

Students who are Transgender and/or Gender Nonconforming

A. Purpose

The purpose of this procedure is to:

1. Establish, maintain and foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression;
2. Maximize students' social integration to ensure safety and comfort and minimize stigmatization, while providing equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities for which they are eligible;
3. Demonstrate our commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community; and
4. Facilitate compliance with local, state and federal laws concerning privacy and discrimination.

This procedure is intended to be interpreted in light of applicable state and federal laws and regulations, as well as School Committee policies, procedures and school rules.

This procedure is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school building also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis and to utilize these procedures and other available resources as appropriate.

B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which individual students who are transgender may wish to be identified. However, for the sake of brevity, these guidelines refer to "students who are transgender."

1. *Sexual orientation* – one's emotional or physical attraction to the same and/or opposite sex.
2. *Gender identity* – a person's internal sense of being male, female, some combination of male and female, or neither male nor female
3. *Gender expression* – the physical and behavioral manifestations of one's gender identity.
4. *Gender nonconforming* – a person whose gender expression differs from stereotypical expectations (also called "gender variant" and "gender atypical").
5. *Nonbinary* – a person who identifies with or expresses a gender identity that is neither entirely male nor entirely female

6. *Transgender* – an adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
7. *Transition* – the process by which an individual goes from living and identifying as one gender to living and identifying as another.

C. Addressing the Needs of Students who are Transgender

A student will be considered transgender if, at school, he/she consistently asserts a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis.

Students of all ages can often be the driving force behind a gender transition, and students are transitioning at earlier ages. School staff should work with parents and guardians whenever possible to establish healthy communication and ensure the student's needs are met.

Each student will follow a unique process for transitioning. Students ready to socially transition often initiate a process to change their name, pronoun, and attire. In situations when students are leading the process, it will be important for school staff to speak with the student prior to involving parents, guardians, or other family members to determine whether doing so would be safe and support the student's health and well-being.

Some students who are transgender face family rejection, which can result in negative outcomes such as abuse or ejection from the home. Schools are responsible for ensuring a *safe and affirming* environment with equal opportunity for all students. Staff should take guidance from, and work collaboratively with, each student to ensure that the student remains safe both at school and at home.

Schools may be the only safe space where students feels comfortable fully expressing their gender. Therefore it is critical that parent/guardian approval is never a prerequisite for respecting a student's chosen name, gender identity, and chosen pronouns.

D. Creating A Plan for Students who are Transgender/Transitioning

The following procedure will be used to create a Plan to meet the needs of students who are transgender:

1. A student who is transgender and/or his/her parent(s)/guardian(s) should contact the building administrator or the student's counselor. In the case of students who have not yet enrolled in school, they should contact the building principal.
2. The building administrator or designee should schedule a meeting to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, other participants may include the counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a Plan for that student.

3. In consultation with the student and parent(s)/guardian(s)/others as appropriate, the school should develop a Plan to address the student's particular needs. If the student has an IEP and/or a 504 plan, the team should consider the provisions of these plans as they develop a Plan for addressing transgender issues. The Plan should:
 - a. in consultation with the student, determine what information to share with the student's parents or guardians
 - b. identify resources that could assist parents or guardians to better understand how to support their child, if necessary
 - c. describe how staff will communicate with building staff and other students
 - d. outline how we will meet the student's specific needs around facilities (i.e. restrooms, locker rooms, overnight accommodations, etc.)
4. The school may request documentation from outside service providers as necessary to assist staff in developing a Plan appropriate for the student.
5. If the parties cannot reach an agreement about the elements to be included in a Plan, the building administrator and/or a District-level administrator shall be consulted as appropriate.
6. Teachers and other staff who have responsibilities for a student who is transgender will receive support in implementing the student's Plan.
7. The Plan(s) shall be kept in the Counseling office.

E. Guidance on Specific Issues

1. **Privacy:** The student's Plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's Plan and not to inadvertently disclose information that is intended to be private or that is protected from disclosure.

School staff should remember that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians, or the student at age 14.

2. **Official Records:** Under state law, information about a student's 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, regardless of its form, is part of the individual's student record (*see* Massachusetts Student Records Regulations, 603 CMR 23.00), is confidential, and must be kept private and secure, except in limited circumstances. 603 CMR § 23.04.

Schools are required to maintain a permanent record for each student that includes legal name and gender. This information is also required for standardized tests and official school unit reports. On school records or other documents, the school should, to the extent

possible, use the name and gender identified in the student's Plan, not the name or gender assigned at birth.

Under Massachusetts law, an individual may adopt a name that is different from the name that appears on the birth certificate, "provided the change is done for an honest reason, with no fraudulent intent. Nothing more formal than usage is required" (MA DESE's *Creating a Safe and Supportive School Environment- Nondiscrimination on the Basis of Gender Identity*). The Massachusetts DESE has a process in place to update name changes and gender markers in the Student Information Management System.

Any requests to change a student's legal name or gender in official records should be referred to the Assistant Superintendent for Student Services. State law mandates that data about a student's assigned gender, name change related to gender identity, and other similar information is part of the Student Record. When a student is using a chosen name and different gender than assigned at birth, the birth name and assigned gender are considered private information. The school will make every effort to update the student's record to reflect the student's chosen name and gender and not circulate records with the assigned birth name and gender. Records with the student's assigned birth name and gender should be kept in a separate, confidential file in the counseling office.

3. **Names/Pronouns:** School staff should address students who identify as transgender under these guidelines by the name and pronoun that correspond to the gender identity they consistently assert while at school. Some students may feel most comfortable with gender-neutral pronouns like "ze" or "they", or just referred to by their names without pronouns.
4. **Restrooms, Locker Rooms, and Changing Facilities:** A student who has been identified as transgender under these guidelines shall be permitted to use the restroom/ locker room/changing facility assigned to the gender the student consistently asserts at school. A student who is transgender and expresses a need for privacy will be provided with reasonable alternative restroom facility or accommodations such as using a separate stall or a staff facility. However, students shall not be required to use a separate non-communal facility over their objection.
5. **Athletics:** Students who are transgender may participate in accordance with the gender identity they consistently assert at school. Interscholastic athletic activities are addressed through the Massachusetts Interscholastic Athletic Association *Gender Identity Policy Clarification* (11/13/2014).
6. **Other Gender-Based Activities, Rules, Policies, and Practices:** According to the Massachusetts Department of Elementary and Secondary Education, "Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity." (MA DESE's *Creating a Safe and Supportive School Environment- Nondiscrimination on the Basis of Gender Identity*).

Since we are responsible for ensuring a safe and affirming environment for all students, staff will not use gender-based practices such as lining boys and girls up separately to leave the classroom, or using phrases like, “Boys and girls...” Additionally, staff shall not separate students by gender for instructional or curricular purposes.

7. **Dress Code:** Students who are transgender may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
8. **Safety and Support for Students Who Are Transgender:** School staff are expected to comply with any Plan developed for a student who is transgender and to notify the building administrator or other designated support person for the student if there are concerned about the Plan or about the student’s safety or welfare.

School staff should be sensitive to the fact that students who are transgender may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator if he/she becomes aware of a problem.

9. **Professional Learning for Staff:** The Superintendent and/or building principals may offer professional learning and/or distribute educational materials about transgender issues to faculty as they deem appropriate.

Cross Reference:

JB	ABRSC Policy Equal Educational Opportunities
JI	ABRSC Policy Student Rights and Responsibilities
AC	ABRSC Policy Nondiscrimination
ACAB	ABRSC Policy Prohibition of Harassment
MA 603 CMR 26.00	Access to Equal Education Opportunity Regulations
MA, 603 CMR 23.00	Student Records Regulations
Title VI	Civil Rights Act of 1964
MA St. 2011, c.199	An Act Relative to Gender Identity
MA St. 2016, c. 134	An Act Relative to Transgender Anti-Discrimination
42 USC 12211 (b)(1)	Americans With Disabilities Act (ADA)

Massachusetts Interscholastic Athletic Association *Gender Identity Policy Clarification*

Massachusetts Department of Elementary and Secondary Education’s *Creating a Safe and Supportive School Environment- Nondiscrimination on the Basis of Gender Identity*

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