

LINCOLN SCHOOL DEPARTMENT INTERNAL PROTOCOLS
GENDER IDENTITY AND GENDER EXPANSIVE STUDENTS

Purpose: For the Lincoln School Department (“School Department”) to be proactive in creating a school culture that respects and values all students and fosters understanding of gender identity within the school community by:

1. Fostering an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression, and
2. Facilitating compliance with local, state and federal laws concerning bullying, harassment and discrimination.¹

Definitions:

1. “Gender expression” refers to the manner in which a person expresses gender to others, often through behavior, clothing, hairstyles, activities, voice and/or mannerisms.²
2. “Gender identity” is a person’s deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate largely inflexible characteristic of each individual’s identity. One’s gender identity can be the same or different than the gender assigned as birth. Everyone has a gender identity. The responsibility for determining an individual’s gender identity rests with the individual. Children typically begin to understand their own gender identity at a very early age, although the age at which individuals come to understand and express their gender identity may vary.³
3. “Gender non-conforming” is a term sometimes used to describe people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and people who are perceived as androgynous in some way. This term is also sometimes used to refer to people who identify outside traditional gender categories or identify as both female and male. Other terms

¹ 200-RICR-20-10-1.3.2; 200-RICR-30-10-2.3 (“programs and activities operated by Rhode Island public educational agencies shall be free from discrimination based on sex, gender, sexual orientation, gender identity or gender expression.”)

² See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students, R.I. Dep’t of Elem. And Second. Ed., 4 (June 2016)

³ *Id.* at 5

that can have similar meaning include, but are not limited to gender variant, gender queer, gender expansive, gender fluid, gender atypical, and non-binary.⁴

4. “Transgender” is 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. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth. Some transgender people have gender identity that is neither male nor female and may use terms including, but not limited to, agender, genderqueer, gender fluid, bigender, pangender, or non-binary to describe their gender.⁵
5. “Transition” the process by which a person begins to live according to their gender identity, rather than the gender they were assigned to be at birth. 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. Gender transition can occur at any age and can happen swiftly or over a long duration of time.⁶
6. “Plan” an arrangement between the student, the student’s parents (if appropriate), and the school regarding the student’s transition and methods of implementing the changes into the student’s school life. Examples include, but are not limited to, how to inform staff, whether parents are or should be informed, and the student’s comfort and use of gender-segregated facilities.

Issue of Parental Notification

Some transgender students do not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children. In these circumstances, school administration should inform the superintendent for direction on how to proceed.⁷

School actions on student transition

If school staff believe that a gender identity issue is presenting itself and creating challenges for a student at school, or if a student indicates an intention to transition, the school should make every effort to work with the student and the child’s parents. Where the student has expressed an intention to transition, the school should meet with

⁴ See 200-RICR-30-10-2.2

⁵ See 200-RICR-30-10-2.2

⁶ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 5

⁷ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 7

the family to prepare for a formal gender transition at school and put in place measures for supporting the child and creating a sensitive, supportive environment at school. To that end, the school should address the following issues in its Plan for the student:⁸

A. Resources

Make resources available to parents and students who have additional questions or concerns.

B. Privacy

Ensure the privacy of students who are transitioning to the extent that the student desires. Transgender and gender nonconforming students may choose to decide when, with whom, and how much of their private information to share with others.⁹

- (i) The School Department shall work closely with the student and family in devising a Plan which will include information related to the confidentiality of the student's transgender or gender nonconforming status that works for both the student and the school.
- (ii) School personnel should not disclose information that may reveal a student's transgender status unless legally required to do so or with the student's or parent's consent.¹⁰

C. Names/pronouns

Address the issue of names/pronouns with respect to the student.¹¹

- (i) Students who have changed their name through legal means shall have such name reflected on their records and will be addressed accordingly.
- (ii) Students who have not legally changed their names shall be asked privately how they would like to be addressed.
 - (a) The Plan will address implementing the use of the student's preferred name. Students shall be addressed by school staff by the preferred name and pronoun. Students are not required to obtain a court ordered name and/or gender

⁸ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 7

⁹ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 7-8

¹⁰ Under FERPA, only those school employees with a legitimate educational need should have access to a student's records or other information contained in 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.

¹¹ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 7

change as a prerequisite to being addressed by the name and pronoun that corresponds with their gender identity.

D. Official school records

To the extent that the school is not legally required to use the student's legal name or gender on school records and other documents, the school shall use the student's preferred name and pronouns. However, each school is legally required to identify the student by the student's legal name and biological sex on the student's permanent pupil record, standardized tests, and reports to the State Education Department. The permanent pupil record will note the student's preferred name where appropriate and able.¹² These records shall reflect the student's preferred name and gender only upon receipt of official documentation, such as a court order or amended birth certificate, reflecting the student's legal name change or change of gender.

- (i) Examples of official records:
 - (a) Transcripts
 - (b) Nurse's records
 - (c) ACT & SAT test scores
 - (d) Medical documents
- (ii) Examples of records that should reflect the student's preferred name if part of the student's Plan:
 - (a) Diploma
 - (b) Yearbook
 - (c) Report card
 - (d) Grading sheets
 - (e) Class and Attendance Rosters
 - (f) Student's email address

In all cases, in order to ensure that records accurately reflect circumstances in effect at the time each record was made, that records can be cross-referenced, and in order to maintain the confidentiality of the student's transgender status to the extent possible, the former name and/or gender will be maintained in archived data in the Lincoln School Department central database.

E. Gender-segregated facilities: restrooms and locker rooms

¹² See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 7

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity.¹³ Any single-user toilet facility shall be made available for use at the student's request.¹⁴

F. Gender-segregated activities

- (i) As a general rule, in any circumstances where students are separated by gender in school activities (i.e. overnight field trips), students should 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.
- (ii) All students have the opportunity to participate in sports and other physical activities in a manner consistent with a student's gender identity. Transgender and gender nonconforming students will be provided a copy of the Rhode Island Interscholastic League's policy on "Gender Identity Participation."¹⁵

G. Bullying and harassment

Address the issue of bullying and harassment and develop a safety plan in the event that a student and/or parents feel one is necessary.¹⁶ In the event that a transgender or gender non-conforming student alleges that he or she has been the victim of bullying/harassment, the bullying/harassment shall be documented and formally addressed by investigation in accordance with the District's Harassment Policy.

LEGAL REFERENCE: R.I. Gen. Laws §§ 16-38-1.1 & 23-27.3-702, and 200-RICR-30-10-1 *et seq.*

¹³ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 8-9

¹⁴ R.I. Gen. Laws § 23-27.3-702

¹⁵ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 9

¹⁶ See Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students at 10