

Title: Transgender and Gender Nonconforming Students

Introduction

The Tiverton School Department is committed to ensuring a safe and supportive learning environment for all our students. It is imperative that all our employees be supportive role models and strong advocates for the safety and well-being of our children. All students need a safe and supportive school environment to progress academically and developmentally.

Federal and State laws provide a legal framework to guide school department policies and practices related to discrimination based on sex, gender identity and gender expression. Enumeration of subgroups within Civil Rights Laws is necessary because those subgroups tend to experience discrimination more than other groups.

Definitions

Assigned Sex at Birth: The assignment and classification of people as male, female, intersex or another sex assigned at birth based on physical anatomy at birth and/or karyotyping (Trans Student Educational Resources, 2016).

Biological Sex: The biological state of having: 1) female or male genitalia; 2) female or male chromosomes and 3) female or male hormones. It is estimated that one in 2,000 babies is born with biological characteristics of both sexes or of neither sex entirely (Advocates For Youth, 2016).

Bullying: The use by one or more persons 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 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).

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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 transgendered 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).

Gender Non-conforming: A term used to describe people whose gender expression differs from stereotypical expectations. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender variant, gender expansive or gender atypical (GLSEN, 2015).

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, queer 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).

Understanding Gender Identity

Transgender youth are those whose assigned sex at birth does not match their internalized sense of their gender (their “gender-related identity), and gender non-conforming youth are those whose gender-related identity does not meet the stereotypically expected norms associated with their assigned sex at birth. A transgender boy for example is a youth who was assigned the sex of female at birth but has a clear and persistent identity as a male. A transgender girl is a youth who was assigned the sex of male at birth but has a clear and persistent identity as a female. Gender non-conforming youth range in the ways in which they identify as male, female, some combination of both, or neither gender (GLSEN, 2015).

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Youth may initially begin to express their preferred gender with people that they feel safe. The process by which youth begin to express their preferred gender can vary and many factors can influence how individuals express their gender identity. Initial changes may involve adopting the appearance of the desired sex through clothing choices, grooming and name change (American Psychological Association, 2016).

Gender Transition

Many, though not all, transgender youth undergo the experience of gender transition. The term gender transition describes the experience by which a person goes from living and identifying as one gender to living and identifying as another.

For most young children, the experience of gender transition involves no medical treatment. Rather, most transgender youth will undergo gender transition through a process commonly known as “social transition,” whereby they begin to live and identify as the gender consistent with their gender-related identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical treatment that may include puberty blockers, cross gender hormone therapy, and for a small number of young people, a range of gender confirming surgeries. The decision to undergo gender transition is personal and depends on the unique circumstances of each individual. There is no medical threshold or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school (GLSEN, 2016). Thus medical treatment should never be considered a requirement before a student can socially transition at school.

Some transgender and gender non-conforming students may hide or keep secret their gender at home because they may not feel safe or fear that they will not be accepted (Family Acceptance Project, 2009). The school should speak with the student first before discussing a student’s gender nonconformity or transgender status with the student’s parent(s) or guardian(s). For the same reasons, the school should discuss with the student how the school shall refer to the student, e.g. appropriate pronoun use, in written communication to the student’s parent(s) or guardian(s). The school should not discuss a student’s gender identity with the parent(s) or guardian(s) if they believe it may jeopardize the student’s physical or mental safety.

Gender Transition Guidelines

Elementary Level - For students in grades PreK-4, normally the parent(s) or guardian(s) will inform the school of the student’s impending transition. However, it is not unusual for a student’s desire to transition to first surface at school. If the school believes

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that a gender identity or gender expression issue is presenting itself and creating difficulty for the student in school, approaching parent(s) or guardians(s) about the issue is appropriate for students at these grade levels. The family and school can identify appropriate steps to support the student.

Secondary Level – Generally, notification to a student’s parent(s) or guardian(s) about their gender identity, expression, or transition is unnecessary as they are already aware and maybe supportive. However, in some cases, notifying the family may carry risks for the student, such as being asked to leave the home. Each school should work closely with the student to assess the degree to which if any, the family will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

If a student transitions during the school year, the school should try to ascertain the student’s (and their families) desires and concerns relating to the transition. The school should discuss a timeline for the transition in order to create the conditions to provide a safe and supportive environment at the school which the student attends. Finally, the school department should train school administrators and educators that interact directly with the student on the transition plan, timeline for transition, and relevant legal requirements. School staff will abide by student’s/parent’s wishes concerning how a student would like to be addressed. This would include complying with school policies, as well as state and federal anti-discrimination, harassment, and bullying laws and regulations designed to ensure that all students are treated with dignity and respect.

Names and Pronouns

Transgender students often choose to change the name assigned to them at birth to a name that is associated with their gender identity. If the student has legally changed their name, then school official records should reflect the change. However, if a student requests to be addressed by another name without evidence of legal name change, this is referred to as their preferred name. The school, student, and family (if they are involved) should be engaged and develop a plan for using the preferred name and pronoun within the school. The plan could include when and how to communicate to staff, to students and the parents of other students. In the case of a transgendered student who is enrolling into the school, it is important that the school respect the student’s privacy and preferred name. In the case of a preferred name change, the official record in the school is not changed but the preferred name be noted therein.

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Confidentiality, Privacy, and Student Records

Students have a right to privacy which includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws such as FERPA and HIPPA. Therefore, school staff must not disclose information that may reveal a student's transgender status to others, including parents and other school staff unless legally required to do so or unless the student has authorized disclosing the information.

Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her transgender status to staff or to other students does not authorize school staff to disclose medical and/or other information about the student. When contacting a parent(s) or guardian(s) of a transgender student, school staff should use the 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.

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. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school should use the name and gender requested by the student. 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.

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, or in the case of a young student, the student's parent(s) or guardian(s). The main focus should be on how the sharing of information will benefit the student.

Certified school nurse teachers and other licensed professionals need to maintain 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

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licensed 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, accurately document 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 birth 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.

Dress Codes

Schools may enforce dress codes pursuant to school/district policy. Students should have the right to dress in accordance with their gender identity, within the parameters of the dress code adopted by the school district. School staff cannot enforce a dress code more strictly against transgender or gender non-conforming students than other students. Dress codes should be general statements that ensure proper dress for all students.

Restrooms, Locker Rooms, and Changing Facilities

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in school programs and activities. Accordingly, the student may access the restroom, locker room, and changing facility that correspond to the student's gender identity. A student, upon request should be provided with a safe and non-stigmatizing alternative to gender-segregated facility. 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. Under no circumstance may students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room, or changing facility. This discomfort is not a reason to deny access to the transgender students. School administrators and counseling staff should work with students to foster understanding of gender identity and /or create a school culture that respects and values all students. The School Committee will consider installing gender-neutral restrooms and or gender-neutral changing facilities in the design of new schools and school renovations.

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Physical Education Classes and Intramural and Interscholastic Athletic Activities

Physical Education is a required course in all grades in Rhode Island public schools, and school based athletics are an important part of many students' lives. Most physical education classes in Rhode Island schools are co-ed, so the gender identity of students shall not be an issue with respect to these classes. Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

With respect to interscholastic athletics, the Rhode Island Interscholastic League (RIIL) has its own policy related to participation and gender identity. The school administrator or athletic director must contact the RIIL to start the gender identity eligibility appeal process:

According to RIIL policy:

All students should have the opportunity to participate in the RIIL activities in a manner that is consistent with their gender identity, irrespective of the gender listed on the student's records. Once the student has been granted eligibility to participate in the sports consistent with his/ her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. All discussion and documentation will be kept confidential, and the proceeding will be sealed unless the student and family make a specific request.

Other Gender-Based Activities, Rules, Policies, and Practices

The school department will evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose. For example, rather than divide or group students on the basis of biological sex (e.g. boys and girls), teachers could employ other creative strategies to create teams to work on problems or projects. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing and excluding students whether they are gender non-conforming or not. In some circumstances, these policies, rules, and practices may violate federal and state law. Subsequently, the Tiverton School Department will consider alternatives to such policies, rules, and practices.

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Education and Training

In order to further a safe and supportive school environment for all students, the Tiverton School Department will incorporate education and training about transgender and gender non-conforming students into the district's anti-bullying curriculum, health education curriculum, student leadership trainings, and staff professional development. As with other efforts to promote a positive school culture, it is important that student leaders and school personnel, particularly school administrators, become familiar with the terminology, best practices, guidance, and related resources, and that they communicate and model respect for the gender identity of all students. As recommended by GLSEN, 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.

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