

First Reading: 7/12/16

Second Reading: 8/16/16

Adopted by School Committee: 12/6/16

1205: Transgender Non-Discrimination Policy

Foundations & Basic Commitments/Rights & Protections

Purpose

Consistent with federal, state, and local laws and basic human decency, it is the policy of the East Greenwich School Department and its administration to provide an equal opportunity for all students and employees, regardless of race, color, creed, national or ethnic origin, gender, genetic information, gender identification or expression, religion, disability, age, sexual orientation, marital status, citizenship status, or veteran status.

The purpose of this policy is to ensure that students who are transgender or gender non-conforming are provided and ensured a safe school environment in which to continue to grow and develop, while fostering social integration and minimizing stigmatization. As such, school and district leadership should endeavor to assess and address each individual student's unique circumstance within the framework of this policy.

Definitions

The following definitions 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 sense or psychological knowledge of one's own gender. One's gender identity can be the same or different than the gender assigned at birth.

Gender Expression is the manner in which a person represents or expresses one's gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Transgender describes a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are transsexual and trans.

Transition describes a process in which a person goes from living and identifying as one gender to living and identifying as another.

Gender non-conforming describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who

are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both/neither gender. Other terms that can have similar meanings include gender diverse or gender expansive.

Terminology and language describing individuals who are transgender may differ based on a variety of factors. Persons who identify as transgender or gender nonconforming may use different words and expressions to describe their individual situations and experiences. A few such words include but are not limited to: trans, transsexual, transgender, male-to-female, female-to-male, bi-gender, agender, and gender neutral. A general recommendation is to employ the term (s) that the person uses to describe themselves.

Privacy and Confidentiality

All persons, including students, have the right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student, including 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, shall be considered confidential. School personnel may not disclose information that may reveal an individual's transgender status or gender nonconforming presentation to others, including parents (other than a student's own parents or guardians if the student has yet to attain the age of eighteen), students, volunteers, and other school personnel, unless legally required to do so or unless the student has explicitly authorized such disclosure. Prior to notification of any parent/guardian regarding information outlined above, district personnel should 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. Students who are transgender or gender nonconforming have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share information. When contacting the parent or guardian of a student who is transgender or gender nonconforming, 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 East Greenwich School Department is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, the School Department is not required to use a student's legal name and gender on other school records or documents. The School Department 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 shall 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, transgender students 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.

The administration shall recognize a transgender employee's preferred name and gender to the greatest possible extent when maintaining personnel records. The East Greenwich School Department recognizes that it is constrained by the law in some circumstances relating to Social Security and health insurance.

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 one's official records. It is recommended that district staff privately ask the student at the beginning of the school year how the student 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 and may result in disciplinary action by the East Greenwich Public Schools.

Restroom, 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 fully engage in their school program and activities. In meeting with the transgender student and parent to discuss the issues outlined in this policy, it is essential that the building leadership work collaboratively with the student to address the student's access to the restrooms, locker room, and changing facilities. 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 the student's parents or guardians that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. Students who refuse to use 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, students who refuse to use a locker room or changing facility that correspond to the student's gender identity are to be provided with a safe and adequate alternative.

Some students may feel uncomfortable with a fellow student who is transgender or gender nonconforming using the same gender-segregated restroom, locker room, or changing facility. This discomfort is not a reason to deny access to the student who is transgender or gender non-conforming. A student who refuses to use a restroom, locker room, or changing facility for these reasons also is to be provided with a safe and adequate alternative. School administrators and counseling staff are encouraged to work with students to address the discomfort and to create a school culture that respects and values all individuals.

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 the Rhode Island Interscholastic Athletic Association Rules and Regulation, all students are permitted to participate in activities in a manner consistent with their gender identity.

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

As a general matter, East Greenwich schools should evaluate all gender-based activities, rules, policies, and practices and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such gender-based activities or conform to any gender-based rule, policy, or practice consistent with their gender identity.

References

[Title IX Federal Regulations](#)

[RI Gen. Laws § 16-38-1.1 - Discrimination Because of Sex](#)

[RI Gen. Laws § 42-87-1 et seq. - Civil Rights of People with Disabilities Act](#)

[Complaint Resolution Process](#)

[2010 Board of Regents Policy on Sexual Orientation and Gender Identity](#)

[Rhode Island Department of Education Equal Opportunity Checklist](#)

[National School Boards Association Transgender Guide](#)

[US Department of Education: Emerging Practices Supporting Transgender Students](#)

[Rhode Island Interscholastic League Rules and Regulations](#)

[**Commissioner's Decision: North Kingstown Band Room**](#)