

MAINE SCHOOL OF SCIENCE AND MATHEMATICS
(MSSM)

TRANSGENDER AND GENDER NONCONFORMING STUDENTS

I. Purpose and Scope

The Maine School of Science and Mathematics will strive to:

1. foster a learning environment that is safe, affirming, and free from discrimination, harassment and bullying for all students; and
2. assist in the educational and social integration and development of transgender and gender nonconforming students in our schools.

This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures, and school rules. This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students differ. Administrators and school staff are expected to utilize this policy within the context of the individual needs of the student.

II. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which particular transgender and gender nonconforming students may wish to be identified.

1. **Biological Sex** - Biological sex relates to the anatomical, hormonal, and other structural and functional differences between people's bodies that are generally related to the expression of genes located on the X and Y sex chromosomes.
2. **Gender Assigned at Birth** - Male, female, intersex or other such designation given to a person, typically by a doctor, nurse, midwife or other medical professional when a person is born. This designation may be based on anatomical or other characteristics of the person's biological sex.
3. **Gender Expression** - The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
4. **Gender Identity** - A person's deeply held knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity encompasses how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different than the gender assigned at birth.

5. **Gender Nonconforming** - A term sometimes used to describe people whose gender expression differs from social expectations, such as “feminine boys,” “masculine girls,” and people who are perceived as androgynous in some way. Being gender nonconforming is distinct from being transgender, though some trans people may consider themselves to be gender nonconforming.
6. **Legal Gender** - An individual's gender as recorded on such legal documents as a birth record, driver's license, or other state or federally issued identification. This is distinct from an individual's gender identity. In Maine law, the term gender marker is used to indicate the user's gender in certain legal documents. In Maine, gender markers include M (Male), F (Female), and X (non-binary).
7. **Preferred Name** - A name that may differ from a student's legal name, which is to be used by the staff and students at the school when communicating with or about that student. Note that in some cases, the student may request that staff and students use the student's legal name or other name when communicating with people outside of the school, including when communicating with parents, guardians, or other family members. A preferred name is sometimes referred to as a chosen name.
8. **Sexual Orientation** - A person's romantic and/or physical attraction to people of the same and/or another gender, such as being straight, gay, bisexual, or asexual.
9. **Transgender** - An adjective describing a person whose gender identity and/or expression is different from cultural expectations based on the sex/gender they were assigned at birth. Being transgender does not imply any specific sexual orientation.

III. Addressing the Needs of Transgender and Gender Nonconforming Students

1. The Maine School of Science and Mathematics (MSSM) is committed to addressing the needs of transgender and gender nonconforming students. As with all students, if a transgender or gender nonconforming student needs additional support, the student and/or the parent or guardian may contact school personnel in order to make an individual plan for the student. An individual support plan aims to engage the student, and possibly the parent or guardian, in creating a supportive plan that reflects and responds to the individual needs of the student in the school community. The administration will develop procedures for staff to follow to provide support for transgender students. School staff shall comply with any plan developed for a transgender student.
2. MSSM shall accept a student's assertion of their gender identity when there is consistent assertion of gender identity or any other evidence that the student's gender identity is sincerely held as a part of their core identity. MSSM will not require medical or mental health records as proof of a student's gender identity.
3. If MSSM has a credible and objective reason to believe that a transgender or gender nonconforming student's gender identity is being asserted for an improper purpose, the institution may seek additional clarification about the student's needs and objectives.

4. In the event that the student and their parent/legal guardian do not agree as to the student's gender identity, or gender expression, MSSM shall, whenever possible, abide by the wishes of the student with regard to their gender identity and expression while at school. The school shall develop a plan along with the student to best support the student and their ability to be themselves in the school environment, while at the same time minimizing any additional stress, conflict, or danger posed by such disagreement.

IV. Policy on Specific Issues

1. **Privacy and Confidentiality:** MSSM shall ensure that student records shall be kept confidential in accordance with applicable state, local and federal privacy laws. School staff shall comply with the student's wishes regarding disclosure to others of their transgender status, legal name, legal gender, preferred name, gender identity, pronouns, and gender assigned at birth unless students have explicitly authorized the disclosure. Examples of exceptions to this rule include, but are not limited to, FERPA required disclosures, use of a student's legal name for billing or on transcripts, or in medical situations where the individual's biological sex is relevant. Note that in the case of transgender status, preferred name, gender identity, and pronouns, this includes complying with the student's wishes regarding disclosure to parents and guardians.
2. **School Records:** MSSM shall maintain a permanent record for each student which includes their legal name and legal gender. In addition, at the request of a student, MSSM shall also maintain a record of the student's preferred name, pronouns, and gender identity. The legal name included in the student's record may be changed only upon proof that it has been changed pursuant to a court order.
3. **Preferred Names:** Any student at MSSM may request a preferred name to be used in place of their legal name within the school community provided that it is a name they use consistently in both academic and residential settings. In accordance with the wishes of the student, this name will be used everywhere possible: in printed documentation, verbal communication among both staff and students, and in electronic information systems. This includes, but is not limited to school identification, classroom rosters, and yearbooks. At the request of the student their legal name will be kept private to the extent allowed by FERPA and other laws and regulations.
4. **Pronouns:** Any student at MSSM may notify the school of their choice of pronouns to be used at the school, provided those pronouns are used consistently within the school setting. In accordance with the wishes of the student, these pronouns will be used everywhere possible: in printed documentation, verbal communication among both staff and students, and electronic information systems.
5. **Housing and Roommates:** Students and their parents may express preferences as to the location of housing and the selection of roommates based either on the student's biological sex or on their gender identity. MSSM will make all reasonable attempts to accommodate those preferences within the constraints imposed by state and federal laws.

6. **Restrooms, Locker Rooms and Other Gender-Segregated Facilities:** Students shall be permitted to use restrooms, locker rooms, and changing facilities corresponding to their gender identity. The school will provide reasonable alternative facilities such as a separate stall or a staff facility in accordance with a student preference for greater privacy. A student shall not be required to use a separate, non-communal facility over their objection.
7. **Gender-Segregated Facilities or Activities:** As a general matter, MSSM should try to avoid gender-based activities, policies, and practices except where they serve an important educational purpose. In other facilities, activities, policies, or practices when students may be separated by gender, students shall be able to participate in accordance with the gender identity asserted at school. Interscholastic athletic activities should be addressed through the Maine Principals Association Transgender Participation Policy, and school staff will support students navigating the eligibility process to try to ensure a respectful and supportive process for the students.
8. **Dress Code:** Any dress code instituted at MSSM shall, as much as possible, be gender neutral and apply equally to all students. Students must dress consistently with any applicable requirements in the dress code or school rules.
9. **Discrimination:** School staff should be sensitive to the fact that transgender students are at higher risk for discrimination, harassment, and bullying and should immediately notify the Title IX Coordinator or other administrator (according to the policies listed below) if they become aware of a problem. Discrimination, harassment, and bullying of students based on sex, sexual orientation, gender identity, and gender expression are prohibited by Title IX, the Maine Human Rights Act, and by MSSM Policies including policies AC, ACAA, ACAA-R, and JICK.

V. **Training and Dissemination of Informational Materials**

1. The Title IX Coordinator shall ensure that staff receive training on this policy and on issues facing transgender and gender nonconforming students on an annual basis.
2. Teachers and other staff who have responsibilities for a transgender or gender nonconforming student will receive support in implementing this policy and, if applicable, in implementing a plan for an individual student.

Cross Reference:

- Maine Human Rights Act, 20-A M.R.S. § 4601
- AC - Nondiscrimination/Equal Opportunity and Affirmative Action
- ACAA - Harassment and Sexual Harassment of Students
- ACAA-R - Student Discrimination and Harassment Complaint Procedure
- JICK - Bullying and Cyberbullying
- JRA - Student Educational Records
- JRA-E - Notification of Rights under FERPA
- JRA-R - Student Educational Records Administrative Procedure

1st Reading: May 28, 2021

2nd Reading: September 25, 2021

Adopted: September 25, 2021