

CHAPTER 137

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

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

C.18A:36-41 Development, distribution of guidelines concerning transgender students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.18A:36-42 Guidance, resources provided.

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

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

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

3. This act shall take effect immediately.

Approved July 21, 2017.