

# Johnston Public Schools

## STUDENTS RIGHTS AND RESPONSIBILITIES

### Policy Affecting Students Who Identify as Transgender or Gender Non-Conforming

**PURPOSE** The purpose of this policy is to ensure that students who are transgender or gender non-conforming are provided with 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 gender non-conforming; 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 sense or psychological knowledge of their 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 their 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. **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. 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.

**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 gender nonconforming may use a number of words and expressions to describe their lives and experiences. A general recommendation is to avoid assumptions and employ the term that the student uses to describe themselves.

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 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, are both private and confidential, and the disclosure of such information in the absence of legal authority or specific authorization may result in violations of state and/or federal law. School personnel may not disclose information that may reveal a

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student's transgender status or gender nonconforming 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 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 private 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 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, such as a court order or amendment to a state or federally-issued identification document, that such change has been made. Schools are advised 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, 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.

**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 transgender student and 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 correspond 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 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. This student is also 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 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 1, Section 22 of 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.

**DRESS CODE** District administrators and staff may enforce the Dress Code pursuant to District policy. All students have the right to dress in accordance with their gender identity, within the parameters of the Dress Code adopted by the District. The Dress Code may not be enforced more strictly against transgender or gender non-conforming students than against other students.

**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. Students will not be disciplined or excluded from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to the stereotypical notions of masculinity and femininity.

**EDUCATION AND TRAINING** In order to further a safe and supportive school environment for all students, schools should incorporate education and training about transgender and gender non-conforming students into their anti-bullying curriculum, health education curriculum, student leadership trainings, and staff professional development. Student leaders and school personnel shall become familiar with the terminology, best practices, guidance, and resources related to promoting a positive school culture for all students, and shall communicate and model respect for the gender identity of all students. In furtherance of a safe and supportive school environment for all students, professional development should 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;

- School and district policies regarding bullying, discrimination, and gender identity/expression issues, transition, and responsibilities of staff; and
- Access to resources on working with transgender and gender non-conforming students.

**Johnston Public Schools** reserves the right to amend this policy as the School Administration deems appropriate.