

# NORTH KINGSTOWN SCHOOL COMMITTEE ACA.1 POLICY MANUAL

## Transgender and Non-Binary Students

### PURPOSE:

The purpose of this policy is to facilitate compliance with North Kingstown School District (the “District”) policy, and local, state, and federal laws and guidelines concerning bullying, harassment and discrimination. This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers. The guidelines provided in this policy do not anticipate every situation that might occur with respect to gender identity and expression and students. The needs of each student are unique.

### PHILOSOPHY:

The North Kingstown School Committee (the “committee”) believes all students need a safe and supportive school environment to progress academically and developmentally. It is committed to fostering an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression;. The Committee seeks to stop the stigmatization of and improve educational integration of transgender and non-binary students, maintain the privacy of all students, and foster cultural competence and professional development for school staff. The committee also wishes to support healthy communication between educators and parent(s)/guardian(s) to further the successful educational development and well-being of every student.

### DEFINITIONS:

These definitions are provided to assist in understanding this policy and the legal obligations of the District. Students may or may not use these terms to describe themselves or their experiences. Transgender and nonbinary students may use different terms to describe their lives and experiences of gender. Terminology and language differ and evolve based on region, language, race or ethnicity, age, culture, and many other factors. Staff and educators should reflect and use the terms that students use to describe themselves, and not use terms that make these students uncomfortable.

These definitions are provided not for the purpose of imposing labels, but rather to assist in understanding this policy and the obligations of school and agency personnel. Students may or may not use these terms to describe themselves or their experiences.

**Gender Diversity:** refers to the extent to which a person’s gender identity, role, or expression differs from the cultural norms prescribed for people of a particular sex. This term is becoming more

popular as a way to describe people without reference to a particular cultural norm, in a manner that is more affirming and potentially less stigmatizing than gender nonconformity. (Gender Spectrum, 2013; <https://www.genderspectrum.org/understanding-gender>).

**Gender Identity:** 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:** Expression of gender, whether through hair styles, makeup, or personal fashion, changes over the course of a person's lifetime.

**Transgender/Trans:** An adjective describing a person whose gender identity differs from the sex they were assigned at birth. A trans woman is a woman whose sex was assigned male when she was born. A trans man is a man whose sex was assigned female when he was born. Some transgender people are not male or female, and may use terms like nonbinary to describe their gender (see below).

**Nonbinary:** 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. Nonbinary may be considered a subset of transgender or a distinct identity. Other similar or more specific terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American students).

**Cisgender:** An adjective describing a person whose gender identity corresponds with the gender society typically associated with the sex they were assigned at birth. For example, a cisgender woman was assigned female at birth and identifies as female her gender as a woman.

**Sexual Orientation:** A person's romantic and/or sexual attraction to other people. This includes being straight, gay, bisexual, queer, asexual, or many other terms used to describe sexual orientation. This is different and distinct from gender identity. Transgender and nonbinary people may be straight, gay, lesbian, asexual, or any other sexual orientation.

**Transition:** 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. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

**QTBIPOC:** This is an acronym for Queer/Trans, Black, Indigenous, and People of Color.

(Above definitions come from the GLSEN Model LEA Policy on Transgender and Nonbinary students, Revised October 2020)

**Sex assigned at birth:** The assignment and classification of people as male, female, intersex, or another sex assigned at birth often based on physical anatomy at birth and/or karyotyping. (Trans Student Educational Resources, 01.08.24)

**Intersex:** A term used for an individual born with a combination of male and female biological characteristics, such as chromosomes, genitals, hormones, etc. (NYC Guidelines to support Transgender and Gender Expansive Students 01.19.24)

**Bullying:** means 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:

- A. Causes physical or emotional harm to the student or damage to the student's property;
- B. Places the student in reasonable fear of harm to their self or of damage to their property;
- C. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- D. Infringes on the rights of the student to participate in school activities; or
- E. Materially and substantially disrupts the education process or the orderly operation of a school.

**If the expression, physical act or gesture includes an incident or incidents that may be reasonably perceived as being motivated by characteristics or harassment based on race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, age or disability then the matter should be investigated under the District's Policy ACB Non-Discrimination and Anti-Harassment.**

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).

**CYBER-BULLYING:** Bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

**Forms of cyber-bullying may include but are not limited to:**

- A. The creation of a web page or blog in which the creator assumes the identity of another person;
- B. The knowing impersonation of another person as the author of posted content or messages; or
- C. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

(Above definitions come from the NKSC Policy JBA2 Safe School Act Statewide Bullying Policy)

**Harassment:** Conduct, whether physical, verbal, or through the use of electronics means, that is directed at an individual because of the individual's protected characteristic(s) (or perceived protected characteristic(s)), which has the purpose or effect of substantially interfering with the individual's education or employment, or creates an intimidating, hostile or offensive academic or employment environment. To constitute harassment, the conduct must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or denies the individual the ability to participate in or to receive benefits from the District's education program or activity.

**Discrimination:** Occurs when an individual is treated differently because of their race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, religion, disability, age, marital or parental status, military or veteran status, genetic information, or any other basis protected by applicable federal or state law in admissions or employment or in the education program or activity of the District. (This may include actions related to dress codes, official school records, accessing school facilities, and use of preferred names and pronouns).

In determining whether discrimination occurred, the District will review whether there was an adverse impact on the individual's educational or employment environment when similarly situated individuals outside of the same protected characteristic(s) received more favorable treatment. In cases where there was an adverse impact on an individual's educational or employment environment, the District will determine whether there was a legitimate, nondiscriminatory reason for the alleged conduct.

(Above definitions come from NKSC Policy ACB.1 Non Discrimination/Anti-Harassment)

"Protected Characteristic " means race, ethnicity, language, disability, religion, age (over 40), gender, socio-economic status, sexual orientation, gender identity or expression, country of ancestral origin, interrupted education status, military status, or genetic information (including family medical history).

### POLICY STATEMENT:

Educators, parents/guardians and other stakeholders in public education all have the obligation and duty to ensure that school is a safe and supportive learning environment for all students in order that they may progress academically and developmentally. In order to achieve this end, the North Kingstown School Department shall foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression.

### **Legal Authority –**

Title IX of the Education Amendment of 1972, 20 U.S.C. § 1681 et. seq., is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. Specifically, Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity

and the Office of Civil Rights accepts such complaints for investigation.

The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (1974), (FERPA), is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Pursuant to FERPA, schools have a legal obligation to protect the privacy of transgender, gender non-conforming and transitioning students when maintaining education records.

The United States Department of Education and the Rhode Island Department of Education have issued guidance stating that school districts shall adhere to both Title IX and FERPA in order to protect transgender, gender non-conforming and transitioning students from discrimination and to protect their privacy.

Rhode Island General laws § 11-24-1 et. seq., entitles all persons within the jurisdiction of the state to the full and equal accommodations, advantages, facilities, and privileges of any place of public accommodation, resort or amusement, and prohibits discrimination based on gender identity or expression.

The Rhode Island General Assembly mandates that all school committees assure the implementation of federal and state laws, the regulations of the Board of Regents for elementary and secondary education, and of local school policies, programs and directives. It also mandates that school committees address the health and wellness of students.

The Rhode Island General Assembly requires superintendents of schools to implement policies established by school committees and to comply with provisions of federal and state law.

The Superintendent will ensure that all District personnel and all District contractors comply fully with all applicable laws, rules, and regulations, and with all School Committee Policies. In the event any part of any policy is unlawful, the Superintendent will report such event to the School Committee as soon as practicable and request of the School Committee a modification of this policy.

#### **District's Adoption of Guidance –**

The North Kingstown School Committee hereby adopts the U.S. Department of Education's Guidance on Transgender Students and the Rhode Island Department of Education's Guidance on Transgender and Gender Nonconforming Students.

#### **District Protocol –**

The Superintendent shall establish a district wide protocol facilitating the terms of this policy that is consistent with applicable federal and state law, rules and guidance from the U.S. Department of Education and Rhode Island Department of Education.

#### **Guidelines and Implementation Strategies**

The Superintendent will follow all existing policy procedures regarding Bullying, Harassment, and Discrimination and implement additional procedures to protect transgender students' Privacy, Names, and Student Records, as outlined below.

### 1. Bullying, Harassment, and Discrimination

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression shall be taken seriously and handled in a manner consistent with NK School Committee policies, and local, state, and federal law.

### 2. Privacy and Confidentiality

All persons, including students, have a right to privacy. This includes keeping a student's actual or perceived gender identity and expression private. Such private information shall be shared only on a need to know basis.

Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.

District and school personnel may encounter situations where students have not publicly disclosed their gender identity; therefore, school personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply or refer to a student's gender identity or expression.

District staff may not disclose information that may reveal a student's transgender status or gender identity to others, including, but not limited to, parents, students, volunteers, or other district staff, unless legally required to do so, or unless the student has explicitly authorized such disclosure or in a health or safety emergency, where disclosure is necessary to protect the health or safety of the student or other individuals.

When contacting the parent or guardian of a student who is transgender or gender diverse, District staff 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.

When communicating with a student's parent/guardian school personnel should be aware that the student may not have disclosed their gender identity to their parents. When school personnel find it important to discuss a student's gender identity or expression with parents, personnel should consult and work closely with the student to assess the degree to which, if any, the parent is aware of the student's gender identity or expression and is supportive of the student, and school personnel shall take into consideration the safety, health and well-being of the student in deciding whether to disclose the student's gender identity or expression to parents.

### 3. Names and Pronouns

Students have 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 students need not change their official records. Students have the right to tell building administration or staff how they want to be addressed in class, in correspondence to the

home, or at conferences with the student's parent/ guardian and can request to whom/how this information is shared with other staff in the building. 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.

#### 4. Student Records

To the extent the District is legally required to maintain a permanent student record that includes a student's legal name and legal gender, such records shall be kept in a separate, confidential file. The District will make every effort to use the name and gender affirmed by the student on school IDs, classroom rosters, certificates, programs, announcements, communications, team and academic rosters, diplomas, the yearbook and other site-generated unofficial records and documents. Additionally, the District's student information system shall note a student's affirmed name and pronouns. The District will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where District staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt practices to avoid the inadvertent disclosure of such confidential information.

#### 5. Restrooms, Lockers and Changing Facilities

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 specific-facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, no student shall be required to use an alternative restroom or changing facility because they are transgender or gender diverse. Under no circumstance should any student be required to use facilities that are inconsistent with their gender identity.

The District shall designate single-occupant school facilities as accessible to all students regardless of gender. However, under no circumstances shall a student be required to use separate facilities because they are transgender or gender diverse. The District will work to incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

#### 6. 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. Regarding interscholastic sports teams, the District will follow the Rhode Island Interscholastic League's (RIIL) rules pertaining to participation consistent with gender identity. Article 3, Section 3B of the RIIL Rules and Regulations states that all students should have the opportunity to participate in RIIL activities in a manner consistent with their gender identity, and provides a framework for gender identity eligibility appeals.

## 7. Dress Codes/School Uniform Policies

Any dress code or uniform policy shall be gender-neutral. Schools cannot enforce specific attire based on gender. Students have the right to dress in accordance with their gender identity, within the parameters of the dress code.

## 8. 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 District's educational programs and activities.

Prior to notification of any parent/guardian regarding the transition process, 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. These situations must be addressed on a case-by-case basis and require schools to balance the goal of supporting the student with the desire that parents be informed about their children. 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 promptly inform the notifying individual and the student of the right to request a support team, consisting of appropriate school staff such as the school principal or designee, counselor, social worker and teacher(s), and members of the school point team.

When a student transitions during the school year, the school team shall hold a meeting with the student and parents/guardians, if they are involved in the process, to ascertain their desires and concerns. The school team should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, District staff shall train school administrators and any educators who interact daily with the student on the transition plan, timelines for transitions, and any relevant legal requirements.

## **Training, Oversight, and Communication**

### 1. Transgender and Gender Diverse Student Support Teams

Each school shall form a point team that will serve as a visible resource for all students who have questions and concerns regarding any issues related to gender identity and expression. The point team shall also be a resource for any questions regarding the Transgender and Non-Binary Students policy. The point team will receive specialized training in the policy and resources available. The point team should be comprised of individuals throughout different areas of the school community including but not limited to: teachers, administrators, social workers, counselors, parent/guardian advocates, security, health and physical education staff, or other support staff.

### 2. Training and Professional Development

The District shall ensure that training is provided for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, security



and health and physical education staff. Information regarding this policy shall be incorporated into training for new school employees. The District shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment and discrimination. The content of such professional development 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/guardians 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.
- District policies, and local, state and federal laws regarding bullying, discrimination, and gender identity and expression issues and responsibilities of staff.
- Experiences of transgender and other gender diverse students.
- Gender-neutral language and practices.
- Data regarding risks for transgender and gender diverse students, and the positive impact of nondiscrimination policies on school climate.

### **3. Publication and Media Communications**

The Transgender and Non-Binary Student Policy shall be distributed annually, and shall be posted on the District's website. The District and individual schools shall make consistent efforts to ensure the visibility and accessibility of this policy for students, parents, and staff.

Only the Superintendent or designee shall communicate to representatives of the media regarding matters of student gender identity or expression. District staff shall direct the media to the Superintendent or designee. In communicating with the news media, parents/guardians and the community, protecting the privacy of transgender and gender diverse students shall be the top priority for the spokesperson and staff.

### **Evaluation and Review –**

This policy shall be reviewed at least annually and updated as needed to conform to amendments and changes in applicable state and federal laws, rules and regulations as well as best practices.

First Read: 4-24-18

Second Read: 5-8-18

Adopted: 5-8-18

Reviewed at Policy Subcommittee - 1.4.24

First Read for Revisions - 1.25.24

Second Read for Revisions - 02.06.24

Approved: 2.6.24