

Williamsville joins school districts in setting gender-neutral policies

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The sign outside a bathroom in the Williamsville Central School District offices, newly designated as a gender-neutral bathroom under a policy approved last month by the School Board that applies to all single-occupancy bathrooms in the district.

Photo courtesy Williamsville Central School District

Local school districts have made an effort in recent years to ensure all students – including those who are transgender, nonbinary or gender nonconforming – are made to feel comfortable and included.

The Williamsville Central School District is the latest district to take action along these lines.

The School Board last month approved a policy marking all single-occupant bathrooms as gender neutral and another policy on gender identity that, among other steps, allows transgender students to take part in gym classes for the gender with which they identify instead of their birth sex.

Williamsville school officials say the board primarily voted to formalize longstanding district practices. But this didn't lessen the urgency in the voices of backers of the new policies when they spoke at the meeting.

Jessica Mason spoke of coming out as gay years ago as a student at Williamsville East High School, where the support she received at school was a "shield" to protect her from the verbal abuse she endured at home because of her sexual identity.

Mason's sister, Melissa Bennett, a teacher at Casey Middle School, implored the board to aid the students of today and tomorrow.

"School is a place where all students have a right to feel safe, and be respected for who they are, and we build this place through our practices and our policies," Bennett said at the Oct. 12 meeting.

The actions taken in Williamsville and elsewhere follow state and federal law and sometimes come in response to requests from students themselves. This was the case with the class of 2021's graduation from Hamburg High School, where students for the first time in years all wore the same color cap and gown.

And, unlike in other states where gender-neutral bathrooms have become a flashpoint, officials here say the wider public has largely accepted the changes.

"Williamsville is an inclusive community," School Board President Teresa Leatherbarrow said in an interview.

Students have a right to an education free from discrimination based on race, gender and sexual identity, officials said.

New York's laws, including the Dignity for All Students Act that took effect in 2012, tend to go even further than federal education law in protecting the rights of LGBTQ+ students.

When, for example, the administration of former President Trump rolled back federal protections for transgender students, including rescinding a federal directive requiring schools to allow students to use bathrooms that match their gender identity, New York's Education Department and Attorney General's Office in 2018 wrote to school districts in the state reminding them of their obligations to those students.

President Biden restored the federal protections after taking office in January 2021.

Local districts follow guidance issued by the state Education Department in 2015 on creating a safe school environment for transgender and gender nonconforming students, emphasizing that schools should accept students' assertion of their gender identity.

The state has updated education law in the years since, most recently with a law that took effect in March requiring any single-occupancy bathrooms to be made available for use by people of any gender.

Some public school districts and colleges and universities have had those gender-neutral bathrooms in place for a while. This includes Buffalo Public Schools, where a 2016 gender-identity policy called for single-occupancy, gender-neutral bathrooms for high schools and for elementary schools if requested by parents as part of a "collaborative planning process," spokeswoman Elena Cala said.

"Many school districts are now complying with the fact that single-use restrooms are not to be listed as male or female, they're simply for anyone who goes in to use it as a single-use restroom," said Robert Roush, executive director of Gay and Lesbian Youth Services of Western New York.

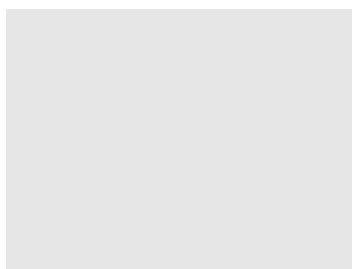
Hamburg Superintendent Michael Cornell said the district's high school and middle school have had single-user, gender-neutral bathrooms for several years.

"There was no backlash," Cornell said.

Districts continue to adjust policies and practices to make them as inclusive as possible, officials said.

Last June, for example, all Hamburg High School graduating seniors wore purple caps and gowns at the ceremony held on the field at Highmark Stadium. Previously, Cornell said, male graduates wore purple and female graduates wore white. District administrators agreed to a change requested by high school student leaders, Cornell said.

"We have a very active student government," said Cornell, who also heads the Erie Niagara School Superintendents Association.



A screenshot from YouTube of the video recording of Hamburg High School's June 2021 graduation ceremony, the first time in recent memory when all graduating seniors wore the same color caps and gowns.

Williamsville has taken steps large and small toward inclusiveness.

At Williamsville North High School, for example, students this fall were elected as members of a homecoming court instead of as homecoming king or queen, Leatherbarrow said.

"These are issues that we have to tackle as a district," Superintendent Darren Brown-Hall said in an interview, referring to cap and gown colors, homecoming voting, the outfits students wear during orchestral performances and gender-specific language in documents.

The most substantial action came Oct. 12, when the School Board approved several policies drafted and reviewed over a period of two years by board members, community stakeholders and district staff.

Brown-Hall said the district already followed state and federal law when it came to issues of diversity, equity, inclusion and gender identity. But, he and others said, it was important for the district to make a statement of support with a formal set of policies.

The gender-identity policy has numerous provisions, but they mainly come down to this: whether participating in gym class, being addressed by a teacher, using a bathroom or locker room, following a dress code or taking part in a field trip, students have a right to do so based on the gender they "consistently" identify with.

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Book District Policies
Section 7000 Students
Title Student Gender Identity
Code 7554 (new)
Status update for 2021

Adopted

Last Revised

7554 Student Gender Identity

The District is committed to fostering a safe and supporting 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 all students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of individual students on a case-by-case basis.

Key Terms

Generally, District personnel should and will endeavor to use the language that individual students are using to describe their own personal gender identity, appearance, or behavior. Commonly used terms and their commonly understood meanings are as follows:

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 a person whose gender identity or gender expression does not conform to the social or stereotypical norms/expectations associated with a person who was assigned such gender at birth. This is also referred to as gender variant or gender atypical.

Transgender: a person whose gender identity does not correspond to the gender that was assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity rather than the gender assigned 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 legal 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 legal name, but wishes to be referred to by a different name that corresponds to the student's gender identity, the District may

The gender identity policy approved by the Williamsville School Board at its Oct. 12 meeting.

Williamsville's gender-neutral bathroom policy, approved the same night, didn't require the installation of new bathrooms, Brown-Hall said. District employees simply changed the male or female signs on the bathrooms to gender neutral ones.

Those bathrooms are open to any student or staff member, not just transgender students, he said, adding transgender students can continue to use student bathrooms that correspond to the gender they express at school.

Gender-neutral bathrooms in some states are a divisive issue, with some conservatives making unsubstantiated claims that the bathrooms represent a safety threat for children.

The bathrooms "are one of the culture war issues being fought at the schoolhouse gates," said Jay Worona, general counsel for the New York State School Boards Association.

District officials say there was no public outcry over the change when it was proposed, debated and approved, and students have accepted it wholeheartedly.

"Students understand this topic probably better than adults," Michael Buscaglia, a Williamsville School Board member and a middle school teacher, said at the meeting. "To them it's almost what they've been growing up with."

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Book District Policies

Section 5000 Non-Instructional/Business Operations

Title Gender Neutral Single-Occupancy Bathrooms

Code 5634

Status new policy update 2021

Adopted

Last Revised

5634 Gender Neutral Single-Occupancy Bathrooms

The District is committed to creating and maintaining an inclusive educational and work environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and exit from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m
Public Buildings Law § 145

NOTE: Refer also to Policy #7554 -- [Student Gender Identity](#)

The gender-neutral, single-user bathroom policy approved by the Williamsville School Board at its Oct. 12 meeting.

The [Facebook group for Williamsville Students First](#), a parents organization, featured a number of posts and comments from people opposing the gender-identity and bathroom policies, though many were met with responses defending the district's handling of the issue.

"I've been in this community long enough to be aware that not everyone is ready for the level of inclusion and affirmation that tonight's policy updates could bring," Randy Gammiero, a district parent and teacher at Mill Middle School, said at the meeting. He nodded to the group's name when he said the goals of promoting inclusion and diversity outlined in the policies are "truly putting Williamsville students first."

Speakers [at the Oct. 12 meeting](#) emphasized the need for making school an accepting place for LGBTQ+ students.

"We know that some of our students don't feel loved and welcomed in their homes," Leatherbarrow said then. "And if that is the case, then our school needs to be a safe haven for those children."

Michelle Doviak, a district teacher, told the audience at the board meeting that her youngest child, El, came out as gay and nonbinary one year ago.

Doviak said, as her child revealed their identity at school, they were subjected to homophobic and transphobic comments from some classmates at Casey Middle, such as "You are going to hell" and "You are un-American" for flying the pride flag at home.

One classmate referred to them as "it" and "thing" for an entire class period, Doviak said, leaving them in tears.

Doviak said no child should have to endure this treatment.

"This policy is one step in the right direction, and I thank you for that," Doviak told the audience. "With this policy, El can finally live their truth without fear of humiliation, discrimination or degradation."