



POLICY ON TRANSGENDER AND GENDER NONCONFORMING STUDENTS

This document was adapted from:

MODEL DISTRICT POLICY ON TRANSGENDER AND GENDER NONCONFORMING STUDENTS, Model Language, Commentary & Resources, Sept. 2016

“An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011), which became effective on July 1, 2012, amended several Massachusetts statutes prohibiting discrimination on the basis of specified categories, to include discrimination on the basis of gender identity. Among the statutes amended is G.L. c. 76, § 5, prohibiting discrimination on the basis of gender identity against students who enroll in or attend the public schools. G.L. c. 76, §5 now reads as follows:.. “No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, *gender identity*, religion, national origin or sexual orientation.” In June 2012, the Massachusetts Board of Elementary and Secondary Education (now known as MA Department of Elementary and Secondary Education, MA DESE hereafter) adopted revised Access to Equal Education Opportunity Regulations, 603 CMR 26.00, and Charter School Regulations, 603 CMR 1.00, to reflect the broadened student anti-discrimination provision in G.L. c. 76, § 5. Subsequently, MA DESE developed guidance around this legislation to “create a culture in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide equal educational opportunities for all students, in compliance with G.L. c. 76, § 5 and the state regulations.” Source: MA DESE *Guidance for Massachusetts Public Schools: Creating a Safe and Supportive School Environment*.

Essex North Shore Agricultural and Technical School District’s (ENSATSD, hereafter) policy is aligned to the aforementioned laws, regulations, mandates, and advisories, as well as the District’s existing policies and mission statement, in a concerted and dedicated effort to:

- (1) 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) Facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy and discrimination and;
- (3) Ensure that all students have the opportunity to express themselves and live authentically.

Definitions:

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and district personnel. Students may or may not use these terms to describe themselves or their experiences.

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-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.” M.G.L. c. 4, § 7(59).

GENDER NONCONFORMING: A term for 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 multiple genders. Other terms that can have similar meanings include gender diverse, gender expansive, gender variant, and gender atypical.

NONBINARY/GENDERQUEER: Terms used by those who identify with neither, both, or a combination of genders.

SEXUAL ORIENTATION: A person’s romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender nonconforming people may have any sexual orientation.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying 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.

Bullying, Harassment, and Discrimination:

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited by law and as such within ENSATSD. It is the responsibility of ALL staff to ensure that ALL students, including transgender and gender nonconforming students, have the opportunity to experience and benefit from a safe and nurturing school environment. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given prompt attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints. *See also: [ENSATSD Bullying Policy](#), [ENSATSD Discrimination and Harassment Policy](#) and [ENSATSD Discrimination and Harassment Investigation Procedures](#) and/or the [Student Handbook](#).*

Privacy/Confidentiality of Transgender and Nonconforming Gender Status:

ENSATSD shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable local, state, and federal privacy and student record laws. School staff shall not disclose any information that may reveal a student's transgender or nonconforming gender status to others, including parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or gender nonconforming student, school staff 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. (See "Student Transitions" below.)

Names, Pronouns, and School Records:

Every student has the right to be addressed by a name and pronoun that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, schools will allow such students to use a chosen name and gender pronoun that reflect their identity. It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school's communication with the student's parents or guardians. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns such as "they" or just referred to by their names (without pronouns). If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Records with the student's birth name and gender will be kept in a separate, confidential file. School staff or administrators may be specifically required by law to report a student's legal name or gender.

Access to Restrooms, Locker Rooms, and Changing Facilities:

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Students, including non-binary students, should determine which facilities are consistent with their gender identity. ENSATSD has also designated a number of student and faculty restrooms as gender neutral facilities and designated one additional locker room as a gender neutral locker room. Should a student still be uncomfortable using a shared gender-specific facility or the gender neutral facilities, regardless of the reason, every effort will be made, upon the student's request, to offer the student a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, *requiring* a transgender or gender nonconforming student to use a separate space threatens to publicly identify and stigmatize the student as transgender and is prohibited by law. Under no circumstances may students be *required* to use gender specific facilities that are inconsistent with their gender identity.

Physical Education Classes and Intramural and Interscholastic Athletics:

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the Massachusetts Interscholastic Athletic Association (MIAA). The MIAA states the following:

“In this regard, the school district shall determine a student’s eligibility to participate in a MIAA gender specific sports team. Accordingly, when a school district submits a roster to the MIAA, it is verifying that it has determined that the students listed on a gender specific sports team are entitled to participate on that team due to their gender identity and that the school district has determined that the expression of the student’s gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics. Students who wish to participate on a MIAA gender specific sports team that is different from the gender identity listed on the student’s current school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students are not permitted to try out simultaneously for MIAA sports.”

Source: [MIAA Gender Identity Policy Clarification 11/13/14](#).

Other Gender-Based Activities, Rules, Policies and Practices:

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code:

Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender neutral appearance within the constraints of the dress codes, uniform and/or personal protective equipment expectations adopted by ENSATSD. School staff shall not enforce a school’s dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions:

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student’s equal access to the District’s educational programs and activities.

Training and Professional Development:

ENSATSD shall conduct training for staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees. 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) classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a gender-inclusive environment for all students; (v) school and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publications: (**upon ENSATSD School Committee Approval*).

This policy is available to students, parents/guardians, and staff on our website at www.EssexNorthShore.org (in the District, Staff and Families sections) and in the Student Handbook. This policy is also available in print upon request to the Principal. To request the policy in a language other than English, written requests can also be forwarded to the Principal or by email translations@essextech.net

School Based Contact and Support Information:

Students and families, faculty, staff, and administration are encouraged to contact a student's guidance counselor and/or the Director of Guidance to seek information or support with addressing any requests, issues, or concerns related to this policy. Specific Guidance Counselor contact information can be found at EssexNorthShore.org/student-services/guidance/

For additional information:

[Student Handbook](#)

[ENSATSD Harassment and Discrimination Policy](#)

[ENSATSD Harassment and Discrimination Reporting and Investigation Procedures](#)

[ENSATSD Bullying Policy](#)

References:

[-MODEL DISTRICT POLICY ON TRANSGENDER AND GENDER NONCONFORMING STUDENTS Revised February 2016 GLSEN & National Center for Transgender Equality](https://www.glsen.org/article/transgender-model-district-policy)

<https://www.glsen.org/article/transgender-model-district-policy>

[-MA DESE Safe Schools Program for LGBTQ Students; Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity](http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html)

<http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html>

[-MIAA Gender Identity Policy Clarification](http://www.miaa.net/gen/miaa_generated_bin/documents/basic_module/GenderIdentityIcon.pdf)

http://www.miaa.net/gen/miaa_generated_bin/documents/basic_module/GenderIdentityIcon.pdf

APPROVED & ADOPTED: ENSATSD SCHOOL COMMITTEE _____