Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Students

About Us

The Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Students is a joint initiative of the Massachusetts Department of Elementary and Secondary Education and the Massachusetts Commission on LGBTQ Youth.

What We Do

The Safe Schools Program provides training, technical assistance, and professional development to school administrators and staff on issues related to gender identity, sexual orientation, and school climate.

The Safe Schools Program also houses the Massachusetts GSA Leadership Council, which supports students in developing leadership skills, making statewide connections with LGBTQ students and allies, and improving school climate. Modeled on the State Student Advisory Council to the Board of Elementary and Secondary Education, the Massachusetts GSA Leadership Council consists of a State GSA Leadership Council and five Regional GSA Leadership Councils.

Important Laws & Guidance for Massachusetts Educators

Safe Schools Program Website: http://www.doe.mass.edu/sfs/lgbtq

- ESE Regulations: Access to Equal Educational Opportunity
- Principles for Ensuring Safe and Supportive Learning Environments for LGBTQ Students
- Guidance on Supporting Transgender and Gender-Nonconforming Students
- Guidance on Parental Notification for Bullying Based on Sexual Orientation or Gender Identity

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Requests for training and support should be submitted online:
http://www.doe.mass.edu/sfs/lgbtq

MASSACHUSETTS COMMISSION ON LGBTQ YOUTH

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Key Terms & Definitions

Match the term in Column A with the definition in Column B

TERMS	DEFINITIONS
1. Sexual Orientation	____ A person's biological designation on a continuum from male to female. A child is usually assigned one designation at birth on the basis of the child's external genitalia.
2. Sex	____ A person's internal, deeply-felt sense of being a male, a female, in-between, neither, or something other.
3. Gender	____ An umbrella term for people whose gender identity differs from the sex they were assigned at birth.
4. Gender Identity	____ Adjective that means "identifies as their sex assigned at birth" derived from the Latin word meaning "on the same side."
5. Gender Expression	____ The culturally determined roles, behaviors, activities, and psychological attributes that a particular society considers appropriate to being male or female.
6. Transgender	____ A person's physical, romantic, emotional, aesthetic, and/or other form of attraction to others.
7. Cisgender	____ Attributes and behaviors that communicate our gender identity to others, such as clothing, hairstyles, mannerisms.

Stop it • Name it • Claim it

RESPONDING TO ANTI-GAY LANGUAGE

STOP IT: Let the person know that what was said is unacceptable.

- *That language is unacceptable.*
- *What you said is hurtful and disrespectful – and that's not okay.*
- *I don't want to hear language like that again in my classroom.*
- *This is a place where we treat each other with respect.*

NAME IT: Let the person know that what was said constitutes discrimination and harassment.

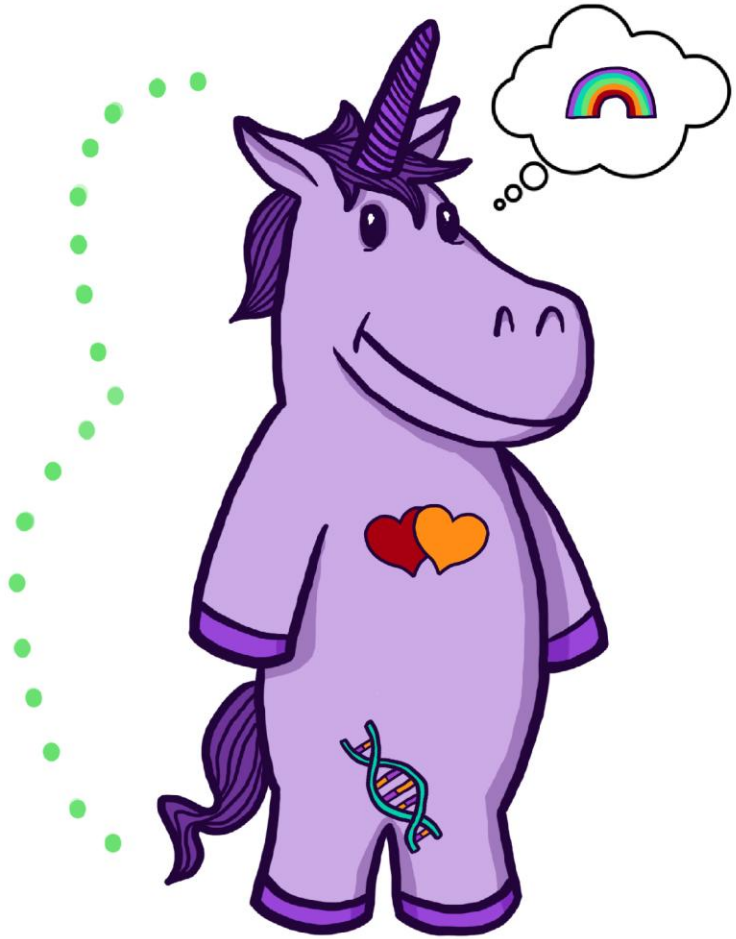
- *Remember when we talked about harassment? Using the word gay in a negative way is a form of harassment against a group of people.*
- *When you say "that's so gay" you may not be intending to offend anyone, but you are. You are using language that is used to harass and discriminate against gay and lesbian people.*

CLAIM IT: Let the person know that this language is not okay with you. If possible, say why it offends you, and use this incident as an opportunity for discussion.

- *That kind of language offends me, so please don't use it anymore.*
- *You could be offending a lot of people without knowing it. You don't know who might have gay friends or family members. You don't know who might be gay. I'm offended when I hear that kind of language.*

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



Gender Identity

- Female / Woman / Girl
- Male / Man / Boy
- Other Gender(s)

Gender Expression

- Feminine
- Masculine
- Other

Sex Assigned at Birth

Female | Male | Other/Intersex

Physically Attracted to

- Women
- Men
- Other Gender(s)

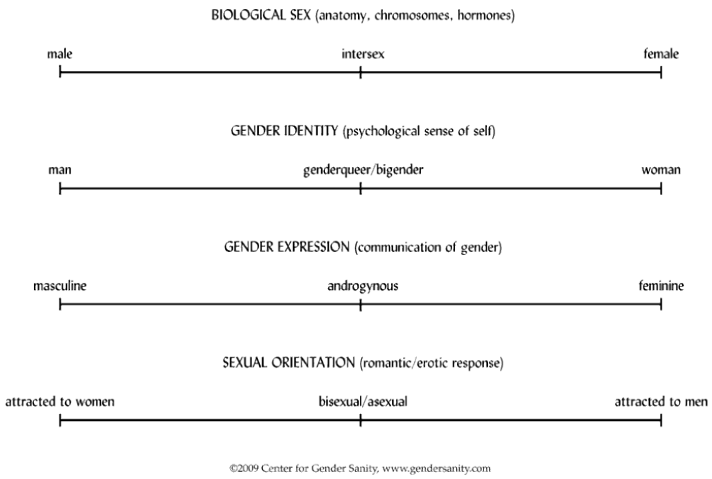
Emotionally Attracted to

- Women
- Men
- Other Gender(s)

To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore

Diagram of Sex and Gender



Biological sex, shown on the top scale, includes external genitalia, internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics such as breasts, facial and body hair, and fat distribution. These characteristics are objective in that they can be seen and measured (with appropriate technology). The scale consists not just of two categories (male and female) but is actually a continuum, with most people existing somewhere near one end or the other. The space more in the middle is occupied by intersex people (formerly, hermaphrodites), who have combinations of characteristics typical of males and those typical of females, such as both a testis and an ovary, or XY chromosomes (the usual male pattern) and a vagina, or they may have features that are not completely male or completely female, such as an organ that could be thought of as a small penis or a large clitoris, or an XXY chromosomal pattern.

Gender identity is how people think of themselves and identify in terms of sex (man, woman, boy, girl). Gender identity is a psychological quality; unlike biological sex, it can't be observed or measured (at least by current means), only reported by the individual. Like biological sex, it consists of more than two categories, and there's space in the middle for those who identify as a third gender, both (two-spirit), or neither. We lack language for this intermediate position because everyone in our culture is supposed to identify unequivocally with one of the two extreme categories. In fact, many people feel that they have masculine and feminine aspects of their psyches, and some people, fearing that they do, seek to purge themselves of one or the other by acting in exaggerated sex-stereotyped ways.

Gender expression is everything we do that communicates our sex/gender to others: clothing, hair styles, mannerisms, way of speaking, roles we take in interactions, etc. This communication may be purposeful or accidental. It could also be called social gender because it relates to interactions between people. Trappings of one gender or the other may be forced on us as children or by dress codes at school or work. Gender expression is a continuum, with feminine at one end and masculine at the other. In between are gender expressions that are androgynous (neither masculine nor feminine) and those that combine elements of the two (sometimes called gender bending). Gender expression can vary for an individual from day to day or in different situations, but most people can identify a range on the scale where they feel the most comfortable. Some people are comfortable with a wider range of gender expression than others.

Sexual orientation indicates who we are erotically attracted to. The ends of this scale are labeled "attracted to women" and "attracted to men," rather than "homosexual" and "heterosexual," to avoid confusion as we discuss the concepts of sex and gender. In the mid-range is bisexuality; there are also people who are asexual (attracted to neither men nor women). We tend to think of most people as falling into one of the two extreme categories (attracted to women or attracted to men), whether they are straight or gay, with only a small minority clustering around the bisexual middle. However, Kinsey's studies showed that most people are in fact not at one extreme of this continuum or the other, but occupy some position between.
For each scale, the popular notion that there are two distinct categories, with everyone falling neatly into one or the other, is a social construction. The real world (Nature, if you will) does not observe these boundaries. If we look at what actually exists, we see that there is middle ground. To be sure, most people fall near one end of the scale or the other, but very few people are actually at the extreme ends, and there are people at every point along the continuum.

Gender identity and sexual orientation are resistant to change. Although we don't yet have definitive answers to whether these are the result of biological influences, psychological ones, or both, we do know that they are established very early in life, possibly prenatally, and there are no methods that have been proven effective for changing either of these. Some factors that make up biological sex can be changed, with more or less difficulty. These changes are not limited to people who change their sex: many women undergo breast enlargement, which moves them toward the extreme female end of the scale, and men have penile enlargements to enhance their maleness, for example. Gender expression is quite flexible for some people and more rigid for others. Most people feel strongly about expressing themselves in a way that's consistent with their inner gender identity and experience discomfort when they're not allowed to do so.

The four scales are independent. Our cultural expectation is that men occupy the extreme left ends of all four scales (male, man, masculine, attracted to women) and women occupy the right ends. But a person with male anatomy could be attracted to men (gay man), or could have a gender identity of "woman" (transsexual), or could have a feminine gender expression on occasion (crossdresser). A person with female anatomy could identify as a woman, have a somewhat masculine gender expression, and be attracted to women (butch lesbian). It's a mix-and-match world, and there are as many combinations as there are people who think about their gender.

This schema is not necessarily "reality," but it's probably closer than the two-box system. Reality is undoubtedly more complex. Each of the four scales could be broken out into several scales. For instance, the sex scale could be expanded into separate scales for external genitalia, internal reproductive organs, hormone levels, chromosome patterns, and so forth. An individual would probably not fall on the same place on each of these. "Biological sex" is a summary of scores for several variables.

There are conditions that exist that don't fit anywhere on a continuum: some people have neither the XX (typical female) chromosomal pattern nor the XY pattern typical of males, but it is not clear that other patterns, such as just X, belong anywhere on the scale between XX and XY. Furthermore, the scales may not be entirely separate: if gender identity and sexual orientation are found to have a biological component, they may overlap with the biological sex scale.

Using the model presented here is something like using a spectrum of colors to view the world, instead of only black and white. It doesn't fully account for all the complex shadings that exist, but it gives us a richer, more interesting picture. Why look at the world in black and white (marred by a few troublesome shades of gray) when there's a whole rainbow out there?

Center for Gender Sanity www.gendersanity.com

Massachusetts Department of Elementary and Secondary Education

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Guidance for Massachusetts Public Schools
Creating a Safe and Supportive School Environment

Nondiscrimination on the Basis of Gender Identity

An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011),1 which became effective on July 1, 2012, amended several Massachusetts statutes prohibiting discrimination on the basis of specified categories, to include discrimination on the basis of gender identity. Among the statutes amended is G.L. c. 76, § 5, prohibiting discrimination on the basis of gender identity against students who enroll in or attend the public schools. G.L. c. 76, §5 now reads as follows:

> Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. **No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.** (Emphasis added)

In June 2012, the Massachusetts Board of Elementary and Secondary Education (Board) adopted revised Access to Equal Education Opportunity Regulations, 603 CMR 26.00, and Charter School Regulations, 603 CMR 1.00, to reflect the broadened student anti-discrimination provision in G.L. c. 76, §5. The Board also directed the Department of Elementary and Secondary Education (Department) to provide guidance to school districts to assist in implementing the gender identity provision.

All students need a safe and supportive school environment to progress academically and developmentally. Administrators, faculty, staff, and students each play an important part in creating and sustaining that environment. This guidance is intended to help school and district administrators take steps to create a culture in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide equal educational opportunities for all students, in compliance with G.L. c. 76, §5 and the state regulations. The guidance sets out general principles based on the law, and addresses common issues regarding transgender and gender nonconforming students. It offers case studies based on experiences of schools and students in Massachusetts, and reflects the need to consider issues on a case-by-case basis. The list of issues is not exhaustive, and the examples are intended to be illustrative, not prescriptive.

1 The Act can be found at http://www.malegislature.gov/Laws/SessionLaws/Acts/2011/Chapter199,

In preparing this guidance, the Department reviewed policies and guidance from several states, organizations, and athletic associations and consulted with the field. We appreciate the input we received from school and district administrators, advocacy groups, parents, students, and other interested constituents.

Definitions

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for students whose rights are protected under the law. The following terms appear in this document and are defined to assist in understanding the guidance presented. Although these are the most commonly used terms, students may prefer other terms to describe their gender identity, appearance, or behavior. The term "gender identity" is specifically defined in the Mass. General Laws, as amended by *An Act Relative to Gender Identity* (the gender identity law).

- *Gender expression*: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- *Gender identity*: as defined in part at G.L. c. 4, § 7, is "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth..."
- *Gender nonconforming*: a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used.
- *Transgender*: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

The Law

The gender identity law amended G.L. c. 76, § 5,2 to establish that no person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of *gender identity*, among other characteristics. The amended Access to Equal Educational Opportunity regulations, 603 CMR 26.00, and the non-discrimination provision of the Charter School regulations, 603 CMR 1.00, require schools to establish policies and procedures, provide training, and implement and monitor practices to ensure that obstacles to equal access to school programs are removed for all students, including transgender and gender nonconforming students.

All districts and schools should review existing policies, handbooks, and other written materials to ensure that they are updated to reflect the new law. At a minimum, this means including the category of "gender identity" within the identification of legally protected characteristics. For example:

> *The [ ] Public Schools strives to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. The [ ] Public Schools prohibits discrimination on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation and ensures that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study.*

The gender identity law reflects the reality that transgender and gender nonconforming students are enrolled in Massachusetts public schools. These students, because of widespread misunderstanding and lack of

2 The Act amends several other statutes as well, including G.L. c. 151B (governing nondiscrimination in employment), to prohibit discrimination on the basis of gender identity.

knowledge about their lives, are at a higher risk for peer ostracism, victimization, and bullying. The 2011 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN), found that 75.4% of transgender students had been verbally harassed in the previous year, 32.1% had been physically harassed, and 16.8% had been physically assaulted. Educators play an essential role in advocating for the well-being of these students and creating a school culture that supports them.

Understanding Gender Identity

The gender identity law defines "gender identity" to mean "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."3 The law also states that "[g]ender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose."4

Transgender youth are those whose assigned birth sex does not match their internalized sense of their gender (their "gender-related identity"), and gender nonconforming youth are those whose gender-related identity does not meet the stereotypically expected norms associated with their assigned sex at birth. A transgender boy, for example, is a youth who was assigned the sex of female at birth but has a clear and persistent identity as male. A transgender girl is a youth who was assigned the sex of male at birth but has a clear and persistent identity as female. Gender nonconforming youth range in the ways in which they identify as male, female, some combination of both, or neither.

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.5 One's gender identity is an innate, largely inflexible characteristic of each individual's personality that is generally established by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial social development.6 As a result, the person best situated to determine a student's gender identity is that student himself or herself.

> *In one Massachusetts town, the parents of a pre-school-age biologically female child noted throughout the child's early years that their child identified as a boy. For as long as the parents could remember, the child preferred to play with boys rather than girls, wanted a short haircut, rejected wearing any clothing that the child identified as "something a girl would wear," and ignored anyone who called him by his stereotypically feminine name. When it was time for the child to enter kindergarten, the child said to his parents, "You have to tell them when I go to kindergarten that I'm a boy."*

Consistent with the statutory standard, a school should accept a student's assertion of his or her gender identity when there is "consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity." If a student's gender-related identity, appearance, or behavior meets this standard, the only circumstance in which a school may question a student's asserted gender identity is where school personnel have a credible basis for believing that the student's gender-related identity is being asserted for some improper purpose.

In most situations, determining a student's gender identity is simple. A student who says she is a girl and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of her life, should be respected and treated like a girl. So too with a student who says he is a boy and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of his life. Such a student should be respected and treated like a boy.

The statute does not *require* consistent and uniform assertion of gender identity as long as there is "other evidence that the gender-related identity is sincerely held as part of [the] person's core identity." Many transgender people experience discrimination, and some experience violence due to their status. Some environments may feel safe and inclusive, and others less so, challenging a person's ability to live consistently with one gender identity in all aspects of life. For example, it is possible that a biologically male student with a female gender identity who lives as a girl does not express her female gender identity all the time. In one case, such a student agreed to present as a boy when visiting relatives until the student's parents could explain the student's transgender identity to them. The fact that the student did not exclusively assert her female identity did not alter the fact that she had a female gender identity.

Confirmation of a student's asserted gender identity may include a letter from a parent, health care provider, school staff member familiar with the student (a teacher, guidance counselor, or school psychologist, among others), or other family members or friends. A letter from a social worker, doctor, nurse practitioner, or other health care provider stating that a student is being provided medical care or treatment relating to her/his gender identity is one form of confirmation of an asserted gender identity. It is not, however, the exclusive form upon which the school or student may rely. A letter from a clergy member, coach, family friend, or relative stating that the student has asked to be treated consistent with her/his asserted gender identity, or photographs at public events or family gatherings, are other potential forms of confirmation. These examples are intended to be illustrative rather than comprehensive.

> *In one Massachusetts middle school, a biologically male student explained to her guidance counselor that she was a transgender girl who expressed her female gender identity only at home. The stress associated with having to hide her female gender identity at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents asked if it would be okay if she expressed her female gender identity at school. The guidance counselor assured the student and her parents that she could do so. The fact that the student presented no documentation to support her gender identity was not a concern since the school had no reason to believe the request was based on anything other than a sincerely held belief that she had a female gender identity.*

Gender Transition

Many, though not all, transgender youth undergo the experience of gender transition. The term "gender transition" describes the experience by which a person goes from living and identifying as one gender to living and identifying as another. For most youth, and for all young children, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition," whereby they begin to live and identify as the gender consistent with their gender-related identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical intervention that may include hormone suppressants, cross-gender hormone therapy, and, for a small number of young people, a range of

3

4 *Id*.

5 When used in this document, the term "parent" refers to parent as well as legal guardian.

6 *See* Gerald P. Mallon, "Practice with Transgendered Children," in *Social Services with Transgendered Youth* 49, 55-58 (Gerald P. Mallon ed., 1999). *See also* Stephanie Brill & Rachel Pepper, "Developmental Stages and the Transgender Child," in *The Transgender Child*, 61-64.

gender-confirming surgeries. The decision about whether and how to undergo gender transition is personal and depends on the unique circumstances of each individual. There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school.

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.

Names and Pronouns

The issue of the name and pronoun to use in referring to a transgender student is one of the first that schools must resolve to create an environment in which that student feels safe and supported. Transgender students often choose to change the name assigned to them at birth to a name that is associated with their gender identity. As with most other issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student, and in the case of a younger student, the parent, with respect to name and pronoun use, and agree on a plan to initiate that name and pronoun use within the school. The plan also could include when and how this is communicated to students and their parents. In the case of a transgender student who is enrolling at a new school, it is important that the school respect the student's privacy (see the following section) and chosen name.

> *In one situation where a transgender girl was entering high school, she and her parent asked the principal to inform her teachers that even though her school records indicate that her name is John, she goes by the name Jane and uses female pronouns. The school principal sent the following memorandum to the student's classroom teachers: "The student John Smith wishes to be referred to by the name Jane Smith, a name that is consistent with the student's female gender identity. Please be certain to use the student's preferred name in all contexts, as well as the corresponding pronouns. It is my expectation that students will similarly refer to the student by her chosen name and preferred pronouns. Your role modeling will help make a smooth transition for all concerned. If students do not act accordingly, you may speak to them privately after class to request that they do. Continued, repeated, and intentional misuse of names and pronouns may erode the educational environment for Jane. It should not be tolerated and can be grounds for student discipline. If you need any assistance to make sure that Jane Smith experiences a safe, nondiscriminatory classroom atmosphere, please contact me or Ms. O'Neill. – Mr. Jones, Principal."*

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.7 Hence, when requested, schools should accurately record the student's chosen name on all records, whether or not the student, parent, or guardian provides the school with a court order formalizing a name change.

The Department has a procedure in place to update name changes and gender markers in the Student Information Management System (SIMS) upon request. The document *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students,* which may be found at http://www.doe.mass.edu/infoservices/data/sims/sasid/, guides schools through changing names and gender markers on school records.

In sum, school personnel should use the student's chosen name and pronouns appropriate to a student's gender identity, regardless of the student's assigned birth sex. For those students who have been attending a school and undergo gender transition while attending the same school, it is important to develop a plan for initiating use of the chosen name and pronouns consistent with the student's gender identity.

Privacy, Confidentiality, and Student Records

Under state law, 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 (*see* Massachusetts Student Records Regulations, 603 CMR 23.00), is confidential, and must be kept private and secure, except in limited circumstances. 603 CMR § 23.04.8 One circumstance is when authorized school personnel require the information to provide administrative, teaching, counseling, or other services to the student in the performance of their official duties. For transgender students, authorized school personnel could include individuals such as the principal, school nurse, classroom teacher(s), or guidance or adjustment counselor.

When a student new to a school is using a chosen name, the birth name is considered private information and may be disclosed only with authorization as provided under the Massachusetts Student Records Regulations. 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. Every effort should be made to update student records (for example, Individualized Education Programs) with the student's chosen name and not circulate records with the student's assigned birth name. Records with the student's assigned birth name should be kept in a separate, confidential file.

> *One school nurse dealt with information in the student's file by starting a new file with the student's chosen name, entered previous medical information (for example, immunizations) under the student's chosen name, and created a separate, confidential folder that contained the student's past information and birth name.*

When determining which, if any, staff or students should be informed that a student's gender identity is different from the assigned birth sex, decisions should be made in consultation with the student, or in the case of a young student, the student's parent or guardian. The key question is whether and how sharing the

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7 For certain transactions, such as banking and applying for governmental benefits or licenses, it may be necessary to have a formal legal document establishing one's change of name for identity and other purposes.
8 The federal Family Educational Rights and Privacy Act, 20 USC 1232g, also protects the privacy of education records and requires that personally identifiable information be kept secure and confidential.

information will benefit the student.

> *In one case, parents of a transgender male-to-female elementary school student requested that only the school principal and the school nurse be aware that the student was assigned the sex of male at birth. After a discussion with the school principal, the parents agreed that the student's teacher, the school secretary, and the district superintendent would also be informed. In this situation, the school principal kept the student's birth certificate in a separate, locked file that only the principal could access, and put a note in the student's other file saying that the principal had viewed the student's birth certificate. In another situation, where a biological male came to school after April vacation as a girl, the school principal and guidance counselor, in collaboration with the student and her parents, developed a plan for communicating information regarding the student's transition to staff, parents, and students. The plan included who was going to say what to whom, and when the communication would take place.*

Transgender and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from his or her 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. 9

Gender Markers on Student Records

A gender marker is the designation on school and other records that indicates a student's gender. For most students, records that include an indication of a student's gender will reflect a student's assigned birth sex. For transgender students, however, a documented gender marker (for example, "male" or "female" on a permanent record) should reflect the student's gender identity, not the student's assigned sex. This means that if a transgender student whose gender identity is male has a school record that reflects an assigned birth sex as female, then upon request by the student or, in the case of young students not yet able to advocate for themselves, by the parent or guardian, the school should change the gender marker on the record to male.10 Schools are advised to collect or maintain information about students' gender only when necessary.

> *One school reviewed the documentation requests it sent out to families and noticed that field trip permission forms included a line to fill in indicating the student's gender. Upon consideration, the school determined that the requested information was irrelevant to the field trip activities and deleted the line with the gender marker request.*

In addition, transgender students who transition after having completed high school, may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

Restrooms, Locker Rooms, and Changing Facilities

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. In meeting with the transgender student (and parent) to discuss the issues set forth in this memorandum, it is essential that the principal and student address the student's access to the restrooms, locker room 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. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity. The following are examples of ways in which school officials have responded to these situations:

> *In one elementary school, a transgender second-grader socially transitioned from female to male. The principal informed the staff: For the remainder of this year, he will use Nurse Margaret's restroom, and toward the end of the year we will make future determinations of restroom use in consultation with his family.*

> *In one middle school, a male-to-female transgender sixth-grader socially transitioned after spring break. For the rest of the school year, she used the nurse's restroom and the other unisex restrooms at the school. Beginning in seventh grade, she used the girls' restroom.*

> *In one high school, a transgender male-to-female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility.*

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students.

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.

School staff as well as students and their families may find the use of restrooms and changing facilities to be among the more challenging issues presented by the gender identity law, perhaps due to issues of personal privacy. As emphasized in other sections of this guidance, these issues should be resolved on a case-by-case basis, through dialogue with students and parents, and through leadership in creating safe and supportive learning environments.

Physical Education Classes and Intramural and Interscholastic Athletic Activities

Physical education is a required course in all grades in Massachusetts' public schools, and school-based athletics are an important part of many students' lives. Most physical education classes in Massachusetts'

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9 See 603 CMR §§23.01 and 23.07. If a student is from 14 through 17 years of age or has entered ninth grade, both the parent and the student may make decisions concerning the student record, or either the student or the parent acting alone may decide.

10 As discussed in the section on Names and Pronouns, the Department's publication *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students* guides district staff through the process of adding or revising SIMS data.

schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity. With respect to interscholastic athletics, the Massachusetts Interscholastic Athletic Association will rely on the gender determination made by the student's district; it will not make separate gender identity determinations.

> *At one school, a transgender girl joined the girls' cheerleading squad. The school supported the student's participation on the team. When the team was going to a regional competition, however, several of the team members raised a concern that the school would be made to compete in the coed cheerleading portion of the competition rather than in the all-girls portion for which they prepared. With the permission of the student, the principal wrote a letter that she gave to the coach to take to the competition in case officials at the competition questioned the team's participation in the all-girls' portion of the event. The letter explained: "Student, Jane Smith, is a transgender girl who has been a member of the girls' team since (date). Jane has a sincerely held female gender identity and, therefore, according to state law must be permitted to participate as a girl on the girls' cheerleading team." The team participated in the regional competition without incident.*

Other Gender-Based Activities, Rules, Policies, and Practices

As a general matter, schools should evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not. In some circumstances, these policies, rules, and practices may violate federal and state law. For these reasons, schools should consider alternatives to them.

Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity.

The new law on gender identity provides a good opportunity for schools to review their gender-distinct policies. For example, some schools require students to wear gender-based garb for graduation or have gender-based dress codes for prom, special events, and daily attire. Schools should eliminate gendered policies and practices such as these. For example, one school that previously had blue graduation gowns for boys and white ones for girls switched to blue gowns for all graduates. The school also changed its gender-based dress code for the National Honor Society ceremony, which had required girls to wear dresses.

Similarly, some classroom teachers may routinely include gender-based practices in the classroom. For example, some teachers may have boys and girls line up separately to leave the classroom to go to lunch, the gymnasium, restrooms, or recess, and may never have considered the educational value of non-gendered alternatives, such as having students line up in the order of their birthdays, or alphabetically by name, or in the order in which they are sitting.11

Education and Training

In order to further a safe and supportive school environment for all students, schools should incorporate education and training about transgender and gender nonconforming students into their anti-bullying curriculum, student leadership trainings, and staff professional development.

11 Gender and Children: A Place to Begin for Educators www.welcomingschools.org

As with other efforts to promote a positive school culture, it is important that student leaders and school personnel, particularly school administrators, become familiar with the gender identity law, regulations, guidance, and related resources, and that they communicate and model respect for the gender identity of all students.

Professional development for school staff could include topics on gender identity and gender nonconformity such as: the *Massachusetts Student Anti-discrimination Law and Regulations*; the ESE *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*; key terms related to gender identity and expression; the development of gender identity; the experiences of transgender and other gender nonconforming students; risk and resilience data regarding transgender and gender nonconforming students; ways to support transgender students and to improve the school climate for gender nonconforming students; gender-neutral language and practices; and this guidance.

Communication with School Community and Families

Superintendents and principals need to review existing policies, handbooks, and other written materials to ensure that they are updated to reflect the inclusion of *gender identity* in the student antidiscrimination law, and may wish to inform all members of the school community, including school personnel, students, and families, of the recent change to state law and its implications for school policy and practice. This could take the form of a letter that states the school's commitment to being a supportive, inclusive environment for all students, as well as the school's legal obligation to provide equal educational opportunities for all students. Such a letter might include the definitions provided at the beginning of this document and some basic information about transgender and gender nonconforming youth; a link to the school's anti-bullying and anti-harassment policies; a link to this guidance; and other resources, including individuals to contact with additional questions. 12

Conclusion

This guidance cannot anticipate every situation in which questions may come up in the implementation of this law, and the needs of each transgender or gender nonconforming student should be assessed and addressed on a case-by-case basis. The Department will continue to provide assistance, support, and resources as we work together to create a safe and supportive school environment for all students.

For further information or questions about the content of this guidance, please contact Center for Student Support @ ssca@doe.mass.edu.

12 For example, a letter from one principal explained: *"All people have a gender identity. For most people, their gender identity matches their assigned sex at birth. For transgender people, that is not the case. Transgender girls are individuals who were assigned the male sex at birth but whose lived experience of who they are is female. Transgender boys are individuals who were assigned the female sex at birth but whose lived experience of who they are is male. As a school community, we want to provide a safe environment and support all of our students so they can achieve academically. That means making sure that our school's policies and practices are inclusive and respectful of all students, including transgender students. Toward that end, we have …[describe steps taken to implement the law]."*

Bullying Prevention and Intervention Resources

Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression:
Implementation of 603 CMR 49.05

January2011

The bullying intervention and prevention statute, G.L. c.71, §37O, as added by Chapter 92 of the Acts of 2010, requires school officials to notify the parents or guardians of an aggressor and target when bullying has occurred. The following guidance is issued to assist school officials in implementing this requirement, which is further addressed at Section 49.05 of the Notification of Bullying or Retaliation Regulations, 603 CMR 49.00.[1] It highlights considerations and concerns unique to notifying the parent or guardian[2] of a student who has been bullied due to perceived or actual sexual orientation or gender identity/expression.[3] Bullying related to perceived sexual orientation and gender identity/expression may be directed toward students, regardless of how they identify.[4]

This document is informed by research[5] showing that lesbian, gay, bisexual, and transgender (LGBT) youth with high levels of family acceptance have significantly higher levels of self-esteem and better overall health, compared with LGBT youth with low levels of family acceptance. LGBT youth with highly rejecting parents are more than eight times as likely to report suicide attempts, and nearly six times as likely to report high levels of depression. Given these findings, it is likely that LGBT students with rejecting parents will respond differently from LGBT students with accepting parents when they learn that their parents will be notified that they are targets of bullying related to sexual orientation or gender identity/expression. These findings and considerations have critical implications for how LGBT students and their families are served in our schools. They also underscore the importance of professional development concerning LGBT students and the significance of parental acceptance in fostering their well-being.

In addition, school officials should remember that parents of LGBT students may not be aware of their child's sexual orientation or gender identity/expression. In such cases, students may have grave concerns about their parents' response to learning that they have been targets of bullying related to sexual orientation or gender identity/expression, and feel that this information should not be shared with their parents. Among other things, this means that LGBT students who fear disclosure of their sexual orientation or gender identity/expression to their parents will be much less likely to report that they have been bullied, or to willingly participate in bullying investigations reported by others about them.

It is important to consider that even heterosexual students who are targeted based on perceived sexual orientation or gender identity/expression might be concerned about their parents learning the homophobic nature of the bullying they experience, especially if students consider their parents to hold negative attitudes toward sexual or gender minorities. Finally, whether their child is LGBT or heterosexual, parents may not be prepared to provide adequate, appropriate, or effective support for their children who experience homophobic victimization, and may feel uncomfortable discussing a child's sexual orientation or gender identity/expression.

School officials' awareness of and sensitivity to these issues, and their ability to respond with appropriate resources, is critical to supporting students' safety and well-being.

The Notification Process

Given the special circumstances of a bullying incident involving actual or perceived sexual orientation or gender identity/expression, the Department recommends that districts: 1) designate a staff person who is proficient in these topics, and 2) design an appropriate parental notification process for these situations. School officials should be aware that reporting the details of a bullying incident might inadvertently disclose the sexual orientation or gender identity/expression of an LGBT student to his/her parents or to the public. Unintended consequences, such as familial rejection or family conflict, should be considered.

The notification process should include development of a notification plan in consultation with the student, guidance staff, and the above-mentioned designated person (if not part of the guidance staff). The plan should include a discussion of the content and process for notifying the student's parents, informed by an assessment of the student's safety, along with relevant research and resources that may be offered to support the student and his or her family.[6] As much as possible, if a parent is unaware of an LGBT student's sexual orientation or gender identity/expression, the student

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[1] The regulations may be found at 603 CMR 49.00.

[2] Hereafter, the word "parent" will be used to refer to "parent or guardian."

[3] "Gender identity" generally refers to a person's inner sense of being male or female. There are some people who feel their assigned sex at birth is not consistent with their gender identity. "Gender expression" refers to how a person expresses their gender identity, or the cues people use to identify another person's gender.

[4] The average age of identification of sexual orientation, for both males and females, is about age 14. D'Augelli, A.R., Grossman, A.H., & Starks, M.T. Gender Atypicality and Sexual Orientation Development among Lesbian, Gay, and Bisexual Youth: Prevalence, Sex Differences, and Parental Responses, *Journal of Gay & Lesbian Psychotherapy, in press*.

[5] Ryan, C., Russell, S.T., Huebner, D., Diaz, R., & Sanchez, J. (2010). Family acceptance in adolescence and the health of LGBT young adults. *Journal of Child and Adolescent Psychiatric Nursing*, 29 (4), 205-213; Ryan, C., Huebner, D., Diaz, R. M., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay and bisexual young adults. *Pediatrics*, 123 (1): 346-352.

[6] A resource list is available on the Department of Elementary and Secondary Education's website at Bullying Prevention and Intervention Resources webpage.

should be supported in his or her decision to disclose his or her sexual orientation or gender identity/expression to family members on his or her own terms.

As in any case when particularly sensitive information is shared, the Department strongly recommends that school officials discuss details of the bullying incident with parents in person. School officials should use their discretion in discussing the incident and avoid sharing information that might endanger the mental or physical health and safety of the student. Where the student has not disclosed his or her sexual orientation or gender identity/expression to his or her parents and the student believes he or she may be at risk if it is disclosed, to the extent possible, discussion should focus on facts regarding the student's involvement as a target or aggressor and on safety planning, not on information that reveals the actual or perceived gender identity or sexual orientation of the student. As in all bullying incidents, school officials should offer resources and support to the student and family.

Communicating in the Primary Language of the Home

Since the principal or designee is required to notify parents promptly, the initial communication with parents will most likely take place by telephone. As noted earlier, whenever possible, a detailed discussion should take place in person, particularly if the target is an LGBT student, and the parent is unaware of the student's sexual orientation or gender identity/expression. School officials should not ask students to serve in the role of interpreter with their parents or in situations involving family members such as siblings and cousins. Schools and districts should identify school employees and independent interpreters as needed, who may be trained in all aspects of this guidance and confidentiality requirements, to provide this service.

Sexual orientation and homophobic bullying can have distinct cultural meanings for different racial/ethnic/immigrant groups. For example, in some cultures, the concept of identifying as LGBT or experiencing homophobic victimization may be difficult to translate or describe. Attitudes toward sexual orientation, gender identity, and gender expression are heavily influenced by cultural and social norms. In situations involving these issues, it is even more important that the notification process be conducted with forethought and discretion.

Responding to bullying in a manner that builds safe and supportive environments for all students is a complex and challenging task. If you have questions about the guidance provided in this document, please contact Learning Supports and Early Learning (OLSEL) via achievement@doe.mass.edu or 781-338-3010 for assistance.

Appendix

G.L. c. 71, §37O:
http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O

§37(O)(d) states in part:
Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention…

Each plan shall include… (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim or perpetrator…

The department shall promulgate rules and regulations on the requirement related to a principal's duties under clause (viii) of the second paragraph of this subsection.

49.05 Notice to Parents
http://www.doe.mass.edu/lawsregs/603cmr49.html

Regulations:

1. *Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parent/guardian of action that school officials will take to prevent further acts of bullying or retaliation. Nothing in this provision prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.*
2. *Notice required by 603 CMR 40.05 shall be provided in the primary language of the home.*
3. *Each school district and school shall include the requirements and procedures for communication with the parents of the aggressor and target of bullying or retaliation in the local plan.*
4. *A principal's notification to a parent about an incident or a report of bullying must comply with confidentiality requirements of the Massachusetts Student Record Regulations, 603 CMR 23.00 and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.*

***Note: Principal (above)** means the administrative leader of a public school, charter school, collaborative school, or approved private day or residential school, or his or her designee for the purposes of implementing the school's bullying prevention and intervention plan. See http://www.doe.mass.edu/lawsregs/603cmr49.html?section=03 for more information about definitions and terms.*

Education Laws and Regulations

603 CMR 26.00: Access To Equal Educational Opportunity

Section:
26.01: Purpose and Construction; Definition
26.02: School Admissions
26.03: Admission to Courses of Study
26.04: Career and Educational Guidance
26.05: Curricula
26.06: Extra-Curricular Activities
26.07: Active Efforts
26.08: Notification and Complaint Procedure
26.09: Private Right of Action
View All Sections

Most recently amended by the Board of Elementary and Secondary Education: June 26, 2012

26.01: Purpose and Construction; Definition

(1) 603 CMR 26.00 is promulgated to insure that the public schools of the Commonwealth do not discriminate against students on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools. 603 CMR 26.00 shall be liberally construed for these purposes.
(2) The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association that would limit the eligibility or participation of any student on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation.
(3) For purposes of 603 CMR 26.01, gender identity shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

26.02: School Admissions

(1) All public schools in the Commonwealth shall admit students without regard to race, color, sex, gender identity, religion, national origin, or sexual orientation. This includes, but is not limited to charter, elementary, secondary, trade, regional vocational-technical schools and selective academic high schools.
(2) No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, gender identity, religion, national origin, or sexual orientation. Written materials and other media used to publicize a school shall specifically affirm that the school does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation.
(3) The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extra-curricular activities.
(4) Any standards used as part of the admissions process, including but not limited to testing, the use of recommendations and interviewing, to any public school (as referred to in 603 CMR 26.02 (1)) shall not discriminate on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation. A student's limited English-speaking ability (as defined by M.G.L. c. 71A) shall not be a deterrent to or limitation on a student's admission to a public school.
(5) In determining whether a student satisfies any criteria for admission to selective academic high schools, regional vocational technical schools, trade schools and charter schools, or in making any offer of admission to such a school, public school officials shall not treat a student differently from another based on the student's race, color, sex, gender identity, religion, national origin, or sexual orientation. Public schools shall not use admission criteria that have the effect of subjecting students to discrimination because of their race, color, sex, gender identity, religion, national origin, or sexual orientation.
(6) Nothing in 603 CMR 26.00 shall control the interpretation of or interfere with the implementation of M.G.L. c. 71, § 37C and related statutes, providing for the elimination of racial imbalance in public schools, or M.G.L. c. 71A, providing for the establishment of transitional bilingual education programs in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

26.03: Admission to Courses of Study

(1) All courses of study offered by a public school shall be open and available to students regardless of race, color, sex, gender identity, religion, national origin, or sexual orientation.
(2) A public school shall determine what courses or units of study are required of a student without regard to the race, color, sex, gender identity, religion, national origin, or sexual orientation of that student.
(3) A public school shall not schedule students into courses or units of study on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation.
(4) No student, on the basis of race, color, sex, gender identity, religion, national origin, limited English-speaking ability or sexual orientation,

shall be discriminated against in accessing the courses of study and other opportunities available through the school system of the city or town in which he or she resides.
(5) Nothing in 603 CMR 26.03 shall be construed to prevent schools from providing separately to each sex those segments of a program of instruction dealing exclusively with human sexuality.

26.04: Career and Educational Guidance

(1) Guidance counselors and other personnel shall represent to students a broad spectrum of education and career opportunities. School personnel shall not present race, color, sex, gender identity, religion, national origin or sexual orientation as limiting factors in career determination.
(2)No materials, tests or procedures shall be employed for guidance purposes that discriminate and/or limit choices on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation.

26.05: Curricula

(1) All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
(2) Teachers shall review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials shall be used to provide balance and context for any such stereotypes depicted in such materials.
(3) Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.

26.06: Extra-Curricular Activities

(1) Advantages and privileges of public schools include all extra-curricular activities made available, sponsored or supervised by any public school. No school shall sponsor or participate in the organization of outside extra-curricular activities conducted at such school that restrict student participation on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. 603 CMR 26.06 (1) does not prohibit school committees from allowing use of school premises by independent groups with restrictive membership.
(2) No student shall be denied the opportunity in any implied or explicit manner to participate in an extra-curricular activity because of the race, color, sex, gender identity, religion, national origin or sexual orientation of the student except as provided in 603 CMR 26.06(5). Participation in extra-curricular activities shall be actively encouraged by each school for all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
(3) Each school system shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports.
(4) In order to provide equal athletic opportunity, public schools that operate or sponsor intramural or interscholastic sports teams shall ensure that budgetary allocations and the provision of athletic activities and services are fairly distributed between students of both sexes based upon student interests and abilities.
(5) A school may establish or sponsor separate teams for males and females for interscholastic and intramural competition in a particular sport where selection for the team is based upon competitive skill provided that the requirements of 603 CMR 26.06(6) are satisfied. A student shall have the opportunity to participate on the team that is consistent with the student's gender identity.
(6) Teams comprised primarily or solely of students of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment and opportunities to practice and compete as teams engaged in a similar activity comprised primarily or solely of students of the opposite sex.

26.07: Active Efforts

(1) The school committee of each school district shall establish policies and procedures, and implement monitoring and evaluation practices that insure that all obstacles to equal access to school programs for all students regardless of race, color, sex, gender identity, religion, national origin, limited English-speaking ability or sexual orientation, are removed. Such policies shall include a requirement for an annual evaluation of all aspects of the K through 12 school program to insure that all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation are given an opportunity to participate in all programs offered by the school including athletics and other extra-curricular activities.
(2) All public schools shall strive to prevent harassment or discrimination based upon students' race, color, sex, gender identity, religion, national origin or sexual orientation, and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.
(3) The school committee and the superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting.
(4) The superintendent, as an agent of the school committee, shall promote and direct effective procedures for the full implementation of 603 CMR 26.00, and shall make recommendations to the school committee for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to 603 CMR 26.00.
(5) The superintendent of each school system shall require employers who recruit new employees in and through the schools of that district to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices.
(6) Adults serving on athletic regulatory boards shall fairly represent the interest of all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
(7) Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school by any person, group or organization shall be free from any restrictions based upon race, color, sex, gender identity, religion, national origin or sexual orientation. Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.
(8) The opportunity to receive guidance and counseling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

26.08: Notification and Complaint Procedure

(1) The superintendent shall be responsible for ensuring that all school handbooks and codes of conduct reference M.G.L. c. 76, § 5 and affirmatively state and explain the school's obligations under M.G.L. c. 76, § 5. In order to ensure that such obligations are fulfilled, all school handbooks and codes of conduct shall also contain the following:

a) A nondiscrimination policy that is consistent with M.G.L. c. 76, § 5 and affirms the school's non-tolerance for harassment or discrimination, including that based upon race, color, sex, gender identity, religion, national origin or sexual orientation; and
b) The school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
c) The disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.

(2) The principal shall ensure that the applicable school handbook and district code of conduct are annually distributed to students, parents and school personnel and, when requested, ensure that such school handbook and district code of conduct are available in the primary language of a parent or student whose primary language is not English.

26.09: Private Right of Enforcement

(1) Nothing in 603 CMR 26.00 shall abridge or in any way limit the right of a parent, guardian, or person affected to seek enforcement of M.G.L. c. 76, § 5 in any court or administrative agency of competent jurisdiction.

Regulatory Authority:
603 CMR 26.00: M.G.L. c. 76, § 5.

Disclaimer:
For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834.

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906 Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

MEMORANDUM

To: Superintendents; Charter School Leaders; Elementary, Middle, and High School Principals
From: Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education
Date: November 28, 2016
Subject: The Safe Schools Program for LGBTQ Students

To assist you with your efforts to create safe and supportive school environments for lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) students, the Department of Elementary and Secondary Education (DESE) and the Massachusetts Commission on LGBTQ Youth (Commission)* offer the following opportunities and information:

1. Training and Technical Assistance

The Safe Schools Program for LGBTQ Students, a joint initiative of DESE and the Commission, can provide your district with training and technical assistance on issues pertaining to building safe and supportive environments for LGBTQ students; meeting the needs of transgender and gender-nonconforming students; the implementation of related suicide, violence, and bullying prevention efforts; and the reduction of health disparities for LGBTQ students. Please send the name and contact information of your liaison(s), GSA advisor(s), and any requests for training or technical assistance to safeschoolsprogram@doe.mass.edu or contact the Safe Schools Program Coordinator at 781-338-6319.

2. The Massachusetts Gender and Sexuality Alliance (GSA) Leadership Council

Modeled on the Student Advisory Council to the Board of Elementary and Secondary Education, the Massachusetts GSA Leadership Council provides networking and skill-building opportunities for GSA student leaders and advisors to promote student leadership and improve school climate. The GSA Leadership Council consists of a state council and regional councils. The State GSA Council consists of those students who attended the GSA Leadership Summit in August at UMASS Amherst. State and regional council meetings take place bimonthly from 9AM to 1PM.

We invite you to register a team of up to four students and two adult advisors to join other GSA student leaders and advisors at the regional council meetings. Because the state and regional council meetings occur during school time, we ask that you support student and advisor attendance with appropriate arrangements for excused absences. On the next page you will find a list of meeting dates and locations. The following link contains additional information:http://www.doe.mass.edu/sfs/lgbtq/GSALcouncil.html

3. Information on Federal and State Laws and Policies regarding LGBTQ Students

Federal and state laws exist to ensure that LGBTQ students have access to the education they need to thrive, including: MA Student Anti-discrimination Law, Chapter 76, Section 5; MA Anti-bullying Law,

* The Massachusetts Commission on LGBTQ Youth is established by law as an independent state agency to recommend and advocate to all branches of state government effective policies, programs and resources for LGBTQ youth to thrive.

Section 71, Chapter 370, Chapter 86; An Act Relative to Gender Identity, Chapter 199 of the Acts of 2011; and Title IX.

The following link contains

Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression, the *Guidance on Nondiscrimination on the Basis of Gender Identity*, and the U.S. Department of Education Office for Civil Rights' *Dear Colleague Letter on Transgender Students*: http://www.doe.mass.edu/sfs/lgbtq/

Last year, the Massachusetts Board of Elementary and Secondary Education approved the Principles for Ensuring Safe and Supportive Learning Environments for LGBTQ Students. These Principles, aligned with applicable policies as well as current law and regulations, provide a set of best practices to ensure a safe and supportive climate for LGBTQ students.

Thank you for your continued commitment to providing a safe and supportive environment for all students. We are proud that Massachusetts is a leader in this regard and that there have been significant improvements in the past 25 years. We look forward to continuing this important work with you.

Massachusetts GSA Leadership Council Meetings 2016-17

Statewide Leadership Council Location: Massachusetts Department of Elementary and Secondary Education 75 Pleasant Street, Malden, MA 02148 • Tuesday, September 20, 2016 • Tuesday, November 22, 2016 • Tuesday, January 17, 2017 • Tuesday, March 28, 2017 • Tuesday, May 9, 2017	**Greater Boston** Location: Massachusetts Department of Elementary and Secondary Education 75 Pleasant St, Malden, MA 02148 • Tuesday, October 4, 2016 • Thursday, December 22, 2016 • Tuesday, February 14, 2017 • Tuesday, April 4, 2017 • Tuesday, June 13, 2017	**Southeast Massachusetts** Location: Southeastern Regional Vocational Tech High School 250 Foundry St, South Easton, MA 02375 • Tuesday, October 18, 2016 • Tuesday, December 13, 2016 • Wednesday, February 8, 2017 Location: Oliver Ames High School 100 Lothrop St, North Easton, MA 02356 • Tuesday, April 11, 2017 • Wednesday, June 7, 2017
Northeast Massachusetts Location: Greater Lowell Technical High School 250 Pawtucket Blvd, Tyngsboro, MA 01879 • Thursday, October 13, 2016 • Thursday, December 15, 2016 • Thursday, February 16, 2016 • Thursday, April 13, 2017 • Thursday, June 1, 2017	**Central Massachusetts** Location: Grafton High School 24 Providence Rd, Grafton, MA 01519 • Wednesday, October 5, 2016 • Wednesday, December 14, 2016 • Wednesday, February 1, 2017 Location: Montachusett Regional Vocational Technical School 1050 Westminster St, Fitchburg, MA 01420 • Wednesday, April 5, 2017 • Friday, June 2, 2017	**Western Massachusetts** Location: Westfield High School 177 Montgomery Rd, Westfield, MA 01085 • Thursday, October 6, 2016 • Thursday, December 8, 2016 • Thursday, February 2, 2017 • Wednesday, April 12, 2017 • Wednesday, May 31, 2017

Massachusetts Department of Elementary and Secondary Education

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Principles for Ensuring Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) Students

Approved, March 24, 2015, Massachusetts Board of Elementary and Secondary Education

1. **Schools must have policies, and update them as needed, protecting LGBTQ students from harassment, violence, and discrimination based on LGBTQ status, to ensure compliance with the law.**

   In light of the amended Student Anti-discrimination Law, G.L. c. 76, §5, which includes sexual orientation and gender identity as protected categories, and in order to ensure these protections are understood throughout all Massachusetts schools and districts, school and district non-discrimination policies must be reviewed and updated as necessary to include sexual orientation and gender identity. In addition, schools are encouraged to adopt policies and practices based on the Department's *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity.*

2. **Schools must include content about violence and suicide prevention related to LGBTQ students in their required training for school personnel.**

   The regulations addressing the Student Anti-discrimination Law require the school committee and superintendent to provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin, and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting. *See*, 603 CMR 26.07(3).

   The Massachusetts Anti-bullying Law states that the content of anti-bullying professional development shall include developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; and research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment. *See*, G.L. c. 71, §37O(d)(4).

   Training for personnel should include the particular issues that lead to LGBTQ students being harmed or harming themselves, as well as the factors that promote healthy outcomes and resilience in LGBTQ students. The trained staff should include educators, administrators, school nurses, counselors, librarians, cafeteria workers, custodians, administrative assistants, bus drivers, athletic coaches, activity advisors, all support staff, and paraprofessionals.

3. **Schools are encouraged to offer school-based groups for LGBTQ and heterosexual students.**

   Research consistently finds that participation in gay-straight alliances or gender and sexuality alliances (GSAs) is central to positive youth development and resilience. In order to support students who may be isolated and at high risk for suicide, as well as to offer them meaningful leadership opportunities, middle and high schools should establish groups where all students, LGBTQ and heterosexual, may meet on a regular basis to discuss LGBTQ issues in a safe environment. These GSAs should be open to all students and should have a faculty advisor and support from the school administration. GSA student leaders and adult advisors are encouraged to participate in the Massachusetts GSA Leadership Council, which is modeled on the Student Advisory Council to the Board of Elementary and Secondary Education and consists of a statewide leadership council and five regional councils.

4. **Schools are encouraged to provide support for family members of LGBTQ students.**

   A key determinant of LGBTQ student health is parental acceptance and family support. Student support teams, guidance staff, and community partners should provide resources to help families and students locate counseling, information, and support services.

   Administrators and guidance staff should be familiar with the practices recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*, including designing an appropriate parental notification process for these situations.

5. **School districts are encouraged to designate a staff member who is proficient in issues related to sexual orientation and gender identity.**

   All school districts should designate a person who is proficient on issues related to sexual orientation and gender identity, as recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression.* In addition to assuming a leadership role in educating the school community regarding these topics, this person serves as the point person for the school district and for the Department.

6. **Schools, through their curricula, shall encourage respect for the human and civil rights of all individuals, including LGBTQ individuals.**

   The regulations addressing the Student Anti-discrimination Law state: *All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation. See,* 603 CMR 26.05(1).

   Research shows that inclusion of LGBTQ topics in curricula corresponds to all students reporting that they feel safer in school, regardless of sexual orientation or gender identity. Curricula should reflect issues of sexual orientation and gender identity, as relevant, to be inclusive across subject areas, including, but not limited to, health, social science, language arts, and family life curricula.

7. **Schools are encouraged to provide age-appropriate information about LGBTQ issues in school libraries and in student and faculty resource centers.**

   School libraries should include a selection of high interest LGBTQ books and media. In addition, computer-filtering software should not inhibit age-appropriate access to medical and social information. Schools are encouraged to review the computer filtering protocol to ensure that LGBTQ students and other school community members can access information related to LGBTQ youth, local and national resources, and LGBTQ health information.

8. **Schools are encouraged to have a diverse workforce.**

   In order to provide authentic role models for all students, schools are encouraged to have diverse staff who reflect the protected categories in the Student Anti-discrimination Law, including gender identity and sexual orientation. While employers cannot inquire about an applicant's sexual orientation or gender identity, it is important that school systems have work environments where openly LGBTQ staff members feel safe, supported, and valued.

9. **Schools are encouraged to review academic and non-academic policies and procedures, and available data, to identify issues or patterns that may create barriers to a safe and successful learning experience for LGBTQ students.**

   LGBTQ youth are frequently cited as being disproportionately at risk for experiencing bullying, truancy, violence, substance use, unaccompanied homelessness, discipline treatment, and involvement with the juvenile justice system. Schools are encouraged to analyze available attendance, suspension, expulsion, bullying, and school climate data to identify and address patterns and barriers that may exist for LGBTQ students, and to promote practices that improve their attendance and participation in school.

   In 2014 the Massachusetts Anti-bullying Law was amended to require annual reporting of bullying incident data, including the nature of the bullying incidents, to the Department. In addition, school systems should review their referrals to community-based services and law enforcement agencies to see if LGBTQ youth are disproportionately affected, and implement changes to address any disparities.

   Schools should also review policies and practices, such as those recommended in the Department's *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity*, which affect the school experience of LGBTQ students.

MIAA Gender Identity Policy Clarification

28. Gender Equity and Leadership

28.3 The Association will rely on the gender determination made by the student's district; it will not make separate gender identity determinations.

The MIAA is committed to providing transgender student-athletes with equal opportunities to participate in MIAA athletic programs consistent with their gender identity. Hence, this policy addresses eligibility determinations for students who have a gender identity that is different from the gender listed on their official birth certificates.

The MIAA has concluded that it would be fundamentally unjust and contrary to applicable state and federal law to preclude a student from participation on a gender specific sports team that is consistent with the public gender identity of that student for all other purposes. Therefore, for purposes of sports participation, the MIAA shall defer to the determination of the student and his or her local school regarding gender identification.

In this regard, the school district shall determine a student's eligibility to participate in a MIAA gender specific sports team. Accordingly, when a school district submits a roster to the MIAA, it is verifying that it has determined that the students listed on a gender specific sports team are entitled to participate on that team due to their gender identity and that the school district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics. Students who wish to participate on a MIAA gender specific sports team that is different from the gender identity listed on the student's current school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students are not permitted to try out simultaneously for MIAA sports teams of both genders.

Nothing in this policy shall be read to entitle a student to selection to any particular team or to permit a student to transfer from one gender specific team to a team of a different gender during a sports season. In addition, the MIAA shall expect that, as a general matter, after the issue of gender identity has been addressed by the student and the school district, the determination shall remain consistent for the remainder of the student's high school sports eligibility. The MIAA has concluded that this criterion is sufficient to preclude the likelihood that a student will claim a particular gender identity for the purpose of gaining a perceived advantage in athletic competition.

Some Considerations When Working with LGBT Students of Color

All students deserve a safe and affirming school environment. More than 20 years of GLSEN work and research proves that 1) supportive school staff, 2) inclusive curriculum, 3) GSAs (and other student-led clubs) and 4) comprehensive and enumerated policies help to improve school climate, academic achievement and student well-being.

When working with LGBT students of color[1], there are a number of additional concerns that should be taken into consideration. It is crucial to see students through a holistic lens, one that recognizes and tries to understand the complex identities and experiences that shape each individual.

The following considerations are meant to help you think more deeply about the experiences of LGBT students of color and their needs. It is not an exhaustive list, but one that was created in hopes of inspiring additional thoughts and questions amongst school staff.

We encourage you to read, consider and try out some of the suggestions on the following pages.

HETRICK-MARTIN INSTITUTE
EMPOWERMENT, EDUCATION & ADVOCACY FOR LGBTQ YOUTH

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TALK ABOUT IT

The Need:

LGBT students of color face multiple forms of oppression in their lives and may feel isolated and/or invisible at school. Challenging all forms of oppression and empowering students and staff begins with recognizing existing issues of bias and facilitating open dialogue about how these biases affect others. Bringing these topics out into the open allows for healthy and productive opportunities for students and colleagues to ask questions, share their own personal feelings and experiences, and learn from each other.

The Challenge:

In a school setting, discussing issues of prejudice, discrimination, and oppression can be intimidating. You may have concerns that by bringing these topics up, especially as they relate to your students, you do more harm than good. It may seem like you are opening a can of worms or that you might lose control, with challenging student responses, potentially angry parents and unsupportive school leadership.

Try This:

- Reflect on your school climate and culture with colleagues, paying close attention to the experience of LGBT students of color at your school and how institutional oppression and individual acts of bias and prejudice may impact them.
- Talk about anti-LGBT bias, racism and other forms of oppression with students in your school. Ask open ended questions in the classroom, allowing students to share their thoughts and personalize their feelings and experiences.
- Develop discussion groups with other staff in your school where you can talk about and work through questions of diversity, challenges regarding bias, and strategies for engagement.

[1]LGBT students of color are defined as those students who identify as both having an LGBT (lesbian, gay, bisexual, transgender, queer or questioning) and person of color identity. The term "person of color" is; 1) regarded as acceptable when groups or individuals use it to name themselves; 2) often refers to African-American/black, Latino/Hispanic, Native American/First Nation, Asian and Pacific Islander, Middle Eastern and people of mixed ancestry as people of color; 3) an expression in English usage for any nonwhite category.

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AFFIRM COMPLEX IDENTITIES

The Need:

All students benefit from learning environments in which they are seen as a whole person, and where their various identities, experiences, abilities and needs are taken into account.

LGBT students of color, like all students, are not a monolithic group; they represent a diverse range of race, ethnicity, religion, community and culture. Even within a particular ethnic group, student experiences may vary widely. Also, LGBT students of color may feel conflicted about acknowledging all parts of themselves and struggle in their efforts to combine their racial, ethnic, religious, cultural, sexual and gender identities.

The Challenge:

The identities and needs of LGBT students of color vary widely depending on their environmental context (access to resources, experiences affirmation/discrimination, sources of support, etc.). You may be unfamiliar with the nuances of your students' racial, ethnic, religious, cultural sexual and gender identities. Additionally, you may feel that you lack the resources to meet the needs of such a diverse population.

Try This:

- Step out of the "box" and search out opportunities to experience cultures, traditions, and communities different than your own. Take on the task of becoming culturally aware. Work to recognize and challenge your own personal biases and misconceptions.
- Learn from your students and their families. Ask questions about their cultures, traditions, communities, experiences, and feelings to ensure that your behavior is respectful and inclusive. At the same time, ensure that these conversations do not tokenize or place the full burden of explanation on students and their families.
- Acknowledge the fact that each student comes with a unique personal story and set of experiences. Seek to affirm each aspect of their identity and model a way in which they can do the same for themselves.

SUPPORT STUDENT RESILIENCE

The Need:

LGBT students of color face multiple forms of oppression in their daily lives, based on their real or perceived racial, ethnic, religious, cultural, sexual and gender identities. Because of these experiences and learned coping skills from family and community, one study finds that LGB students are often more resilient when faced with adversity than their white LGB counterparts. LGBT students of color need educators who recognize and affirm all parts of their identity and the internal resilience and resources they possess.

The Challenge:

Despite common misconceptions, LGBT students of color, as with LGBT students in general, do not necessarily need counseling or therapy, but instead opportunities and encouragement to build upon their existing internal resilience factors, coping strategies and leadership skills. Supports that are developed should be strengths-based and informed by Positive Youth Development[3] approaches.

While LGBT students of color are often targeted for their real or perceived identities, many are capable of being quite strong in the face of adversity. As an educator, it can be difficult to find a balance between intervention (protecting/saving) and empowerment (affirming/encouraging).[2]

Try This:

- Assess the extent to which LGBT students of color engage in extra-curricular activities. Encourage your LGBT students of color to take on leadership roles within the school, including student government, sports, and other extra-curricular activities.
- Expose your students to the lives and stories of LGBT people of color who may serve as role models by including them in curriculum, school presentations and displays.
- Be a faculty sponsor for your school's GSA, diversity club and/or other student-led groups.
- When a student confides in you about their identity, thank them, listen to their story and ask if/how you can help. When a student comes forward to report bullying, intervene immediately.

[2]Meyer, I.H. (2010). Identity, Stress, and Resilience in Lesbians, Gay Men, and Bisexuals of Color. The Counseling Psychologist, 38 (3), 442-454.

[3]Positive Youth Development (PYD) is an area of research, a modality of practice and a framework of perspective which posits that when youth are engaged from their strengths they build the necessary skill for a healthy transition into adulthood. For more information, visit: http://www.actforyouth.net/youth_development/development/

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INTERVENE AND PREVENT

The Need:

LGBT students of color, and all students, deserve learning environments that are safe and affirming. They may face bullying and harassment at school based on a number of factors relating to their multiple identities. It is not unusual for LGBT students of color to be the targets of racist and homophobic/transphobic acts. Furthermore, it is important to recognize that LGBT and non-LGBT students of color are disproportionately impacted by criminalization and harmful policing practices.[4,5,6] Only safe and supportive environments provide opportunities for students to achieve at their highest potential. You must be prepared to intervene appropriately when bias-based incidents occur and take proactive steps to create and sustain a healthy and respectful school environment.

The Challenge:

If you are like most school staff, you have many responsibilities and never enough time to focus solely on any single one. Test scores, standards, IEPs and other systemic factors can make it hard enough to focus on academic learning, let alone school climate. Adding the need for culturally responsive intervention and prevention strategies can seem like an additional and impossible challenge.

Try This:

- When you witness bias-based behavior of any kind, stop it and name it.
- Consider the ways your school's intervention policies and practices impact LGBT students of color.
- Work to support efforts to replace Zero-Tolerance policies with those that allow for nuance, education and growth, such as restorative practices or positive behavioral interventions and supports.[7] Apply these practices to your interaction with students.

PARTNER WITH EXTERNAL RESOURCES

The Need:

While your school has the obligation to serve each student as comprehensively as possible, it may not be possible to provide the entire social-emotional supports to LGBT students of color within the school environment. You should know which outside agencies to refer LGBT students of color to for support that cannot be offered within your school and you should know when it is appropriate.

The Challenge:

Referring students to an outside agency for support can be a challenge, especially if you are unfamiliar with the services offered within your community, or their culture and/or language. You may also face resistance from school leadership.

Try This:

- If a student expresses the need for support within a racial/ethnic/religious community that you may not share, reach out to colleagues and/or community leaders of a similar identity. Invite them to be a source of affirmation and support to the student.
- Reach out to the school counselor, school social worker and other school staff who are familiar with youth service agencies and can assist you in making a referral.
- Contact your local LGBT center and ask for specific programs aimed at reaching the community your student belongs to.

[4]Stoudt, Brett G., Michelle Fine, and Madeline Fox. "Growing Up Policed in the Age of Aggressive Policing Policies." New York Law School Law Review 56 (2011): 1331-370. Print.

[5]Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

[6]Rios, Victor M. "The Hyper-Criminalization of Black and Latino Male Youth in the Era of Mass Incarceration." Souls: A Critical Journal of Black Politics, Culture, and Society 8, no. 2 (2006): 40-54.

[7]For more information, please view: http://www.dignityinschools.org/sites/default/files/Creating_Positive_Discipline_Fact_Sheet.pdf

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GENDER & CHILDREN: A PLACE TO BEGIN

Creating schools that nurture academic achievement, provide physical and emotional safety and welcome all students are common goals for all educators. As educators, one can create gender-expansive environments that affirm all children and allow them to express their interests and find confidence in their strengths.

IDEAS FOR EDUCATORS IN THE CLASSROOM

- Help students expand their possibilities – academically, artistically, emotionally – and see that there are many ways to be a boy or a girl.
- Use inclusive phrases to address your class as a whole like "Good morning, everyone" or "Good morning, scholars" instead of "Good morning, boys and girls." You could also choose and use a name for your class that brings to mind positive attributes — like the Dolphins or the Owls.
- Group students in ways that do not rely on gender such as: students whose last names begin with A-H or I-Z, or students who are sitting in a particular part of the room, etc. Avoid situations that force children to make gendered choices, such as boys line up here and girls line up there.
- Develop classroom messages that emphasize "All children can…" rather than "Boys don't…, Girls don't…" Increasingly put more emphasis on the inclusive term "children."
- Provide role models for all children that show a wide range of achievements and emotions for all people. Review the books in your classroom to ensure inclusion of good role models. Read books that encourage discussion of gender assumptions. Have students write biographies or create posters for hallway displays featuring people who have moved beyond traditional roles and have excelled in their chosen fields.
- Be a role model! When possible, give examples of how you or people you know like to do things outside of gender stereotypes. For example, if you're a woman who likes carpentry, do a math problems related to woodworking. If you're a man who likes to cook, create a math problem measuring recipe ingredients.

- Use lesson plans designed to expand understanding of gender. Provide opportunities for students to look at the qualities all children share. Help them to become see the limitations of stereotyping.
- Work with the students in your classroom to help them think of ways to be allies when someone is teased or bullied for any reason. Can they try to stop it directly? Should they talk with an adult? Can they talk with the student who has been harassed? Explore with students different options and actions.
- Be an upstander yourself. Stop hurtful teasing or name-calling based on gender and other bias. Interupt student comments based on gender stereotypes. Engage in discussion with students. Use these times as teachable moments.

- Encourage students to find activities that they enjoy and that respect their interests. This will help them connect to other students with similar interests and fit in socially.
- Be aware of whether your students feel safe both inside an outside of the classroom. In the lunchroom? Recess? P.E? Special education classes? In the bathroom? On the school bus? Use the *Name-calling and Feeling Safe at School* lesson to engage students on where they feel safe and what makes them feel safe.
- Be ready to support families whose children expand gender norms. Help parents/guardians see their child's strengths – academic, artistic, athletic, dramatic or interpersonal.

STEPS FOR SCHOOL-WIDE ACTION

- Professional development is key. Provide training for all school personnel—from teachers, aides and counselors to administrative staff, bus drivers, recess aides, and cafeteria workers. Adults in the school need time to practice and be prepared with simple phrases to stop gendered teasing and bullying; they need practice intervening when students are limiting each other based on gender; and they need to be ready to educate students on why it is wrong or hurtful.
- Form a committee of staff or staff and parents/caregivers to oversee development of a caring, respectful community in your school. This group could assess your school's current climate and practices, arrange for professional development, organize family education events, or develop affirming hallway displays.
- Work to ensure that educators feel supported by the administration and others in the school in their efforts to help create welcoming learning environments.
- Agree on professional and developmentally appropriate language when discussing children's gender expression. Model inclusive, expansive language for other parents who comment about a particular child.
- Hold an evening event for parents and caregivers in you school community to help people understand the importance and complexity of gender for children. Share with families how to talk about this topic in ways that are affirming, inclusive, and developmentally appropriate.

- Ensure good supervision of hallways, playgrounds, and cafeterias to increase safety and reduce name-calling and bullying. Provide some structured or adult coached activities during recess to engage more students. Encourage and teach inclusive and cooperative games. Develop a playground norm of "You can't say, you can't play."
- Reframe dress codes to describe what the school considers appropriate clothing without assigning clothing options to particular genders. For example, for a chorus concert, you could ask students to wear a white top and dark or black on the bottom.
- Ensure anti-bullying policies specifically name groups more frequently targeted for harassment. Include actual or perceived gender identity and sexual orientation. Naming it, helps stop it.

Framework for Gender Inclusive Schools

When someone with the authority of a teacher describes the world and you're not in it, there is a moment of psychic disequilibrium, as if you looked into a mirror and saw nothing

--Adrienne Rich

Gender inclusive schools…

- Recognize that gender impacts all students
- Interrupt binary notions of gender
- Normalize gender diversity
- Question limited portrayals of gender
- Support students' self-reflection
- Teach empathy and respect

Entry Points

When focusing on the intentional development of gender inclusive school settings, it is helpful to think in terms of four discrete entry points: **Personal**, **Structural**, **Interpersonal**, and **Instructional**. Depending on the context, any one of these may prove the best starting point for this work.

Personal entry points focus on educators' own understandings of gender. It involves reflection about how each person's experiences and beliefs about gender impact the work they do with students. Using tools such as *My Gender Journey*, this entry point is really a foundation of learning upon which teachers build their gender inclusive practices, in the process applying a lens of gender awareness to all they do in their classrooms.

Structural entry points are institutional steps that create a foundation for gender inclusive practices to take hold. Structural entry points demonstrate to your community that the institution recognizes and honors gender diversity and actively works to reflect a more complex understanding about gender. Such approaches include:

- Policies/administrative regulations emphasizing gender as an area of diversity protected and supported by the school
- Systematic staff training that builds the capacity of teachers and other staff to honor the gender diversity of all students
- Student information systems allowing families to specify a child's gender marker, preferred name and pronouns
- Identified staff members functioning as leads around gender diversity work or issues
- Gender neutral restroom/facilities that provide options for privacy without stigmatizing any students
- Readily available written materials and information about gender diversity
- Signage/imagery celebrating gender diversity
- Procedures/forms that demonstrate a non-binary understanding of gender

Interpersonal entry points are the various ways in which individual interactions and communications are utilized to reinforce the school's commitment to gender inclusion. Supported by many of the structural components, these relational aspects nonetheless require intentional behaviors in the day-to-day interrelationships of a campus. They literally voice a school's commitment to honoring the gender diversity of all students. Frequently language-based, teachers operating from this entry point:

Use language that challenges binary notions of gender

- *There are lots of ways to be a boy or a girl or even something else; isn't that great?*
- *Toys are toys, hair is hair, colors are colors, and clothes are clothes*
- *Is there only one way to be a boy or girl? Can boys and girls like the same things?*
- Rather than "boys and girls," "ladies and gentlemen," etc., refer to pupils as "students," "children," or another non-gendered term for the group.

Help students understand the difference between patterns and rules

- *Who says only girls wear dresses? Do all-girls wear them? Do all boys wear dresses? Do some?*
- *What patterns have you observed about expectations for you about gender from peers? The media?*
- *Sure, boys might do certain activities more than girls or vice versa. But that doesn't mean all boys do those things or are supposed to wear that girls don't or shouldn't do that!*

Question limited portrayals of gender

- *Who decided what things are for boys and what things are for girls?*
- *Sometimes this stuff is confusing. We get messages that some things are for boys and some things are for girls. But these messages are just some people's ideas. They may not be right for you.*

Recognize that gender is more about our identity than anything else

- *No one gets to tell another person how to feel on the inside.*
- *How someone feels about their gender comes from their hearts and their minds (and not their pants!)*
- *Some bodies are thought of as "boy" and some though of as "girl" but that's not true for everyone.*

Support processes of reflection

- *Who we are or who others think we are on the outside is not always who we are on the inside; think of all the wonderful things about yourself that no one else knows about by just looking at you!*
- *Being a boy or a girl or something else is not about what you like or what you wear or your body. It is something that each of us figures out for ourselves based on how we feel inside*

Teach empathy and respect

- *How do you think you would feel if people were always asking you about your own gender?*
- *No one likes to be pointed out by others. Does it feel good if you think others are talking about you?*
- *Have you ever been teased? How does it feel when you are teased or treated as an outsider?*

Normalize gender diversity

- *Ideas about gender are changing all of the time.*
- *History is full of examples of gender diversity! There have been gender diverse people in every culture and religion, from all over the world and throughout time.*

Instructional entry points are specific ways in which teaching and learning are used to instill greater awareness and understanding about gender. Whether standing alone or integrated into other aspects of instruction, these approaches are the most direct way to impact students. In some ways, instructional approaches are the most easily accomplished. Teachers in their classrooms can have a great deal of autonomy for what takes place there. Yet at the same time, in an era of increasingly scripted curricula or environments in which controversial subjects are highly scrutinized and regulated, instructional methods for creating gender inclusion can have the highest stakes for teachers or other educators. Instructional approaches include:

- Designing lesson plans to expand understandings of gender diversity
- Exploring curriculum areas or units for inserting gender diversity issues or topics
- Using literature that has themes raising gender diversity issues
- Utilizing the arts to explore gender
- Using the social-emotional curriculum to surface gender related themes
- Examining the media and popular culture for gender related messages
- Assigning open ended projects that include gender related topics, readings, or news
- Arranging for transgender or other gender expansive people to present in classrooms
- Analyzing data about various trends related to evolving understandings of gender
- Inviting guest speakers who work for greater gender equity in education, law or other fields
- Using video or other media that present specific ideas about gender
- Creating space for students to articulate their own understanding and beliefs about gender
- Integrating gender into curriculum areas through story problems, writing prompts, readings, art assignments, research projects and more

gender spectrum

Using Gender Inclusive Language with Students

- There are lots of ways to be boys or girls or something else. Isn't it great?!?!
- There are lots of different types of clothes. Kids get to wear what feels comfortable to them and makes them feel good.
- Toys are toys, hair is hair, colors are colors, and clothes are clothes
- Who decided that some things are for boys and some things are for girls?
- Is there only one way to be a boy or girl? Can boys and girls like the same things? Do all boys like the same things? Do all girls like the same things?
- No one gets to tell another person how to feel on the inside. You know yourself better than anyone else does.
- Sometimes this stuff is confusing. We get messages that some things are for boys and some things are for girls. But these messages are just some people's ideas. They may not be right for you. Each of us gets to decide what we like and don't like. We just can't be unkind to others about the things they like.
- Kids can do or be or like or want anything because they are individuals with hopes and likes and dreams. This is not **because** of their gender. It is because they are people.
- Gender is a lot more than our bodies. It is about how we show other people things about our gender (maybe our clothes, or our hair, or the toys we like) and how we feel on the inside.
- Who you are is not about what others tell you, but something you determine for yourself (even when you get messages that say otherwise).
- Certain types of bodies are thought of as boy and certain types as girl, but that's not true for everyone.
- Who we are (or who others think we are) on the outside is not always who we are on the inside; think of all the wonderful things about yourself that no one else knows about by just looking at you!!
- Someone's feelings about their gender come from their hearts and their minds.
- Being a boy or a girl or something else is not about what you like, or what you wear, or your body. It is something that each of us figures out for ourselves.
- Gender expression is about the things we like or make us comfortable. There may be some patterns we notice, but these are not rules. More girls might wear dresses than boys, but does that mean all girls wear dresses? Or that boys can't wear dresses?
- Each one of us has a gender. Kids can be boys, girls, both, or neither.
- History is full of examples of gender diversity!
- There have been gender diverse people in every culture, every religion, all over the world and throughout time.
- You should be careful about thinking you know someone's gender just by looking at them. And even if you do know a person's gender, don't assume you know the things they like to do or wear, or play with.
- Have you ever been teased? How does it feel when you are teased or treated as an outsider?
- No one likes to be pointed out by other kids. Does it feel good when you think someone is talking about you?
- How do you think you would feel if people were always asking you about your own gender?

Sexual Orientation and Gender Identity Among Massachusetts High School Students

Results of the 2015 Youth Risk Behavior Study

LGBTQ Students: A Demographic Overview

In the 2015 MYRBS, 11.1% of students surveyed described themselves as gay, lesbian, or bisexual or not sure (questioning) about their sexual orientation and 2.9% identified themselves as transgender or questioning their gender identity. These categories overlapped, with half (50%) of transgender/questioning youth also self-identifying as LGBQ. Altogether, 12.5% of Massachusetts high school students were LGBTQ.

More female- than male-identified adolescents were LGBTQ (15.4% vs. 9.4%). The percent of youth who said they were LGBTQ varied across racial/ethnic groups (12% of white youth, 10% of African American, 18% of Hispanic, 10% of Asian-American, and 13% of multi-ethnic youth). Gender and racial/ ethnic differences were statistically significant.

Percent of Students Who Reported Risk Behaviors and Experiences, 2015	LGBTQ Students	Heterosexual – Cisgender Students
Bullied at school during past year	28.2	13.9
Skipped school in past month because felt unsafe	14.4	3.4
Been in a physical fight at school in the past year	9.4	5.1
Carried a weapon at school in the past year	6.1	2.8
Threatened or injured with weapon at school	10.0	3.2
Hurt self on purpose in the past year (e.g., by cutting, burning self)	43.3	14.3
Seriously considered suicide in past year	40.5	11.2
Made a suicide attempt in the past year	22.0	4.8
Can talk to parents about “things that are important to you”	65.2	84.5
Smoked cigarettes in past month	14.1	6.9
Any lifetime heroin use	6.7	1.0
Had experienced sexual contact against their will	21.8	7.4
All differences between LGBTQ and Heterosexual/Cisgender students are statistically significant, p. < .05.		

The 2015 MYRBS was conducted in 75 randomly selected public high schools. In total, 3120 students in grades 9 - 12 participated in this voluntary and anonymous survey. Because of the high student and school response rates, the results of this survey can be generalized to apply to public high school students across Massachusetts.

Safe Schools Program for LGBTQ Students

Reach and impact across Massachusetts

315 training and technical assistance sessions

239 school districts served statewide

59% of districts

July 2015 through June 2016

Training and Technical Assistance

92.9% Agree or Strongly Agree

After this workshop, I feel confident/comfortable supporting LGBTQ students.

Strongly Agree | Agree

Creating a support system and a safer, more welcoming environment begins with increased awareness of issues

What school leaders plan to do differently to support LGBTQ students:

- Be more aware of issues around gender identity and sexual orientation
- Help develop new district or school policies
- Have conversations with colleagues and students about gender
- Avoid gendered language

Positive results for schools and families

CHANGES IN THINKING
"I learned the differences between biological sex, gender identity, gender expression, and sexual orientation."

CHANGES IN FEELING
"I feel more enlightened and accepting."

CHANGES IN DOING
"I will be more conscious of comments I make that are related to gender."

(comments above from school personnel)

"**This work is so important—it is literally life-saving.** I don't think I'm overstating that, because I can think of four or five students for whom I think this is the case."
—School Leader

"It's literally about safe schools—we felt confident that the school was capable of supporting **a safe environment for our child** after their participation in this program."
—Parent

"**They help build your support system** by putting you in touch with others who are going through the same thing. It helps you build your community."
—Parent

"The program gave me **practice and empowerment**, which I took back to my school's GSA."
—Student

Safe Schools Program for LGBTQ Students is a joint initiative between: Massachusetts Department of Elementary and Secondary Education | Massachusetts Commission on LGBTQ Youth | www.mass.gov/cgly

www.doe.mass.edu/sfs/lgbtq

Findings from feedback forms for school leaders and students, and interviews with school leaders, parents, and students.

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Safe Schools Program for LGBTQ Students

The Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Students is an anti-bullying initiative of the Massachusetts Department of Elementary and Secondary Education and the Massachusetts Commission on LGBTQ Youth.

The Safe Schools Program provides training, technical assistance, and professional development to school administrators and staff on issues related to gender identity, sexual orientation, and school climate.

The Safe Schools Program also includes the Massachusetts Gender and Sexuality Alliance (GSA) Leadership Council, which supports student and adult GSA leaders in developing leadership skills, making statewide connections with LGBTQ students and allies, and improving school climate. The Council consists of a State GSA Leadership Council and five Regional GSA Leadership Councils.

- During the 2015-16 school year, the Safe Schools Program had 315 training and technical assistance sessions, serving 239 school districts, vocational schools, and charter schools across Massachusetts (59% of all districts, vocational schools, and charter schools). The program also had contact with 22 other educational organizations.
- Many schools or districts received multiple trainings or technical assistance sessions from Safe Schools. There were a total of 591 individual contacts with schools, school districts, or educational organizations recorded over the 2015-16 school year.
- About 37% of the districts and schools that received training or technical assistance from the Safe Schools Program received individual, targeted assistance (some of these also participated in group training sessions with other districts). The remainder participated in group training sessions with other districts.
- Training and technical assistance participants indicated they would bring information back to their schools and districts, avoid using gendered language in their classrooms, and be more aware of issues surrounding gender and sexuality.
- GSA Leadership Council participants provided positive feedback on meetings they attended and demonstrated learnings on legal issues related to gender transitions, intersection of LGBTQ identities with racial and economic justice, and skills to develop healthy relationships.
- Interviews with school leaders and parents from schools that received extensive training or technical assistance from the Safe Schools Program showed that the work had a strong positive impact on the mental health and academic achievement of transgender students at these schools.
- Interviews with GSA Leadership Council participants showed that these students value the close relationships they have formed and the resources they have accessed through participation in this program.

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

MASSACHUSETTS COMMISSION ON LGBTQ YOUTH

The Safe Schools Program for LGBTQ Students is a joint initiative between the Massachusetts Department of Elementary and Secondary Education and the Massachusetts Commission on LGBTQ Youth.

Massachusetts Department of Elementary and Secondary Education

Massachusetts Commission on LGBTQ Youth · www.mass.gov/cgly

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