

POLICY
RHODE ISLAND SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

TRANSGENDER NON-DISCRIMINATION POLICY

Purpose: The purpose of this policy is to facilitate compliance with School policy, and local, state and federal laws and guidelines concerning bullying, harassment and discrimination, particularly with concern to gender based stereotyping and harassment.

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, trustees, school staff, students, parents/guardians and volunteers.

General Belief Statement:

Rhode Island School for the Deaf (the “School”) is committed to creating a safe and inclusive learning environment for all students and a safe and inclusive working environment for all staff, free from discrimination, regardless of sex, sexual orientation, gender identity or gender expression and providing every student with equal access to all School educational programs and activities.

Helpful Definitions

These definitions are provided to assist in understanding this policy and the legal obligations of the School. Students may or may not use these terms to describe themselves or their experiences.

Bullying: The use by one or more students of a written, signed, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that causes physical or emotional harm to the student or damage to the student’s property; places the student in reasonable fear of physical or emotional harm or damage to the student's property, creates an intimidating, threatening, hostile, or abusive educational environment for the student; infringes on the rights of the student to participate in school activities; or materially and substantially disrupts the education process or the orderly operations of a school.

Harassment: Verbal, signed, written, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, gender, gender identity or expression, age, disability, sexual orientation or religion when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's learning opportunities.

Gender-Based Harassment: May include acts of signing, verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of School policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

Gender Expression: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

Gender Identity: 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 and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

Gender Nonconforming: A term for people whose gender expression differs from stereotypical expectations. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive.

Sexual Orientation: A person's romantic and/or physical attraction to people of the same or opposite gender or other genders.

Transgender: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

Gender Expansive: A term used to classify youth who do not identify with traditional gender roles but are otherwise not confined to one gender narrative or experience. This term allows us to talk about youth who don't meet our "traditional" understandings of gender. This is an umbrella term used for individuals that broaden their own culture's commonly held definitions of gender, including expectations for its expression, identities, roles, and/or other perceived gender norms. Gender-expansive individuals include those with transgender and non-binary identities, as well as those whose gender in some way is seen to be stretching society's notions of gender.

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.

Sex Assigned at Birth or Assigned Sex: Refers to the gender designation listed on one's original birth certificate.

Sex-Specific Facilities: Refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Family Educational Rights and Privacy Act (FERPA): A federal law that protects the privacy of student education records.

Title IX of the Education Amendments of 1972 (Title IX): A federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. The U.S. Department of Education and the U.S. Department of Justice treat a student's gender identity as the student's sex for purposes of compliance with Title IX and its implementing regulations.

School Guidelines and Implementation Strategies:

1. Bullying, Harassment, and Discrimination

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression will be taken seriously and handled in a manner consistent with RISDeaf Board of Trustee policies, and local, state, and federal law.

Privacy and Confidentiality

2. All people, including students, have a right to privacy, and this includes 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 also may constitute confidential medical information.

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. Failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth, may be a violation of Title IX when a school limits students' educational rights or opportunities. Additionally, nonconsensual disclosure of personally identifiable information, such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA). 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, may constitute confidential medical information protected under Rhode Island Gen. Laws § 5-37.3-1 et seq.

School staff may not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including, but not limited to, parents, students, volunteers, or other School staff, unless legally required to do so, or unless the student has explicitly authorized such disclosure. When contacting the parent or guardian of a student who is transgender or gender non-conforming, School 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.

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. School staff should privately ask transgender or gender expansive students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's guardian.

4. Student Records

To the extent the School 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 School will make every effort to use the name and gender preferred 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 School's student information system shall note a student's preferred name and pronouns. The School 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 School 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 take care to adopt practices that avoid the inadvertent disclosure of such confidential information.

5. Gender-Segregated 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-segregated 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 expansive. Under no circumstance should any student be required to use sex-segregated facilities that are inconsistent with their gender identity. The School shall designate single-occupant school facilities as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because they are transgender or gender nonconforming. The School 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 School will follow the Rhode Island Interscholastic League's (RIIL) rules pertaining to participation consistent with gender identity. Article 1, Section 22 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. The School 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. Other Gender-Based Activities, Rules, Policies and Practices

The School will evaluate all gender-based activities, rules, policies, and practices—including but not limited to classroom activities, school ceremonies, field trips, 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.

9. 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 School's educational programs and activities.

Generally, notifying a student's parent/guardian about their gender identity, expression, or transition, is unnecessary. In some cases, notifying parents/guardians carries risks for the student, such as family rejection or physical abuse. 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. 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, School 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 Communications

1. Transgender and Gender Expansive Student Point Teams

Each school shall form a point team that will serve as a visible resource for 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 Students policy. The point team will receive specialized training in the policy and resources available. The point team should be comprised of individuals from different areas of the school community and may include but not be limited to: teachers, administrators, social workers, counselors, parent advocates, security, health and physical education staff, or other support staff.

2. Training and Professional Development.

The School 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 School shall implement 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.
- School 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 nonconforming students.
- Gender-neutral language and practices.
- Data regarding risks for transgender and gender nonconforming students, and the positive impact of nondiscrimination policies on school climate.

3. Publication and Media Communications

The Transgender and Gender Expansive Student Policy shall be distributed annually, and shall be posted on the School's website. A summary of the policy shall be

included in the Code of Student Conduct. The School shall make consistent efforts to ensure the visibility and accessibility of this policy for students, parents, and staff.

4. Communication with School Community

The Director and Assistant Principal shall periodically review existing policies, handbooks, and other written materials to ensure that they reflect the inclusion of gender identity/expression in the antidiscrimination policy statements as appropriate. The School should inform all members of the school community, including school personnel, students, and families, about federal and state law concerning transgender and gender non-conforming youth along with implications for school policy and practice.

5. Communication with the Media

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

Legal Reference

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).

Board of Trustees First Reading: August 16, 2018
Second Reading: September , 2018
Approved: October , 2018