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I. INTRODUCTION

Santa Fe Public Schools is committed to providing all students with a safe, inclusive, and equitable learning environment. Pursuant to Board Policy 330, students are protected from discrimination and harassment on the basis of race, color, religion, sex, sexual orientation, gender, gender identity, national origin, disability, and any other legally protected status. Board Policy 330 also establishes the District's procedures for reporting, investigating, and addressing allegations of discrimination and harassment.

This Administrative Regulation implements Board Policy 330 with respect to transgender and non-binary students. Students shall be treated consistent with their gender identity in all aspects of the District's educational programs and activities, in accordance with Board Policy 330 and this Administrative Regulation.

The purpose of this Administrative Regulation is to provide consistent procedures and guidance for implementing Board Policy 330 with respect to transgender and non-binary students. It establishes expectations for school administrators and staff regarding student privacy, requested names and pronouns, student records, access to school programs and facilities, and the Gender Support Plan process. These procedures are intended to promote student safety, dignity, belonging, and equal access to educational programs and activities while ensuring consistent implementation across the District.

II. DEFINITIONS

The definitions provided in Board policy 330 are those that also apply to these regulations. The definitions are not intended to be exhaustive, but rather to serve as a guide to district personnel responsible for implementing these regulations, and district policy. For the purposes of this

policy, the following definitions are relevant:

- A. “Gender Identity”: a student’s personal, internal sense of their gender, regardless of the student’s sex assigned at birth. SFPS will treat a student’s gender identity as the student’s sex for purposes of Title IX and its implementing regulations.
- B. “Transgender Student”: "Transgender student" means a student whose gender identity differs from the sex assigned at birth. The District will treat transgender students consistent with their gender identity.
- C. “Non-Binary”: a non-binary student is one who does not identify exclusively as male or female. Non-binary people may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories. While many non-binary people also identify as transgender, not all non-binary people do. Non-binary can also be used as an umbrella term encompassing identities such as gender non-conforming, agender, bigender, genderqueer or gender-fluid.
- D. “Sex Assigned at Birth”: the sex designation recorded on the birth certificate at time of birth for a person at birth, generally based on observed physical characteristics.

III. GUIDELINES RELATED TO GENDER SUPPORT

A. Student Name/Pronouns

Students shall be addressed by their requested (sometimes referred to as "preferred") name and pronouns, regardless of whether the student has included their preferred name and gender marker in the student information system, obtained a legal name change, or updated legal sex designation. School staff shall use the student's requested name and pronouns in day-to-day interactions regardless of the student's gender expression (e.g., how the student dresses or otherwise expresses their gender).

This practice is consistent with the District's longstanding practice of addressing students by the names they request to use at school (e.g., shortened names, nicknames, or middle names), regardless of whether those names match the student's legal name.

B. Student Information System

Pursuant to state statute and regulation, the District is required to maintain a permanent student record that includes the student's legal name and legal sex. The District shall update a student’s legal name and/or legal sex in official records only upon receipt of documentation (such as a court order or amended birth certificate) demonstrating that the legal name and/or legal sex has been changed in accordance with New Mexico law.

Students may request that their requested name and gender marker be displayed in the District's student information system, in addition to their legal name and legal sex, to support appropriate use by school personnel with a legitimate educational interest. Requests shall be made through the District's Gender Support Plan process, which requires parent/legal guardian participation.

Except where the use of a student's legal name or legal sex is required by law, District records and school documents shall reflect the student's requested name and gender marker. This includes, but is not limited to, school identification cards, class rosters, award announcements, school activities, ceremonies, yearbooks, Individualized Education Programs (IEPs), Section 504 Plans, and other school records used for day-to-day educational purposes.

C. Official Records

The District's permanent student record ("official record"), including official final transcripts and diploma, and formal testing and report documents to New Mexico Public Education Department must reflect the student's legal name and sex.

As for all students, a student's permanent student records shall be changed to reflect any change in legal name or gender upon receipt of an official amended birth certificate or a court order.

Under federal law, a parent or a student who has attained the age of 18 ("eligible student"), may ask SFPS to amend the student's record(s) if the parent/eligible student believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights.

D. Restroom/Locker Room Use

Generally, students shall have access to the restrooms or locker rooms that correspond to their gender marker as listed in the student information system. For example, any student identified by an "F", whether cisgender or transgender, may use the girls multi-stall restroom or locker room; any student with a "M" may use the boys restroom/locker room; and any student with an "X" gender marker may still use the restroom that aligns with the sex assigned at birth on the birth certificate.

Any student may also request the accommodation of a private restroom, locker room, or other changing facility. Students will not be required to use sex-segregated facilities in accordance with their assigned birth sex.

If a student requests such private facilities, they should be as least burdensome as possible. For example, if a key or badge is required, one should be provided to the student when possible. Also, remote private facilities that will make it difficult for the student to get to and from classes should be avoided. Any such arrangements shall be used only at the request of the student and should be made in a manner that maintains confidentiality, to the extent possible.

E. Overnight Trips

As a general rule, in circumstances where students may be separated by sex for school activities, students shall be permitted to participate in accordance with their gender identity, as listed in the student information system. The needs of all students shall be assessed on a case-by-case basis, with the goals of maximizing each student's ability to participate, while ensuring the safety and comfort of each student and their

peers. Any student who expresses the need or desire for increased privacy shall be provided with reasonable accommodation, to the extent possible. Any such arrangements shall be provided only at the request of the student and should be made in a manner that maintains the student's confidentiality, to the extent possible.

F. New Mexico Activities Association Sponsored Activities

Students who participate in New Mexico Activities Association (NMAA) sponsored activities must comply with NMAA Bylaw 6.1, the rules and regulations of the NMAA. Under those rules, students may participate in NMAA activities in accordance with their original or amended birth certificate.

G. Dress Code

All students must comply with the gender neutral SFPS dress code. Students may wear attire of their choice, regardless of their gender identity, as long as it falls within the SFPS dress code. Staff are expected to enforce the dress code equitably across all student grade levels and identities. Schools are also encouraged to incorporate uniforms for school activities/athletics and graduation robes that do not differentiate based on gender.

H. Interzone Transfers

Upon request of a student or the student's parent, students seeking support related to their gender identity may request assignment to a different school location through the interzone transfer process in order to support their gender identity. The final decision about the campus assigned rests with the District, and decisions shall be based both on the student's and District best interests (including available space and services).

I. Confidentiality & Disclosure

The safety, privacy, and well-being of transgender and non-binary students are priorities for Santa Fe Public Schools. Information regarding a student's transgender status, gender identity, or gender support plan is confidential student information and shall be treated in accordance with the Family Educational Rights and Privacy Act (FERPA) and other applicable federal and state laws.

School personnel shall not disclose a student's transgender status or gender identity to other students, parents/guardians of other students, or other individuals without the student's consent, unless disclosure is otherwise authorized or required by law. Access to this information should be limited to school officials with a legitimate educational interest or others as authorized by FERPA. District staff should exercise reasonable care to avoid inadvertently disclosing a student's transgender status or gender identity through communications, student records, or interactions with others.

IV. GENDER SUPPORT PROCESS

The purposes of the gender support process is to ensure that transgender and non-binary students, and their families, are aware of the rights and protections afforded to them through

Policy/Administrative Regulation 330, and to identify and document requested accommodations. This process can be initiated by the student, the student's parent/guardian, or through SFPS staff at the student's or parent/guardian's request.

A Gender Support Plan shall be created for any student wishing to include a preferred name and/or gender marker in the student information system, and requires parental involvement. A meeting with the student and the student's parent/guardian is required and will outline district policy and administrative regulation, and available accommodations such as name and pronoun use, changes to name and/or gender marker in the student information system, restroom/locker room access, confidentiality, and disclosure. The requested accommodations will be documented in a Gender Support Plan and any required forms.

V. TRAINING AND PROFESSIONAL DEVELOPMENT

The District will provide training to all certified District-level and school-based administrators regarding the District's commitment to non-discrimination and the District's obligations to prevent and address discrimination and harassment. Site administrators will, throughout each school year, provide this information to all faculty and staff during existing trainings, meetings and other school events where school personnel will be present.

Dr. Christine Griffin, Superintendent
Santa Fe Public Schools

Date