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Frequently Asked Questions • Nonbinary Gender Marker*

Any public school student in Massachusetts may use one of three gender markers: *Female* (F), *Male* (M) or *Nonbinary* (N). *Nonbinary* refers to a student who does not identify as male or female. The Massachusetts Department of Elementary and Secondary Education (Department) has a procedure in place to update name changes and gender markers in the Student Information Management System (SIMS). This document guides schools through changing names and gender markers on school records.

Who should use the *Nonbinary* (N) gender marker?

Nonbinary students also may refer to themselves as *gender nonconforming*, *genderqueer* or *genderfluid*. Any student who does not identify as male or female, or who identifies as both, may choose to use the *Nonbinary* (N) gender marker.

How does nonbinary relate to transgender?

Transgender is often used as an umbrella term for people whose gender identity does not match their sex assigned at birth. This can encompass nonbinary students. However, not all nonbinary students identify as transgender.

How does a school/district registrar or administrator change a student's gender marker?

The SIMS User Guide posted on the SIMS website has instructions on how to update a student's information in the database.

Is a court order or legal documentation required to verify a student's gender identity?

Massachusetts' law recognizes common law name changes. An individual may adopt a name that is different from the name that appears on their birth certificate provided the change of name is done for an honest reason, with no fraudulent intent. Nothing more formal than usage is required.

Is parental/guardian permission required to change a student's name or gender marker?

The responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from their student record. If a student is under 14 and is not yet in the ninth grade, the student's parent (alone) has the authority to decide on disclosures and other student record matters. It should be taken into consideration that record changes may result in a student's gender marker being printed on school records and other documents e.g. report cards and general correspondence.

Does a *Nonbinary* gender marker indicate the pronouns used by a student?

Not necessarily. People should not assume that a *Nonbinary* gender marker indicates certain pronouns. As with most other issues involved in creating a safe and supportive environment for transgender students, the best

*For more information see the Massachusetts Department of Elementary and Secondary Education's *Guidance on Gender Identity*: <http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html> Contact: [Safe Schools Program for LGBTQ Students](#)

course is to engage the student, and in the case of a younger student, the parent, with regard to name and pronoun use.

What restroom or locker room should nonbinary students use?

Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear with the student (and parent) that the student may access the restroom, locker room, and changing facility that are most appropriate for that individual. The Department strongly recommends that districts include an appropriate number of gender-neutral restrooms commensurate with the size of the school, and at least one gender-neutral changing facility, into the design of new schools and school renovations.