Transgender and Gender Identity Policy

Introduction

As a gender-inclusive school, Nuestro Mundo Public Charter School (NMPCS) acknowledges the influence of gender on all students and commits to challenging binary concepts of gender, promoting gender diversity, challenging narrow representations of gender, fostering student self-awareness, and, most importantly, instilling empathy and respect. Consistent with federal, state, and local laws, it is the policy of NMPCS, its administration, and its Board of Directors 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

NMPCS is dedicated to guaranteeing a secure and nurturing learning atmosphere for every student. It pledges to ensure that all educators and staff members serve as supportive role models and fervent advocates for the safety and welfare of students. The primary aim of this policy is to ensure that transgender or gender non-conforming students have access to a secure school environment that supports their growth, fosters social inclusion, and reduces stigma. Hence, this policy shall strive to:

- Promote a learning atmosphere that is safe and free of discrimination for every student, irrespective of their gender, gender identity, gender expression, and/or sexual orientation;
- Ensure compliance with state and federal regulations regarding bullying, harassment, and discrimination;
- Diminish stigmatization and enhance educational inclusion for transgender and gender-nonconforming students, safeguarding the privacy of all students, and cultivating cultural proficiency and professional growth among school staff;
- Facilitate constructive communication between educators and parent(s)/guardian(s) to advance the educational progress and overall well-being of each student.

Definitions

The following definitions are included to provide common terminology and to assist in understanding this policy:

- “Gender” refers to the male sex or the female sex, especially when considered with reference to social and cultural differences rather than biological ones, or one of a range of other identities that do not correspond to established ideas of male and female.
- "Gender Identity" refers to an individual's deeply ingrained sense or psychological understanding of their own gender, which may or may not align with the gender assigned to them at birth. Everyone possesses a gender identity, which is a fundamental and largely fixed aspect of their personality, typically forming early in life, though the timing of its recognition and expression can vary.

- "Gender Expression" pertains to how a person presents or communicates their gender to others, often through actions, attire, hairstyles, interests, voice, or mannerisms. "Gender Non-conforming" describes individuals whose gender expression deviates from societal expectations, encompassing "feminine" boys, "masculine" girls, and those perceived as androgynous. This category also includes individuals who identify beyond conventional gender norms or as both/neither gender.

- "Cisgender" denotes individuals whose gender identity aligns with the sex they were assigned at birth.

- “Sex” refers to either of the two main categories (male and female) into which humans and most other living things are divided on the basis of their reproductive functions.

- "Sexual Orientation" delineates an individual's romantic or sexual attraction toward individuals of the same or opposite gender, or multiple genders. Common sexual orientations encompass straight, gay, lesbian, bisexual, pansexual, queer, among others. It's important to note that transgender or gender-nonconforming individuals can have diverse sexual orientations.

- "Transgender" refers to individuals whose gender identity or expression contrasts with the gender typically associated with their 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" denotes the process through which an individual moves from living, identifying, and expressing themselves as one gender to living, identifying and expressing themselves as a different gender. This process varies widely among individuals and may involve social, legal, and/or physical changes. There is no prescribed set of steps for gender affirmation, as transition timelines and methods are unique to each person. Transgender individuals may undergo transition at any point in their lives, with the process occurring rapidly or gradually over time.

Critically, NMPCS 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, bigender, agender, and gender-neutral. Similarly, transgender or gender non-conforming students may use general neutral pronouns to identify themselves in English, 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/their); and in Spanish including but not limited to elle. A general recommendation is to avoid assumptions and employ
the term that the student uses to describe themselves.

**Gender Transitions**

**Elementary School:** When a student transitions during the school year, the school should ascertain the student’s (and their family’s) desires and concerns relating to transition. NMPCS would discuss a timeline for the transition in order to create the conditions to provide a safe and supportive environment at the school. NMPCS trains school administrators and any educators that interact directly with the student on the transition plan, timeline for transition, and any relevant legal requirements (GLSEN, 2015). School staff members abide by the student’s and parent’s wishes concerning how a student would like to be addressed. This includes complying with school policies, as well as state and federal anti-discrimination, harassment and bullying laws and regulations designed to ensure that all students are treated with dignity and respect regardless of any individual’s strongly held belief to the contrary (National School Board Association, 2016).

**Middle School:** School staff will 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 health, well-being, and safety of the transitioning student. NMPCS will be sensitive to whether notifying the family could cause greater problems at home and/or school, i.e. being kicked out of the home. When a student transitions during the school year, the school will ascertain the student’s desires and concerns relating to transition. NMPCS will create a timeline for the transition in order to create the conditions to provide a safe and supportive environment at the school. NMPCS will train school administrators and any educators that interact directly with the student on the transition plan, timeline for transition, and any relevant legal requirements (GLSEN, 2015). School staff members will abide by the student’s/parent’s wishes concerning how a student would like to be addressed. This would include complying with school policies, as well as state and federal anti-discrimination, harassment and bullying laws and regulations designed to ensure that all students are treated with dignity and respect regardless of any individual’s strongly held belief to the contrary (National School Board Association, 2016).

**Education and Training**
In order to foster a safe and supportive school environment for all students, NMPCS 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 cyberbullying;
- Access to resources regarding transgender students and gender identity.

**Acceptance**
NMPCS shall accept a student or employee’s assertion of their gender identity. The intentional or persistent refusal to respect an individual’s gender identity is a violation of this policy and may result in disciplinary action.

**Privacy and Confidentiality**
All NMPCS students are entitled to maintain the privacy of their transgender status or gender non-conforming expression while at school. Students have the freedom to openly discuss and express their gender identity and expression, choosing when, how, and with whom to share their personal information.

Information concerning a student, including their assigned birth sex, name change for gender identity reasons, gender transition, medical or mental health treatment related to gender identity, or any similar details, will be kept confidential by NMPCS. Only NMPCS staff with a valid educational or medical necessity may access a student's records or related information.

NMPCS personnel are prohibited from sharing information that could disclose an individual's gender identity, transgender status, or gender non-conforming presentation to anyone other than the specific student in question, including their parents (unless the student is under 18), fellow students, volunteers, or other school staff, unless mandated by law or explicitly authorized by the student.

When communicating with the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronouns corresponding to their assigned gender at birth, unless otherwise specified by the student, parent, or guardian. However, NMPCS staff should first consult with the student before discussing their gender non-conformity or transgender status with their parent(s) or guardian(s).

**Official Records**
NMPCS is required to maintain a permanent pupil record that includes a student’s legal name and legal gender. However, NMPCS is not required to use a student’s legal name and gender on other school records or documents. NMPCS 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 been made 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.

NMPCS 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 NMPCS is not legally required to use a former student’s legal name or gender on school records and other documents, NMPCS shall use the name and gender preferred by the former student. In addition, transgender students who transition after having completed school, have the right to request that NMPCS amend school records, such as, a diploma or transcript that include the student’s birth name and gender. When requested by the student, NMPCS shall amend the student’s record, including reissuing a 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 NMPCS 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 their official records.
NMPCS 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. NMPCS 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, NMPCS should evaluate all gender-based activities, rules, policies, and practices and maintain only those that have a clear and sound pedagogical purpose.

**Dress Codes**
Students shall have the right to dress in accordance with their gender identity, within the parameters of the dress code adopted by NMPCS. NMPCS 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 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. 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 that corresponds to the student’s gender identity. Upon request, the student should be provided with a safe and non-stigmatizing alternative to a gender-segregated facility (gender neutral).

Some students may feel uncomfortable with a fellow student who is transgender or gender-nonconforming using the same gender-segregated restroom. 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 for these reasons is to be provided with a safe and adequate alternative. NMPCS 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 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.

**Other Gender-Based Activities, Rules, Policies, and Practices**
NM will evaluate all gender-based policies, rules, and practices and implement only those that have a clear and sound pedagogical purpose. Gender-based policies, rules, and practices that have the effect of
marginalizing, stigmatizing, and excluding students, whether they are gender non-conforming or not, will not be maintained. Where policies, rules, and practices violate federal and state law, NM will consider alternatives to such policies, rules and practices.