

ABAAA - Transgender and Gender Expansive Students

A. Purpose and Scope

The Falmouth Public Schools strives to 1) foster a learning environment that is safe, affirming, and free from discrimination, harassment and bullying for all students; 2) support the educational and social experience of transgender and gender expansive students in our schools; and 3) encourage parental/guardian support and involvement.

This policy is intended to be interpreted in light of applicable federal and state laws/regulations, as well as other applicable Board policies, procedures and school rules. It 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 differ. Administrators and school staff shall consider the physical and emotional safety of students and the concerns of their families on a case-by-case basis and utilize this policy and other available resources as appropriate.

B. Definitions

The following definitions are meant to be educational in nature, are not intended to provide rigid labels for students but to assist in discussing and addressing the needs of students. However, for the sake of brevity, this policy refers to "transgender students" and "gender expansive 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 responsive to the language that the individual transgender or gender expansive student uses for themselves.

Cisgender: A term for a person whose gender identity aligns with their sex assigned at birth.

[Skip To Main Content](#)

Gender Expansive (or Gender Non-Conforming): An umbrella term used to describe people who expand notions of gender expression and identity beyond the gender binary. Gender expansive includes people who may be gender-fluid, embracing an adaptable nature to the concept of gender identity and expression.

Gender Expression: The way in which a person expresses a gender identity, typically through their appearance, dress, and behavior.

Gender-fluid: A term used to describe a person who does not identify with a single fixed gender or has a fluid or unfixed gender identity.

Gender Identity: One's innermost concept of self as male, female, a blend of both or neither; in other words how individuals identify themselves in regard to gender. One's gender identity can be the same or different from their sex assigned at birth.

Non-binary: An adjective describing a person that does not identify within the gender-binary of being exclusively male or female.

Sexual Orientation: An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual's sexual orientation is independent of their gender identity.

Transgender: An umbrella term used to describe a person whose gender identity or expression is different from their sex assigned at birth.

Transition: The process by which a person goes from living and identifying as one gender to living and identifying as another gender.

C. Addressing the Needs of Transgender and Gender expansive Students

For the purposes of this policy, a student who asserts a gender identity at school that differs from their sex assigned at birth shall be considered transgender or gender expansive. Throughout their school career, it shall remain the student's prerogative to initiate changes to their name and/or gender identity, which does not require a medical diagnosis.

[Skip To Main Content](#)

A formal meeting with appropriate staff members will be held at the request of any student or parent/guardian. If a student or parent/guardian requests a support plan, one will be implemented.

D. Guidance on Specific Issues

Confidentiality: All students have the right to keep confidential one's transgender or gender expansive identity at school and school-sponsored activities. This includes the right to keep private one's transgender identity or gender expansive presentation at school. In some cases, a student may want school staff and students to know that they are transgender or gender expansive, and in other cases the student may not want this information to be widely known.

Accordingly:

1. School staff should take care to follow the student's own identification, and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information, the student's transgender identity, their previous legal name, or sex assigned at birth).
2. School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to parents/guardians and to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration, student and/or parents/guardians.
3. No portion of this policy precludes a student from confidentially speaking with a school counselor or social worker about gender expansive issues. Such conversations are confidential to the extent outlined in applicable law.

Official School Records: Schools are required to maintain a large number of records for students. If a student makes a legal change in their name and/or gender, appropriate documentation must be provided to the building administrator for records to be changed. Building administrators will follow the [Skip To Main Content](#) district Name Change Procedure for Students.

A student who has not legally changed their name and/or gender may still request that the school unit utilize their updated name and/or gender on school records, and this request shall be honored to the extent that the school unit is not legally required to use a student's legal name or gender on particular records.

Students may request a change to their name and/or gender in school records without parental/guardian approval. Students shall be informed that parents/guardians and school staff have a right to access all education records of their child and therefore the school cannot keep the change in name and/or gender a secret.

In the event of a student transfer to a new school unit or out-of-district program, the building administrator shall identify a person who shall inform the new entity that the student's records indicate a name update and the student's prior and current names.

Names/Pronouns: School staff, substitutes, volunteers and students shall be expected to refer to the student by the student's chosen name and pronouns.

Falmouth Campus Restrooms: All students shall be permitted to use restrooms that closely match their gender identity including gender expansive students, who may use the restroom of their choice. Single occupancy bathrooms are available at each school without request. However, a student shall not be required to use a single occupancy bathroom over their objection.

Falmouth Campus Locker Rooms: All students shall be permitted to use the locker room that most closely matches their gender identity, including gender expansive students, who may use the locker room of their choice. Single occupancy changing places will be made available for any student, for any reason without request.

Overnight Travel: When choosing to participate in school-sponsored, overnight travel, students shall be permitted to access accommodations that align with their gender identity, including gender expansive students, who may stay in the accommodation of their choice.

[Skip To Main Content](#)

Gender-Specific Facilities or Activities and Interscholastic Athletics: In any facilities or activities, including interscholastic athletics, when students may be separated by gender, a student may participate in accordance with their gender identity. This includes gender expansive students, who may participate on the team of their choice pursuant to the rules of the Falmouth Athletic Department.

E. Staff Training

The Superintendent is responsible for communicating the requirements of this policy to all employees annually and providing training and education materials.

1. School staff shall be expected to promptly notify the building administrator or other designated support person for the student if there are concerns about the student's safety or welfare.
2. School staff shall be sensitive to the fact that transgender and gender expansive students can be at a higher risk for being bullied or harassed and shall immediately notify the appropriate administrator in the event of any such occurrence.

Cross References:

[AC: Nondiscrimination/Equal Opportunity and Affirmative Action \(/fs/pages/1154\)](#)

[ACAA: Harassment and Sexual Harassment of Students \(/fs/pages/1155\)](#)

[ACAA-R: Student Discrimination and Harassment Complaint Procedure \(/fs/pages/1156\)](#)

[JICK: Bullying and Cyberbullying in Schools \(/fs/pages/1611\)](#)

[IICA: Field Trips and Off-Campus Learning Opportunities \(/fs/pages/1741\)](#)

Legal References:

[Skip To Main Content](#)

20 U.S.C. § 1681.

5 M.R.S.A. § 4551, et seq.

Doe v. Reg'l Sch. Unit 26, 2014 ME 11, 86 A.3d 600.

Maine Human Rights Commission Rules and Regulations; 94-348 and 05-071
C.M.R. ch. 4 (2021) (<https://www.maine.gov/mhrc/laws-guidance>
(<https://www.maine.gov/mhrc/laws-guidance>)).

1/22/2016 Commission Counsel Guidance on Sexual Orientation Discrimination
in School Settings (<https://www.maine.gov/mhrc/laws-guidance>
(<https://www.maine.gov/mhrc/laws-guidance>)).

Adopted: January 23, 2024