



basis for the District's curriculum. Information regarding the New York State standards is available online at: <http://www.nysed.gov/curriculum-instruction>. In addition, the District's Policy Manual is available online, through the District's website at: <https://go.boarddocs.com/ny/ktufsd/Board.nsf/Public?open&id=policies>. I have also enclosed a copy of District Policy 7552, "Student Gender Identity."

In response to your request for "**training manuals**," please be advised that the District has searched its records and did not locate any records responsive to your request.

To the extent you request "**course materials, books provided in the library or required as coursework, and calendars of meetings**," your request is denied. FOIL does not require the District to review every teacher's course materials and coursework, each book available in the District's nine school libraries, or every staff member's calendar, across the entire District. The District does not have any filing, indexing, or retrieval mechanism which would allow the District to access or conduct a reasonable search for such records. Accordingly, the District would be required to manually search every single staff member's course materials, coursework and calendar. This is well-beyond the scope of a normal or routine request pursuant to FOIL. It would create an enormous administrative burden and would interfere with the day-to-day operations of the District. Accordingly, this portion of your request is denied in accordance with N.Y. Public Officers Law § 89(3)(a).

Please be advised that you have the right to appeal any denial of access to the records. You must submit your appeal in writing, within thirty (30) days to the District's Superintendent of Schools, Sabatino Cimato, at 1500 Colvin Boulevard, Buffalo, NY 14223, and his telephone number is (716) 874-8400.

Sincerely,

*Melanie Kamens*

Melanie Kamens  
FOIL Records Access Officer  
Kenmore-Tonawanda UFSD

Enc. (District Policy 7552)

bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

### **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214

8 NYCRR § 100.2

## **STUDENT GENDER IDENTITY – 7552**

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

### **Key Terms**

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

**Cisgender:** a person whose gender identity corresponds to their assigned sex at birth.

**Gender:** actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

**Gender expression:** the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

**Gender identity:** a person's inner sense or psychological knowledge of being male, female, neither, or both.

**Gender nonconforming (GNC):** describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

**Transgender:** someone whose gender identity is different than their gender assigned at birth.

**Transition:** the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

## **Records**

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

## **Names and Pronouns**

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

## **Restrooms and Locker Rooms**

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

## **Physical Education and Sports**

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law,

regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent or guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

### **Other Activities**

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

### **Dress Code and Team Uniforms**

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g  
34 CFR Part 99  
Title IX of the Education Amendments of 1972  
Education Law Article 2 and §§ 2-d, 11(7), 3201-a  
8 NYCRR § 100.2

### **Cross References**

3410 - Code of Conduct on School Property

3420 - Non-Discrimination

7550 - Dignity for All Students

7553 - Hazing of Students

## **EQUAL EDUCATIONAL OPPORTUNITIES – 8130**

Each student attending Kenmore-Tonawanda programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities, school services, and extracurricular events on the basis of race, color, ethnicity, creed, religion, national origin, political affiliation, sex, sexual

