

## Statement on Gender Equity and Transgender Rights in the APS

February 28, 2017

Dear Parents and Guardians,

In my most recent newsletter, I affirmed the belief and commitment of the Arlington Public Schools that the richest education takes place in an environment where all students, regardless of gender, race, religion, ability, ethnic background, or sexual orientation are appreciated, feel safe and are heard. The Arlington Public Schools supports and celebrates all students for who they are and the contributions they make. This affirmation is particularly important in light of recent statements from the federal government regarding the rights of transgender students.

Last spring, the U.S. Department of Education and the U.S. Department of Justice issued guidelines to interpret Title IX's prohibitions on sex discrimination to prohibit discrimination based on gender identity. Last week, on February 22, the new administration rescinded those guidelines indicating that the protection of transgender students should be left to the states.

Massachusetts law, which predated federal guidelines, protects the rights of transgender students. As MA Commissioner of Education Mitchell Chester confirmed in a recent newsletter, Massachusetts' state statute ensures protections for all students and prohibits discrimination on the basis of gender identity. An Act Relative to Gender Identity ([Chapter 199 of the Acts of 2011](#)), amended several Massachusetts statutes prohibiting discrimination on the basis of specified categories, including gender identity. Following passage of the law, the Department of Elementary and Secondary Education (DESE) issued guidance <http://www.doe.mass.edu/sfs/lgbtq/Principles-SafeEnvironment.html> to school districts to implement the gender identity provision.

That guidance includes the following:

- “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.”
- “...it is essential that the principal and student address access to the restrooms, locker rooms and changing facility. 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 corresponds to the student's gender identity.”
- Some transgender students may be uncomfortable using sex-segregated restrooms and should be provided an alternative, such as the nurses' restroom or a unisex bathroom.

The Arlington Public Schools complies with state regulations and DESE guidelines not only because it is the law, but because the law and guidelines are consistent with our beliefs and values.

Additional information is available at:

DESE: <http://www.doe.mass.edu/sfs/lgbtq/default.html>.

APS Non-Discrimination Statement: <https://www.arlington.k12.ma.us/asc/policies/ac.pdf>

APS Policy on Bullying Prevention: <https://www.arlington.k12.ma.us/asc/policies/jicfb.pdf>

APS Policy on Prohibiting Harassment Based on Protected Classification: <https://www.arlington.k12.ma.us/asc/policies/aca.pdf>

Massachusetts [Student Anti-discrimination Law, Chapter 76, Section 5](#)

Massachusetts [Anti-bullying Law, Section 71, Chapter 370](#)

Massachusetts [Act Relative to Gender Identity, Chapter 199 of the Acts of 2011](#)

Best regards,

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