

The UCAP School
Transgender & Identity Policy
Adopted: October 10, 2023

INTRODUCTION

As a gender inclusive school, The UCAP School (“UCAP”) 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 UCAP, its administration, and its Board of Superintendents 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

UCAP 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 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 from 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 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.

Critically, UCAP recognizes that terminology and language describing individuals who are transgender may differ based on region, ethnicity, age or culture. Persons who identify as transgender or gender non-conforming may use a number of words and expressions to describe their lives and experiences. Examples include but are not limited to: trans, transsexual, transgender, male-to-female, female-to-male, bi-gender, agender, and gender neutral. Similarly, transgender or gender non-conforming students may use general neutral pronouns to identify themselves, including, for example, they/them/their in the singular form; Ze (instead of he/she/they); and Hir (instead of him/his/her/hers/they/theirs) A general recommendation is to avoid assumptions and employ the term that the student uses to describe themselves.

EDUCATION AND TRAINING

In order to foster a safe and supportive school environment for all students, UCAP shall strive to incorporate education and training about transgender and gender non-conforming students into its curriculum, training, 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 a student has expressed an intent to transition, UCAP shall work closely with the student and/or family in devising an appropriate plan (gender support plan) to ensure that UCAP provides a supportive and safe environment. Each situation should be individually assessed by UCAP and its leadership to ensure the healthy development of the student.

UCAP should balance the goals of supporting the student with the desire that parents be kept informed about their children. However, if UCAP leadership determines that notifying the student's family carries risks for the student, it should work closely with the student to assess the degree to which, if any, the family will be involved in the process and must consider the age, health, well-being, and safety of the student when making the determination.

Similarly, if a gender identity issue is presenting itself and creating challenges for a student, or if a student or parent(s)/guardian(s) of a student indicates an intention on behalf of the student to transition, UCAP should make every effort to work with the student and the child's parent(s)/guardian(s) to put in place measures for supporting the child and creating a sensitive, supportive environment at UCAP.

UCAP shall accept a student's assertion of their gender identity when there is: (1) a consistent and uniform assertion of the student's gender identity; or (2) any other evidence that the student's gender identity is sincerely held. However, UCAP shall remain cognizant that there are times when a student may not consistently and uniformly assert their gender identity because of the threat of discrimination or violence.

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 UCAP students have the right to keep private one's transgender status or gender non-conforming expression at school. A student has the ability to discuss and express their gender identity and expression openly and decide when, with whom and how much of their private information to share with others.

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

UCAP 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 the student's own parents or guardians if the student has yet to attain the age of eighteen, including other students, volunteers, and other school personnel, 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 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. However, UCAP employees should first speak with the student before discussing that student's gender non-conformity or transgender status with that student's parent(s) or guardian(s).

OFFICIAL RECORDS

UCAP is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, UCAP is not required to use a student's legal name and gender on other school records or documents. UCAP 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.

UCAP 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.

Requests from former students to change their name and gender on school records shall be handled in the same manner as current students. To the extent that UCAP is not legally required to use a former student's legal name or gender on school records and other documents, UCAP shall use the name and gender preferred by the former student. In addition, transgender students who transition after having completed high school, have the right to request that UCAP amend school records, such as, a diploma or transcript that include the student's birth name and gender. When requested in writing by the student, UCAP shall 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. For UCAP 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, and the student need not change one's official records.

UCAP staff shall privately ask the student at the beginning of the school year how the student would like to be addressed in class, in correspondence to the home, or at conferences with the student's parent or guardian. UCAP staff shall not engage in discussions with a student concerning that student's preferred name and/or pronouns, unless and until that student has informed that staff member of that student's preferred gender identity.

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

DRESS

UCAP may enforce a dress code pursuant to UCAP's policy. Students shall have the right to dress in accordance with their gender identity, within the parameters of the dress code adopted by UCAP. UCAP 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, 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 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 work collaboratively with the student to address the student's access to the restrooms, locker room, 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, the building leadership should be clear with the student and the student's parents or guardians that the student may access the restroom, locker room, 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 locker room or changing facility that correspond 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, locker room, 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, locker room, or changing facility for these reasons also is to be provided with a safe and adequate alternative. UCAP 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 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. According to 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.

INSTRUCTIVE RESOURCES AND LAWS

As necessary and/or helpful, UCAP 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.