

**RHODE ISLAND GOVERNMENT REGISTER**  
**PUBLIC NOTICE OF PROPOSED RULEMAKING**

**AGENCY:** Rhode Island Department of Education

**DIVISION:** N/A

**RULE IDENTIFIER:** 200-RICR-10-00-2

**REGULATION TITLE:** Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression

**RULEMAKING ACTION:** Notice of Proposed Rulemaking

**TYPE OF FILING:** Adoption

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:** Public Comment period to open on January 12, 2018 and Comment Period to end on February 16, 2018

**SUMMARY OF PROPOSED RULE:** The rule requires school districts to adopt a policy by July 1, 2018 to ensure that transgender and gender non-conforming students are free from discrimination.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **February 16, 2018** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

Mailing Address: 255 Westminster Street, Providence, RI 02903

Email Address: [angela.teixeira@ride.ri.gov](mailto:angela.teixeira@ride.ri.gov)

**WHERE COMMENTS MAY BE INSPECTED:**

Mailing Address: Rhode Island Department of Education, ATTN: Angela Teixeira, 255 Westminster Street Providence, RI 02903

**PUBLIC HEARING INFORMATION:**

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**FOR FUTHER INFORMATION CONTACT:**

ATTN: Angela Teixeira, Executive Assistant, Rhode Island Department of Education, 255 Westminster Street, Providence, RI 02903 401-222-8700 and [angela.teixeira@ride.ri.gov](mailto:angela.teixeira@ride.ri.gov)

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

The costs of the regulation are minimal when balanced against the need to ensure that gender non-conforming and transgendered individual rights are protected in schools. For full regulatory analysis or supporting documentation see agency contact person above.

**Authority for This Rulemaking:** *State Statute to R.I. Gen. Laws §16-38-1.1(a)(5)*

In the development of the proposed **adoption** consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Amendment:**

**The Rhode Island Department of Education** proposes to amend 200-RICR-10-00-2 as follows:

## 200-RICR-10-00-2

# TITLE 200 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

## CHAPTER 10 - Civil Rights

### SUBCHAPTER 00 - N/A

#### PART 2 - Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression

### 2.1 Authority

The Commissioner, pursuant to R.I. Gen. Laws §16-38-1.1(a)(5) has the authority to promulgate regulations to enforce the statutory requirements prohibiting discrimination on the basis of sex, gender, sexual orientation, gender identity, or gender expression in schools.

### 2.2 Definitions

- A. “Gender Non-Conforming” means a term used to describe people whose gender expression differs from stereotypic expectations. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include “gender variant”, “gender expansive”, or “gender atypical”.
- B. “Transgender” means an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with their assigned sex at birth.

## **2.3 Protection for Transgender and Gender Nonconforming Students**

- A. Programs and activities operated by Rhode Island public educational agencies shall be free from discrimination based on sex, gender, sexual orientation, gender identity or gender expression. By July 1, 2018, each Local Education Agency (“LEA”) shall adopt a policy addressing the rights of transgender and gender non-conforming students to a safe, supportive, and non-discriminatory school environment.
- B. The LEA policy shall be consistent with state and national best practices, guidance, and model policies and shall address, at a minimum, such issues as confidentiality and privacy, discipline and exclusion, staff training, access to school facilities and participation in school programs, dress codes, official school records and use of preferred names and pronouns.
- C. The LEA shall inform all members of the school community, including all school personnel, students, and families about this policy.