



Cumberland School Department Policy Manual

STUDENTS RIGHTS AND RESPONSIBILITIES

A

Policy Affecting Students Who Identify as Transgender or Nonbinary

A-7

PURPOSE

The purpose of this policy is to ensure that students who are transgender or nonbinary are provided and ensured a safe and comfortable school environment in which to continue to grow and develop, while fostering social integration and minimizing stigmatization. A district policy is unable to anticipate every situation that might occur with respect to the healthy development of a student who is transgender or nonbinary; therefore, each case must be individually assessed.

DEFINITIONS

The following definitions are provided by the National Center for Transgender Equality and are not for the express purpose of labeling a student, but rather to provide common terminology and to assist in understanding this policy, as well as the legal obligations of all district staff.

Gender Identity is a person's deeply held knowledge of their own gender, which can include being a man, woman, another gender, or no gender. Gender identity is an innate part of a person's identity. One's gender identity may or may not align with society's expectations with the sex they were assigned at birth (male, female, or intersex).

Gender Expression is the manner in which a person expresses their gender, whether through hairstyle, makeup, or personal fashion which may change over a person's lifetime.

Transgender/Trans describes a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. A trans woman is a woman whose sex was assigned male at birth. A trans man is a man whose sex was assigned as female at birth. Some transgender people are not male or female, and may use terms like nonbinary to describe their gender.

Gender non-conforming is a term sometimes used to describe people whose gender expression differs from social expectations, such as "feminine boys," "masculine girls," and people who are perceived as androgynous in some way. Being gender nonconforming is distinct from being transgender, though some trans people may consider themselves to be gender nonconforming.

Nonbinary is a term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Other similar or more specific terms may include genderqueer, gender fluid, agender, or Two-spirit (for students who are Native American).

Cisgender is a term to describe a person whose gender identity corresponds with the gender society typically associates with the sex they were assigned at birth. The majority of people are cisgender, while a minority are transgender.



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Sexual Orientation is a person's sexual attraction to other people. This includes being straight, gay, bisexual, queer, asexual, or many other terms. This is different and distinct from gender identity. People who are transgender or nonbinary may be straight, gay, lesbian, asexual, or any other sexual orientation.

Transition is the process in which a person begins to live according to their gender identity. Transition is a process that is different for everyone, and it may or may not involve specific medical treatments or changes to official documents.

QTBIPOC is an acronym for Queer, Trans, Black, Indigenous, and People of Color.

NOTE: Terminology and language describing individuals who are transgender can differ based on region, ethnicity, age, culture, and many other factors. Students who identify as transgender or non-binary may use a number of words and expressions to describe their lives. A general recommendation is to avoid assumptions and employ the term that the student uses to describe themselves.

PRIVACY AND CONFIDENTIALITY

All persons, including students, have the right to keep private one's transgender status or gender nonbinary presentation at school. Information about a student including assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, is considered to be confidential medical information and protected under Rhode Island General Law §5-37.3. School personnel may not disclose information that may reveal a student's transgender status or gender nonbinary presentation to others, including parents, students, volunteers, and other school personnel, unless legally required to do so or unless the student has explicitly authorized such disclosure. Students who are transgender or gender nonbinary 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. When contacting the parent or guardian of a student who is transgender or gender nonbinary, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

OFFICIAL RECORDS

The District is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. 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. Schools are advised



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to collect or maintain information about students' gender only when necessary. In situations where school staff or administrators are required by law to use or to report a student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

In addition, students who are transgender who transition after having completed high-school, have the right to request that the district amend school records, such as, a diploma or transcript that include the student's birth name and gender. When requested, the district will amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

NAMES AND PRONOUNS

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records. It is recommended that district staff privately ask a student at the beginning of the school year how they would like to be addressed in class, in correspondence to the home, or at conferences with the student's parent or guardian. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

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. In meeting with the student who is transgender and/or their parent to discuss the issues outlined in this policy, it is essential that the building leadership and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the building leadership should be clear with the student and parent that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some students will want that arrangement, others will not be comfortable with it. Students who are uncomfortable using a gender-segregated restroom are to be provided with a safe and adequate alternative, such as a gender neutral restroom or the nurse's restroom. Similarly, some students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity.

Some students may feel uncomfortable with a student who is transgender or gender nonbinary using the same gender-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny



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access to the student who is transgender or gender nonbinary. This student is also to be provided with a safe and adequate alternative. School administrators and counseling staff are encouraged work with students to address the discomfort and to foster understanding of diversity, including gender identity, to create a school culture that respects and values all students.

PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. According to Article III, Section B of the Rhode Island Interscholastic Athletic Association Rules and Regulation (RIIL), all students are permitted to participate in activities in a manner consistent with their public gender identity. Public gender identity is at the determination of the student and the Cumberland School Department. In order to participate in a RIIL gender-specific sports team, the student's current school record must identify the corresponding gender well in advance of the deadline for athletic eligibility. A student is not entitled to be selected for a specific team nor does it permit a student to shift from one gender-specific sports team to a team of a different gender during the sports season. In general, after gender identity has been determined by the student and the Cumberland School District, the determination should remain consistent for the student's high school sports experience.

DRESS CODES

Schools may enforce dress codes pursuant to school/Department policy. However, any dress code or uniform policy shall be gender-neutral. Students have the right to dress in accordance with their gender identity, within the parameters of the dress code. 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. The colors of caps and gowns worn by students at graduation ceremonies shall not be differentiated based on gender. To the extent any school-sponsored event or extracurricular activity requires gender-specific dress or clothing (for example, the school band or chorus) students are entitled to dress in accordance with their gender identity.

OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including but not limited to classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.



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STUDENT TRANSITIONS

Each school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized according to their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the Department's educational programs and activities.

STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

As an institution built on the foundation of knowledge and education, the Cumberland School District is dedicated to ensuring all staff members are prepared with the information necessary to create a safe, welcoming, and inclusive learning environment. To foster this environment of learning and inclusivity, all staff and educators will participate in annual professional development and training specific to the needs of transgender and nonbinary students and colleagues. The material covered in this training shall 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;
- Experiences of transgender and other gender nonconforming students.
- Access to resources on working with transgender and gender non-conforming students.

This professional development and training will be held annually, to ensure that newly hired staff and educators are equally informed and any changes are clearly communicated in a timely manner. If applicable, this training may coincide with other previously scheduled training, onboarding, or professional development days, so long as the relevant information is conveyed.



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REFERENCES

Gay, Lesbian & Straight Education Network: “Model District Policy on Transgender and Gender Nonconforming Students”

Gay, Lesbian & Straight Education Network: “Model Local Education Agency Policy on Transgender and Nonbinary Students” Revised October 2020

GLAD- Rhode Island: “Overview of Legal issues for Gay Men, Lesbians, Bisexuals, and Transgender People”

Massachusetts Department of Elementary and Secondary Education: “Guidance for Massachusetts Public School Creating a Safe and Supportive School Environment

RI General Law § 11-24-2.

RI Interscholastic League Rules and Regulations

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