

V. Students

A. Administrative Policies

6. Student Health & Wellness

d. Gender Identity and Expression (Transgender and Gender Non-Conforming Youth)

The School Committee believes that a school culture should support student achievement, respect and value all students, and foster understanding of gender identity or expression within the school community.

Rhode Island law and District policy require that all programs, activities, and employment practices are free from discrimination based on sex, sexual orientation, and gender identity or gender expression. Therefore, in keeping with these mandates the School Committee commits to creating a safe learning environment for all students and ensuring that every student has equal access to all school programs and activities.

The School Committee believes that fostering this understanding is a joint responsibility that requires cooperation and good communication among students, parents/guardians, school administration, school staff and school community. The Superintendent shall ensure that students with gender identity or expression differences and their parents/guardians, as appropriate, shall be given the opportunity to discuss these issues and participate in educational planning and programming.

The Superintendent or his/her designee may consult the experiences and expertise of qualified school staff as well as external resources where appropriate. To proactively plan for a safe learning environment free of discrimination and harassment parents/guardians and/or students with gender identity or expression differences are encouraged to alert the school district and schedule a meeting with the principal. Upon request, the Superintendent of Schools or his/her designee shall schedule a meeting with the student and parent/guardian, as appropriate, for the purpose of evaluating the needs of the student and planning accommodations to facilitate a respectful and comfortable school program that supports the student's achievement.

Definitions

Bullying: is the use by one or more students of a written, verbal or electronic expression, or a physical act or gesture or any combination thereof directed at a student that causes physical or emotional harm to the student or damage to the student's property; places the student in reasonable fear of harm to himself/herself or of damage to his/her property; creates an intimidating, threatening, hostile, or abusive educational environment for the student; infringes on the rights of the student to participate in school activities; or materially and substantially disrupts the education process or the orderly operation of a school (RI Safe Schools Act, 2012).

Gender: social and cultural expression of sex, not biological sex (Advocates For Youth, 2016).

Gender Expression: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms (GLSEN, 2015).

Gender Identity: a person's deeply held sense or psychological knowledge of his or her own gender. One's gender identity can be the same or different than the gender assigned at birth. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. All people have a gender identity, not just transgender people. Gender identity is an innate, largely inflexible characteristic of each individual's personality that is generally established at a very early age, although the age at which individuals come to understand and express their gender identity may vary (GLSEN, 2015).

Gender Non-conforming: a term used to describe people whose gender expression differs from stereotypic expectations. This includes people who identify outside traditional gender categories or identify as both

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genders. Other terms that can have similar meanings include gender variant, gender expansive, or gender atypical (GLSEN, 2015).

Sex Assigned at Birth or Assigned Sex: refers to the gender description listed on one's original birth certificate.

Sexual Orientation: a person's romantic or sexual attraction to people of the same or opposite sex or multiple sexes. Some common sexual orientations are straight, gay, lesbian, bisexual, pansexual, etc. A transgender or gender non-conforming person can have any sexual orientation (GLSEN, 2015).

Transgender: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with their assigned sex at birth (GLSEN, 2015).

Transition: the process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected (GLSEN, 2015).

Coordination of School Accommodations

A meeting between the Superintendent of Schools or his/her designee, parents/guardians, as appropriate, the student, and other qualified staff or consultants as necessary shall discuss actions the District and school personnel may take to create a safe learning environment, including:

Names/Pronouns

School staff shall address all students by a preferred name as well as pronouns corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status. School documentation such as emails and student IDs on electronic resources shall be to the extent possible issued in the name that reflects a student's gender identity that is consistently asserted at school.

Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive interscholastic athletic activities and contact sports will be resolved on a case-by-case basis and according to the standards established by the Rhode Island Interscholastic League.

Restroom and Locker Room Accessibility

All students shall have access to restrooms, locker rooms, changing facilities, or overnight facilities that correspond to their gender identity. Any student who is uncomfortable using a shared, gender-segregated facility for any reason shall, upon the student's request, have access to a safe and non-stigmatizing alternative. This may include the addition of a privacy partition or curtain, permission to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender non-conforming student to use a separate, nonintegrated space should not be done unless requested by the student and/or family as

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appropriate. Under no circumstances may students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Other Gender Based Activities, Rules, Policies, and Practices

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis.

The District will evaluate gender based activities, rules, policies, and practices – including but not limited to classroom activities, school ceremonies, and field trips - and maintain only those that have a clear and sound pedagogical purpose.

Dress Code

Students have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the school policy for student dress.

Resources for Transitioning Students

If a student indicates to a school staff member an intention to transition, the staff member shall encourage and support the student to inform and/or meet with a school counselor, administrator, or other appropriate staff. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school. When a student indicates an intention to transition, the student support staff shall offer assistance and provide the student and/or their parents/guardians as appropriate with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The student support staff shall also provide information regarding gender transition planning at school. Staff members shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance; and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender students. Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to the District bullying policy.

The school shall tailor support for individual students to ensure equal access to the District's educational programs and activities. In some cases, notifying parents/guardians regarding a student's gender expression, identity, or transition carries health and safety risks for the student, including family rejection or abuse. School staff should work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process, and must consider the health, well-being, and safety of the transitioning student. Upon notification by a student, parent/guardian, or representative that a student is undertaking, planning to undergo, or has completed a gender transition, the school will inform the notifying individual and the student of the right to request support from school staff (RIDE, *Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students*, 2016).

Harassment, Intimidation and Bullying

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The School Committee shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived sex, romantic or sexual orientation, gender identity or expression. Complaints alleging discrimination shall be reported to the school affirmative action officer according to School Committee policies.

Any student experiencing or observing harassment, intimidation and bullying is encouraged to report the incident to a member of school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the Principal the same day the incident is observed or the report received according to School Committee policy. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and School Committee policy.

Confidentiality

School personnel may not disclose information that may reveal a student's transgender status, except as allowed by law. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender (for example, standardized testing), school staff and administrators must adopt practices to avoid the inadvertent disclosure of such confidential information. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. When contacting the parent(s) or guardian(s) of any student, school staff should use a student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent(s)/guardian(s) have specified otherwise.

Official Records

The school is required to change a student's official record to reflect a change in legal name or gender when there is documentation that such a change has been made pursuant to a court order or through amendment of state or federally issued identification documents. To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school shall use the name and gender preferred by the student.

When determining which, if any, staff or students shall be informed that a student's gender identity is different from the assigned sex at birth, decisions should be made in consultation with the student and the student's parent(s) or guardian(s), as appropriate. The main focus should be on how the sharing of information will benefit the student.

The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. A student's permanent pupil record may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

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- A court order or birth certificate demonstrating the student's new name.
- A valid passport indicating the student's legal gender, or other official state or federal identification documents.

Certified school nurse teachers and other licensed medical professionals need accurate and reliable information to confirm a student's identity in order to ensure that the student receives appropriate care and to enable them to coordinate care with other health care providers or licensed medical professionals, as well as to file health insurance claims. Nurses are legally required, per the RI Rules and Regulations for School Health Programs, to maintain an individual school health record for every student that accurately documents clinical information relating to their patients and must keep their patients' health records confidential. In the case of a transgender student, a school nurse should use the student's preferred name, and should use the student's legal name only when necessary to ensure that the student receives appropriate care and to enable the school nurse to coordinate care for the student with other health care providers or licensed professionals, as well as to file health insurance claims.

Education and Training

In order to further a safe and supportive school environment for all students, schools should incorporate education and training about transgender and gender non-conforming students into their anti-bullying curriculum, health education curriculum, student leadership trainings, and staff professional development.

The content of such professional development should include, but not be limited, to:

- Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyber bullying;
- School and district policies regarding bullying, discrimination, and gender identity/expression issues, transition, and responsibilities of staff; and
- Access to resources on working with transgender and gender non-conforming students

Legal References:

[Family Educational Rights and Privacy Act \(FERPA\)](#) (20 U.S.C. § 1232g; 34 CFR Part 99)

[RIGL §11-24-2 Discriminatory practices prohibited](#)

[RIGL §16-38-1.1 Discrimination because of sex](#)

[RIGL §16-71-3 Educational records access and review rights-Confidentiality of records](#)

[RIGL §16-2-17 Right to a safe school](#)

[RIGL §16-21-34 Safe Schools Act](#)

Sources:

[GLSEN, Model District Policy on Transgender and Gender Nonconforming Students](#)

[National School Boards Association Transgender Students in Schools 2016](#)

[Rhode Island Department of Education, Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students](#)

[United States Departments of Justice and Education, Dear Colleague Letter on Transgender Students](#)

1st Reading: October 18, 2017

Narragansett School System

2nd Reading/Adopted: November 15, 2017

Narragansett School System