

**The Learning Community
Transgender and Gender Identity Policy
Approved 10.4.18**

INTRODUCTION

As a gender inclusive school, The Learning Community recognizes that gender impacts all students, and will endeavor to interrupt binary notions of gender, normalize gender diversity, question limited portrayals of gender, support students self-reflection, and, above all else, teach empathy and respect.

Consistent with federal, state, and local laws, it is the policy of The Learning Community to provide an equal opportunity and safe environment 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.

LEARNING ENVIRONMENT

The Learning Community is committed to ensuring a safe and supportive learning environment for all students. It is committed to ensuring that all educational professionals and other school staff be supportive role models and strong advocates for the safety and well-being of students. All students need a safe and supportive school environment to progress academically and developmentally. The most specific purpose of this policy is to ensure that students who are transgender or gender non-conforming are provided with and ensured a safe school environment in which to continue to grow and develop, while

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fostering social integration and minimizing stigmatization. Therefore, this policy shall endeavor to:

- Foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression;
- Ensure compliance with state and federal law concerning bullying, harassment, and discrimination;
- Reduce the stigmatization of and improve educational integration of transgender and gender nonconforming students, maintain the privacy of all students, and foster cultural competence and professional development for school staff; and
- Support healthy communication between educators and parent(s)/guardian(s) to further the successful educational development and well-being of every student.

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:

- “*Gender Identity*” describes 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. All people have gender identity. Gender identity is an innate, largely inflexible characteristic of each individual’s personality that is generally established at a very early age, although the age at which individuals come to understand and express their gender identity may vary.
- “*Gender Expression*” describes the manner in which a person represents or expresses one’s gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
- “*Gender Non-conforming*” describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who

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are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both/neither gender.

- “*Sexual Orientation*” describes a person’s romantic or sexual attraction to people of the same or opposite gender or multiple genders. Some common sexual orientations are straight, gay, lesbian, bisexual, pansexual, queer, etc. A transgender or gender nonconforming person can have a sexual orientation.
- “*Transgender*” describes a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Transgender is an umbrella term. A transgender male is someone who identifies as male but was assigned the sex of female at birth. A transgender female is someone who identifies as female, but was assigned the sex of male at birth
- “*Transition*” describes a process in which a person goes from living, identifying, and expressing oneself as one gender to living, identifying, and expressing oneself 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. Transgender individuals may undergo transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

EDUCATION AND TRAINING

In order to foster a safe and supportive school environment for all students, The Learning Community shall strive to incorporate education and training about transgender and gender

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non-conforming students into its curriculum, trainings, and professional development whenever possible. This may include, but is not 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 about issues related to gender identity and gender expression that protect student privacy;
- Reinforcements of developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyber bullying;
- Access to resources regarding transgender students and gender identity.

ACCEPTANCE

When an intent to transition is expressed, The Learning Community shall devise an appropriate plan to ensure that The Learning Community provides a supportive and safe environment. Each situation should be individually assessed by The Learning Community and its leadership to ensure the healthy development of the student. Similarly, if a gender identity issue is presenting itself, The Learning Community should make every effort to put in place measures for creating a sensitive, supportive environment at The Learning Community. The intentional or persistent refusal to respect a student's gender identity is a violation of this policy and may result in disciplinary action.

PRIVACY AND CONFIDENTIALITY

All students have the right to keep private one's transgender status or gender non-conforming expression 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, shall be maintained in confidence by The Learning Community. Only Learning Community

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personnel with a legitimate educational or medical need should have access to a student's records or other information contained in those records.

Learning Community personnel shall not disclose information that may reveal an individual's gender identity, transgender status, and/or gender non-conforming presentation to persons other than that particular student or that student's parents or guardians, unless legally required to do so or unless explicitly authorized.

OFFICIAL RECORDS

The Learning Community is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, The Learning Community is not required to use a student's legal name and gender on other school records or documents. The Learning Community will change a student's official record to reflect a change in legal name and/or legal gender only upon receipt of documentation that such change has through legal means. The documentation required for a legal change of name and/or gender is a court order or federally issued document demonstrating the student's new name.

The Learning Community 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.

NAMES AND PRONOUNS

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. For The Learning Community to recognize and use a student's preferred name and/or pronouns for unofficial purposes (e.g., in the classroom, in the hallways, at school-related events, etc.), a court-ordered name or gender change is not required. The Learning Community will use a student's preferred name and/or pronouns at all times.

PARTICIPATION AND ACTIVITIES

Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity. As a general matter, The Learning

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Community should evaluate all gender-based activities, rules, policies, and practices and maintain only those that have a clear and sound pedagogical purpose.

DRESS

The Learning Community may enforce a dress code pursuant to The Learning Community's policy. Students shall have the right to dress in accordance with their gender identity, within the parameters of the dress code adopted by the Learning Community. Learning Community staff shall not enforce a dress code more strictly against transgender or gender non-conforming students than other students. Dress codes shall be general statements that ensure the proper dress for all students

RESTROOMS AND CHANGING FACILITIES

All students are entitled to have access to restrooms and changing facilities that are sanitary, safe, and adequate, so they can fully engage in their school program and activities. It is essential that Learning Community leadership work collaboratively with the student to address the student's access to the restrooms 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, Learning Community leadership should be clear that a student may access the restroom 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 changing facility that corresponds 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 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 or changing facility for these reasons also is to be provided with a safe and adequate alternative. The Learning Community administrators and counseling staff are

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encouraged work to address the discomfort and to foster understanding of diversity, including gender identity, to create a school culture that respects and values all individuals.

PHYSICAL EDUCATION AND ATHLETICS

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

INSTRUCTIVE RESOURCES AND LAWS

As necessary and/or helpful, The Learning Community should look to the following resources and laws for guidance when interpreting and implementing this policy:

- The Rhode Island Department of Education's Guidance for Rhode Island Schools on Transgender and Gender Nonconforming students, as set forth in its June 2016 Guidance;
- The United States Department of Education Guidance on Transgender Students, as set forth in its May 13, 2016 Dear Colleague Letter pertaining to transgender students;
- The Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. § 1232g (1974), as it pertains to transgender, gender nonconforming and transitioning students; and
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., as each pertains to transgender, gender nonconforming and transitioning students.

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