

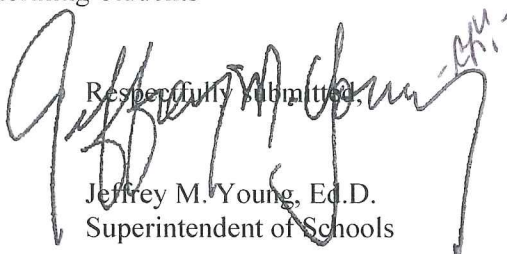


August 11, 2015

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Non-Discrimination on the Basis of Gender Identity Policy

- Recommendation: That the School Committee approve the Non-Discrimination on the Basis of Gender Identity Policy for the Cambridge Public Schools as detailed in the attached document. This is the second reading of the revisions to the Non-Discrimination on the Basis of Gender Identity Policy.
- Description: This policy is being proposed in order to provide a safe and supportive school environment for all students and to ensure alignment with the provisions of M.G.L.c. 76, §5 which was recently amended to include a prohibition against discrimination on the basis of gender identity.
- Supporting Data: M.G.L.c. 76, §5
Massachusetts Department of Elementary and Secondary Education "Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment - Nondiscrimination on the Basis of Gender Identity"
Gay, Lesbian & Straight Education Network "Model District Policy on Transgender and Gender Nonconforming Students"

Respectfully submitted,

Jeffrey M. Young, Ed.D.
Superintendent of Schools

Non Discrimination on the Basis of Gender Identity

The Cambridge Public Schools has a commitment to maintaining an educational environment and workplace where bigotry and intolerance, including discrimination on the basis of gender identity, sex, sexual orientation, or gender expression is not tolerated and where any form of intimidation, threat, coercion and/or harassment that insults the dignity of others and interferes with their freedom to learn or work is unacceptable.

The Cambridge Public Schools strictly enforces a prohibition against harassment and discrimination, sexual or otherwise, of any of its students or employees by anyone, including any fellow student, teacher, supervisor, co-worker, vendor, or other third party, as such conduct is contrary to the mission of the Cambridge Public Schools and its commitment to equal opportunity in education and employment. The school district does not and will not discriminate on the basis of gender identity, sex, sexual orientation, or gender expression in the educational programs and activities of the public schools, and strives to create an environment where all students and staff feel safe, welcome and included.

The Cambridge Public Schools takes allegations of discrimination and harassment seriously and will respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, the Cambridge Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment or school-related discipline. The provisions of the Cambridge Public Schools' Non-Discrimination Policy and Prohibition Against Sexual Harassment, Non-Discrimination on the Basis of Sex, Anti-Bullying, Bullying Prevention and Intervention Plan, Equal Educational Opportunities and Equal Employment Opportunity policies are incorporated as if fully set forth herein.

To help create a safe and supportive environment for all students, the school district will, consistent with applicable laws and guidance, take the following steps:

Names/Pronouns

A student has the right to choose a name and pronoun appropriate to the student's gender identity, regardless of the student's assigned birth sex and name that appears on the student's birth certificate. Schools should accurately record and use the student's chosen name and pronouns that are consistent with the student's gender identity. Court orders are not required to update student records to reflect changes in a student's name and gender markers. Schools will work with a student and the parents/guardians of the student if they are involved in the process, or in the case of a younger student with the student and the student's parents/guardians, to develop a plan for communicating any name and pronoun change within the school.

Transitions

When a student transitions, the school shall hold a meeting with the student and the parents/guardians of the student if they are involved in the process, or in the case of a younger student with the student and the student's parents/guardians, to develop a transition plan to provide a safe and supportive educational environment for the student and to address any

concerns that may arise.

Privacy, Confidentiality and Student Records

Records with a student's assigned birth name and sex, name change for gender identity purposes, gender transition, medical information related to gender identity or other information of a similar nature, if such records exist, will be maintained in a separate, confidential file. The school district shall ensure that all information relation to a student's gender identity shall be kept confidential in accordance with applicable, federal, state and local privacy laws and regulations. Information that may reveal a student's gender identity to others will not be disclosed unless the school is legally required to do so, or unless the disclosure has been authorized by the student, or in the case of a younger student, by the student's parents/guardians. Schools will consult with a student and the parents/guardians of the student if they are involved in the process, or in the case of a younger student with the student and the student's parents/guardians, when determining whether any such information should be disclosed, and if so, how much information should be disclosed and to whom.

Accessibility to Restrooms, Locker Rooms and Changing Facilities

A student may access the restrooms, locker rooms and changing facility that corresponds to the student's gender identity. Upon a student's request, any student who is uncomfortable using a shared facility, regardless of the reason, shall be provided with a safe and non-stigmatizing alternative. Based upon availability and the appropriateness to address privacy concerns, accommodations that may be offered to a student who desires increased privacy may include, but are not limited, to: (a) use of a nearby private area (such as a gender neutral restroom, gender neutral changing room, nurse's restroom, or a nurse's office); (b) a separate changing schedule, or (c) use of private area within a public area (such as, an area separated by a curtain, or a bathroom or changing stall with a door). Schools will consult with a student and the parents/guardians of the student if they are involved in the process, or in the case of a younger student with the student's parents/guardians, to ensure accessibility and address any concerns that may arise.

Physical Education Classes and Athletic Activities

In those instances where there are gender-segregated classes or activities, as opposed to co-educational classes and activities, a student must be allowed to participate in a manner consistent with the student's gender identity.

Dress Codes

A student must be permitted to dress in compliance with the school district's dress code in a manner consistent with the student's gender identity.

Other Gender-Based Activities, Rules and Practices

Schools should review and evaluate any gender-based activities, rules and practices currently being utilized, and replace such gender-based activities, rules and practices with non-gendered alternatives. If there is a clear and sound pedagogical purpose to retain a gender-based activity, rule or practice, a student must be allowed to participate in the activity, rule or practice in a manner consistent with their gender identity.

Education and Training

The school district shall incorporate training about transgender and gender nonconforming students into its anti-bullying and non-discrimination curriculum, student leadership training and staff professional development in order to promote a safe and supportive environment for all students and staff.

Consistent with this policy and applicable laws and guidance, the Superintendent of Schools shall promulgate administrative procedures to address steps that school staff should take to create a culture where transgender and gender nonconforming students feel safe, supported and fully included. The administrative guidelines should, at a minimum, address the following areas: gender transition, names and pronouns, privacy, confidentiality and student records, gender markers on student records, restrooms, locker rooms and changing facilities, physical education classes, intramural and interscholastic athletic activities, dress codes, and other gender-based activities, rules, policies and practices, and education and training.