

P.L.2017, CHAPTER 137, *approved July 21, 2017*
Senate, No. 3067

1 AN ACT concerning transgender students and supplementing
2 chapter 36 of Title 18A of the New Jersey Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. The Commissioner of Education shall develop and
8 distribute to school districts guidelines concerning transgender
9 students. The purposes of the guidelines shall be to provide
10 direction for schools in addressing common issues concerning the
11 needs of transgender students, and to assist schools in establishing
12 policies and procedures that ensure a supportive and
13 nondiscriminatory environment for transgender students.

14 b. The guidelines developed by the commissioner shall include,
15 but not be limited to, information and guidance regarding the
16 following:

17 (1) definitions of terms relevant to an understanding of
18 transgender issues, including gender identity, gender expression,
19 and transgender person;

20 (2) maintaining a safe and supportive learning environment that
21 is free from discrimination and harassment for transgender students,
22 including students going through a gender transition;

23 (3) confidentiality and privacy concerns, including ensuring that
24 school personnel do not disclose information that may reveal a
25 student's transgender status except as allowed by law, and advising
26 schools to work with the student to create an appropriate
27 confidentiality plan regarding the student's transgender or
28 transitioning status;

29 (4) procedures for school records, including maintaining a
30 separate official record for each student that contains the student's
31 legal name and biological gender and changing a student's official
32 record upon receipt of documentation of a legal change in name or
33 gender;

34 (5) ensuring that a transgender student is addressed at school by
35 the name and pronoun preferred by the student that corresponds to
36 the student's gender identity, regardless of whether a legal name
37 change or change in official school records has occurred;

38 (6) issuing school documentation such as student identification
39 cards in the name preferred by the student that corresponds to the
40 student's gender identity, and permitting a transgender student to
41 dress in accordance with the student's gender identity;

1 (7) providing a transgender student with the same opportunities
2 to participate in physical education as other students, and permitting
3 the student to participate in physical education in accordance with
4 the student's gender identity;

5 (8) permitting a transgender student to participate in gender-
6 segregated school activities in accordance with the student's gender
7 identity;

8 (9) use of restrooms and locker rooms, including not requiring a
9 transgender student to use a restroom or locker room that conflicts
10 with the student's gender identity, and providing reasonable
11 alternative arrangements if needed to ensure a student's safety and
12 comfort;

13 (10) ensuring that school counselors are knowledgeable
14 regarding issues and concerns relevant to transgender students; and

15 (11) permitting and supporting the formation of student clubs or
16 programs regarding issues related to lesbian, gay, bisexual,
17 transgender, and questioning (LGBTQ) youth.

18 c. The guidelines shall include information on organizations or
19 other resources available to students and parents that provide
20 support to transgender individuals.

21 d. The commissioner shall periodically review the guidelines
22 developed pursuant to this section, and shall update or modify the
23 guidelines, as appropriate, in accordance with current State or
24 federal laws and regulations concerning the rights of transgender
25 students.

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27 2. The Commissioner of Education shall provide school
28 districts with guidance and resources regarding the following:

29 a. providing professional development opportunities to
30 teachers, administrators, guidance counselors, bus drivers, coaches,
31 and other school staff regarding issues and concerns relevant to
32 lesbian, gay, bisexual, transgender, and questioning (LGBTQ)
33 students; and

34 b. making developmentally appropriate information about
35 LGBTQ issues available in school facilities, which may include
36 providing pamphlets or books in school libraries, counseling
37 offices, and nurse's offices.

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39 3. This act shall take effect immediately.

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STATEMENT

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44 This bill requires the Commissioner of Education to develop
45 guidelines for school districts regarding transgender students. The
46 guidelines are intended to provide direction for schools in
47 addressing common issues concerning the needs of transgender
48 students, and to assist schools in establishing policies and

1 procedures that ensure a supportive and nondiscriminatory
2 environment for transgender students.

3 Under the bill, the guidelines are required to include information
4 and guidance regarding the following: (1) definitions of terms
5 relevant to an understanding of transgender issues; (2) maintaining
6 a safe and supportive learning environment free from discrimination
7 and harassment; (3) confidentiality and privacy concerns regarding
8 a student's transgender or transitioning status; (4) procedures for
9 the maintenance of official school records; (5) use of the name and
10 pronoun that corresponds to a student's gender identity; (6)
11 issuance of school documentation such as student ID's in the name
12 that corresponds to a student's gender identity, and permitting
13 transgender students to dress in accordance with their gender
14 identity; (7) equal opportunities for participation in physical
15 education; (8) participation in gender-segregated school activities in
16 accordance with a student's gender identity; (9) the use of
17 restrooms and locker rooms; (10) ensuring that school counselors
18 are knowledgeable regarding issues and concerns relevant to
19 transgender students; and (11) permitting and supporting the
20 formation of student clubs or programs regarding issues related to
21 lesbian, gay, bisexual, transgender, and questioning (LGBTQ)
22 youth. In addition, the guidelines will include information on
23 organizations or other resources available to students and parents
24 that provide support to transgender individuals.

25 The bill directs the commissioner to periodically review the
26 guidelines and to update or modify them, as appropriate, in
27 accordance with current State or federal laws and regulations
28 concerning the rights of transgender students.

29 In addition, the bill requires the commissioner to provide school
30 districts with guidance and resources regarding: (1) providing
31 professional development opportunities to teachers, administrators,
32 guidance counselors, bus drivers, coaches, and other school staff
33 regarding issues and concerns relevant to LGBTQ students; and (2)
34 making developmentally appropriate information about LGBTQ
35 issues available in school facilities, which may include providing
36 pamphlets or books in school libraries, counseling offices, and
37 nurse's offices.

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