

The Westford Public Schools strives to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. The Westford Public Schools prohibits discrimination (policy P5303) on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation and ensures that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study.

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for students whose rights are protected under the law. The following terms are defined to assist in understanding the guidance presented. Although these are the most commonly used terms, students may prefer other terms to describe their gender identity, appearance, or behavior.

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 deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth.

Gender nonconforming: a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used.

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.

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.

STUDENT TRANSITIONS

A student chooses when to transition. In order to maintain privacy regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following age-appropriate rules.

ELEMENTARY SCHOOL: Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue is appropriate at the elementary level, after discussion with the student to ensure the prospect of such a conversation with the parent does not provoke fear in the child. Together, the family and school can then identify appropriate steps to support the student.

SECONDARY SCHOOL: Generally, notification of a student's parent about his or her gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the guardian will be involved in the process and must consider the physical and mental health, well-being, and safety of the transitioning student.

When a student is transitioning or notifies the school of a plan to transition, the school shall offer to meet with the student (and parents if they are involved in the process) to ascertain desires and concerns, and to discuss a plan that will create the conditions supporting a safe and accepting environment at the school for the student. This plan may include items such as: the student's chosen name and pronoun; a plan to initiate the use of the student's chosen name and pronoun within school; communication between the school and the parent/guardian; name and gender markers in the student record; and the student's right to use restrooms, locker rooms or changing facilities, in accordance with the policy outlined below.

PRIVACY

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Protecting the privacy of transgender and gender nonconforming students must be a top priority for staff. Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical information. Disclosing this information to other students, the student's parents, or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act.

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 disclose his or her transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. Also, to prevent a breach of confidentiality, *unless the student, parent, or guardian has specified otherwise*, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth when communicating with the parent or guardian of a transgender student.

OFFICIAL RECORDS

Changes of a student's name and/or gender marker within the student records should 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 parent and the student may either alone or together make decisions about the student record. Any student 18 years or older who is not under guardianship may make the request. Massachusetts recognizes common law name changes, which means that anyone can use their chosen name for an honest purpose. Therefore, when requested to do so, the school will record the student's chosen name and gender marker on all records, whether or not the student, parent or guardian provides the school with a court order formalizing a name change. If a change is made to the

student's name and/or gender marker in the student record, the school should seal all prior records that contain the student's birth name and/or gender in a separate, confidential file.

NAMES AND PRONOUNS

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records to be afforded the respect of having school staff use the pronoun requested. It is strongly recommended that a trained staff member privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in class, in the school's correspondence to the home, and at conferences with the student's parent/guardian. In accordance with the student's desires, the staff member should disseminate the student's chosen name and pronoun to other staff who may be in regular contact with the student and/or the student's home, to ensure the student is appropriately addressed and referred to. As noted above, this conversation about the student's chosen name and pronoun should be part of the initial planning meeting with the student.

FACILITIES

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools shall allow students to access the restroom, locker room or changing facilities consistent with their gender identity.

In any gender segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with 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, nonintegrated space threatens to publicly identify and marginalize the student as transgender and should not be done. Under no circumstances may students be required to use sex segregated facilities that are inconsistent with their gender identity.

Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender, and to incorporate such single user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities because they are transgender or gender nonconforming.

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, unless precluded by state interscholastic association policies, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including but not limited to classroom activities, extra-curricular activities, school ceremonies, school photos, and documentation requests, such as field trip permission forms, and maintain only those that have a clear and sound pedagogical purpose and do not violate anti-discrimination law. 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

Schools may enforce dress codes pursuant to district policy. Students shall have the right to dress in accordance with their gender identity, 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 and gender nonconforming students than other students.

PROFESSIONAL DEVELOPMENT

The administration shall conduct training for all 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 administration shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination that may result from gender identity issues.

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 and safety;

References

Massachusetts General Law Chapter 4 Section 7 – Definitions of Statutory Terms

Massachusetts General Law Chapter 76, § 5 – School Attendance: Discrimination

603 CMR 26.00 – Access to Equal Education Regulations

Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools: Creating a Safe and Supporting School Environment – Nondiscrimination on the Basis of Gender Identity*

P5303 – [Anti-discrimination policy]