

File: ACA - NONDISCRIMINATION ON THE BASIS OF SEX, SEXUAL ORIENTATION, OR GENDER IDENTITY

The Arlington School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex, sexual orientation or gender identity in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, sexual orientation or gender identity, to all of its students and employees.

As set forth in DESE's "Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity," ensuring fair and equitable access for all students includes specific consideration for students with non-conforming and transgender identities. In order to ensure equitable access for such students APS affirms:

- Students and employees shall to be addressed by a name and pronouns corresponding to their gender identity.
- Students and employees shall have access to a restroom that corresponds to their gender identity at school. Single stall, gender-neutral bathrooms shall be available to all students, but students shall not be compelled to use them on the basis of their gender identity.
- Student records shall be updated as appropriate to reflect gender transitions, including names and pronouns where applicable.

No person shall be required to obtain a court order or medical documentation in order to be entitled to equitable access on the basis of gender identity, nor must gender identity be consistently expressed in every context. However, APS staff may, as circumstances merit, seek confirmation of a student's gender identity information and support needs particularly for younger students who may not be able to advocate for themselves. APS staff will engage students before contacting parents or guardians about gender affirming plans appropriate for ensuring equitable access wherever possible, and take appropriate measures in instances where specific and credible safety concerns are presented. Information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, regardless of its form, is part of the individual's student record, is confidential, and must be kept private and secure, except in limited circumstances consistent with 603 CMR § 23.04.

APS shall provide training to all certified district-level and school-based administrators regarding the district's obligations to prevent and address gender-based discrimination as well as implementation of the policies, procedures, and regulations, and best practices for creating a nondiscriminatory school environment for transgender students. Site administrators shall, throughout each school year, provide this information to all faculty and staff during existing trainings, meetings, and other appropriate opportunities.

The Committee will designate an individual to act as the school district's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

SOURCE: MASC - Updated 2022
Revised

LEGAL REFS.: Title IX of the Education Amendments of 1972

45 CFR, Part 86, (Federal Register, 6/4/75)

M.G.L. 4:7; [76:5](#); [76:16](#) (Chapter 622 of the Acts of 1971)

BESE 603 CMR [26:00](#); 603 CMR [26.06](#)
603 CMR 23.00; 603 CMR § 23.04.

REFERENCE: USDOE Notice of Interpretation - <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>; [DESE's "Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity,"](#) [October 2021.](#)

CROSS REF.: [AC](#), Nondiscrimination Policy Including Harassment and Retaliation