governments, along with the news media, to improve services and policies for children;
- review coordination and assess all programs and practices in all state agencies as they affect children;
- serve as a liaison between government and private groups concerned with children; and
- make recommendations for children annually to the legislature and the governor.

**GAY & LESBIAN ADVOCATES & DEFENDERS (GLAD)**

30 Winter Street, STE 800  
Boston, MA 02108  
Tel: 617-426-1350  
Fax: 617-426-3594  
Email: [gladlaw@glad.org](mailto:gladlaw@glad.org)  
Web: <http://www.glad.org/>

This agency can assist with:

- ❖ Technical expertise in gender identity issues.
- ❖ Assistance with complaints on gender identity issues.

Since 1978, GLAD has been pursuing equal justice under law throughout New England, with enormous success. Our legal victories have changed the landscape of the law regarding sexual

orientation, HIV status, and gender identity and expression. But more importantly, they have made a difference in the day-to-day lives of countless individuals.

Civil rights have never been easy to win. Fighting for them takes passion, skill and an absolute determination to prevail. That's what GLAD delivers every single day.

GLAD's bold and effective advocacy has achieved scores of precedent-setting legal victories to end discrimination based on sexual orientation, HIV status and gender identity and expression, benefiting individuals, couples and families across New England and throughout the United States. Each time GLAD argues a case or tackles an issue, we tear down more of the outdated laws and stereotypes that have denied LGBT people and people with HIV basic protections and opportunities in every area of daily life – family, school, employment, housing, government, health care, and beyond.

Whether it's marriage for same-sex couples, non-discrimination policies for transgender people in the workplace, or protections for people with HIV, GLAD doesn't shrink from tough issues. And we don't compromise on our belief that every citizen deserves full equality under the law – without exception.

## **GLSEN CONNECTICUT**

PO Box 2405

Stamford, Connecticut 06906-0405

P: (203) 533-9613;

Email: [connecticut@chapters.glsen.org](mailto:connecticut@chapters.glsen.org)

Website: <http://chapters.glsen.org/cgi-bin/iowa/connecticut/home.html>

This agency can assist with:

- ❖ Providing training in gender identity issues.

GLSEN Connecticut is a chapter of the Gay, Lesbian and Straight Education Network (GLSEN). GLSEN works to ensure safe schools for ALL students, regardless of sexual orientation and gender identity. There are over 40 Chapters around the country, which work closely with the national staff of GLSEN to implement programs, and to keep national staff informed of local events. The work that chapters do covers a variety of subjects and issues, from public policy to teacher training to supporting students and educators around the country.

Chapters like ours play an important role in bringing GLSEN's programs and visions to local communities. While some chapters have full-time or part-time staff, most are entirely volunteer-based. We're always looking for new volunteers to help us ensure safe schools for all students.

Please explore our website to find out more about our work here in Connecticut and to learn about how you can get involved in local and national events. Feel free to contact us if you have any questions that are not answered on this site. Thank you for your interest and we're looking forward to hearing from you.

**THE OFFICE OF THE CHILD ADVOCATE**

999 Asylum Avenue, 1st Floor  
Hartford, CT 06105  
E-mail: [oca@ct.gov](mailto:oca@ct.gov)  
Telephone: 860-566-2106  
Toll free: 800-994-0939  
Facsimile: 860-566-2251  
Website: <http://www.ct.gov/oca/>

This agency can assist with:

- ❖ Assistance with complaints on gender identity issues

Our mission is to oversee the protection and care of children and to advocate for their well-being. In order to fulfill the responsibilities of the Office, the Child Advocate has the following rights and powers:

- Initiate or intervene in court cases on behalf of children.
- Obtain access to any records necessary to properly carry out the mandates, including records from state and municipal agencies, police departments, medical providers, private social service providers, schools and the courts.
- Subpoena witnesses, records and documents needed to carry out an investigation or review.
- Communicate privately with a child in need of services of the Child Advocate.

**TRUE COLORS, INC.**

Sexual Minority Youth and Family Services  
576 Farmington Ave  
Hartford, CT 06105  
Tel: 860-232-0050  
Fax: 860- 232-0049  
Email:  
True Colors: [director@ourtruecolors.org](mailto:director@ourtruecolors.org)  
True Colors Conference: [conference@ourtruecolors.org](mailto:conference@ourtruecolors.org)  
Workshops, Trainings, and Seminars: [director@ourtruecolors.org](mailto:director@ourtruecolors.org)  
The Safe Harbor Project: [safeharbor@ourtruecolors.org](mailto:safeharbor@ourtruecolors.org)  
Website: <http://www.ourtruecolors.org/>

This agency can assist with:

- ❖ Technical expertise in gender identity issues.
- ❖ Providing training in gender identity issues.
- ❖ Assistance with complaints on gender identity issues.

True Colors is a non-profit organization that works with other social service agencies, schools, organizations, and within communities to ensure that the needs of sexual and gender minority youth are both recognized and competently met. The organization trains more than 2400 people annually, organizes the largest LGBT youth conference in the country with more than 2000 attendees and manages the state's only LGBT mentoring program. True Colors has been spotlighted by both national and local media for their expertise in LGBTI youth issues, including most recently CNN.

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