

The Hope Academy

Protections for Transgender and Gender Nonconforming Students Policy

Purpose:

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 facilitate compliance with local, state and federal laws concerning bullying, harassment and discrimination.

Policy:

It is the policy of The Hope Academy to engender an inclusive and welcoming school community that values and respects individual differences. As such, this policy should be interpreted consistent with the goals of reducing the stigmatization, and improving the educational integration, of transgender and gender nonconforming students, maintaining the privacy of all students, and enriching the cultural competence of school staff. Furthermore, this policy will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.

Definitions:

- **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 gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.
- **Gender marker** - a designation on school and other records that indicates a student's gender.
- **Gender nonconforming** - a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used.
- **Transgender** - an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.
- **Transition** - the process in which a person goes from living and identifying as one gender to living and identifying as another. For most youth, and for all young children, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition."

Procedure:

All children have a right to learn and deserve an academic experience free from discrimination and harassment. As such, The Hope Academy shall enact the following

practices in an effort to support access to an education and to maintain a safe learning environment for all students.

Confidentiality and Privacy

A student's transgender or gender-nonconforming status is his/her private information. The Hope Academy will only disclose this information to others with the student's/caregiver's prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being.

Some transgender and gender nonconforming students may hide or keep secret their gender identity at home because they may not feel safe or fear that they will not be accepted. Staff persons who are unsure whether parents/guardians are aware of a student's transgender status shall refrain from disclosure of a student's transgender status until such a time that clarification can be obtained from the student. For the same reasons, school personnel should discuss with the student how the school shall refer to the student in communications with/to his/her parents/guardians. Staff should not discuss a student's gender identity with parents/guardians if they believe it may jeopardize the student's physical or mental safety.

Informing Staff

When determining which, if any, staff should be informed that a student's gender identity is different from his/her assigned birth sex, decisions should be made in consultation with the student, or in the case of a young student, the student's parent or guardian. Key considerations should include:

- if sharing the information will benefit the student; and
- which staff has a legitimate educational interest to access such information

In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender (e.g. standardized testing), school staff and administrators must adopt practices to avoid the inadvertent disclosure of such confidential information. In the case of school health records maintained by nursing staff, nurses should use the student's preferred name, and should use the student's birth name only when necessary to ensure that the student receives appropriate care, to coordinate care with other health care providers or licensed professionals, or to file health insurance claims.

Use of Preferred Names and Pronouns

Honoring a student's request to be referred to by the name and gender of his or her choice can contribute to creating a supporting climate for the student. As such, all students should be addressed by their preferred name and gender pronoun. When school staff is unsure regarding a student's preferred name or pronoun, staff should discuss the matter with the student privately and tactfully to determine the student's preference. Part of the process may involve developing a plan to initiate that name and pronoun use within the school community.

Student Transitions

When a student transitions during the school year, the school shall hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and address any concerns. School staff shall discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment within the school community. Finally, the school shall train school administrators and any educators that interact directly with the student on the transition plan, timelines for transition and any relevant legal requirements.

Regardless of the timing of a student's transition, school personnel shall utilize the following guidelines to assist with the transition process:

Elementary School

Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believes that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.

Secondary School

Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

Student Records

The school is required to change a student's official record to reflect a change in legal name or gender when there is documentation that such a change has been made pursuant to a court order or through amendment of state or federally issued identification documents. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender requested by the student. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender (e.g. standardized testing), school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information (e.g. to staff who are unaware of the student's transgender or gender-nonconforming status). Such practices may include securing the student's official record documents apart from the other student files (e.g. in the school administrator's office, nursing office, etc.), limiting/eliminating the use of gender markers on school documents/forms, when possible, and/or restricting user access to student records in management information systems.

Access to School Facilities

The Hope Academy shall not treat a transgender student differently from the way it treats other students of the same gender identity. Accordingly, the student may access the restroom, locker room and changing facility that correspond to the student's gender

identity. A student, upon request, shall be provided with a safe and non-stigmatizing alternative to a gender-segregated facility. This may include the addition of a privacy partition or curtain, permission to use a nearby private restroom or office, or implementing a separate changing schedule. Requiring a transgender or gender nonconforming student to use a separate, nonintegrated space shall not be done unless requested by the student and or family. Under no circumstances shall students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff shall work with students to address the discomfort and to foster understanding of gender identity to create a school culture that respects and values all students.

Participation in School Programs

All academic and athletic activities at The Hope Academy are co-ed in nature. As such, the gender identity of students shall not pose a barrier towards participation in school activities.

Dress Code

Students shall have the right to dress in accordance with their gender identity, within the parameters of the dress code adopted by The Hope Academy. School staff is prohibited from enforcing a dress code more strictly against transgender or gender nonconforming students than other students.

Discipline and Exclusion

Discrimination, harassment and exclusion of students on the basis of their gender identity is deemed unacceptable and subject to disciplinary action. The Hope Academy will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation, in school classrooms, on school grounds, or in school-related activities. The Head of School or her/his designee will document and promptly investigate all such reports and complaints, consistent with already established protocols for investigating other prohibited behaviors and infractions which violate school policy (e.g. bullying, dating violence, etc.). **To the greatest extent possible, complaints shall be treated as confidential; however, limited disclosure may be necessary to complete a thorough investigation.**

Training and Education

In order to further a safe and supportive school environment for all students, The Hope Academy shall incorporate education and training about transgender and gender nonconforming students into its anti-bullying curriculum, health education curriculum, student leadership trainings and staff professional development.

The Hope Academy shall implement ongoing 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:

- (i) terms, concepts and current developmental understandings of gender identity, gender expression and gender diversity in children and adolescents;
- (ii) developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- (iii) developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- (iv) access to resources for working with transgender and gender nonconforming students; and
- (v) ongoing review (and revision, as indicated) of policies regarding bullying, discrimination, and gender identity and expression issues and responsibilities of staff.

Relevant References:

- 200-RICR-30-10-1: Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression
- 603 CMR 1.05: Student Recruitment, Enrollment and Retention
- 603 CMR 26.00: Access to Equal Education Opportunity
- 2016 Transgender Students In Schools: Frequently Asked Questions and Answers for Public School Boards and Staff
- Gay, Lesbian & Straight Education Network Model District Policy on Transgender and Gender Nonconforming Students: Model Language, Commentary & Resources
- Guidance for Rhode Island Schools on Transgender and Nonconforming Students
- MGL Chapter 76 Section 5

Person(s) Responsible: Head of School, Head Nurse, Specified Teachers

Effective: 6/30/2018

Adopted: