

9.22 Transgender and Gender-Nonconforming Students

Purpose:

The purpose of this policy is to:

- (1) foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- (2) facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination, and to
- (3) ensure that CFSD creates a culture of acceptance and inclusivity so that all students have the opportunity to express themselves fully and live authentically.

Definitions:

The following terms are defined to assist in understanding this policy and the guidance presented.

- **Assigned Sex at Birth:** the assignment and classification of people as male, female or intersex or another sex assigned at birth based on physical anatomy at birth and or karyotyping (Trans Student Educational Resources, 2015).
- **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 June 2016 page 5 born with the biological characteristics of both sexes or of neither sex entirely (Advocates for Youth, 2024).
- **Gender:** social and cultural expression of sex, not biological sex (Advocates For Youth, 2024).
Gender Expression: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms (GLSEN, 2014).
- **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, 2014).
- **Gender Identity:** a person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different from 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, 2014).

- Gender Expression: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms (GLSEN, 2014).
- 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, 2014).
- 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, 2014).
- 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 genders. Other terms that can have similar meanings include gender variant, gender expansive, or gender atypical (GLSEN, 2014).

Guidance

The Central Falls School District (CFSD) is committed to ensuring that an individual's sex does not hinder their access to or success in educational activities or affect their employment opportunities. CFSD is dedicated to providing equal opportunities in all educational programs and activities it offers. In accordance with Title IX of the Education Amendments of 1972, CFSD will not discriminate based on sex in admissions, treatment, access to programs and facilities, or employment opportunities. CFSD will actively communicate this policy and take effective measures to implement it.

Gender Transitions

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.

Transgender youth typically transition socially, living as their identified gender, often without medical intervention. Some may opt for medical treatments like puberty blockers or hormone therapy. No medical diagnosis is required for a student's gender identity to be recognized by the school. Students may hide their identity at home due to safety concerns. School personnel should consult with the student before involving parents and ensure respectful communication regarding pronoun use. If discussing a student's gender identity might endanger them, it should be avoided.

Schools should not discuss a student’s gender identity with the parent(s) or guardians(s) if school personnel believe it may jeopardize the student’s physical or mental safety. GLSEN has found the following:

Elementary School: Generally, it will be the parent(s) or guardian(s) that inform the school of the student's impending transition. However, it is not unusual for a student's desire to transition to the first surface at school. If school staff believe that a gender identity or gender expression issue is presenting itself and creating difficulty for the child in school, approaching parent(s)/guardian(s) about the issue is appropriate at the elementary level. Together, the family and school can identify appropriate steps to support the student.

Secondary Schools: Generally, notification of a student's parent(s)/guardian(s) about their gender identity, expression, or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying the family carries risks for the student, such as being kicked out of the home. School staff 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.

When a student transitions mid-year, the school should understand their and their family's wishes and concerns. They should create a transition timeline for a safe and supportive environment, and train staff accordingly. Staff should respect student and parent preferences in addressing the student and adhere to all relevant policies and laws promoting dignity and respect for all students. 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 regardless of any individual's strongly held belief to the contrary (National School Board Association, 2016).

Names and Pronouns

Transgender students often adopt a name aligned with their gender identity. If legally changed, school records reflect this. Otherwise, the student's preferred name is used, requiring collaboration among school, student, and family. Plans include communication methods and privacy considerations. When a transgender student enrolls, their preferred name and privacy must be respected, with the official record retaining the legal name but acknowledging the preferred one.

Student Privacy

All persons, including students, have a right to privacy, and this included 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 constitutes confidential personally identifiable and medical information. Disclosing this information to other students or parents or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional privacy protections. Additionally, disclosure or misuse of this information may establish a hostile environment for a transgender or gender nonconforming student, potentially subjecting them to bullying and harassment, by peers, discrimination by school staff, or family rejection. (GLSEN, 2014).

Educating Students and Professional Development

The Central Falls Board of Trustees believes in creating a safe and supportive school environment for all students in the District. The Board of Trustees is explicit in its affirmation of support for providing a safe and supportive school environment for Transgender and Gender-Nonconforming students in Central Falls and hereby issue the following policy guidelines:

The Central Falls School District (CFSD), will comply with all Federal and State Laws pertaining to the rights and protections for Transgender and Gender-Nonconforming Students; and will comply with the CFSD Policies as detailed in the District's Policy Manual. Furthermore, the District will follow the most recent guidance of the Rhode Island Department of Education for Rhode Island Schools on Transgender and Gender Nonconforming Students. The District will create protocols and procedures for following the law, adhering to this policy and to create and maintain a safe and supportive school environment for all students.

Dress codesSchools 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 the 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 their school program and activities. The May 13, 2016 guidance issued by the U.S. Departments of Education and Justice states that:

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations. (footnote omitted). The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity.

Students can use facilities aligning with their gender identity. Alternatives, like privacy partitions or separate restrooms, can be provided upon request. Requiring separate facilities should only occur if requested by the student or family. No student should be forced to use facilities conflicting with their gender identity. Discomfort from other students shouldn't bar transgender students from accessing facilities. Schools should educate students on gender identity and promote a culture of respect. Gender-neutral facilities could be considered in school designs and renovations.

Phys-ed, 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 the 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 their 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 proceedings will be sealed unless the student and family make a specific request (RIIL, 2024).

Other activities, rules, policies, practices

Schools should review and keep only gender-based policies with clear educational purposes. Instead of dividing students by biological sex, educators can use alternative methods like creating mixed-gender teams. Gender-based policies can marginalize students and may even violate laws. Schools should explore alternatives to such policies.

Educating students and professional development of staff

Schools should integrate education and training on transgender and gender non-conforming students into anti-bullying, health education, student leadership, and staff development programs to foster a safe environment. This includes familiarizing staff and student leaders with terminology, best practices, and resources, and promoting respect for all students' gender identities. Training content should cover terms, communication strategies, bullying prevention, policies, and access to resources for working with transgender and gender non-conforming students.

All matters not covered explicitly in this policy shall be guided by the Rhode Island Department of Education Guidance on this topic [Guidance for Rhode Island School on Transgender and Gender Nonconforming Students](#) and/or will be governed by Federal and State Laws that provide protections for Transgender and Gender Nonconforming Students.

Instructive Resources and Laws

As necessary and/or helpful, The District/School Department will look to the following resources and laws for guidance when interpreting and implementing this policy. Any state or federal law or regulation will supersede the contents of this policy.

- The Rhode Island Department of Education’s Guidance for Rhode Island Schools on Transgender and Gender Nonconforming students, as set forth in its June 2016 Guidance;
- The Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. § 1232g (1974), as it pertains to transgender, gender nonconforming, and transitioning students; and
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., as each pertains to transgender, gender nonconforming, and transitioning students.

History

Policy Effective Date:

Last Amended: August 27, 2024

First Adopted: June 21, 2017

References:

Trans Student Educational Resources, 2015. “The Gender Unicorn.”

<http://www.transstudent.org/gender>.

GLSEN, 2024. “Model Local Education Agency Policies on Implementing Title IX and other Federal Nondiscrimination Protections for LGBTQIA2S+ Young People in K-12 Schools.”

<https://www.glsen.org/sites/default/files/2024-04/Model%20Local%20Education%20Agency%20Policies.pdf>

GLSEN, 2014. “Model District Policy on Transgender and Gender Non-Conforming Students.”

https://www.glsen.org/sites/default/files/2020-04/Trans_ModelPolicy_2014.pdf

Advocates For Youth, 2024. “Before You Teach: A Note on Gender, Gender Identity and Sexual Orientation.”

<https://www.3rs.org/educator-resources/a-note-on-gender-gender-identity-and-sexual-orientation/>

National School Board Association, 2016. “Transgender Students in Schools.”

https://cdn-files.nsba.org/s3fs-public/reports/2016_Transgender_Guide.pdf?fR8tsknQRT6y2_CyWC6K2y2KEH.ewZg

Rhode Island Interscholastic League (RIIL), 2024. “Rules and Regulations: Article 3:

Eligibility.” <https://www.riil.org/page/3033>

Legal References:

[RIGL § 16-21-34](#) (Statewide Bullying Policy Implemented)

[20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54](#) (Title IX of the Education Amendments of 1972 and implementing regulations)

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

[RIGL § 16-21-33](#) (Safe Schools Act)

[RIGL §5-37.3-1 et seq.](#) (Confidentiality of Health Care Information Act)

[RIGL § 11-24-3](#) (Full and equal accommodations-nondiscrimination)