

Draft Policy-Information Only

Proposed Policy: Treatment of Transgender Students

Consistent with federal and Virginia law and the Model Policies for Treatment of Transgender Students published by the Virginia Department of Education, the purpose of this Policy is to foster an educational environment that is safe, welcoming, and free from discrimination and harassment for all students, regardless of the student's gender identity or expression.

Bullying, Harassment and Discrimination

The school division prohibits any and all discrimination, harassment, and bullying based on an individual's actual or perceived race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or any other characteristic protected by law. In alignment with Policy JB, Equal Educational Opportunities/Nondiscrimination/Harassment and Policy JFHA, Title IX Policy, any incident or complaint of discrimination, harassment, or bullying shall be given prompt attention, including investigating the incident and taking appropriate corrective action, by the school administrator. Complaints alleging discrimination, harassment, or bullying based on a student's actual or perceived transgender status shall be handled in the same manner as other discrimination or harassment complaints.

Confirmation of Asserted Gender Identity

There is no bright-line rule that students must meet to confirm an asserted gender identity, as students may differ in how they present themselves, including differences in factors like their comfort level with being known as transgender, their transition status, their age, and their gender expression.

As a general matter, however, gender identity may be demonstrated by a consistent and uniform assertion of the student's gender identity or a consistent and uniform showing that the student's gender identity is sincerely held as part of their core identity and belief. Gender identity may not be asserted for any improper purpose or in a way that violates School Board policies or the Student Code of Conduct. School personnel may question a student's asserted gender identity when there is a credible basis for believing that the student's gender identity is being asserted for some improper purpose.

Student Privacy/Confidentiality

Information about a student's transgender status, legal name, or gender assigned at birth shall be treated in accordance with applicable laws and policies governing the confidentiality of student records, including but not limited to the Family Educational Rights and Privacy Act ("FERPA") and Va. Code § 22.1-287 *et seq.* In addition, school personnel shall treat information relating to a student's transgender status as being particularly sensitive, shall not disclose it to other students and parents without consent, and shall only disclose to other school personnel with a legitimate educational interest.

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Student Identification

Upon a showing of consistent and uniform assertion of the student's gender identity or that the student's gender identity is sincerely held as part of their core identity, the school division shall allow the student to assert a name and gender pronouns that reflect their gender identity without any other substantiating evidence. School staff shall, at the request of a student or parent, address the student using the asserted name and pronoun that correspond to their gender identity.

If the student was previously known at school by a different name or pronouns, the building administrator shall direct school staff to use the student's chosen name and pronouns. Consistent with the guidelines set forth below in the "Questions and Communications with Parents" section, if any questions arise, school staff may privately ask the student or, in the case of students in Pre-K or elementary grades, the parents, how the student wants to be addressed in class and in the school's communications.

School Records

The school division is required to maintain a record that includes a student's legal name and sex assigned at birth and may be required to use or report the legal name and sex assigned at birth in some situations. In situations where school staff is required to use or to report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing, school staff and administrators should adopt practices to avoid the inadvertent disclosure of such information. Upon the request of a student or parent, school staff shall use the asserted name and gender on other school records or documents. The school division shall change a student's name and gender designation upon verification or submission of a legal document such as a birth certificate, state- or federal-issued identifications, passport, or court order. Records of former students may also be re-issued with the submission of legal documents substantiating the amended name and gender.

Access to Activities

The school division will eliminate or reduce the practice of segregating students by gender to the extent possible.

For any school program, event, or activity, including extra-curricular activities that are segregated by gender, upon a showing of consistent and uniform assertion of the student's gender identity or that the student's gender identity is sincerely held as part of their core identity, the school division will allow students to participate in a manner consistent with their gender identity. Athletic participation regulated by the Virginia High School League (VHSL) or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, shall follow policies and rules outlined by those organizations.

Access to Facilities

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All students are entitled to have access to restrooms, locker rooms, and changing facilities that are sanitary, safe, and adequate. School personnel should work with each student, on a case-by-case basis, to accommodate the student's needs, including providing a single-stall restroom option that is made available to any student who desires more privacy (regardless of transgender status). Upon request, school personnel should add a privacy partition or curtain to existing facilities, providing use of a nearby private restroom or office, or a separate changing schedule. Any options offered shall be non-stigmatizing and minimize lost instructional time.

Upon a showing of consistent and uniform assertion of the student's gender identity or that the student's gender identity is sincerely held as part of their core identity, the student shall be permitted to use the restroom, locker room, or changing facility consistent with the student's asserted gender identity.

If a student expresses discomfort with a transgender student's use of the same sex-segregated restroom, locker room, or changing facility, upon request, the objecting student will be given the option to use an alternative facility that is made available to any student who desires more privacy.

Questions and Communications with Parents

If any questions arise, such as the use of preferred names or pronouns or the use of facilities, school personnel may privately ask how the student would prefer to resolve such a question. In the case of young students, such as those in Pre-K or elementary grades, or students with developmental disabilities, school personnel should communicate with the parents regarding the matter, unless there is a reason to fear for the safety of the student if the status is revealed. For middle and high school students, while there is generally no legal requirement that school personnel obtain the consent of minors to speak with parents about the student's private matters, school personnel may wish to speak with the student first to ascertain any concerns the student may have with such communications.