

NEW SHOREHAM SCHOOL DISTRICT
BLOCK ISLAND SCHOOL

Purpose

The purpose of this policy is to ensure that students who are transgender or gender non-conforming are provided 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** – a deeply held sense or psychological knowledge of a person’s own gender. One’s gender identity can be the same or different than the gender assigned at birth.
- **Gender Expression** – the manner in which gender is represented or expressed 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 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.
- **LGBTQQIP2SA**
This is an acronym for Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Pansexual, Two-Spirited, Asexual.
- **QTBIPOC**
This is an acronym for Queer/Trans, Black, Indigenous, and People of Color.
- **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.

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 few examples are: trans, transsexual, transgender, male-to-female, female-to-male, bi-gender, a gender, and/or gender neutral. A general recommendation is to avoid assumptions and employ the term that the students use 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 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, is considered to be

confidential medical information and protected under Rhode Island General Law §5-37.3. School personnel shall not disclose information that may reveal a 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.

When communicating to the media or community about issues related to gender identity, the school or district shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other district and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff, and all medical information shall be kept strictly confidential. Violating confidentiality of this information is a violation of this policy and may be a violation of local, state, or federal privacy laws.

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 currently required to use a student's legal name and gender on other school records or documents. A student's official record shall reflect a change in legal name or legal gender upon receipt of documentation that such change has been made. BIS will 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

Students have the right to self-designate their gender. Students have the right to be addressed by a name and pronoun that corresponds to their gender identity. A court-ordered name or gender change is not required, and students need not change their official records. It is recommended that BIS staff privately ask students at the beginning of the school year how they would like to be addressed in class, in correspondence to the home, or at school functions.

Restrooms

The school will designate gender-inclusive restrooms and inclusive facilities available during school hours, as well as for after school activities.

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 Codes/School Uniform Policies

Any dress code or uniform policy shall be gender-neutral. Schools 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.

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

Organizers of school sponsored events will be educated about students' First Amendment right to attend events with a same-sex date and to wear clothing of their choice. Gender inclusive language will be used on all event communications, including invitations.

Prohibition against Bullying and Harassment Based on Perceived or Actual Incidents of Sexual Orientation or Gender Identity or Expression

Bullying, harassment, and discrimination no matter to whom it is directed will be taken seriously and handled in a manner consistent with board policies and the law.

Bullying and harassment are prohibited in Block Island School. This policy includes, but is not limited to, harassment based on perceived sexual orientation, gender identity, or gender expression.

This policy is designed 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, and to comply with federal, state, and local laws governing bullying, harassment, and discrimination.

Definition of Bullying

Bullying means written, verbal, or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm. This includes conduct that is based on a student's biological sex, actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression (whether actual or perceived), and religion. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.

Definition of Harassment

Harassment is here defined as written, verbal, or physical conduct that adversely affects the ability of one or more students, to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent, or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex,

disability, sexual orientation, gender identity or expression, or religion. Additionally, harassment based on nonconformity to gender norms, gender identity, and gender expression are expressly forbidden under this policy. Examples of such harassment include, but are not limited to, negative comments based on, or actions as a result of, a person's sexual orientation (actual or perceived), gender identity, or gender expression. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and at bus stops. This policy also pertains to usage of electronic technology and electronic communication that occurs 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, school and district staff, students, parents, and volunteers involved in school activities.

Notice

This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

Reporting Bullying and Harassment

All allegations of bullying or harassment shall be reported to the principal, or a designated staff member and each report shall be in writing. Prior to notification of any parent or guardian regarding any incident of bullying, harassment, or cyber-bullying school authorities must consider the issue of notification as they would any other educationally relevant decision, considering the health, well-being, and safety of any students involved in the incident. Whoever is designated to accept complaints will also be responsible for investigating the allegation in a timely manner and determining appropriate disciplinary action. The principal or designated staff member will be held accountable for doing everything possible, within reason, to resolve the situation.

Anonymous Reports

Reports may be filed anonymously. However, disciplinary action cannot be taken solely based on an anonymous report. Anonymous reports will be investigated with the same procedure, timeliness, and vigor as other reports and disciplinary action can occur based on the results of the investigation.

False Reports

Students who file false reports of bullying or harassment will be subject to disciplinary action.

Parental Reports

Reports alleging bullying or harassment may be filed with the principal or the designated staff member by parents and school volunteers.

Responsibility of Students

Any student who observes an act of bullying or harassment should report the bullying or harassment to the principal or the designated staff member. To support student responsibility, student training will be conducted a minimum of once a year, including age-appropriate discussion of the following:

- The importance of diversity (including nonconformity with gender norms) in the student body;
- Behaviors that constitute bullying;
- The negative impact of bullying;
- How students should respond to bullying;
- How teachers should respond to bullying;
- Disciplinary consequences for students who bully their peers; and
- The process for reporting bullying.

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.

Responsibility of Staff

All staff members shall use the pronouns and name requested by the student, shall exhibit respect to LGBTQ youth, will take reasonable measures to prevent bullying and harassment and are obligated to report any such acts that come to their attention. As a part of staff training, given that four of ten LGBTQ youths say the community in which they live is not accepting of LGBTQ people, it is imperative that educators respect students' right to privacy. Educators should never reveal a student's sexual orientation or gender identity without the student's permission—even to the student's family.

Language will also be included in Block Island School privacy policies that explicitly state the confidentiality of information pertaining to students' sexual orientations and gender identities.

Retaliation

Retaliation or threats of retaliation meant to intimidate the victim of bullying or harassment or toward those investigating the incident will not be tolerated. Such acts should be reported to the principal or designated staff member.

Investigation of Bullying and Harassment

Once reported, any allegation of bullying or harassment will be promptly investigated by the principal or a designated staff member. Proper disciplinary action will be taken immediately following the conclusion of the investigation.

Discipline and Remediation

Disciplinary actions for bullying and harassment may include, but are not limited to: warnings; counseling; loss of opportunity to participate in extracurricular activities, including school social events or graduation exercises; loss of school bus transportation; in-school suspension; short term suspension; and or appropriate community service. The specific consequences shall be consistent, reasonable, fair, age appropriate, and match the severity of the incident. An investigation will be undertaken to determine if counseling needs to be provided for the target and/or the student perpetrating the bullying or harassment.

Training and Prevention

Students and staff will be given instruction on how to prevent gender and sexual orientation-based bullying and harassment. All staff, teachers and students shall receive instruction on the process for filing complaints and the process/consequences that will result from the complaint.

GSA

The GSA's goal is to support all students regardless of race, religion, sexual orientation, sexual expression, or gender identification.

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).

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New Shoreham School District, Block Island School
