

## TRANSGENDER AND GENDER NONCONFORMING STUDENTS

The Weston Public Schools prohibits discrimination (*see Policy AC Harassment Non-Discrimination Policy*) on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation; and ensures that all students have equal right of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study. This includes students' rights to a safe, respectful, and supportive learning environment.

Consistent with this policy and applicable laws and guidance, school staff will create and reinforce a culture where transgender and gender nonconforming students feel safe, supported, and fully included. Additional procedural guidelines to address, at minimum, the following areas will be created by the Superintendent of Schools or designee: transitions, privacy, confidentiality and student records, names, pronouns, gender markers on student records, restrooms, locker rooms and changing facilities, physical education classes, intramural and interscholastic athletic activities, dress codes, professional development, and other gender-based activities, rules, policies and practices, and trainings.

### DEFINITIONS

The following terms are defined to assist in understanding this policy, and not for the purpose of labeling students. Students may prefer other terms to describe their gender.

Gender identity: a person's innate and deeply held sense or psychological knowledge of having a particular gender, which can include being male, female, non-binary, another gender or no gender. Gender identity can be the same or different than the gender assigned at birth.

Gender expression: the manner in which a person represents or expresses gender identity to others, often through behavior, clothing, hairstyles, activities, voice, or other appearances and mannerisms.

Gender nonconforming: a term used to describe people whose gender expression differs from social expectations. Terms "gender queer," "agender," or "bigender" are also used.

Non-binary: a term used to define people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or no gender.

Transgender: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth, including nonconforming.

Transitioning: the process in which a person goes from living and identifying as one gender to living and identifying as another. Transitioning is different for everyone and may or may not involve legal or physical changes.

### STUDENT TRANSITIONS

A student chooses when to transition. When a student transitions and shares that information with the school, the school shall offer to meet with the student and the parents/guardians/caregivers of the student if the student wishes for them to be involved in the process, or in the case of a younger student, with the student and the student's parents/guardians/caregivers, to develop a plan that will help create a safe, respectful, and supportive learning environment at the school for the student.

Schools shall carefully consider every aspect of transition planning outlined in the procedural guidelines, and any planning considerations raised by the student and/or their guardian(s); and shall submit a personalized plan for the transition in writing to the school principal.

## **PRIVACY AND CONFIDENTIALITY**

Protecting the privacy of transgender and gender nonconforming students shall be a top priority for school staff. Information about a student's status, legal name, or gender assigned at birth may constitute confidential medical information. Disclosing this information to other students, the student's parents/guardians, or other third parties may violate privacy laws. The fact that a student may have chosen to disclose their gender identity or transition status to school staff or other students does not otherwise authorize staff to disclose confidential information about the student.

## **NAMES AND PRONOUNS**

Every student has the right to choose and be addressed by a name and pronouns that correspond to the student's gender identity, regardless of sex assigned at birth or the name that appears on their birth certificate.

School staff shall accurately record and use the student's chosen name and pronouns that are consistent with the student's gender identity. However, unless the student has requested otherwise, when communicating with the parent/guardian of a student, all staff shall use the student's legal name and the pronoun corresponding to the student's gender assigned at birth.

School staff shall work with the student and the parents/guardians/caregivers of the student if the student wishes for them to be involved in the process, or in the case of a younger student, with the student and the student's parents/guardians/caregiver, to develop a plan for appropriately communicating any name and/or pronoun change within the school.

## **OFFICIAL RECORDS**

Court orders are not required to update student records to reflect changes in a student's name and gender markers. Any changes of a student's name and/or gender marker within the student records shall be made upon request of the student and/or parent/guardian, depending on the student's age/grade, as set out in the student records regulations 603 CMR 23.01; 603 CMR 23.08. For students under 14 years old, only the parent/guardian may request the change. For students who are 14-17 years old, or who have entered ninth grade, the student may alone or with the aid of parents/guardians, make decisions about any student records.

## **FACILITIES**

A student may access restrooms, locker rooms, changing facilities, and other gender segregated facilities that correspond to the student's gender identity. All schools shall have designated restrooms designed for use by one person at a time, which are accessible to students regardless of gender. The District shall also incorporate such facilities into construction or renovation plans. Any student, regardless of the reason, shall be provided with access to a single use restroom. No student will be required to use gender-neutral facilities because of their gender identity or expression.

## **PHYSICAL EDUCATION CLASSES, INTRAMURAL AND INTERSCHOLASTIC ATHLETICS**

In those instances where there are gender-segregated classes or activities, as opposed to co-educational classes and activities, each student will be allowed to participate in a manner consistent with their gender identity.

Furthermore, unless precluded by state-level or interscholastic policies, all students shall be permitted to participate in intramural and interscholastic athletics in a manner consistent with their gender identity.

### **DRESS CODE**

A student must be permitted to dress in a manner consistent with their gender identity and gender expression, including nonconforming genders, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender, nonbinary, and gender nonconforming students than other students, or hold transgender students to standards that are specific to genders with which they do not identify.

### **OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES**

School staff should review and evaluate all gender-based activities, rules, policies, and practices currently in use; and strive to replace each with non-gendered alternatives. If there is a clear and sound pedagogical purpose to retain a gender-based activity, rule, or practice, then each student must be allowed to participate in a manner consistent with their gender identity. Nonbinary and gender nonconforming students may participate in designated male or female activities, unless precluded by state-level or interscholastic policies.

### **PROFESSIONAL DEVELOPMENT**

The District shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including training for new school employees. This policy shall be covered during annual, mandated training.

### **PUBLICATION**

This policy shall be distributed annually to students, parents/guardians, and staff. This policy shall be included or referenced in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

**Adopted:** 3/22/2021

*References are on the following page.*

**Massachusetts General Law References:**

Massachusetts General Law 4:7 - Definition of Statutory Terms

Massachusetts General Law 76:5 - School Attendance: Discrimination

**Weston Public Schools Policy References:**

Policy AC Harassment Non-Discrimination Policy

Policy ACA Non-Discrimination on the Basis of Gender

**Other References:**

603 CMR 23.01 - Student Records, Application of Rights

603 CMR 23.08 - Student Records, Amending The Student Record

603 CMR 26.00 - Access to Equal Education Regulations

[GLSEN Model Local Education Agency Policy on Transgender and Nonbinary Students](#)

[DESE Guidance for Massachusetts Public Schools Creating A Safe and Supportive School Environment](#)