

Pittsfield Public Schools LGBTQ+ Safe Schools Resolution

WHEREAS, the trans, nonbinary, and LGBTQ+ community in Pittsfield and nationally are being attacked by President Trump's several executive orders put forward since taking office; and

WHEREAS, Lesbian, Gay, Bisexual, Transgender, Queer/Questioning students experience high rates of bullying, victimization, and harassment at school on the basis of their actual or perceived sexual orientation or gender identity, or that of their associates; and

WHEREAS, school-aged years are a critical time for LGBTQ+ youth as they often disclose their LGBTQ+ identities to others during that time; and

WHEREAS, creating a welcoming and safe school environment for our LGBTQ+ students, staff, families, and caregivers makes our school community more welcoming and safe to all; and

WHEREAS, the District supports education that celebrates our different identities, integrity in how we treat others, and courage to do what's right by listening to, learning from, and respecting diverse viewpoints;

NOW THEREFORE BE IT RESOLVED, that the Pittsfield School Committee re-affirms the protections of transgender and LGBTQ+ individuals under School Committee Policy STU-84 Supporting Gender-Diverse and Transgender Students and under Massachusetts General Law c. 76 § 5; and

BE IT FURTHER RESOLVED, that the District prohibits discrimination, bullying and harassment against all persons, whether student, family/caregiver of student, or District employee, on the basis of actual or perceived sexual orientation, gender identity, gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates; and

BE IT FURTHER RESOLVED, that the Pittsfield School Committee declares the Pittsfield Public Schools to be a safe space for all students, regardless of gender identity or sexual orientation, and a safe space for students to explore their gender identity and/or sexual orientation.

PITTSFIELD PUBLIC SCHOOLS
Pittsfield, Massachusetts

SUPPORTING GENDER-DIVERSE AND TRANSGENDER STUDENTS

POLICY

The purpose of this policy is:

- (1) to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- (2) to facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination,
- (3) to ensure that all students have the opportunity to express themselves and live authentically.

REGULATIONS

A. Definitions

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and district personnel. Students may or may not use these terms to describe themselves.

BULLYING: Written, verbal, or physical conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in, or benefit from, a program or activity of a public school or local educational agency; or to create a hostile or abusive educational environment, adversely affecting a student's education, including acts of verbal, nonverbal, or physical aggression or intimidation. This includes bullying that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or another distinguishing characteristic. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates. Bullying is frequently referred to as harassment when it pertains to a characteristic protected by non-discrimination laws.

BIOLOGICAL SEX or SEX AT BIRTH: A person's biological status based on anatomy and is typically categorized as male, female, or intersex.

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: A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the sex assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity 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.

GENDER DIVERSE or GENDER NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive.

NON-BINARY OR GENDERQUEER: Terms used by those who identify with neither, both, or a combination of male and female genders.

SEXUAL ORIENTATION: A person's romantic or sexual attraction to people of the same or opposite gender or multiple genders. Transgender and gender diverse people may have any sexual orientation.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. This term is frequently shortened to “trans.”

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and which substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the Pittsfield Public Schools. It is the responsibility of each school and all staff to ensure that all students, including transgender and gender diverse students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate corrective action, and providing students and staff with appropriate resources. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints. School administrators shall make every effort to keep transgender and gender diverse students at the original school site. Transfers shall not be a school's first or preferred response to harassment of transgender and gender diverse students and shall be considered only rarely, when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent. The student or the student's parent or guardian must consent to any such transfer.

Privacy/Confidentiality

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth constitutes confidential personally identifiable and medical information. Disclosing this information to other students or parents or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional privacy protections. Additionally, disclosure or misuse of this information may establish a hostile environment for

a transgender or gender diverse student, potentially subjecting them to bullying and harassment, by peers, discrimination by school staff, or family rejection. The District shall ensure that all personally identifiable and medical information relating to transgender and gender diverse students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment. Transgender and gender diverse students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a chosen name, to transition at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or gender diverse student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below)

Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, the school or District shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other District and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender diverse students must be a top priority for the spokesperson and all staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local, state, and federal privacy laws.

Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. Regardless of whether a transgender or gender diverse student has legally changed their name, schools will allow such students to use a chosen name. It is recommended that school staff privately ask transgender or gender diverse students how they want to be addressed in class and in communication with the student's parents or guardians. Some youth may feel most comfortable being addressed by gender-neutral pronouns such as "they" or "ze" or just referred to by their names (without pronouns). If the student has previously been known as school by a different birth name, the principal will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Records with the student's birth name will be kept in a separate, confidential file. School staff or administrators may be specifically required by law to report a student's birth name or gender. In those instances, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Access to Gender-Segregated Activities and Facilities

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity. Any student who is uncomfortable using a shared sex-separated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender diverse student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use sex-segregated facilities that are

inconsistent with their gender identity. Where they exist, schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because they are transgender or gender diverse. Schools are encouraged to incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the state interscholastic association.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code

Schools may enforce dress codes pursuant to District policy, but any such dress codes may not be based on gender. Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender neutral appearance within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender diverse students than other students.

Student Gender Transitions

A student's need to transition at school can arise in a number of ways. Most commonly, a parent or guardian will approach a school or district administrator about their child's transition. The administrator or designee should meet with the parents and student to discuss the school's role in supporting the student's transition. This would include the timing of the transition, planning responses to questions from school staff and students, and correcting the student's information in the school records, among many others. This meeting should be conducted without any additional school personnel, unless the family or student specifically requests or consents to their presence. The student, even elementary-age students, can also be the driving force behind a transition at school. This can first surface at school for a number of reasons, but regardless of the reason, administrators and educators should find ways to create a safe and supportive learning environment for the student. As part of supporting the student, administrators and educators must be mindful of the fact that transgender youth still experience significant levels of family rejection. Thus, in these situations, it is important to speak with the student prior to involving parents, guardians, or other family members to determine whether doing so would be safe and support the student's health and well-being. If the student believes that the family will be supportive, the administrator should arrange a meeting with the family to discuss the student's need to transition. Again, the planning for this meeting should involve the student to determine what role, if any, the student would like to play during the meeting. For example, in some instances the student may want to disclose their transgender status themselves, while in others the student may not want to be at the meeting at all. In either scenario, the administrator should be prepared to discuss how this issue is affecting the student in school and the importance of family acceptance to a child's short- and long-term well-being. In the event that the family is supportive, the administrator should proceed in the same way as if the parents had approached the school about the student's transition. Schools must still create a safe and supportive school environment for transgender students, even if the student's family is unsupportive. In those instances, the administrator should meet with the student to discuss the ways that the school can support the student, such as access to the appropriate restroom, or use of a nickname. That discussion should also include what the school and district can do to support the student's safety at home, which could include providing

the family with resources to better understand their child's needs and contingency planning for the possibility that the family inadvertently finds out the child's transgender status.

Training and Professional Development

The District shall conduct staff training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees. To the extent funding is available, the School District shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to:

- i. terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- ii. developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- iii. developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- iv. classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students.
- v. school and district policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publication

This policy will be distributed annually to students, parents, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

REFERENCES

STU-3 (Equal Educational Opportunities); Policy Handbook for Parents and Students

STU-34 (Hazing); Policy Handbook for Parents and Students

STU-24 (Student Rights and Responsibilities); Policy Handbook for Parents and Students

STU-31 (Student Conduct on Buses); Policy Handbook for Parents and Students STU-38 (Secure School Environment); Policy Handbook for Parents and Students STU-65 ((Student Safety); Policy Handbook for Parents and Students

STU-28 (Student Conduct – Conduct/Discipline/Suspension/Expulsion); Policy Handbook for Parents and Students

An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011)