



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

School Committee
Leominster Public Schools
24 Church Street,
Leominster, MA 01453

April 17, 2024

Via Email

Re: LPS's Policy of Deceiving Parents About Student Gender Identity

Dear Members of the School Committee,

My name is Sam Whiting and I am a staff attorney at Massachusetts Family Institute, a nonprofit organization dedicated to strengthening families and advancing freedom in Massachusetts through education, advocacy, and legal representation. We were disturbed to learn, through a former Leominster Public Schools employee, that LPS's unwritten policy is to force teachers to lie to parents about their own children's struggles with gender identity issues. We have been in contact with Mr. Robert McNerney, who testified before you at the school committee meeting on Monday, March 18 to blow the whistle on this abhorrent policy. My purpose in writing to you now is to underscore the severity of the problem at LPS and to propose a policy solution.

Mr. McNerney's Story

Although Mr. McNerney already shared his story with you, I recount it here briefly to make the details of the LPS policy, as well as its impacts on students, families, and staff, clear. I have also attached the comments and timeline that Mr. McNerney presented at the March 18 school committee meeting for your reference.

Mr. McNerney began teaching as a high school math teacher at LPS in October of 2022. In March of 2023, a transgender-identifying student emailed him and asked him to use their birth name and biological-sex pronouns in a meeting with their parents, even though they had asked to be called by a different name and pronouns at school to match their transgender identity. In other words, the student asked Mr. McNerney to intentionally omit information about their gender identity when speaking with their parents and to use their original name and pronouns, thereby deceiving their parents about their gender identity.

Three days later, Principal Josh Romano had an all-staff meeting where he made clear that teachers were to comply with such student requests. He shared a slide which commanded teachers: "use the name and pronouns a student wants you to use" and "do not 'out' a student to their family."



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

Mr. McNerney and Principal Romano went on to exchange a series of emails in early April 2023. Mr. McNerney made clear that his personal convictions, including his Christian beliefs, would not allow him to deceive parents – especially about an issue so critical to their child’s mental health. Principal Romano replied in an April 11 email that “district policy explicitly states to not ‘out’ a student to their family” and commanded Mr. McNerney, “Do not contact [the student’s] parents.” On April 13, Mr. McNerney met with Principal Romano and two other LPS staff members. Principal Romano stated that while he “hates lying to parents,” Mr. McNerney would still be required to adhere to the school’s policy of using students’ preferred names and pronouns at school and deceiving parents about doing so.

On May 11, 2023, Mr. McNerney submitted a written religious accommodation request to Principal Romano, outlining his sincere religious beliefs that prevented him from adhering to the LPS policy. As an accommodation, he proposed that he would use a student’s preferred name, but only if the student’s parents had given consent to do so. Otherwise, he would continue using the student’s birth name. This would protect his conscience and ensure that he would not have to deceive parents.

A few weeks later, Mr. McNerney received a letter from Assistant Superintendent Steven Mammone rejecting his proposed religious accommodation and offering no alternative solution. One week after that, Mr. McNerney was unexpectedly pulled out of class in the middle of teaching a lesson and was told that his contract was not going to be renewed for the next year, purportedly due to “classroom management issues.”

The Law Does Not Require LPS to Deceive Parents

Mr. McNerney has blown the whistle on the fact that LPS has an unwritten, secret policy of deceiving parents about their own children’s gender identity issues. This policy is deeply unethical and has the potential to inflict severe harm on children and families. Parents are almost always the best advocates for their own children. But LPS’s policy presumes the opposite: that every parent is a potential abuser who cannot be trusted to promote their own child’s wellbeing. LPS would have children navigate a gender identity crisis without their parents even knowing that they are suffering.

In Principal Romano’s communications with Mr. McNerney, he claimed that LPS’s policy was required by state nondiscrimination law. This oft-repeated claim is simply false. As Mr. McNerney pointed out to Principal Romano, a Massachusetts federal judge *explicitly rejected* this claim in *Foote v. Town of Ludlow*. In that case, the judge stated the following about the Ludlow school policy, which was identical to LPS’s policy:

“On its face, the Massachusetts non-discrimination statute does not require such a policy and it is disconcerting that school administrators or a school committee adopted and implemented a policy requiring school staff to actively hide information from parents about something of importance regarding their child. [...]



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

The court agrees that the policy [...] was based on a flawed interpretation of the DESE Guidance and ignored the plain language advising that parents be informed after the student is advised that such communication will occur. Students and parents would almost certainly be better served by a more thoughtful policy that facilitated a supportive and safe disclosure by the student, with support and education available for students and parents, as needed and when accepted.”¹

Nothing in the Massachusetts antidiscrimination statute states or implies that it is discriminatory to require parental notice and consent before using a different name or pronouns for a transgender-identifying student. The court in *Ludlow* made this unmistakably clear.

The LPS Policy Exposes the District to Liability

Not only is the LPS policy *not required* by law, but it also very likely *unconstitutional*. Across the country, school districts are being sued for implementing policies just like LPS’s policy.² In Wisconsin, a state court ruled that the Kettle Moraine School District had violated the parental rights of parents whom they had deceived about their children’s gender identities.³ In California, the Spreckels Union School District recently settled a lawsuit for \$100,000 with a mother after being sued for secretly facilitating the gender transition of her 11-year-old daughter.⁴ If LPS keeps its current policy, it will only be a matter of time before you face a similar lawsuit.

In the *Ludlow* case, a Massachusetts federal district court ultimately dismissed the parents’ lawsuit because it found that the school’s actions, while “disconcerting,” did not sufficiently “shock the conscience” to violate the parents’ fundamental rights.⁵ But LPS should not rely on this case, which is currently on appeal.⁶ If the LPS school committee does nothing to change the school administration’s current policy, the “shock the conscience” test applied in the *Ludlow* case would likely not apply. Your failure to act would be seen as an endorsement of the policy. Such legislative actions that violate fundamental parental rights are subject to much stricter review than the executive actions at issue in *Ludlow*.⁷ Therefore, it is very likely that

¹ *Foote v. Town of Ludlow*, 2022 U.S. Dist. LEXIS 236102, *22; 25-26 (D. Mass.) (emphasis added) (cleaned up).

² See, e.g., News Center Maine, “[Lawsuit against school in Damariscotta alleges staff hid child's gender transition from parent](#),” Christian Post, “[Christian parents sue Michigan school district for hiding daughter's gender transition](#),” KATV, “[NY school district 'socially' transitioned student without parental consent, lawsuit says](#).”

³ *T.F. et al. v. Kettle Moraine School District*, No. 2021-CV-1650 (Wisc. Cir. Ct. Oct. 2, 2023) (available at <https://adfmmedialegalfiles.blob.core.windows.net/files/TF-Decision.pdf>).

⁴ LA Times, “[School district pays \\$100,000 to settle suit saying it supported secret transitioning of student](#).”

⁵ *Ludlow*, 2022 U.S. Dist. LEXIS 236102 at*22-28.

⁶ *Id.*, appeal docketed, No. 23-1069 (1st Cir. Jan. 11, 2023).

⁷ *Martinez v. Hongyi Cui*, 608 F.3d 54, 64 (1st Cir. 2010) (stating that the “shock the conscience” test applies only to “substantive due process claims based on executive, as opposed to legislative, action”); see also *Wash. v. Glucksberg*, 521 U.S. 702, 721 (1997) (holding that legislative violations of fundamental rights are subject to strict scrutiny).



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

parents could successfully sue LPS for violating their fundamental right to make important decisions about their children's health and wellbeing.

A Better Way Forward

It is clear that changes need to be made in Leominster. You, as the school committee, have the ability to make those changes. You can follow the lead of other schools in states across the country and adopt a new policy that both respects the rights of parents and promotes the best interests of students.

In Virginia, the state department of education has required all schools to adopt a policy that ensures that they will obtain parental consent before using a name or pronoun for any student different than the one they were born with.⁸ Other states, including Alabama, Arkansas, Idaho, Iowa, Kentucky, Louisiana, Montana, North Carolina, North Dakota, Utah, and possibly others, have passed statutes that impose similar requirements.⁹

In some cases, such policies may include a provision requiring that parental consent be obtained for any name or pronoun change unless the school reasonably believes that involving the parents would likely lead to abuse or neglect of the student. Of course, it should be noted that choosing not to affirm a child's asserted gender identity has never been held to constitute abuse or neglect. And as with all cases of suspected abuse or neglect, the school would be required to file a report with the state child protective services agency under mandated reporter laws.

It is important to note that the policies enacted in other states do not require a school to "out" a student to his or her parents. All that they require is that if the school intends to participate in the social transitioning of a student by using an alternate name and pronouns for them, they must first receive parental consent. If a student does not want their parents to be informed, the school has no obligation to tell them. But unless the parents are informed and give consent, school staff would not use an alternate name and pronouns for any student.

These policies recognize that parents, not schools, are in the best position to navigate the complex issues associated with gender identity and gender dysphoria with their own children. The decision to socially transition, which involves using different names and pronouns, often has permanent consequences for a child; a majority of children who socially transition go on to medically transition through the use of puberty blockers, cross-sex hormones, and surgery.¹⁰ This decision cannot be made lightly and must involve the legally fit parents of any minor child. By

⁸ Virginia Department of Education, "Model Policies on Ensuring Privacy, Dignity, and Respect for All Students and Parents in Virginia's Public Schools," available at

<https://www.doe.virginia.gov/home/showpublisheddocument/46509/638252835940748322>.

⁹ See, e.g., American Speech-Language-Hearing Association, "[States with Specific Requirements on Parental Notification](#)."

¹⁰ See, e.g., Society for Evidence Based Gender Medicine, "[Early Social Gender Transition in Children is Associated with High Rates of Transgender Identity in Early Adolescence](#)."



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

adopting an improved policy, LPS would not only uphold parental rights, but also act in the best interests of all of its students.

Conclusion

Mr. McNerney has exposed LPS's harmful policy that requires educators to lie to parents about their own child's gender transition. Now it is time for you, as members of the school committee, to decide what path to take. Do you want to keep this destructive policy in place, exposing yourself to liability, fostering distrust between Leominster parents and educators, and putting vulnerable students in dangerous positions? Or, do you want to adopt a policy that promotes student wellbeing, honors parental rights, and increases transparency? While we believe the correct choice is obvious, the choice is yours to make.

Please do not hesitate to contact me to discuss this urgent issue. Massachusetts Family Institute would be more than willing to work with your district to develop an improved policy on student names and pronouns. MFI opposes parental deception at every turn, using all the means we have available: by raising awareness, advocating for better policies, and, if necessary, through legal action. Should this policy remain in place at LPS, we will explore all options to oppose it. I hope to hear from you soon.

Very truly yours,

Sam Whiting, Esq.
Staff Attorney
Massachusetts Family Institute

EXHIBIT A

Leominster School Committee Meeting McNerney Public Comments

Thank you, Chairman and Leominster School Committee. My name is Rob McNerney. I taught math at Leominster High School in 2022-23. I live on Berlin St.

I am here tonight to blow the whistle on a problem in Leominster. As a Christian parent and educator, I feel obligated to inform you that Leominster High School requires teachers to lie about minor children, even to their own parents.

At a child's request, and without parental consent, teachers must comply with the child's desire to change their name, pronouns, or otherwise "transition" their gender identity. Moreover, teachers are required to hide from the parents all traces of this gender transition if the child so wishes.

In March 2023, a student requested that I support them in such deception – that I call the student by one name and gender in class but use their given name and pronouns whenever I communicated with their parents. The administration backed up this student's request and clarified that such intentional duplicity is the governing policy of Leominster High School.

I explained that due to my Christian convictions, I could not engage in this deception. On June 2nd, the administration denied my request for a religious accommodation, and one week later, while teaching a class, I was abruptly called down to an unannounced meeting and informed my contract was not being renewed, purportedly due to "classroom management" issues.

You, the school committee, and Leominster parents, need to know that the school is circumventing families and substituting itself as confidant and counselor to our children on these vital moral issues.

Confuse a vulnerable child while keeping their parents in the dark until the lies have taken over. This is evil.

My dissenting voice as an employed Christian teacher was silenced. But my responsibility before God and before you and all Leominster parents remains. So, I urge you, please examine the written statement and evidence I am submitting, and defend the sacred responsibility of parents to safeguard the hearts and minds of their children, and uphold God-given standards of truth-telling and gender. Thank you.

For a detailed timeline and evidentiary record of the above events, please see the attached: *Leominster High School Timeline with Supporting Documentation*

Sincerely,

Robert McNerney Jr

March 18, 2024

EXHIBIT B

Leominster High School Timeline and Supporting Documentation

Date	Event	Documentation
2023		
March 26, 2023	A student emails me requesting that I conceal their preferred name and pronouns from their parents in a meeting scheduled with the parents for the next day.	Document #1: Student Email Transcripts Mar 26, 2023 [student’s identifying details are redacted]
Mar 29, 2023	LHS all-staff meeting: Teachers are directed to use the name and pronouns a student wants us to use (without parental input) and not to “out” a child to their parents without the child’s permission.	Document #2: LHS All-Staff Meeting Presentation Slides Mar 29, 2023
Apr 3 – Apr 13, 2023	An email exchange on this issue leads up to a meeting with administrators on April 13 th .	Document #3: Staff and Administrator Email Exchange Apr 3-13, 2023
Apr 13, 2023	The administration details its policy in a meeting with me. I reiterate my religious objections. No solution is reached.	Document #4: Notes from Policy Meeting on Apr 13, 2023
May 11, 2023	My religious accommodation request is submitted.	Document #5: Staff Religious Accommodation Request Letter May 11, 2023
Jun 2, 2023	My religious accommodation request is denied.	Document #6: Religious Accommodation Denial Letter Jun 2, 2023
Jun 9, 2023	I am informed that my teaching contract will not be renewed.	<i>No written explanation was provided by the administration.</i>
2024		
Jan 22, 2024	I email district HR Director Assistant Superintendent Mammone requesting a copy of my personnel file.	Document #7: First Personnel File Request Jan 22, 2024
Feb 6, 2024	I send a second email to Assistant Superintendent Mammone repeating my request for a copy of my personnel file.	Document #8: Second Personnel File Request Feb 6, 2024
Feb 26, 2024	I send a third email, this time addressed to both Superintendent Deacon and Assistant Superintendent Mammone. Superintendent Deacon acknowledges receipt but provides no further details on my request.	Document #9: Third Personnel File Request and Acknowledgment Feb 26, 2024

Document #1: Student Email Transcripts Mar 26, 2023

[Student email #1]

Thunderbird

From: [REDACTED]@leominsterschools.org>
Date: 3/26/2023, 3:40 PM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Hi, this is [REDACTED] Im aware that tomorrow you will be having a meeting with my parents. (Unsure if you are one of the ones that are included but if you are..) Unfortunately I'm not out to them as [REDACTED] yet and I would like to be the person to come out to them when I choose. If you could please use my dead name "[REDACTED]" and [REDACTED] pronouns for me during this meeting that will be great. Please and Thank you

My older [REDACTED] knows my situation, and is supporting me while I work towards coming out. If you have any questions, [REDACTED]'s happy to speak with you as well. +1 (978) [REDACTED]

[Student email #2]

Re: This is very important! Please read!

Subject: Re: This is very important! Please read!
From: [REDACTED]@leominsterschools.org>
Date: 3/26/2023, 8:56 PM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

On Sun, Mar 26, 2023 at 3:40 PM [REDACTED] wrote:

Hi, this is [REDACTED] Im aware that tomorrow you will be having a meeting with my parents. (Unsure if you are one of the ones that are included but if you are..) Unfortunately I'm not out to them as [REDACTED] yet and I would like to be the person to come out to them when I choose. If you could please use my dead name "[REDACTED]" and [REDACTED] pronouns for me during this meeting that will be great. Please and Thank you

My older [REDACTED] knows my situation, and is supporting me while I work towards coming out. If you have any questions, [REDACTED]'s happy to speak with you as well. +1 (978) [REDACTED]

Document #2: Slides from LHS All-Staff Meeting Mar 29, 2023

[Slides below shared by Principal Dr. Josh Romano at the Mar 29, 2023 all-staff meeting]

Transgender Students

DESE Policy ([link](#)):

“A school should accept a student's assertion of his or her gender identity”

“Some transgender and gender nonconforming students are not openly so at home for reasons such as safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student's gender nonconformity or transgender status with the student's parent or guardian. For the same reasons, school personnel should discuss with the student how the school should refer to the student, e.g., appropriate pronoun use, in written communication to the student's parent or guardian.”

“Massachusetts' law recognizes common law name changes. An individual may adopt a name that is different from the name that appears on his or her birth certificate provided the change of name is done for an honest reason, with no fraudulent intent. Nothing more formal than usage is required” “ If the student has previously been known at school or in school records by his or her birth name, the principal should direct school personnel to use the student's chosen name.”

“All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities.”

Transgender Students

SO:

Use the name and pronouns a student wants you to use.

Do not “out” a student to their family.

Students can use the restrooms, locker rooms, etc that they identify with.

Failure to do so is considered a violation of Chapter 199 of the Acts of 2011 and MGL Ch 76 section 5 prohibiting discrimination on the basis of gender identity.

Downs v LA Unified School Dist

Document #3: Staff and Administrator Email Exchange Apr 3-13, 2023

[email exchange between Mr. McNerney and Dr. Romano]

brief update

Subject: brief update

From: Robert McNerney <robert.mcnerney@leominsterschools.org>

Date: 4/3/2023, 12:37 AM

To: Joshua Romano <joshua.romano@leominsterschools.org>

CC: Sydney Vilorio <sydney.viloria@leominsterschools.org>

Hi Josh -

I hope your Army duty went well.

Last week, you asked me to update you on what I learned from talking to people at DESE about the interpretation of MA anti-discrimination laws and how that bears on transgender policies at our school. In short, I reached out to the state last Thursday by phone, but have not heard back from them yet.

I am copying Sydney Vilorio on this email, as he assisted me on Friday in finding a temporary work-around until we could get your further input. I initially inquired if I might get someone to cover my 7th period class on Friday, since I wanted to respect your authority in your absence, but could not in good conscience follow the policy instructions with respect to addressing this student. Sydney offered to take the student for period 7, and I am grateful for his timely help.

Josh, I affirm your position as principal to direct all staff, including myself, and therefore am trying to postpone further interactions with this student until we can discuss this further and clarify the legal issues involved. For Monday, what options do I have for my period 7 class so that I am not put in a position where I have to choose between violating your instructions or violating my own convictions?

To protect the best interests of this student, I believe it is important that we reach clarity on these issues as soon as possible. Thank you!

Rob McNerney
LHS Math Teacher

Re: brief update

Subject: Re: brief update
From: Joshua Romano <joshua.romano@leominsterschools.org>
Date: 4/3/2023, 7:08 AM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
CC: Sydney Viloría <sydney.viloria@leominsterschools.org>

Hi Rob, I think it would make the most sense to pull the student out of the class for now so the rest of the class can keep making progress.

Re: brief update

Subject: Re: brief update
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/3/2023, 12:13 PM
To: Joshua Romano <joshua.romano@leominsterschools.org>
CC: Sydney Viloría <sydney.viloria@leominsterschools.org>

Got it. Thank you Josh.

Rob McNerney
LHS Math Teacher

Quick meeting

Subject: Quick meeting
From: Joshua Romano <joshua.romano@leominsterschools.org>
Date: 4/10/2023, 3:21 PM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Hi Rob, do you have time to meet to talk about the [REDACTED] situation? Feel free to bring a union rep if you wish. Did you hear from DESE?

--

Joshua Romano, Ed.D
Principal, Leominster High School
He/him/his
lhsbluedevilnation on Instagram

"Leadership is solving problems. The day Soldiers stop bringing you their problems is the day you have stopped leading them"
GEN Colin Powell

Re: Quick meeting

Subject: Re: Quick meeting

From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Date: 4/10/2023, 4:44 PM

To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh - Thank you for your note; yes, I would like to meet with you. I had been hoping to connect with you sometime before we break next week.

I never heard back from DESE. However, I have obtained some relevant information by making inquiries elsewhere. I can update you in more detail whenever we meet, but here is what I have learned in brief:

1) A judge's opinion in a recent legal case in Ludlow, MA indicates that the Massachusetts non-discrimination statute does not prohibit a teacher making known to parents information related to their child's gender identity, etc.. Below are two relevant quotes from this opinion:

[Excerpt below from Foote vs. Ludlow; I've attached the full text to this email]:

"Plaintiffs have framed their claims in the context of their rights as parents to make decisions for their children without state interference. Defendants have framed their actions in the context of obligations under Massachusetts law to provide a nondiscriminatory environment to all their students. At the hearing on Defendants' motion, Plaintiffs acknowledged that Defendants were not permitted to discriminate on the basis of gender identity, but asserted that Defendants' adoption and implementation of a policy of withholding information about their children's gender identity from parents went beyond what the law required and intentionally undermined the parent/child relationship in a manner that shocks the conscience.

On its face, the Massachusetts non-discrimination statute does not require such a policy and it is disconcerting that school administrators or a school committee adopted and implemented a policy requiring school staff to actively hide information from parents about something of importance regarding their child. Indeed, in an earlier case, this court recognized that deception by school officials could shock the conscience where the conduct obscured risks to a person's bodily integrity and was not justified by any government interest." [emphasis added]

And also,

" Plaintiffs assert the Ludlow Public Schools adopted and implemented a policy that went beyond the DESE Guidance and rigidly prohibited any communication with parents about a student's gender identity unless the student consented and this policy shocked the conscience, at least when applied to students in middle school. The court agrees that the policy, as described by Plaintiffs, was based on a flawed interpretation of the DESE Guidance and ignored the plain language advising that parents be informed after the student is advised that such communication will occur. See id. ("School personnel should speak with the student first before discussing a student's gender nonconformity or transgender status with the student's parent or guardian.").

Note that the judge in this case did not uphold the plaintiff's claim. However, the opinion does make clear that a teacher like myself would not be violating Massachusetts non-discrimination policy by

Re: Quick meeting

disclosing the contents of [REDACTED]'s email to her parents. And as the judge stated, a school policy which prohibits such communication is "*based on a flawed interpretation of the DESE Guidance.*"

So, as for the parental disclosure aspect, the legal interpretation appears to be fairly clear. Therefore, once you and I have had a chance to meet and talk this over, it is my intention to communicate with [REDACTED]'s parents about the contents of [REDACTED] email, since you had informed me you would support me in acting on my convictions if the law could be appropriately clarified, which I believe the above case accomplishes. I would inform [REDACTED] beforehand about my intention to talk with [REDACTED] parents, per the (non-binding) DESE Guidance. However, I won't talk to [REDACTED] or [REDACTED] parents about this until you and I have had a chance to meet and talk it over first.

As for preferred gender pronouns, I have been informed that the legal landscape regarding competing claims in this area is more complex; contradictory interpretations of related laws have not been universally resolved. There is even a case coming before the US Supreme Court later this month which may have future bearing on how the law is interpreted regarding employees like myself who have religious convictions against using gender pronouns which do not conform to a student's biological gender.

So, while my convictions have not changed in the area of preferred pronouns, I recognize the legal landscape is not yet as well-defined, at least when compared to parental disclosure. So, I am still put in a difficult position, and would be grateful for the chance to discuss this with you further. This has come up just this week with another student of mine in a different class, and so it would be great if we could talk more soon.

I am happy to discuss this one-on-one with you, but if you would like to invite someone else to participate, that is fine with me too. What is your schedule like for the rest of the week? I have extra help after school Tuesday, and a curriculum meeting/dentist appointment on Wednesday. I could meet during one of my Period 2 preparations, perhaps on Wednesday or Thursday? Or, I could come before school, or stay after school on Thursday or Friday. What might work for you?

Thank you Josh!

Rob McNerney
LHS Math Teacher

Re: Quick meeting

Subject: Re: Quick meeting

From: Joshua Romano <joshua.romano@leominsterschools.org>

Date: 4/10/2023, 7:12 PM

To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

It will likely have to be Wednesday, I will be out tomorrow.

I will forward the references you sent to the districts legal counsel. They will know better than i on what the district's policy is.

I do implore you to not contact [REDACTED]'s parents. My worry is that your call could precipitate a mental health crisis on [REDACTED]'s part that could lead to self-harm or worse. Wait for the district's attorneys to review that case.

Re: Quick meeting

Subject: Re: Quick meeting

From: Joshua Romano <joshua.romano@leominsterschools.org>

Date: 4/11/2023, 7:09 AM

To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Rob I heard back from our attorney on you contacting [REDACTED]'s family. The district policy explicitly states to not "out" a student to their family and a district can have a policy that extends protections to students beyond DESE regulation and case law. The Foote ruling is by a district court and therefore non-precedent setting and also involves students significantly younger than [REDACTED]. It has no impact on the districts policy at all.

Do not contact [REDACTED]'s parents.

Re: Quick meeting

Subject: Re: Quick meeting

From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Date: 4/11/2023, 9:20 AM

To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh -

If possible, please let's talk in person soon. Could you please send me a full copy of the district's policy to which you refer? I have not received any communications about this policy previously. This is a third layer, and I am ignorant of it.

The point of the Ludlow opinion I sent you was not meant to point to the outcome as binding legal precedent, but rather to highlight the judge's clear statements indicating that neither MA non-discrimination law nor DESE Guidance prohibits parental disclosure. If I understand the judge's statements correctly, there is no law in MA prohibiting me to do what school policy is asking me not to do in this situation. Moreover, the judge was concerned that a school district would adopt such a restrictive policy.

I do not intend to talk with [REDACTED]'s parents about this before you and I can meet and talk. I believe we both have the student's best interest in mind. But I recognize the difficulty: the same reasons you think the parents should not be informed are reasons I think they should be informed, and as soon as possible. Yes, indeed, it is an issue of safety and well-being for the student, and it is my conviction that school policy here is hindering [REDACTED] parents from obtaining critical info they need to care well for their [REDACTED]

Rob McNerney
LHS Math Teacher

Re: Quick meeting

Subject: Re: Quick meeting
From: Joshua Romano <joshua.romano@leominsterschools.org>
Date: 4/11/2023, 9:24 AM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Hi Rob, the policy manual is on this page: <https://www.leominsterschools.org/more/policies>
The relevant ones are the non-discrimination and transgender policies toward the top

Re: Quick meeting

Subject: Re: Quick meeting
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/11/2023, 9:25 AM
To: Joshua Romano <joshua.romano@leominsterschools.org>

Thank you!

Re: Quick meeting

Subject: Re: Quick meeting
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/11/2023, 9:32 AM
To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh -

I quickly searched the transgender and nondiscrimination policy sections for "parent" and found no policy info restricting communications with parents. Also, the word "outing" does not appear in either document. Can you or someone please point me to the specific place and wording? That will help me know where I stand relative to school policy. Thank you.

Rob McNerney
LHS Math Teacher

meeting Wednesday?

Subject: meeting Wednesday?

From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

Date: 4/11/2023, 6:25 PM

To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh -

You had mentioned Wednesday might work for a brief meeting in person. I decided to re-schedule my dentist appointment that afternoon, and so am now available to meet with you after the curriculum meeting finished, if you had some time then.

Otherwise, I could meet during Period 2 on Wednesday, Thursday or Friday, or before school sometime.

Just so you know, even though I feel it is urgent we inform █████'s parents sooner than later about what is going on with their █████ I realize that to do this well would likely involve some sort of group meeting with █████ first, facilitated by someone other than myself, and I don't think we have enough time to pull that off before the break.

So, although I don't want this to drag on indefinitely, I don't expect us to be able to act on whatever agreement we may reach on how to proceed until sometime after the vacation. This really needs to be a team effort, and I recognize that will necessarily mean a slower process, with more discussions. I am committed to that process.

I am sharing this because I want to take some of the pressure off which you may be feeling regarding the nature of this meeting, so we can have a broader discussion of the issues. Thank you!

Rob McNerney
LHS Math Teacher

Re: meeting Wednesday?

Subject: Re: meeting Wednesday?

From: Joshua Romano <joshua.romano@leominsterschools.org>

Date: 4/11/2023, 7:37 PM

To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

How about Thursday period 2?

Yes, anything like this should include the adjustment counselor, etc, I agree

Re: meeting Wednesday?

Subject: Re: meeting Wednesday?
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/11/2023, 7:41 PM
To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh -

Thursday period 2 works for me. I'll just come down to your office at the beginning of period 2 that day unless I hear from you otherwise. Thanks!

Rob McNerney
LHS Math Teacher

meeting today?

Subject: meeting today?
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/13/2023, 6:31 AM
To: Joshua Romano <joshua.romano@leominsterschools.org>

Hi Josh -

With all the events of the past couple days, I wanted to confirm whether you would still be able to with me during Period 2 today. I totally understand if you need to postpone. If I don't hear back, I will just come down and look for you in your office at the beginning of Period 2 today. Thanks!

Rob McNerney
LHS Math Teacher

Re: meeting today?

Subject: Re: meeting today?
From: Joshua Romano <joshua.romano@leominsterschools.org>
Date: 4/13/2023, 6:52 AM
To: Robert Mcnerney <robert.mcnerney@leominsterschools.org>

No let's meet I don't want to have this still hanging.

Re: meeting today?

Subject: Re: meeting today?
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/13/2023, 8:37 AM
To: Joshua Romano <joshua.romano@leominsterschools.org>

Ok, thank you.. I am outside your office now.

Rob McNerney
LHS Math Teacher

LHS policy meeting notes (draft)

Subject: LHS policy meeting notes (draft)
From: Robert Mcnerney <robert.mcnerney@leominsterschools.org>
Date: 4/13/2023, 5:25 PM
To: Joshua Romano <joshua.romano@leominsterschools.org>, Leah Burns <leah.burns@leominsterschools.org>, Linnea Romhanyi <linnea.romhanyi@leominsterschools.org>

Dear Josh, Leah, and Linnea,

Thank you to each of you for the time you spent meeting with me this morning.

While this is still fresh in our minds, Josh, would you please help me by looking over the attached draft summary of specific policy points we discussed, and suggesting any corrections/clarifications where you feel I have inaccurately understood things? The online policy statements do not go into this level of detail, and I want to ensure I am hearing you correctly regarding what you are asking me to do as a member of LHS staff.

Leah and Linnea, please feel free to comment as well!

Thank you!

Rob McNerney
LHS Math Teacher

—Attachments:—

LHS policy notes from April 13 meeting.pdf

298 KB

Document #4: Notes from Policy Meeting on Apr 13, 2023

[Notes below were attached to above email as a .pdf file]

LHS policy notes from April 13, 2023 meeting

Meeting participants: Dr. Josh Romano, Leah Burns, Linnea Romhanyi, Rob McNerney

During this meeting, portions of LHS staff policy were clarified regarding:

- Mandated LHS staff use of preferred names/pronouns/gender identity for students
- Restrictions on LHS staff communications with a student's parents about their child's preferred names/pronouns/gender identity and related staff practices

Specifically:

1. In addressing a student, LHS staff must use that student's preferred names and pronouns. It is not required for LHS staff to use a student's preferred names/pronouns when communicating with colleagues about the student.

In particular, this means:

- a. LHS staff cannot defer to using the name/pronouns listed for a student in official LHS databases, but must use the preferred names/pronouns as requested by the child.
 - b. LHS staff cannot defer to a parent's wishes regarding what name or pronouns should be used for their child, nor can LHS staff inquire about a parent's wishes regarding their child's name and pronouns.
2. More broadly, LHS staff cannot unilaterally decide to disclose to parents information related to their child's declared gender identity or preferred names/pronouns without the child's consent. If a child does not consent, such communications must always be a team decision.

Consequently, if a child desires to keep their stated gender identity and preferred name/pronouns (as being used at school) hidden from their parents, LHS staff are required to communicate with a child's parents in a manner which conceals this information.

3. The administration recognizes, with regret, that this LHS policy involves lying to parents. "I hate lying to parents" [Dr. Romano].
4. Finally, LHS staff are not allowed to violate the above policy points, even if their sincere moral and/or religious convictions prohibit them from full compliance.
5. The purpose of the above policy points was explained to be:
 - a. To protect a child from the risk of potential self-harm or suicide. Dr. Romano noted that such behaviors are more common among children whose parents are not supportive of their preferred gender identity.
 - b. To comply with non-discrimination laws with respect to gender identity as a protected category.

Document #5: Religious Accommodation Request May 11, 2023

Mr. Robert McNerney, Jr.
290 Berlin Street, Apartment 48
Clinton, Massachusetts 01510
robert.mcnerney@leominsterschools.org
May 11, 2023

Dr. Joshua Romano
Principal, Leominster High School
122 Granite Street
Leominster, Massachusetts 01453
joshua.romano@leominsterschools.org

Re: Religious Accommodation & Policy Clarification Request

Dear Dr. Romano,

On April 13, 2023, we met to discuss school policies related to the request I received from a student, who wanted me to refer to her by her legal name and feminine pronouns when meeting with her parents, though she uses a different name at school. This student explained that she has not revealed her other name (and presumably other pronouns) to her parents. Stemming from this situation, we discussed three issues regarding students who assert a transgender identity: (1) preferred pronouns, (2) preferred names; and (3) interactions with parents.

Clarifying School Policies

In emails leading up to our April 13 meeting, you referenced Massachusetts' nondiscrimination statute and materials from the Massachusetts Department of Elementary and Secondary Education (DESE). But as *Foote v. Ludlow* observed, Massachusetts law, including this nondiscrimination statute, does not require school personnel to "actively hide information from parents about something of importance regarding their child." Instead, DESE guidance says school officials should inform parents after telling the students that they are going to do so, with the goal of ensuring that students are not surprised when their parents are informed. Later, you pointed me to the district's policies on nondiscrimination and transgender students. Neither policy says anything about requiring teachers to withhold information from parents.

Even so, you indicated during our April 13 meeting that (1) school personnel must use a student's preferred name and pronouns, even if those differ from the child's biological sex, and (2) if the student chooses to withhold information about his transgender identity (including preferred names and pronouns) from his parents, school personnel must communicate with the parents in a way that does not reveal it, unless school officials decide otherwise. I understand that these are your instructions, but I still have not seen any policies that support this second point about concealing information from parents. Please send me all these policies and indicate the specific provisions that mandate this approach. Also, please send me all policies that outline who would make the decision to override a student's wishes, what factors they would consider, and how promptly this decision would be made.

Religious Accommodation

As you know, I am a Christian. As such, I believe that God created each of us in His image as either male or female, and that our sex cannot change, despite what someone feels or how deeply one feels it. I also believe that any effort to change one's sex or to identify in a way that is inconsistent with it is sinful and, as with all other sins, harmful to the person. My religion also teaches that I cannot affirm ideas or concepts that I do not believe to be true because that would violate Biblical commands against dishonesty and lying. I also believe that efforts to change one's gender, which often begin with the "social transition" involved in using preferred pronouns, may cause irreversible harm and lead to a lifetime of regret. I care deeply about all of my students, and referring to a child using pronouns inconsistent with his or her sex affirms something that is not true, which is both dishonest and harmful to that child. Thus, the commands of my faith prohibit me from using preferred pronouns or other terms that differ with someone's biological sex; using such terms would be a sin.

In addition, as a Christian, I believe that God entrusted children to their parents, who have the responsibility to name their children and then to guide their upbringing, education, and care. My faith also teaches that children should honor their parents, which is inconsistent with discarding the name their parents gave them without their parents' consent. Thus, my faith and conscience prohibit me from deceiving parents about what is going on in their children's lives, especially as this would also undermine a parent's ability to carry out their God-given responsibilities to their children and assist children in dishonoring their parents. In our meeting, you recognized this is exactly what your instructions entail, stating: "I hate lying to parents." My faith prohibits me from doing this.

Therefore, I am requesting a religious accommodation under Title VII of the Civil Rights Act of 1964 and Massachusetts General Laws chapter 151B, section 4. As outlined above, forcing me to use preferred names and pronouns or to deceive parents would compel me to violate my religious beliefs. It would also compel my speech in ways that violate my constitutional rights. I propose this accommodation:

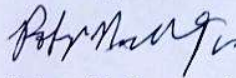
1. *Preferred Pronouns:* While I believe I have the constitutional right to speak on matters of gender and sexuality as I see fit, I am willing to accommodate students who request that I not use terms consistent with their biological sex by avoiding the use of pronouns and other sex-reflecting terms to refer to them in their presence. That said, if I refer to such a student by terms consistent with his or her biological sex, this is not grounds for disciplinary action or mandated apologies, as school officials will recognize this is accidental, the force of many years of deeply engrained habit.
2. *Preferred Names:* I am willing to refer to students using any parent-approved name. Thus, at the start of each school year and whenever a new student enters my class, I would like to email parents, introducing myself, sharing information about the class, and asking them what name I should use for their child. As long as the name is not blasphemous or morally reprehensible, I would comply with their wishes. If it is, I would simply use the

student's last name, as I would do for the balance of the school year for the small number of students who have requested a different name. Going forward, if a student requests a different name during the school year, I will explain that I would need the parents' approval as I only use parent-approved names for students. For students who have requested a different name this school year, I will simply use their last names for the balance of this school year.

3. *Parental Interaction:* In all interactions with parents, I would refer to their child using one of the names they approved, as outlined in item #2.

Please let me know whether this accommodation is acceptable. If not, please outline your proposed accommodation. I remain willing to consider any arrangement that will not force me to violate my religious convictions.

Sincerely,



Robert McNerney, Jr.

Cc:

- Ms. Leah Burns, Assistant Principal
leah.burns@leominsterschools.org
- Ms. Linnea Romhanyi, Teacher and LEA Representative
linnea.romhanyi@leominsterschools.org

Document #6: Religious Accommodation Denial Letter Jun 2, 2023



Leominster Public Schools
Office of Superintendent of Schools
24 Church Street, Leominster, MA 01453
Telephone: (978) 534-7700
Fax: (978) 537-8528

Paula Deacon
Superintendent of Schools

Steven Mammone
Assistant Superintendent of Schools

June 2, 2023

Via Email: Robert.mcnernev@leominsterschools.org

Robert McNERNEY, Jr.
290 Berlin Street, Apartment 48
Clinton, MA 01510

RE: Response to Request for Religious Accommodation

Dear Mr. McNERNEY:

Your May 11, 2023 letter to High School Principal Josh Romano has been forwarded to me for a response.

In your letter, you detail your religious beliefs and propose three accommodations to your sincerely-held religious beliefs. Specifically, you first request that you not be disciplined or required to apologize in the event you should accidentally fail to use students' preferred pronoun. You next request the ability to refer to students by their last name if their preferred name is "blasphemous or morally reprehensible" to you. You further state you would only use parent-approved names for students. Last, you request the ability to refer to students using only parent-approved names when speaking with parents.

The Leominster Public Schools seeks to provide an inclusive environment for all students. As has been communicated to you previously, it is the District's expectation of all staff that they address students by their preferred names and pronouns at all times. It is not permissible to invalidate students' identity by refusing to address them by their preferred names and/or pronouns at any time, including when communicating with parents unless the student has themselves indicated they wish to be addressed differently to their parents. The District is not required to modify its expectations on this issue to accommodate individual staff member's religious beliefs.

Although the District will not exempt you from discipline should you not address students by their preferred names and pronouns with 100% accuracy, the District will consider your overall efforts at compliance with the District's expectations and is not seeking to impose discipline for honest, good-faith mistakes. However, apologizing for any such mistakes is appropriate and will be expected.

Please let me know if there are any other ways you believe the District might be able to accommodate your sincerely-held religious beliefs. I am available to discuss this matter further.

Sincerely yours,

Steven Mammone
Assistant Superintendent

cc: Josh Romano, Principal
Paula Deacon, Superintendent

Document #7: First Personnel File Request Jan 22, 2024


Personnel File Request



Robbie McNerney <pluckedbrand@outlook.com>
To steven.mammone@leominsterps.org

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)

Mon 1/22/2024 8:35 PM

 You replied to this message on 2/6/2024 1:35 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.


Dear Assistant Superintendent Mammone,

As you may recall, I served as a teacher at Leominster High School through the end of the 2022–2023 academic year. I would like a copy of my personnel file, which I am entitled to receive under the district's [Personnel Records Policy \(File GBJ\)](#). That is, I would like to receive a copy of all information the district has on file regarding me, including both the public and confidential portions of my personnel file, along with all performance reviews.

If possible, please email me the digital file at this address (pluckedbrand@outlook.com). If that is not possible, please send me a paper copy at my address below. Thank you very much for your kind and prompt assistance.

Sincerely,

Robert McNerney Jr


Clinton, Massachusetts 01510

Document #8: Second Personnel File Request Feb 6, 2024

RE: Personnel File Request



Robbie McNerney

To: Robbie McNerney; steven.mammone@leominsterps.org

Reply

Reply All

Forward



Tue 2/6/2024 1:36 PM

You forwarded this message on 2/26/2024 11:49 AM.

Dear Assistant Superintendent Mammone,

Two weeks ago, I sent you the email below, requesting a copy of my personnel file. As I have not heard from you since then, I wanted to follow up. Please let me know when I can expect to receive a copy of this file.

Sincerely,
Robert McNerney Jr.

From: Robbie McNerney <pluckedbrand@outlook.com>

Sent: Monday, January 22, 2024 8:35 PM

To: steven.mammone@leominsterps.org

Subject: Personnel File Request


Dear Assistant Superintendent Mammone,

As you may recall, I served as a teacher at Leominster High School through the end of the 2022–2023 academic year. I would like a copy of my personnel file, which I am entitled to receive under the district's [Personnel Records Policy \(File GBJ\)](#). That is, I would like to receive a copy of all information the district has on file regarding me, including both the public and confidential portions of my personnel file, along with all performance reviews.

If possible, please email me the digital file at this address (pluckedbrand@outlook.com). If that is not possible, please send me a paper copy at my address below. Thank you very much for your kind and prompt assistance.

Sincerely,

Robert McNerney Jr


Clinton, Massachusetts 01510

Document #9: Third Personnel File Request and Acknowledgement

Feb 26, 2024

RE: Personnel File Request



Robbie McNerney

To paula.deacon@leominsterps.org; steven.mammone@leominsterps.org
Bcc pluckedbrand@outlook.com

Reply

Reply All

Forward



Mon 2/26/2024 11:50 AM

You forwarded this message on 2/26/2024 11:52 AM.

Dear Superintendent Deacon and Assistant Superintendent Mammone,

Several weeks ago, I sent a follow-up email to Assistant Superintendent Mammone repeating my request of Jan. 22nd, 2024 (copied below) asking to receive a copy of my personnel file as a former teacher at Leominster High School during the 2022-23 school year. I have not yet received any reply to these two previous emails, and so I am writing again now. Please respond and let me know when I can expect to receive a copy of this file, which I am entitled to receive under the district's [Personnel Records Policy \(File GBJ\)](#).

Thank you!

Sincerely,

Robert McNerney Jr.



Clinton, Massachusetts 01510

Re: Personnel File Request



Paula Deacon <paula.deacon@leominsterps.org>
To Robbie McNerney

Reply

Reply All

Forward



Mon 2/26/2024 11:59 AM

received.

On Mon, Feb 26, 2024 at 11:49 AM Robbie McNerney <pluckedbrand@outlook.com> wrote:

Dear Superintendent Deacon and Assistant Superintendent Mammone,

Several weeks ago, I sent a follow-up email to Assistant Superintendent Mammone repeating my request of Jan. 22nd, 2024 (copied below) asking to receive a copy of my personnel file as a former teacher at Leominster High School during the 2022-23 school year. I have not yet received any reply to these two previous emails, and so I am writing again now. Please respond and let me know when I can expect to receive a copy of this file, which I am entitled to receive under the district's [Personnel Records Policy \(File GBJ\)](#).

Thank you!

Sincerely,

Robert McNerney Jr.



Clinton, Massachusetts 01510