



February 3, 2025

VIA EMAIL

Craig Trainor
Acting Assistant Secretary
Office for Civil Rights
Lyndon B. Johnson Department of Education Bldg.
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Request for investigation regarding violations of Title IX of the Higher Education Act of 1972 by the K-12 public-school systems in Alexandria City, VA; Arlington County, VA; Fairfax County, VA; Loudoun County, VA; and Prince William County, VA.

Dear Acting Assistant Secretary Trainor:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, ensuring due process and equal protection for all Americans, and combating invidious discrimination on the basis of race, color, national origin, and sex in America’s schools.

Consistent with the principles set forth in President Trump’s January 29, 2025, Executive Order entitled “Ending Radical Indoctrination in K-12 Schooling,” AFL respectfully requests that the Department of Education open investigations into the following public-school districts in Northern Virginia for continuing violations of Title IX of the Higher Education Act of 1972, 20 U.S.C. §1681 et seq. (“Title IX”):

1. Alexandria City Public Schools;
2. Arlington County Public Schools;
3. Fairfax County Public Schools;
4. Loudoun County Public Schools; and
5. Prince William County Public Schools.

These school districts violate Title IX by maintaining policies that permit “gender expansive and transgender students” the ability to feel safe and comfortable by using sex-segregated intimate facilities consistent with their “gender identity,” while denying similarly situated individuals, whose “gender identity” is the same as their

sex, the ability to feel safe and comfortable in the use of the sex-segregated common restrooms and locker rooms of their sex.

The Relevant Policies and Regulations

Alexandria City Public Schools

Alexandria City Public Schools' "Nondiscrimination in Education" policy "[p]rovides access for all students to facilities, such as restrooms and locker rooms, that correspond to a student's gender identity." Students that are uncomfortable sharing a restroom or locker room with a member of the opposite sex can access a "single user" facility or other options provided they "minimize lost instructional time." *Exhibit A*.

"Gender identity" is defined as "[a] person's internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different from society's expectations with the sex they were assigned at birth. *Id.* Harassment is unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards a student or group of students based, in whole or in part, on any protected characteristic described above, which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment." *Id.*

Relatedly, "transgender" is defined as "a self-identifying term that describes a person whose gender identity is different from their sex assigned at birth. *Id.* A transgender girl is a girl who was presumed to be male when she was born, and a transgender boy is a boy who was presumed to be female when he was born. *Id.* Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary." *Id.*

Additionally, "gender expression" is defined as "[t]he manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. *Id.* Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity." *Id.*

Finally, Alexandria City Public Schools requires staff to refer to students using the name and "gender pronouns" that conform to their "gender identity." *Id.* President Trump's Executive Order prohibits federally funded K-12 schools from engaging in the "social transition" of a child, which includes modifying a person's name or pronoun.

Arlington County Public Schools

Arlington County Public Schools’ “Transgender Students in Schools” policy states that, with respect to bathrooms and locker rooms, “[a]ccess to facilities that correspond to a student’s gender identity will be available to all students. *Exhibit B.*¹ Single user, gender neutral facilities will be made available to all users who seek privacy.” *Id.*

“Gender identity” is defined as “one’s sense of self as male, female, or an alternative gender that may not correspond to a person’s sex assigned at birth.” *Id.*

“Transgender” is defined as “an umbrella term used to describe individuals whose gender identity, expression, or behavior does not conform with that typically associated with the sex to which they were assigned at birth.” *Id.*

Relatedly, Arlington County Public Schools mandates that students be “addressed by names and pronouns that correspond to the student’s gender identity.” *Id.* This is contrary to President Trump’s Executive Order.

Fairfax County Public Schools

Fairfax County Public Schools’ Regulation 2603.2 provides that “gender expansive and transgender students shall be provided with a reasonable, non-stigmatizing alternative, such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, or a nearby health or single-use/unisex bathroom), or with a separate changing schedule (e.g., using the locker room that corresponds to the student’s gender identity before or after other students).” *Exhibit C.*

Regulation 2603.2 also states that “[i]n no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student’s gender identity or be limited to using only a private area, single-occupancy accommodation, or other single-use facility.” *Id.*

However, for students who object to sharing a restroom because of their desire to share a common restroom with only students of the same biological sex—Regulation 2603.2 states that they “[s]hall be provided with a reasonable, non-stigmatizing alternative, such as the use of a private area (e.g., a nearby restroom stall with a door,

¹ Notably, just this month it was reported that, in September 2024, a male sex offender exposed his genitals to a 9-year-old in the girl’s locker room at Washington Liberty High School in Arlington County. Nick Minock, *Woman says she and her 9-year-old daughter saw a naked man in Arlington school locker room*, ABC7 (January 24, 2024), <https://perma.cc/38E4-KYQK>. The individual had been using the girls’ locker room for months and was allowed to do so because he claimed to be transgender, and it is the policy of Arlington County Public Schools to allow individuals to use the common restrooms and locker rooms that align with their claimed “gender identity.” *Id.*

an area separated by a curtain, or a nearby health or single-use/unisex bathroom), or with a separate changing schedule (e.g., using the locker room that corresponds to the student's gender identity before or after other students)." *Id.*

The Guidance Document for Regulation 2603.2 defines "[g]ender identity" as "[a] person's sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. *Exhibit D.* Gender identity is an innate part of a person's identity and can be the same or different than the sex assigned at birth." *Id.*

The Guidance Document further defines "gender-expansive", "gender non-conforming", "gender-diverse", "gender-fluid", "gender-non-binary", "agender", and "genderqueer" as "[t]erms that convey a wider, more flexible range of gender identity and expression than typically associated with the social construct of a binary (two discreet and opposite categories of 'male and female') gender system." *Id.*

The Guidance Document also defines "transgender" as "an individual whose gender identity is different from that associated with the individual's sex assigned at birth. *Id.* An individual can express or assert a transgender identity in a variety of ways, such as pronoun usage, mannerisms, and clothing. Medical treatments or procedures are not considered a prerequisite for identifying students as transgender." *Id.*

The Guidance Document defines "gender expression" as "[t]he manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice or mannerisms. Gender expression may change from day-to-day and is not necessarily related to the person's gender identity." *Id.*

Fairfax County Public Schools mandates that "[s]tudents who identify as gender-expansive or transgender should be called by their chosen names and pronouns." *Id.* This is contrary to President Trump's Executive Order.

Loudoun County Public Schools

Loudoun County Public Schools' Policy 8040 provides that "[s]tudents should be allowed to use [restrooms and locker rooms] that corresponds to their consistently asserted gender identity." *Exhibit E.*

Policy 8040's companion Regulation 8040 defines "[g]ender identity" as "[a] person's sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. *Exhibit F.* Gender identity is an innate part of a person's identity and can be the same or different than the sex assigned at birth." *Id.*

Regulation 8040 further defines "gender-expansive", "gender non-conforming", "gender-diverse", "gender-fluid", "gender-non-binary", "agender", and "genderqueer"

as “[t]erms that convey a wider, more flexible range of gender identity and expression than typically associated with the social construct of a binary (two discreet and opposite categories of ‘male and female’) gender system.” *Id.*

Regulation 8040 defines “transgender” as “an individual whose gender identity is different from that associated with the individual’s sex assigned at birth. *Id.* An individual can express or assert a transgender identity in a variety of ways, such as pronoun usage, mannerisms, and clothing. *Id.* Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary. *Id.* A transgender student is a student who consistently and sincerely asserts a gender identity different from the gender associated with the student’s sex assigned at birth.” *Id.*

Regulation 8040 defines “gender expression” as “[t]he manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice or mannerisms. Gender expression may change from day-to-day and is not necessarily related to the person’s gender identity.” *Id.*

Loudoun County Public Schools also requires students to refer to “gender-expansive or transgender students” by their “chosen name and gender pronouns.” *Id.* This is contrary to President Trump’s Executive Order.

Prince William County Public Schools

Prince William County’s Regulation 738-5 states that “[a]ll students shall have access to facilities (e.g., restrooms and locker rooms) that correspond to their gender identity” and that “[u]pon request, single-user, gender-inclusive facilities or other reasonable alternatives shall be made available to any student who seeks additional privacy. *Exhibit G.* An alternative option that is offered shall be non-stigmatizing and minimize the loss of instructional time.” *Id.*

Regulation 738-5 defines “[g]ender identity” as “[a] person’s sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. *Id.* Gender identity is an innate part of a person’s identity and can be the same or different than the sex assigned at birth.” *Id.*

Regulation 738-5 also defines “transgender” as “an individual whose gender identity is different from that associated with the individual’s sex assigned at birth. *Id.* An individual can express or assert a transgender identity in a variety of ways, such as pronoun usage, mannerisms, and clothing. *Id.* Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary.” *Id.*

Regulation 738-5 defines “gender expression” as “[t]he manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice or mannerisms. *Id.* Gender expression may change from day-to-day and is not necessarily related to the person’s gender identity.” *Id.*

Similar to the other school districts listed above, Prince William County Public Schools requires students to refer to other students by their chosen name and gender pronouns. *Id.* This is contrary to President Trump’s Executive Order.

The Relevant Policies and Regulations Violate Title IX

The Supreme Court of the United States has held that “[s]ex, like race and origin, is an immutable characteristic determined solely by the accident of birth.” *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973). Further, sex discrimination as defined by Title IX means discrimination on the basis of biological sex, not gender identity. *See Adams v. Sch. Bd. of St. Johns Cty.*, 57 F.4th 791, 811–12 (11th Cir. 2022).

Despite the obvious and well-settled principle that sex is an immutable characteristic, the Biden Administration recently issued a rule interpreting Title IX that jettisoned the reality of biological sex in favor of “gender identity.” In June and July of 2024, numerous federal district courts enjoined the Biden Administration’s rule on the grounds that Title IX prohibits discrimination on the basis of sex, not gender identity. *See, e.g., Oklahoma v. Cardona*, Case No. 5:24-cv-461-JD, 2024 WL 3609109 (W.D. Okla. July 31, 2024); *Arkansas v. U.S. Dep’t of Educ.*, Case No. 4:24-cv-636-RWS, 2024 WL 3518588 (E.D. Mo. July 24, 2024); *Carroll Indep. Sch. Dist. v. U.S. Dep’t of Educ.*, Case No. 4:24-cv-461-O, 2024 WL 3381901 (N.D. Tex. July 11, 2024); *Texas v. United States*, No. 2:24-cv-86-Z, 2024 WL 3405342 (N.D. Tex. July 11, 2024); *Kansas v. U.S. Dep’t of Educ.*, Case No. 5:24-cv-4041-JWB, 2024 WL 3273285, at *12–13 (D. Kan. July 2, 2024); *Tennessee v. Cardona*, Case No. 2:24-cv-72-DCR, 2024 WL 3631032 (E.D. Ky. July 10, 2024); *Louisiana v. U.S. Dep’t of Educ.*, 737 F. Supp. 3d 377 (W.D. La. 2024).

Following an appeal from the Fifth and Sixth Circuits’ denial of a stay of the injunctions issued by the District Courts for the Western District of Louisiana and the Eastern District of Kentucky, the Supreme Court of the United States upheld those denials. *See United States Dep’t of Educ. v. Louisiana*, 603 U.S. 866 (2024). Notably, all nine justices “accept[ed] that the plaintiffs were entitled to preliminary injunctive relief as to three provisions of the rule, including the central provision that newly defines sex discrimination to include discrimination on the basis of sexual orientation and *gender identity*.” *Id.* at 867 (emphasis added). On January 9, 2025, the Federal District Court for the Eastern District of Kentucky granted a permanent, nationwide injunction on the Biden Administration’s unlawful rewrite of Title IX. *See*

Tennessee v. Cardona, Case No. 2:24-cv-72-DCR, 2025 WL 63795 (E.D. Ky. Jan. 9, 2025).

Because the Biden-Harris rules have been enjoined, the prior rules prohibiting the above-described discrimination control. *See* United States Department of Education, Office of the Assistant, Dear Colleague Letter (January 31, 2025), <https://perma.cc/3FZE-2M34>.

Title IX prohibits discrimination on the basis of biological sex and cannot be expanded by rule to require recipients of federal funds to issue policies prohibiting discrimination on the basis of “gender identity.” But it should be equally clear that allowing “gender expansive and transgender students” to feel safe and comfortable by using common restrooms and locker rooms consistent with their subjective “gender identity”, but not their biological sex, results in the very thing that Title IX is designed to prohibit—discrimination on the basis of sex. *See* Memorandum from Reed Rubinstein to Acting Assistant Sec’y Kimberly M. Richey, Off. for Civ. Rights, U.S. Dep’t of Educ., Off. of the Gen. Couns. (Jan. 8, 2021) (on file with author).

The relevant policies and application of those policies in Alexandria, Arlington County, Fairfax County, Loudoun County, and Prince William County illustrate that exact point.

In each of those school districts, a “gender expansive or transgender student” has access to the sex-segregated common restrooms and locker rooms of the opposite sex because it is consistent with their ability to be safe and comfortable in their subjective sense of “gender identity.” But when other students whose “gender identity” is the same as their biological sex object on the grounds that they now feel unsafe and uncomfortable in the common sex-segregated restrooms and locker rooms that have traditionally been designated exclusively for their sex, those students’ only option is to use a private restroom or an alternative that “minimize[s] the loss of instructional time.” In other words, the relevant policies provide greater rights to students whose “gender identity” does not match their biological sex than it does to students whose “gender identity” matches their biological sex. Thus, these policies erase the very concept of biological sex in favor of “gender identity” and codify discrimination “on the basis of sex.” *Cf. Bostock v. Clayton Cty.*, 590 U.S. 644, 665 (2020) (when discrimination is motivated by the difference between expressed sex identity and biological sex, “it necessarily and intentionally discriminates” because of sex).

Additionally, all the highlighted school district policies make clear that “gender expression” is the way students assert their “gender identity.” In other words, a boy can express his “gender identity” as female merely by adopting the appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms of girls. This is the exact type of sex-based classification that patently “rest[s] on impermissible stereotypes” and is unlawful sex discrimination. *J.E.B. v. Alabama*, 511 U.S. 127, 139

n.11 (1994). Such discriminatory classifications only “serve to ratify and perpetuate invidious, archaic, and overbroad stereotypes about the relative abilities of men and women.” *Id.* at 130–31.

Conclusion

The policies of the five Northern Virginia public school systems have eliminated the protections that Title IX requires of K–12 institutions that accept federal funding, and their policies run afoul of President Trump’s January 29, 2025, Executive Order. For far too long, they have disingenuously told parents that they are required by law to abandon protections from discrimination on the basis of sex in favor of policies that eviscerate the notion of sex itself and replace it with “gender identity.” The recent injunctions against the similar position taken by the Biden Administration’s lawless Title IX rewrite make clear that these school districts have it wrong. As these school districts have shown no inclination to end their blatantly discriminatory policies, the Department of Education should immediately open investigations into these schools and, if necessary, cut off all federal funding.

Sincerely,

/s/ Ian D. Prior

Ian D. Prior

Senior Advisor

America First Legal Foundation

611 Pennsylvania Avenue SE #231

Washington, D.C. 20003

EXHIBIT A



Book	Policies
Section	J - Students
Title	Nondiscrimination in Education
Code	JB
Status	Active
Adopted	December 3, 1996
Last Revised	October 7, 2021

I. Policy Statement

Alexandria City Public Schools (ACPS) believes every student is entitled to an education that is responsive to one's unique needs to reach their full potential. All individuals have the right to a safe physical, emotional, and social environment where responsibility and respect are demonstrated daily. ACPS is committed to eliminating all forms of unlawful discrimination in the educational environment. Accordingly, no student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any ACPS education program or activity on the basis of race, creed, color, national origin, ancestry, ethnicity, disability, religion, political affiliation, sex, sexual orientation, gender, gender identity, gender expression, age, pregnancy, childbirth or related medical conditions, marital or parental status, genetic information, military status or on any other characteristic protected by state or federal law ("**protected characteristic**").

ACPS is committed to engendering respect for the abilities and accomplishments of all people and to providing learning environments free from all forms of discrimination and harassment, regardless of whether the basis or characteristic is protected by law (e.g., immigration status, socioeconomic level). To promote a productive learning environment, ACPS encourages an atmosphere that is respectful of individual differences so students can learn in a functional and non-threatening atmosphere. ACPS consistently and vigorously addresses discrimination and harassment so that there is no disruption to the learning environment and learning process.

In accordance with its Strategic Plan, ACPS uses the Multi-Tiered Systems of Support (MTSS) structure to teach, foster and build positive, culturally competent and anti-racist relationships between students, as well as between staff and students. ACPS allows students to use a name and gender pronouns that reflect their gender identity without any substantiating evidence. School staff shall, at the request of a student or parent/guardian, when using a name or pronoun to address the student, use the name and pronoun that correspond to their gender identity. In situations where parents/guardians of a student (under 18 years of age) do not agree with a student's request to adopt a new name and pronouns, school administrators work with each family individually to develop an alternative that respects both the student and the parents/guardians. (Official student records requirements are outlined in Policy JO: Student Records.)

Through restorative practices like community circles, Positive Behavioral Interventions and Supports (PBIS) and social-emotional teaching and learning, staff and students are encouraged to be reflective, respect and value the diversity of our school community and express themselves in a manner that is reflective of our core values and beliefs. Equitable educational opportunities will be available for all students and educational programs will be designed to meet the varying needs of all students.

ACPS:

- Provides facilities, programs and activities that are accessible, usable and available to qualified persons with disabilities;
- Provides a free, appropriate education, including non-academic and extracurricular services to qualified persons with disabilities;

- Does not exclude qualified persons with disabilities, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education program;
- Does not discriminate against qualified persons with disabilities in the provision of health, welfare or social services;
- Provides access for all students to facilities, such as restrooms and locker rooms, that correspond to a student's gender identity; and
- Makes single user or gender inclusive facilities or other reasonable alternatives available upon request to any student who seeks privacy. Any options offered will be non-stigmatizing and will minimize lost instructional time.

II. Definitions

Discrimination is any action, policy, or practice, including bias, stereotyping and student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on any protected characteristic described above, or which perpetuates the effects of past discrimination.

Gender Expression: The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.

Gender Identity: A person's internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different from society's expectations with the sex they were assigned at birth. Harassment is unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards a student or group of students based, in whole or in part, on any protected characteristic described above, which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: (1) a school division employee conditioning the provision of an aid, benefit, or service of the Division on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school division's education program or activity; or (3) "sexual assault," "dating violence," "domestic violence," or "stalking," as each of those terms is defined by federal law (see Policy GBA/JFHA).

Transgender is a self-identifying term that describes a person whose gender identity is different from their sex assigned at birth. A transgender girl is a girl who was presumed to be male when she was born, and a transgender boy is a boy who was presumed to be female when he was born. Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary.

III. Complaint Procedure

Any person who believes a student has been the victim of prohibited discrimination on school property or during a school activity should report the complaint as soon as possible to the ACPS Compliance Officer, the Title IX Coordinator or any school personnel. The procedures for filing and investigating such reports are outlined in Regulation JB-R/JFHA-R: Procedures for Investigating Student Complaints of Discrimination, Harassment and Bullying.

IV. Compliance Officers

Regulation JB-R/JFHA-R designates the Compliance Officers responsible for identifying, preventing and remedying discrimination as well as receiving, investigating, and acting upon complaints of discrimination prohibited by this policy. The names and contact information for the Compliance Officers are also posted on the Division's website at all times.

The Compliance Officers:

- Receive reports or complaints of discrimination;
- Conduct or oversee the investigation of any alleged discrimination;

- Assess the training needs of the school division in connection with this policy;
- Arrange necessary training to achieve compliance with this policy; and
- Ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

V. Discrimination on the Basis of Sex

ACPS complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, including sexual harassment and sexual violence (see Policies GB and GBA/JFHA) in all school division educational programs and activities. ACPS not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. ACPS is committed to compliance in all areas addressed by Title IX, including, among others, access to education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, the learning environment and technology, as well as preventing and addressing sexual harassment.

ACPS provides educational, preventative and training programs regarding sexual or gender-based harassment and discrimination; encourages reporting incidents; prevents incidents of sexual and gender-based harassment and discrimination from denying or limiting an individual's ability to participate in or benefit from the school division programs; makes timely services available for those who have been affected by discrimination; and provides prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence.

Any student, employee, or third party who engages in harassment or discrimination, or retaliates against another person because of reporting harassment or discrimination or participating in an investigation, is subject to immediate discipline, up to and including termination, dismissal, suspension and/or expulsion.

Questions regarding this policy, including Title IX, may be directed to the Compliance Officers as listed in Regulation JB-R/JFHA-R or to the ACPS Title IX Coordinator:

Title IX Coordinator
Executive Director of Equity & Alternative Programs
Alexandria City Public Schools
1340 Braddock Place
Alexandria, VA 22314
Telephone: 703-619-8165
Email: titleixcoordinator@acps.k12.va.us

Questions regarding Title IX may also be referred to the Office of Civil Rights:

U.S. Department of Education
Assistant Secretary for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1328
Telephone: 800-421-3481
TDD: 800-877-8339
Email: OCR@ed.gov

VI. Retaliation

Retaliation against students, parents/guardians or employees who report discrimination or participate in any related proceedings is prohibited. ACPS takes appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings. The Compliance Officer or Title IX Coordinator will inform:

- those who make complaints;
- those who are the subject of complaints; and
- those who participate in investigations

of the complaint and how to report any subsequent problems.

VII. Right to Alternative Complaint Procedure

Nothing in this policy denies the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination, including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VIII. Prevention and Notice of Policy

Training to prevent discrimination is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents, and school personnel; (2) included in student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the Title IX Coordinator and the Compliance Officers.

IX. False Charges or False Evidence

Students or school personnel who knowingly make false charges of discrimination, or who knowingly make false statements or submit false information shall be subject to disciplinary action, as well as any civil or criminal legal proceedings.

Adopted: December 3, 1996
Amended: July 6, 2000
Amended: June 21, 2001
Amended: December 18, 2014
Amended: June 17, 2021
Amended: October 7, 2021

Legal Refs:

- 20 U.S.C. §§ 1681-1688.
- 29 U.S.C. §§ 794.
- 42 U.S.C. §§ 2000d through 2000d-7.
- 34 CFR 106.9.
- Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-212.6:1.

Cross Refs:

- AC - Nondiscrimination
- AD - Educational Philosophy
- GB - Nondiscrimination in Employment
- GBA/JFHA - Prohibition Against Harassment, Bullying, Hostile Work Environment and Retaliation
- GB-R/GBA-R - Procedures for Investigating Staff Complaints of Discrimination, Harassment, Bullying, Hostile Work Environment and Unethical Conduct
- JB-F/JFHA-F - Report of Discrimination/Harassment
- JB-R/JFHA-R - Procedures for Investigating Student Complaints of Discrimination, Harassment and Bullying
- JBA - Section 504 Nondiscrimination Policy and Hearings

[JB - Nondiscrimination in Education - Amharic.pdf \(222 KB\)](#)

[JB - Nondiscrimination in Education - Arabic.pdf \(242 KB\)](#)

[JB - Nondiscrimination in Education.pdf \(725 KB\)](#)

EXHIBIT B

ARLINGTON PUBLIC SCHOOLS
Policy Implementation Procedure J-2 PIP-2
Transgender Students in Schools

It is the responsibility of each Arlington Public Schools (APS) staff member to ensure that all students, including transgender students, have safe, supportive, and inclusive school environments. School-based procedures provide APS staff with guidance to ensure compliance with the School Board Policy J-2 Student Equal Educational Opportunities-Nondiscrimination. These procedures are detailed in this document and will be disseminated to staff through administrative processes and specific guidelines.

All Arlington Public Schools staff shall be periodically trained on topics relating to transgender students. School staff members are responsible for taking prompt and effective steps to prevent and respond to harassment of any kind, including that which is based on gender identity and, as appropriate, remedy its effects.

Definitions

“Gender identity” is one’s sense of self as male, female, or an alternative gender that may or may not correspond to a person’s sex assigned at birth (American Psychological Association, 2015).

“Transgender” is an umbrella term used to describe individuals whose gender identity, expression, or behavior does not conform with that typically associated with the sex to which they were assigned at birth (National School Boards Association, 2017).

Bathrooms and Locker Rooms

Access to facilities that correspond to a student’s gender identity will be available to all students. Single user, gender neutral facilities will be made available to all users who seek privacy.

Co-curricular and Extra-curricular Activities and Athletic Team Student Participation

Students may participate in any co-curricular or extra-curricular activity consistent with their gender identity. Athletic participation regulated by the Virginia High School League (VHSL) and the Virginia Scholastic Rowing Association (VASRA), as well middle school athletics, shall be in compliance with rules outlined by that organization. Any uniform required for participation in a co-curricular or extra-curricular activity, including athletics, shall include options that are gender neutral. Awards designated by Arlington Public Schools for participation in any such activity will also be gender neutral.

Dress Code

All students must dress according to the constraints of the dress code as outlined within the school handbook. Information regarding appropriate attire for school day and school related activities shall be non-gender specific and enforced impartially regardless of a student’s gender identity or gender expression.

Extended Instructional Field Trips or Athletic Events

APS is committed to providing a safe, welcoming school environment where students are engaged in learning because they feel accepted and valued. Additionally, APS respects the privacy rights of its students and parents and will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a parent or student as required by law. As part of this commitment to inclusion and equity, when

ARLINGTON PUBLIC SCHOOLS
Policy Implementation Procedure J-2 PIP-2
Transgender Students in Schools

an instructional or extra-curricular or athletic event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.

Any student uncomfortable sharing a sleeping area, shower, bathroom, or any sex-segregated facility, shall, upon request, be provided with a designated safe, non-stigmatizing alternative. Arlington Public Schools staff shall not require a student to stay in a single-occupancy accommodation when such accommodations are not required of other students participating in the same event.

Names, Pronouns, and Classroom Records

Every student has the right to be addressed by names and pronouns that correspond to the student's gender identity. Regardless of whether a transgender student has legally changed their name or gender, schools will allow students to use a chosen name and gender pronouns that reflect their gender identity.

To ensure consistency, staff will update student classroom records (class rosters for substitutes, etc.) with the student's chosen name and, where applicable, appropriate gender markers.

Privacy and Educational Records

Information about a students' transgender status, legal name, or gender assigned at birth constitutes confidential personally identifiable and medical information. Disclosing this information to others by an Arlington Public Schools staff member may violate privacy laws, such as the Federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional privacy protections and therefore, the information will not be disclosed unless in accordance with these laws.

Permanent records for students, including a student's gender, may only be changed with the submission of a legal document such as a birth certificate, passport, or court order. The process for changing any element of a student's permanent record including a student's name and gender must follow the process outlined in School Board Policy J-5.3.30 Admissions and Placement and School Board Policy J-15.30 Privacy Rights and Regulations, and state law. APS graduates may change their permanent records under the same requirements as current APS students. Appeals to a decision made regarding a change to a student's permanent record must be made in writing to the Assistant Superintendent of Teaching and Learning.

References

Policy J-5.3.30 Admissions and Placement
Policy J-15.30 Privacy Rights and Regulations
Policy J-6.8.1 Student Safety - Bullying Harassment Prevention
Virginia High School League Student Eligibility Requirements
Family Educational Rights and Privacy Act
Education Amendments Act of 1972, 20 U.S.C. §§1681 – 1688 (Title IX)

Policy Implementation Procedure Adoption and Revision History

Adopted July 1, 2019; Effective July 1, 2019

EXHIBIT C

SPECIAL SERVICES

Health and Welfare

Gender-expansive and Transgender Students

This regulation supersedes Regulation 2603.1

I. PURPOSE

To establish procedures and guidelines for schools to ensure that all students, including gender-expansive and transgender students experience a safe, supportive, and inclusive school environment.

All students have a right to privacy in Fairfax County Public School (FCPS) facilities or while participating in FCPS sponsored events. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with reasonable, non-stigmatizing accommodations. Students shall not disclose private information about another student's reason for seeking privacy. Additionally, school personnel should not disclose information about a student's gender-expansive or transgender status, legal name, or sex assigned at birth, including to other school personnel who do not have a need to know, unless the student has authorized such disclosure, or unless legally required to do so as further outlined below.

II. DEFINITIONS

Official Transcript: to include legal name at the time of the awarded credit. Documents are signed by the school official with name and title or transmitted and verified through a verified electronic method.

III. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Section II., removed the definition of parent and added the definition of official transcript.
- B. Section IV., added definition of parent.
- C. Section VI.B., added language to reflect that a student can request an alternate and/or unofficial diploma or transcript.
- D. Section VI.D., added "and transcript assistants."
- E. Legal References., added the proposed Virginia Code 8VAC20-160-3D

IV. IDENTIFICATION OF GENDER-EXPANSIVE AND TRANSGENDER STUDENTS

Schools shall accept a student or parent's (use of this term herein includes parent, guardian, legal custodian, or other person having control or charge of a child) assertion of a student's gender-expansive or transgender status.

- A. When a school is made aware of a student's gender-expansive or transgender status, the school shall offer to convene a support team for the student or the parents. The support team shall be a multidisciplinary team that may consist of the student, parents if the student is willing, classroom teacher(s), administrator, school counselor, school psychologist, school social worker, and/or other staff members as appropriate for this collaboration. The student or the student's parents may have input into the composition of the team and also may invite any representatives of their choosing to include physical and mental health professionals or advocates.
- B. Support teams shall develop a student-specific support plan to provide the gender-expansive or transgender student with safe and equitable access to all school and school division facilities and activities, addressing any particular issues raised by the student or the student's parents. The support team shall consider the student's needs, protection of student privacy, maximization of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements. The plan may include, but is not limited to:
 1. Annual conferences with a student support team, the student, and/or the student's parents to discuss any necessary accommodations for the school year.
 2. Regular check-ins with the student and/or the student's parents by the school counselor, administrator, school psychologist, school social worker, or other designated staff member deemed appropriate.
 3. Meetings to support the student from academic year to academic year.
 4. Information about community resources.
 5. School staff should provide information and referral to resources to support a student in coping with a lack of support at home and seek opportunities to foster a better relationship between the student and their family.
 6. A timeline to support student transition from one gender to another, if applicable.
 7. Decisions regarding use of student name and pronouns, restroom and locker room access, gender specific courses, sports, student activities, and extended instructional field trips or athletic events. School staff will address the student using the asserted name and gender as communicated by the student. This plan should be maintained in the school file (i.e., school counselor office) to be accessible to the members of the support team. This plan is subject to the same privacy guidelines as are other student records.
- C. In situations where a student may be transitioning from one gender to another, either prior to the beginning of or during the current school year, school teams shall consider

providing staff training on gender diversity to include responsibilities to support gender-expansive and transgender students under Title IX and [Policy 1450, Nondiscrimination](#). This training should be generalized to honor the privacy and confidentiality of the student.

- D. A student or parent may request that the support team be reconvened at any time.
- E. Every effort shall be made to encourage and support communication between gender-expansive or transgender students and the student's parents. Schools may offer to meet jointly with the parents and the student at school.

V. STUDENT NAMES AND PRONOUNS

Students who identify as gender-expansive or transgender should be called by their chosen name and pronouns, regardless of the name and gender recorded in the student's permanent pupil record. School counselors, administrators, or other designated school personnel should work with the student and/or the student's parents to determine the best course of action to inform teachers, coaches, and other school personnel of this request. Every effort should be made by the student's teachers to reasonably inform substitute teachers of the student's chosen name and pronouns.

VI. PERMANENT STUDENT RECORDS

- A. Each school is required to maintain a permanent pupil record of each student. The student's legal name, birth date, sex assigned at birth, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record. A court order or an official government document, such as an updated birth certificate or passport attesting to any changes in student identification, to include legal name and sex, is required before any changes will be made to the student scholastic record.
- B. If a gender-expansive or transgender student and the student's parents request a diploma and/or transcript with the student's chosen name, schools will provide a student with both a diploma and/or transcript reflecting the student's legal name as well as an alternate diploma and/or alternate, unofficial transcript with the student's chosen name that reflects the student's gender identity. Students who are 18 or older may request an additional diploma and/or unofficial transcript with their chosen name, without parent permission being received by FCPS.
- C. For current FCPS students, legal name and/or gender marker changes will be reflected throughout the time of enrollment.
- D. Staff access to permanent student records that contain a gender-expansive or transgender student's legal name and/or sex assigned at birth will be limited to the following staff members: administrators, directors of student services, counselors, school psychologists, school social workers, SIAs/SSAs, and transcript assistants based on their legitimate educational interest in this information.
- E. 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 will adopt practices to avoid the inadvertent disclosure of such information to individuals outside of the reporting requirement.

- F. FCPS graduates may change their permanent records under the same requirements as current FCPS students.

VII. CLASSROOM RECORDS

- A. Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender markers.
- B. FCPS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun (when possible) as designated by the student or parents.

VIII. PRIVACY AND EDUCATIONAL RECORDS

Information about students' transgender status, legal name, or sex assigned at birth constitutes confidential personally identifiable and medical information. Such information should not be disclosed unless required by law.

IX. ACCESS TO FACILITIES

- A. Gender-expansive and transgender students shall be provided with the option of using a locker room or restroom consistent with the student's gender identity.
- B. When an instructional or extra-curricular event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.
- C. Any student who has a need or desire for increased privacy, regardless of the underlying reason including gender identity, shall be provided with a reasonable, non-stigmatizing alternative such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, or a nearby health or single-use/unisex bathroom), or with a separate changing schedule (e.g., using the locker room that corresponds to the student's gender identity before or after other students). Such alternative options will minimize impact to instructional time to the extent possible.
- D. Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status or other underlying reason for the request confidential. FCPS will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a student or parent.
- E. In no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using

only a private area, single-occupancy accommodation, or other single-use facility as described in this section.

- F. Gender-expansive and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.

X. STUDENT ACTIVITIES AND ATHLETICS

- A. Student participation in Virginia High School League (VHSL) sponsored programs, or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, are governed by policies and rules of those organizations. Gender-expansive and transgender students shall participate in such sponsored activities in accordance with these policies.
- B. Student participation in school-sponsored programs, clubs, activities, and sports (other than those sponsored by VHSL) shall allow gender-expansive and transgender students to participate in accordance with the student's gender identity.

XI. GENDER SPECIFIC COURSES

- A. Schools should eliminate or reduce the segregation of students by gender to the extent possible.
- B. When schools offer a gender specific course or a course with a gender specific section, gender-expansive and transgender students shall be allowed to enroll in the course corresponding with the student's gender identity.
- C. In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), gender-expansive and transgender students, shall be allowed to participate with the gender group corresponding to the student's gender identity.

XII. GENDER SEGREGATION IN OTHER AREAS

As a general rule, in any other circumstances where students are separated by gender in school activities, gender-expansive and transgender students shall be permitted to participate in accordance with the student's gender identity consistently asserted at schools. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis.

XIII. DRESS CODES

All students are required to dress in clothing that follow the guidelines as listed in [Policy 2613, Student Dress Code](#) as well as [Regulation 2601, Student Rights and Responsibilities Booklet](#) (SR&R), regardless of gender identity. There are no separate categories of clothing requirements for either males or females, therefore, gender-expansive and transgender students shall be allowed to dress in any clothing that meets the guidelines in the policies referenced above. Requirements for attire for school-related

programs, activities, and events shall be gender-neutral. These guidelines shall be enforced impartially regardless of a student's gender identity or expression.

XIV. TRAINING FOR EMPLOYEES

All school staff will be trained annually on topics relating to transgender students, including procedures for preventing and responding to harassment and bullying based on gender identity and expression. This includes that a persistent refusal to use a student's chosen name and pronouns constitutes discrimination. School mental health professionals shall be trained annually on topics relating to safety and support of these students.

XV. COMPLAINTS

Parents and students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

Legal References:

Family Educational Rights & Privacy Act, 20 U.S.C. § 1232g;
34 C.F.R. Part 99; Virginia Code Sections 22.1-23.3, 2.2-3901,
Virginia Administrative Code 8VAC20-160-3D Proposed

See also the current versions of:

[Policy 1450](#), Nondiscrimination
[Policy 2613](#), Student Dress Code
[Policy 2730](#), Confidentiality of Student Information
[Regulation 2202](#), Required Admission Credentials for Students
[Regulation 2601](#), Student Rights and Responsibilities Booklet
[Regulation 2701](#), Student Personal Data
[Regulation 4952](#), Discrimination and Harassment on a Protected Class
[Management of the Student Scholastic Records Manual](#), Virginia High School League, Inc. Handbook and Policy Manual

EXHIBIT D

**Regulation 2603-Gender-Expansive and Transgender Students
Guidance Document**



Table of Contents

Guidance Overview	Page 3
The Need	Page 4
Terms and Definitions	Page 4
Student Transitions	Page 7
Developmental Considerations	Page 8
Names and Pronouns	Page 8
Student Name in the Student Information System (SIS)	Page 8
Protected Information	Page 8
Legal Name on Records	Page 9
Use of Nickname	Page 10
Gender Identity	Page 10
Schools/Facilities Requirements and Gender Based Activities	Page 10
Bathrooms	Page 10
Physical Education/Locker Rooms	Page 10
Gender Based Activities	Page 11
Interscholastic Athletics	Page 11
Intramurals/Clubs	Page 11
Field Trips	Page 11
Gender Specific Courses	Page 11
Privacy and Confidentiality/Records	Page 12
Privacy and Disclosure of Information	Page 12
FAQs	Page 12
Guidance and Contacts	Page 14
Policies and Laws	Page 14
Applicable and Related Laws	Page 14
FCPS Policies and Regulations	Page 15
Resources	Page 16
Family Support	Page 16
School Support	Page 16
Student Support	Page 17
Additional Helpful Organizations	Page 18
Appendices	Page 19
Appendix I: Administrator Guidance	Page 20
Appendix II: Student Services Team Guidance	Page 22
Appendix III: Teacher Guidance	Page 24
Appendix IV: Student Support Team Planning Guide	Page 26

Guidance Overview

FCPS is pleased to support gender-expansive and transgender students through the development of [Regulation 2603](#). This regulation provides our students, families, staff, and community with a way forward, providing youth with an equitable, safe and supportive school environment. The journey to this point has been a long one for our community and for the country. Virginia has been clear; it is time to recognize and support youth as they express their identities. All who have been part of these discussions know that there are differing levels of understanding and acceptance, so, now the work begins to operationalize the ideal for all students.

The Virginia Assembly passed House Bill 145 and Senate Bill 161 during the spring 2020 session. With the passage of this bill the Code of VA 22.1-23.3 was amended to address common issues regarding the treatment of transgender students in public schools. The Virginia Department of Education (VDOE) immediately started to work on a model policy which is currently in draft status.

Upon passage of the bill, it was determined that FCPS would develop a regulation addressing the need to provide our gender-expansive and transgender students with a safe, supportive and inclusive environment.

The FCPS Gender-Expansive and Transgender Guidance is intended to be a tool for schools, parents and students to effectively navigate existing laws, regulations and policies that support gender-expansive and transgender students. This guidance ensures that all students are treated equitably and with dignity while attending school. This resource includes the following:

- Direction to schools on meeting our federal, state and local obligations to ensure equitable treatment of gender-expansive and transgender students;
- Insight for families, students and staff who may have questions; and
- Tools and resources for administrators, staff, families and students.

For further assistance please contact:

Director of Intervention and Prevention Services
Fairfax County Public Schools

Mental Wellness Specialist
Fairfax County Public Schools

The Need

Fairfax County Public Schools are committed to promoting a welcoming and inclusive culture where all students feel valued and supported. As outlined in the Strategic Plan Goal 2, FCPS is committed to fostering a responsive, caring and inclusive culture. The implementation of Regulation 2603 supports FCPS in promoting inclusivity for all students.

Members of the LGBTQIA+ community face disproportionate challenges in schools. Although the Fairfax County Youth Survey does not currently request information related to transgender or gender-expansive status, data collected from the 2019 Fairfax County Youth Survey indicate that of the students in 8th, 10th and 12th grade who identify as lesbian, gay, bisexual, queer or questioning:

- 25% had been sexually harassed.
- 50% experienced depressive symptoms.
- 16% had been victims of emotional abuse by dating partners.
- 32% have seriously considered suicide.
- LGBQ youth are 70% more likely than non-LGBQ youth to report being bullied.

The Centers for Disease Control and Prevention released data consistent with the Fairfax County Youth Survey data indicating that LGBTQIA+ students are more likely to experience victimization, violence and suicidality. In fact, the data from the CDC show that 43% of transgender youth have been bullied on school property while 29% of transgender youth have attempted suicide. Students are less engaged when they are ostracized and isolated, which creates barriers to academic achievement.

Many LGBTQIA+ youth report involvement and support in their families, schools, and community as they overcome these challenges. Implementation of Regulation 2603 promotes further support from caring adults and schools. Furthermore, putting systems and structures in place to support LGBTQIA+ youth is of vital importance.

Terms and Definitions

Terms and definitions developed from genderspectrum.org and welcomingschools.org

These definitions are intended to assist in understanding the regulation and guidelines. Knowledge of these terms will support FCPS staff understanding of the diverse spectrum of identities.

Asexual: A term that describes a person who lacks sexual attraction or desire for other people.

Bisexual/Bi+: A term that describes a person who is emotionally, romantically, or sexually attracted to people of more than one gender, sex, or gender identity.

Chosen Name: Refers to a name requested by a student or the student's parents or guardians by which the student would like to be known, which may be different than a student's official name in the FCPS student record. Pronoun usage also should reflect how the student would like to be called.

Cisgender: A person whose gender identity and gender expression align with the sex assigned at birth

Deadnaming: When someone, intentionally, or not, refers to a person who is transgender or gender-expansive by a name other than their chosen name.

Gender: A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures.

Gender Binary: The idea that there are two distinct and opposite genders-female and male. This model is limiting and doesn't account for the full spectrum of gender identities and gender expressions.

Gender-expansive/gender non-conforming/gender-diverse/gender-fluid/gender-nonbinary/agender/genderqueer: Terms that convey a wider, more flexible range of gender identity and expression than typically associated with the social construct of a binary (two discreet and opposite categories of male and female) gender system.

Gender Expression: The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.

Gender Fluidity: Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may change, even from day-to-day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectation of girls or boys. In other words, a person may feel they are a girl some days and a boy on others, or a combination or possibly feel that neither term describes them accurately.

Gender identity: A person's sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different than the sex assigned at birth.

Gender Role: This is the set of roles, activities, expectations, and behaviors assigned to females and males by society. In the United States, typically two basic gender roles are recognized: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.

Heteronormative: The assumption of heterosexuality as the given or default sexual orientation instead of one of many possibilities, and that the preferred or default relationship is between two people of "opposite" genders.

Legal Name: Refers to the student’s official name entered in the Fairfax County Public Schools (FCPS) student record following the procedure set forth in the current version of [Regulation 2202](#).

Lesbian: A woman who is emotionally, romantically and/or sexually attracted to women. This includes cis, trans and other people who are women.

LGBTQIA+: An acronym for Lesbian, Gay, Bisexual, Transgender, Queer, and/or Questioning, Intersex, and Asexual and/or Ally Community. A “+” is added to include the range of identities.

Pansexual/Pan: Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way, or to the same degree.

Pronouns - The pronoun a person uses when referred to in conversation (i.e., a person with traditionally male gender identity likely uses the pronouns he, him, his). Please note that young people may choose to go by they, ze, or no pronouns.

QTPOC: Queer, Trans, People of Color.

Queer: Deemed an offensive term historically and still by some people today, queer has been reclaimed by many members of the LGBT community as a term of empowerment. The term can have different meanings to different people, but in this context, it generally refers to a member of the lesbian, gay, bisexual, or transgender community. This term may be used by a member of the LGBT community, who may not identify themselves by any of the other letters in that acronym. Since this term has a negative history, it should only be used to describe those individuals who identify themselves as queer and give permission for others to use that term to describe them.

Sex Assigned at Birth: A label, generally “male” or “female,” that is typically assigned at birth and recorded on a birth certificate, if that document exists. This term is also referred to as birth assignment or biological or anatomical sex.

Sexual Orientation: Term that refers to being romantically or sexually attracted to people of a specific gender or sex. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

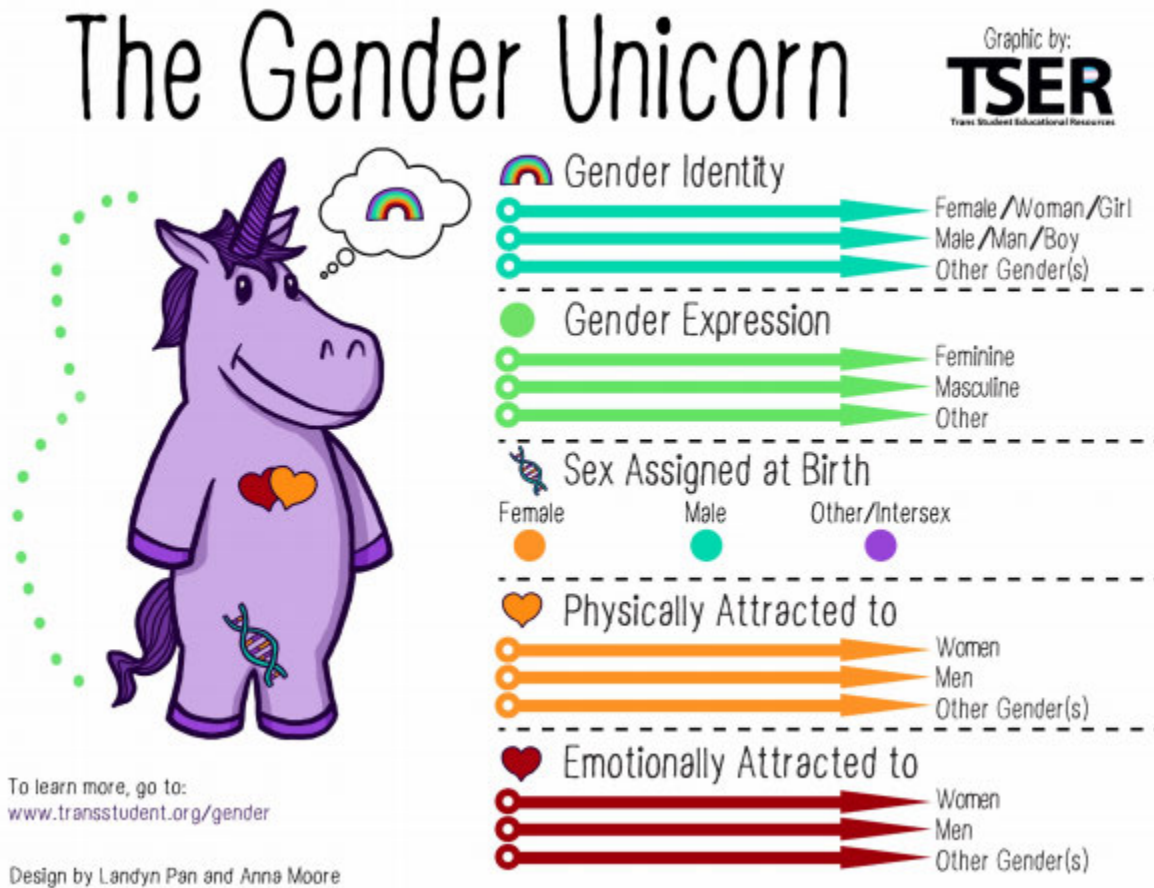
Transgender: Describes an individual whose gender identity is different from that associated with the individual’s sex assigned at birth. An individual can express or assert a transgender identity in a variety of ways such as pronoun usage, mannerisms, and clothing. Medical treatments or procedures are not considered a prerequisite for identifying students as transgender.

Transition: Refers to the experience by which a transgender person goes from living and identifying as the gender associated with the sex assigned at one’s birth to living and identifying as the gender consistent with one’s gender identity. A gender transition often includes a “social

transition,” during which an individual begins to live and identify as the gender consistent with the individual’s gender identity, with or without certain medical treatments or procedures.

Transphobia: Fear or hatred of transgender people; transphobia is manifested in several ways, including violence, harassment, and discrimination.

The Gender Unicorn provides a visual aid to support in the understanding of some of the terms noted above.



Student Transitions

Not all gender expansive students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome.

The regulation states, “When a school is made aware of a student’s gender-expansive or transgender status, the school shall offer to convene a support team for the student or the parents...The support team shall consider the student’s needs, protection of student privacy, maximization of protection of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements.”

In most cases, transitioning is a very private matter. Students may choose to have their parents participate in this process; however, parental participation is not required. When appropriate,

schools should work closely with the student and family in devising a plan regarding the confidentiality of the student's transgender status. A member of the Student Support Team should be consulted to begin conversations to identify the student's needs. A sample school planning tool is included in Appendix 4. This planning tool provides a list of suggested topics for a transitioning student to review with the student services team member and/or the Student Support Team. Please note that the student's team should be comprised of an administrator (when available), a member of the student services team, any other staff that the student chooses. When this meeting is scheduled, the team lead should ensure that the student and/or parents are informed of the team members who will be participating in the team meeting. The contents of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student's chosen name, as to avoid deadnaming.

Parent Engagement

Regulation 2603 states, "Every effort shall be made to encourage and support communication between gender expansive or transgender students and the student's parents or guardians. Schools may offer to meet jointly with the parents or guardians and the student at school." However, if a student has not shared information with the parents, the school shall not disclose confidential information related to the student's transition with the parents or guardians..

The Virginia Department of Education *Model Policies for the Treatment of Transgender Students in Virginia Public Schools* states the following:

"Privacy and confidentiality are critical for transgender students who do not have supportive families. Disclosing a student's transgender status can pose imminent safety risks, such as losing family support or housing. According to a recent study, LGBT youth have a 120 percent increased risk of experiencing homelessness compared to youth who identified as heterosexual and cisgender (Morton, Dworsky, & Samuels, 2017). School divisions will need to consider the health and safety of the student in situations where students may not want their parents to know about their transgender status, and schools should address this on a case-by-case basis. If a student is not ready or able to safely share with their family about their transgender status, this should be respected. There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity, and school staff should work with students to help them share the information with their family when they are ready to do so."

Developmental Considerations

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish, but are not required, to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmental considerations. These are considerations, but each student situation should be handled according to the maturity of each individual student, while still respecting the student's rights.

Generally, notification from the student's parents or guardians about their gender identity, gender expression, or transition is unnecessary, as they may already be aware and supporting. In some cases, however, notifying parents or guardians carries risks for the student, such as being kicked

out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student.

Since students are likely to be more comfortable in some areas of a school than others, their transition, particularly in the early phases, may be “site-specific,” meaning they choose to go by one name or have one pronoun used in one place and another name or another pronoun used in another. For example, a student may feel more comfortable expressing their gender identity in a student club or small group, but not to the larger school community or at home. Whatever the student prefers should be acknowledged and respected. Be aware of the preference of the student and always use their chosen reference when you are speaking to the student and about the student to another person. Awareness and sensitivity about where the student is open about their identity is crucial to be an effective ally.

Names and Pronouns

Students who identify as gender-expansive or transgender should be called by their chosen name and pronouns, regardless of the name and gender recorded in the student’s permanent pupil record. School counselors, administrators, or other designated school personnel should work with the student and/or the student’s parents or guardians to determine the best course of action to inform teachers, coaches, and other school personnel of this request. Every effort should be made by the student’s teachers to reasonably inform substitute teachers of the student’s chosen name and pronouns. Staff are encouraged to review [this document](#) for additional considerations related to student pronouns.

Student Name in the Student Information System (SIS)

Protected Information

The Student Information System (SIS) contains a tab for entering protected student information. The use of the Protected Information feature will maintain a student’s legal identity, as required by law, while allowing the school counselors, administrators or other designated school personnel to modify the SIS Student Information as requested by the family/student chosen information. Examples are the student’s first name and/or gender. The modified data will be used to populate all instructional and administrative applications that receive student information as part of automated provisioning and rostering processes. Use of the modified data in SIS must be discussed with the student(s) to ensure that the implications are fully understood. For example, use of modified information in SIS will result in this data being displayed to parents in ParentVUE and for those students with IEP/504 documentation in the SEA STARS system.

Changing the student’s name in the Student Information tab of SIS and storing the legal name in the Protected Information tab is not appropriate if the student’s parent/guardian is unaware of the student’s transition since this may unintentionally out the student and potentially compromise their safety and well-being. Additional information about considerations for use of the protected information area is posted in [this section of the Employee Hub](#). Use of the Protected Information area will also be addressed during SIS training sessions.

Legal Name on Records

Each school is required to maintain a permanent pupil record of each student. For those students who choose to change name and/or gender in SIS, the legal information will be stored in the Protected Information tab of SIS. The student's legal name, birth date, sex assigned at birth, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record. A court order or an official government document, such as an updated birth certificate or passport attesting to any changes in student identification, to include legal name and gender, is required before any changes will be made to the student's legal information.

Please note that the name in the database is part of an official educational record and is therefore covered by the Family Educational Rights and Privacy Act (FERPA), meaning that if a parent or guardian requests access to see their student's records, they will have access to the student's chosen name and legal name. If a student transitioning at school is not ready to share with their family about their transgender status, this should be respected. In this scenario, school staff should make a change socially, calling the student by the chosen name, while their official SIS information remains the same.

Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender.

FCPS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun (when possible) as designated by the student or parents or guardians.

Use of "Nickname"

If a student wishes to go by another name, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

Caution should be utilized in using the nickname field in SIS. The Nickname field in SIS is not the best option for supporting students in making their chosen name known to all staff. This field appears on limited reports and does not transfer to teacher class rosters. When using the Nickname field in Teacher Vue, the nickname for the class will appear, but every teacher will be required to make this change in Teacher Vue in their own section views.

If teachers utilize the nickname on the class view, the nickname will appear for substitutes, but not the student's last name.

Gender Identity

Effective December 17, 2020, SIS includes the option to identify a student's gender as Non-Binary in the drop-down for Gender identification. This selection will display as an X in the students' demographic information.

Schools/Facilities Requirements and Gender Based Activities

Bathrooms

Having safe access to restroom facilities is important to the health and wellbeing of all people, including those who identify as transgender and gender expansive. Students can use the same bathrooms as their peers, unless they request alternate accommodations. This means that transgender and gender-expansive students are entitled to use the bathroom that matches their gender identity. This does not require parental permission. Any student, transgender or otherwise, who has a need or desire for increased privacy, regardless of underlying reasons, also has the right to access a single-user restroom, such as a staff bathroom or the bathroom in the health office. To promote an inclusive environment for all, the single-user bathroom may not be given as the only option for transgender or gender-expansive students.

Physical Education/Locker Rooms

All students must be permitted to participate in physical education classes in a manner consistent with their gender identity.

Schools may maintain separate locker room facilities for male and female students. However, all students must have access to the locker room facility that corresponds to their gender identity. If there is a request for increased privacy, any student, regardless of the underlying reason, should be offered access to reasonable accommodations such as:

- A separate changing schedule
- Use of a private area in the facility (e.g., a restroom stall with a door or an area separated by a curtain)
- Use of a nearby private area (i.e., nearby restroom or health suite)
- Assignment of student locker in close proximity to staff office or a supportive peer group.

Gender-expansive and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.

Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status confidential.

In no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using only a private area or single-use facility as described in this section.

Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to talk to their identified trusted adult.

Gender-based Activities

Interscholastic Athletics

Student participation in Virginia High School League (VHSL) sponsored programs is governed by current [VHSL policies](#). Gender expansive and transgender students shall participate in VHSL sponsored activities in accordance with these policies.

Intramurals/Clubs

Student participation in school-sponsored clubs, activities, and sports (other than those sponsored by VHSL) shall allow gender-expansive and transgender students to participate in accordance with the student's gender identity.

Field Trips

FCPS is committed to providing a safe, welcoming school environment where students are engaged in learning because they feel accepted and valued. Additionally, FCPS respects the privacy rights of its students and parents and will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a parent or student as required by law. As part of this commitment to inclusion and equity, when an instructional or extra-curricular or athletic event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.

Any student uncomfortable sharing a sleeping area, shower, bathroom, or any sex-segregated facility, shall, upon request, be provided with a designated safe, non-stigmatizing alternative. Fairfax County Public Schools staff shall not require a student to stay in a single-occupancy accommodation when such accommodations are not required of other students participating in the same event.

Gender Specific Courses

Schools should evaluate all gender-based policies, rules, and practices, and maintain only those that have a clear and sound pedagogical purpose. By eliminating gender-specific courses, the potential for discrimination is reduced. 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 consistent with their gender identity.

In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), gender non-conforming and transgender students shall be allowed to participate with the gender group corresponding to the student's gender identity.

A Note to School Staff

Wherever arbitrary gender dividers can be avoided, they should be eliminated to promote inclusivity. For example, when dividing the class into two lines based on male and female, perhaps the students could be divided by the first letters of their last names, type of shoe, color clothing, etc. Lunch divisions can be handled similarly, by dividing the students in half by last name as opposed to gender. Simple things, such as calling students "students" or "scholars" instead of "boys and girls," may seem insignificant but actually make a notable difference to students who feel alienated because they may not identify as being part of either of the two binary categories.

Privacy and Confidentiality/Records

Privacy and Disclosure of Information

All students have the right to privacy within the legal limits of that term. This includes the right to keep private one's transgender status or gender-expansive presentation at school. Information about a student's transgender status, transition status, legal name, or sex assigned at birth may constitute confidential personally identifiable and medical information. Disclosing this information to other students, their parents/guardians, or third parties may violate privacy laws such as the Federal Family Educational Rights and Privacy Act (FERPA). School staff members must ensure that all medical information including that relating to transgender or gender expansive students is kept confidential in accordance to federal, state and local privacy laws. School staff may not disclose information that may reveal a student's transgender, gender-expansive, or transition status to others, including parents/guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. A medical diagnosis, treatment and/or other documentation is not required for school staff to accommodate a request for gender presentation, identity and diversity.

Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom and how much to share. The fact that students may choose to share their status with others does not authorize school staff to disclose the students' status to others.

When contacting the parent/guardian of a transgender or gender-expansive 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/guardian has specified otherwise.

FAQs

What name and pronouns should I use to address a student?

Students who identify as gender-expansive or transgender should be addressed by their chosen name and gender pronouns, regardless of the name and gender recorded in the student's permanent pupil record. Members of the Student Support Team should work with the student and/or the student's parents or guardians to determine the best course of action to inform teachers, coaches, and other school personnel of this request. If you are unsure about a student's chosen name or pronoun, it is appropriate to privately ask the student what they have chosen to be called. When speaking about a student, it is rarely necessary to label them as being transgender, since they should be treated the same as their peers.

How do we address restroom use?

Transgender and gender-expansive students have the right to utilize the restroom that corresponds with their gender identity. The use of a single use bathroom or the nurse's office cannot be required. The Virginia Human Rights Act protects students and they cannot be denied access to school facilities for a discriminatory reason.

[Learn more about school restroom use.](#)

If I have a student requesting to go by a new name, or new pronouns, am I required to contact the parent/guardian?

Typically, it will be the parent or guardian who informs the school of the impending transition. However, it is not unusual for a student's desire to transition to be shared at school. If the family is aware of the student's transition, the family can work with the student and the student's support team to develop steps that will provide the student with the necessary support. School staff will not disclose gender identity or pronouns to anyone without the student's permission since this can pose a serious safety concern for some students.

What happens with locker room use?

Gender-expansive and transgender students should be provided with the option to use the locker room or restroom consistent with the student's gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a non-stigmatizing alternative such as the use of a private area (e.g., nearby restroom stall with a door, nearby health room or single-use/unisex bathroom). A gender-expansive or transgender student should never be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using only a private area or single-use facility.

A student has asked that their name be changed in our virtual learning platform, do I change the name even though the name in SIS won't match?

Always use the chosen name identified by the student.[11] The Student Support Team will work with the student to ensure that they are aware of the implications of changing their name on virtual platforms. If an issue arises from the school or family, this can be negotiated, but the best course of action for the safety and support of the student is to use the student's chosen name.

One of my students has started to wear short skirts, makeup and heels to school. It is a distraction to the other students. We don't allow girls to wear short skirts, why is this student allowed to do so?

All students are required to dress in clothing that follows the guidelines as listed in Policy 2613 as well as Regulation 2601 (Student Rights and Responsibilities), regardless of gender identity. Clothing requirements in SR&R do not delineate separate categories of clothing requirements for either males or females, therefore, gender-expansive and transgender students shall be allowed to dress in any clothing that meets the guidelines in the policies referenced above.

I have a student who would like to change their name and pronouns on their IEP. How does this process work?

If the student has changed their name and gender in SIS, the information will populate in Sea-Stars and can be used on special education forms. If a student has not changed their name or gender in SIS, the team can make note of and utilize the chosen names and pronouns on the Present Levels of Performance (PLOP) page and use these throughout the document.

What do I call a student if they prefer to use their chosen name, but the parents are opposed to the use of the chosen name?

If the student's chosen name has not yet been shared with parents, the legal name will be utilized when staff members engage with the parent/guardian. When working directly with the student, it is appropriate to use their chosen name.

If a student is being bullied or harassed by others, is there a different procedure as it relates to discipline?

FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against. Discrimination is treating someone unequally based on protected category in a way that interferes with a person's education and/or academic performance.

For more information about discrimination, the FCPS Title IX response, the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at titleixcoordinator@fcps.edu or 571-423-3070

Guidance and Contacts**FCPS Office of Intervention and Prevention**

Phone: 571-423-1300

Website: <https://www.fcps.edu/department/department-special-services>

FCPS Title IX Coordinator

Phone: 571-423-3070

US Department of Education: Office of Civil Rights

Email: ocr@ed.gov

Phone: (800) 421-3481

Website: <http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>

Virginia High School League

Phone: 434-977-8475

Policies and Laws**Applicable and Related Laws**

A brief summary of federal and state laws is included for informational purposes and to aid in the development of model policies for the treatment of transgender students. Given the changing legal landscape, including on-going litigations and different interpretations, the summary provided in this section does not constitute legal interpretation nor advice.

First Amendment: The First Amendment protects freedom of speech and expression. Schools may not prevent students from expressing their identity.

Equal Protection Clause of the 14th Amendment: This clause guarantees every citizen equal protection under the law. It protects LGBTQ+ youth in schools from unfair or discriminatory school actions.

Title VII of the Civil Rights Act of 1964: The US Supreme Court ruled in June 2020 that this clause includes protection based on sexual orientation and gender identity. The decision also clarifies the meaning of "sex" in other federal antidiscrimination laws and includes transgender students.

Title IX of the Education Amendments of 1972: Title IX is a federal law that prohibits schools that receive federal financial assistance from limiting or denying a student’s participation in any school program on the basis of sex. This may be understood to prohibit discrimination, including sexual harassment, based on sex stereotypes, sexual orientation, and gender identity or transgender status.

Family Educational Rights and Privacy Act (FERPA): This is a federal law that protects the privacy of student educational records. It prohibits the improper disclosure of personally identifiable information from students’ records. Information relating to gender identity or sexual orientation may constitute personally identifiable information.

Virginia Values Act: This state law expands the Virginia Human Rights Act to prohibit discrimination in employment and housing on the basis of sexual orientation and gender identity.

Virginia Anti-Bullying legislation: Virginia school boards are required to include bullying prevention as a part of character education (§ 22.1-208.01 of the *Code of Virginia*). In addition, school boards are expected to include bullying as a prohibited behavior in their student codes of conduct (§ 22.1-279.6.D of the *Code of Virginia*) and to implement policies and procedures to educate school board employees about bullying and the need to create a bully-free environment (§ 22.1- 291.4 of the *Code of Virginia*).

Virginia Identification Documents legislation: Senate Bill 246 requires the Department of Motor Vehicles to offer any applicant the option to mark “male,” “female,” or “non-binary” when designating the applicant’s sex on an application for a driver’s license or special identification card. Senate Bill 657 and House Bill 1041 requires the State Registrar to issue a new certificate of birth to show a change of sex upon request and, if a certified copy of a court order changing the person’s name is submitted, to include the person’s new name.

FCPS Policies and Regulations

[Policy 1450.6-Nondiscrimination](#)

[Policy 2613.5-Student Dress Code](#)

[Regulation 2613.8-Student Dress Code](#)

[Regulation 2601.6-Rights and Responsibilities of Students](#)

[Regulation 2202.11-Required Admission Credentials for Students](#)

Resources

Family Support

2nd Fridays Trans Community-Groups for children, teens, parents and adults.

7:00-9:00 pm

MCC Nova

10383 Democracy Lane

Fairfax, Virginia

Contact: info@mccnova.com

CDC Guidance

https://www.cdc.gov/healthyyouth/protective/pdf/parents_influence_lgb.pdf

Family Acceptance Project

<http://familyproject.sfsu.edu>

Family Pride Coalition

www.familypride.org

Healthy Children

<https://www.healthychildren.org/English/ages-stages/gradeschool/Pages/Gender-Diverse-Transgender-Children.aspx>

Milpride-specifically for LGBTQ military children and their families. Provides resources and support groups to help meet the needs of each family.

Contact: amanda@milpride.org

PFLAG-The first and largest organization for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people, their parents and families, and allies.

Alexandria Location
Third Tuesday 7:00-9:30
St. Luke's Episcopal Church
8009 Fort Hunt Road
Alexandria, VA 22308

Fairfax Location
First Tuesday 7:30-9:00
Unitarian Universalist Congregation of Fairfax
2709 Hunter Mill Road
Oakton, VA 22124
Contact: wf.pflag@gmail.com

Rainbow Families

www.rainbowfamilies.org

SAMHSA Resource for Families

<https://store.samhsa.gov/sites/default/files/d7/priv/pep14-lgbtkids.pdf>

TransParent-Support group; welcoming all parents and caregivers of transgender, non-binary, and gender independent children of any age.

Contact: arlington.va@transparentusa.org

True Child

www.truechild.org

School Support**FCPS Parent Resource Center**

Email: prc@fcps.edu

Phone: 703-204-3941

FCPS Pride

Fcpspride.org

Email: president@fcpspride.org

Phone: 202-295-7939

Gay Straight Alliance Network

www.gsanetwork.org

GLSEN Northern Virginia

glsen.org/nova

Email: northernva@chapters.glsen.org

Phone: 571-208-2424

Human Rights Campaign-Welcoming Schools

www.welcomingschools.org

Student Support

GLSEN Northern Virginia

glsen.org/nova

Email: northernva@chapters.glsen.org

Phone: 571-208-2424

Gay Straight Alliance Network

www.gsanetwork.org

The Trevor Project

www.thetrevorproject.org

Crisis Resources for LGBTQ Youth

National Suicide Prevention Lifeline: 1-800-273-TALK (8255)

PRS Crisis Link:

- Text: "CONNECT" to 85511
- Phone: 703-527-4077

Trans Lifeline: 877-565-8860

Trevor Hotline: 866-488-7386

Trevor Chat: www.thetrevorproject.org

Additional Helpful Organizations

Gay and Lesbian Advocations and Defenders

www.glad.org

Gender Spectrum

www.genderspectrum.org

Lambda Legal

www.lambdalegal.org

National Center for Lesbian Rights

www.nclrights.org

National Center for Transgender Equality

www.transequality.org

National LGBTQ Task Force

www.thetaskforce.org

Transgender Law Center

<http://transgenderlawcenter.org>

Transgender Law and Policy Institute

www.transgenderlaw.org

Appendix I: Administrator Guidance

Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

Procedures:

If a student's transition is brought to your attention, a student services team should be developed to create an individualized plan of support. Additional guidance documents are available to support teams in implementing a plan of support.

If a parent or student requests a change to student records, the administrator will notify members of the student services team. After consulting with the team, the administrator will follow through with the agreed upon request. Each student outcome will be unique. Prior to making any of the following changes, please ensure that a student services staff member has discussed with the student and/or family any implications when making a change to student records.

Name Changes in Google Meet

- When Google Meet is being used for virtual instruction, a student's G Suite display name will be shown. This is the same name that is displayed in G Suite shared documents. This name can be permanently changed through the process shared below.
- Making the request for a student name change will now change the name in both FCPS 24-7 Blackboard (but not Blackboard Collaborate) and in FCPS G Suite. Principals will follow the existing request process, outlined below. Teachers will need to understand how they should alert their administrators if they receive a request for name change from

a student or parent. The principal will ultimately need the official request from the enrolling parent of that student, or from the student (parental consent is not required). Once the principal receives the request, here is the process:

1. Principal receives a request to change the display name
2. Principal submits RequestIT Ticket via IT Service catalog by selecting Fix My > FCPS G Suite for Edu. The request should include
 - that a student wishes to have a name change, and should include Student First name, Last Name, Student ID and Chosen Name
3. IT Service Desk will receive the request and update FCPS 24-7 Learning and FCPS G Suite name display.

Name Changes to the SIS:

Principals or their designee have access to make name changes in the Student Information System (SIS). Principals will also designate additional staff who will have access to protected view information with a memorandum of understanding.

- [.This step-by-step process can be viewed here.](#)

Parent Complaints:

Administrators will follow the current protocol when addressing any parent complaint. Parents, guardians or students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

Permanent Records:

Transcripts and Diplomas are considered a part of the student's permanent record. Please see section 5 of Regulation 2603 for clarification related to documents that require legal and chosen names.

Appendix II: Student Services Team Guidance

Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

Procedures:

When you are informed of a student's transition, do not assume that the student is experiencing challenges in school, with family or in connection with their mental wellness.

- Share limits of confidentiality with the student, including confidentiality related to the student's transition.
- Review the optional Student Support Team planning tool for relevant information/questions to consider. Remember completing this tool is optional and if completed is subject to FERPA.
 - Identify who knows about the student's transition
 - Bathroom and locker room use
 - Use of chosen name and pronouns
 - Student Support Plans will be reviewed and updated annually, at a minimum.
 - If a formalized plan is completed, the form should be kept with the student's designated point of contact for follow-up. The planning tool will not be stored in the student's cumulative file.
 - The counselor or identified trusted adult will be the point of contact for staff and the student if concerns arise regarding plan implementation.

- If members outside of the school team wish to participate, be sure to gain a signed release of information.
- School Transitions: When a student is moving to middle or high school, the student's point of contact will consider convening a Student Support Team meeting[SDE16]. This will allow the student to determine which information should be shared with the new school, to allow for a smooth transition to a new building.

Things to Consider:

- When a student wishes to keep information within the school team, avoid sharing student information through email.
 - Consider scheduling a brief touch base meeting with an email stating "I need to speak with you briefly to share information about one of your students."
 - During this meeting, discuss the importance of using chosen name and pronouns
- When a student requests changing information in SIS and Seastars:
 - Parent permission is not required, but advise that changing this information will "out" a student to parents/guardians since records will reflect the name change
 - Inform student that unless the student has legally changed their name, the information on the birth certificate will be maintained by the school.
 - Inform the student that the name on permanent student records will be printed with the legal name and chosen name only if requested by a parent/guardian or by a student who is 18 years or older.
 - Students should be informed that college and/or job applications should utilize consistent names. There are likely situations requiring that the student use the legal name (FAFSFA, Job Applications etc.). For this reason, schools will provide diplomas and transcripts with both the chosen and legal names if requested by a parent/guardian or by a student who is 18 years or older.
- When a student requests name changes through other virtual platforms (ex: Google Suite, BBCU, Schoology):
 - Parent permission is not required
 - Advise student that changing the name on these platforms may result in the parent/guardian seeing the change

Appendix III: Teacher Guidance

Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

Tips for creating an inclusive classroom:

- Create a classroom culture where you and the students speak out against bullying behavior and show respect and acceptance for marginalized individuals and groups. This is an ongoing process that requires bravery and commitment from both students and staff.
- Avoid forming groups based on “Male or Female”.
- Respond to biased or homophobic behavior as if there is an LGBTQIA+ student in the room at all times.
- At the beginning of the school year, consider including questions that ask students to provide their chosen name and pronoun to be used in the classroom.
- Model inclusive pronoun use. By sharing your pronouns, you are creating a welcoming environment for others.
- Avoid dead-naming. If you inadvertently make a mistake, apologize. You will be modeling respectful communication.
- Do not out a student, there can be significant negative consequences in intentionally or unintentionally outing a student to peers or family.

- Use visual aids such as quotations or posters on your wall to serve as constant reminders to students that they are fully welcome. Consider the use of safe space emblems.
- Incorporate student voice in your classroom and give space for all voices to be heard.
- Evaluate gender norms in your classroom practice by conducting a visual audit of your classroom; refer to a group of kids as students, scholars, class, friends and avoid the binary term “boys and girls”; do not separate students according to gender; don’t make assumptions based on gender;
- Evaluate classroom texts for their inclusion of voices of LGBTQIA+ people.
- Things to keep in mind for substitute teachers
 - Ensure that your class roster, within the substitute folder, contains all student chosen names and pronouns (if identified).
 - Ask that the substitute teacher not group students by male and female.

Tips for when a student confides in you:

- Listen and allow the student to confide in you. Having someone to listen to is powerful.
 - Ask clarifying and open-ended questions
- Be mindful of your biases, we all hold bias.
- Take the student’s lead on language that they use and prefer.
- Consider sharing the following: There are now protections for you as a student related to confidentiality. I am happy to be a part of your supportive team, but I am not the expert on the regulations and practices. To support you further, I would like to loop in someone from student services.
 - Ask the student if they have a connection with an adult in student services.
 - If they do not, please introduce them to someone.
- Ensure the student that you will not share their personal information related to their transition with anyone other than the identified member of the student services team.
 - If the student indicated concerns with abuse, neglect, or suicidal ideation we cannot keep this confidential.
- If a student requests to be called something other than their legal name, but does not want to adjust any formal records, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

**Appendix IV Student Support Team Planning Guide
Supporting Gender-Expansive and Transgender Students**

A fillable version of this form is located in the Forms Cabinet and can be located using [this link](#).

This planning tool provides a list of suggested topics for a transitioning student and is to be reviewed with the student services team member and/or the Student Support Team. Please note that the Student Support Team should be composed of an administrator (when available), a member of the student services team, any other staff that the student chooses. The content of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student’s chosen name, as to avoid deadnaming.

While completing this document is optional, a conversation with the student and a member of the school-based mental health team should occur any time a student shares that they are transitioning. The conversation should include, at a minimum, the factors below. Once completed, this form becomes a part of the student’s scholastic record and is subject to FERPA.

School: _____

Date: _____

Meeting Participants and Position:

Name: _____
 Name: _____
 Name: _____
 Name: _____
 Name: _____

Position: _____
 Position: _____
 Position: _____
 Position: _____
 Position: _____

Initial Information	
Consider gathering the following information:	
Student’s chosen name	
Student’s gender identification	

<p>Student's legal name on record</p>	
<p>Student's current gender marker on record</p>	
<p>Is the student requesting a name change in SIS?</p> <p>Is the student requesting a name change on virtual platforms other than SIS?</p> <p>Is the student requesting a name change only during instruction?</p>	<p style="text-align: center;">Yes or No</p> <p style="text-align: center;">Yes or No If yes, identify the platforms: _____</p> <p style="text-align: center;">Yes or No If yes, identify classes: _____</p>
<p>Has a Student Support Team member talked to the student about the various options for name changes in school and the implications of each?</p> <p>If no, teams should identify the staff member who will have the conversation with the student.</p>	<p style="text-align: center;">Yes or No</p>

<p>Parent/guardian name(s) and contact information</p>	
<p>Is the parent/guardian aware of the student's chosen name and gender identification?</p>	<p>Yes or No</p>
<p>If yes, is the parent/guardian participating in this meeting/process?</p>	<p>Yes or No</p>
<p>Who is the student's school point of contact? (Please include name and role, ex. Ms. ABC, School Counselor)</p>	
<p>Please include any additional relevant information in the space provided:</p>	
<p style="text-align: center;">Student Support Plan</p>	

<p>Who has been identified as part of the student's support team? <i>Administrator?</i> <i>Parent/Guardian? School Counselor? School Psychologist? School Social Worker? Teacher? Public Health Nurse? Community Provider? Other?</i></p>	<p>(perhaps make this a checklist with the options listed to the right?)</p>
<p>Of those in attendance, who is the student's main point of contact?</p>	
<p>What is the plan for bathroom use (<i>identify location, which will be used</i>)? <i>It is recommended to do a walk through with the student, so they know where facilities are located.</i></p>	
<p>What is the plan for PE/locker rooms?</p>	
<p>What is the plan for field trips?</p>	

<p>What is the plan for gendered activities (<i>such as sports or clubs</i>)?</p>	
<p>If Family Life Education (FLE) is separated by gender, in which class will the student participate?</p> <p>Be sure to provide access to both curriculums as appropriate.</p>	
<p>Is staff training required (<i>for all staff or selected few</i>)?</p>	
<p>Is a follow up meeting required?</p>	<p>Yes or No</p>
<p>If yes, what is the meeting date and who will be invited to attend?</p>	

<p>Be sure to share any relevant resources with the student and/or parent/guardian.</p>	
---	--

EXHIBIT E

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

Loudoun County Public Schools (LCPS) is committed to providing an equitable, safe and inclusive learning environment for all students. All students shall be treated with dignity and respect, regardless of their sex, sexual orientation, transgender status, or gender identity/expression. LCPS is committed to supporting student privacy and providing equal educational opportunities including access to LCPS programs, activities, and facilities.

Pursuant to the Code of Virginia, [22.1-23.3](#), LCPS endorses policies, procedures, and practices for an inclusive school environment that are consistent with the Virginia Department of Education's publication, [Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools](#) issued by the Virginia Department of Education.

A. Student Identification - Names and Pronouns.

LCPS staff shall allow gender-expansive or transgender students to use their chosen name and gender pronouns that reflect their consistently asserted gender identity without any substantiating evidence, regardless of the name and gender recorded in the student's permanent educational record. School staff shall, at the request of a student or parent/legal guardian, when using a name or pronoun to address the student, use the name and pronoun that correspond to their consistently asserted gender identity.

The use of gender-neutral pronouns are appropriate. Inadvertent slips in the use of names or pronouns may occur; however, staff or students who intentionally and persistently refuse to respect a student's gender identity by using the wrong name and gender pronoun are in violation of this policy.

B. Access to Activities.

LCPS [Policy 8350](#), Student Activities, states that interscholastic, co-curricular, and extra-curricular activities are part of the educational program and are subject to school supervision and regulation. All students are expected to display good sportsmanship in competitive activities, whether they are participants or spectators, and they shall conduct themselves in a manner demonstrating respect for persons and property. LCPS staff shall allow gender-expansive and transgender students to participate in such activities in a manner consistent with the student's gender identity.

All students, including transgender and gender-expansive students, participating in programs sponsored by the Virginia High School League (VHSL) or other interscholastic organization shall comply with policies and rules outlined by those organizations.

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

C. Access to Facilities.

All students are entitled to have access to restrooms and locker rooms that are sanitary, safe, and adequate, so that they can comfortably and fully engage in their school programs and activities. Students should be allowed to use the facility that corresponds to their consistently asserted gender identity. While some transgender students will want that access, others may want alternatives that afford more privacy. Taking into account existing school facilities, administrators should take steps to designate gender-inclusive or single-user restrooms commensurate with the size of the school.

LCPS shall modernize school restrooms and locker rooms to improve student privacy and to promote the creation of single-user restrooms that are available to all students in a ratio appropriate for the enrollment and size of the school. LCPS shall form an advisory group to make recommendations on improvements to ensure privacy, modesty, and safety for all students in these spaces. New schools shall be designed and constructed in a manner consistent with this policy. All renovation projects should be completed within five years.

D. Professional Development and Training. All LCPS staff shall complete training on topics relating to LGBTQ+ students, including procedures for preventing and responding to bullying, harassment and discrimination based on gender identity/expression.

E. Other Considerations. The Superintendent is authorized to develop implementing regulations and school procedures to ensure consistency in practices.

Adopted: 8/11/21

Leg Refs: Code of Virginia §[22.1-23.3](#), [8.01-217](#), [32.1-269\(E\)](#)

Cross Refs: [Policy 8250](#), Bullying Prevention and Education; [Policy 8210](#), Introduction to Student Discipline; [Policy 8-6](#), Sex Discrimination and/or Sexual Harassment (Policy 8030 when adopted); [Policy 8610](#), Student Records; [Policy 8640](#), Disclosure of Personally Identifiable Information; [Policy 8270](#), Student Dress Code; [Policy 8350](#), Student Activities; [Policy 8250](#), Bullying Prevention and Education; [Policy 1040](#), Equal Opportunity for Equitable, Safe and Inclusive Environment; [Policy 7560](#), Professional Conduct

EXHIBIT F

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

The purpose of this regulation is to establish procedures for LCPS employees in their efforts to support transgender and gender-expansive students as required by School Board [Policy 8040](#), the Code of Virginia [22.1-23.3](#), and other applicable federal and state laws. All LCPS employees shall treat all students with respect and dignity. In accepting employment with LCPS, staff members agree to abide by and uphold LCPS policies and procedures, as well as federal and state laws. Staff members are responsible for taking prompt and effective steps to prevent and respond to reports of discrimination and harassment of any kind in accordance with LCPS policy.

A. Definitions. Transgender and nonbinary students may use different terms to describe their lives and gender experiences. While terminology and language differ and evolve based on region, language, race or ethnicity, age, culture, and other factors, for purposes of this document, the following terms are used:

1. **Cisgender**: An adjective describing a person whose gender identity corresponds with the gender society typically associates with the sex they were assigned at birth.

2. **Gender**: A set of social, psychological, and emotional traits that classify an individual as typically masculine or feminine, although the social construct of gender may be more diverse across a continuum rather than as a binary system.

3. **Gender-expansive/gender-diverse/gender-fluid/gender nonbinary/agender**: Terms that convey a wider, more inclusive range of gender identity and/or expression than typically associated with the social construct of a binary (two discrete and opposite categories of male and female) gender system.

4. **Gender Expression**: The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.

5. **Gender Identity**: A person's internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different from the sex they were assigned at birth.

6. **Gender Nonconformity**: A person who does not conform to gender stereotypes. Their gender expression differs from society's expectations associated with the sex assigned at birth. Being gender nonconforming is distinct from being transgender, though some transgender people may consider themselves to be gender nonconforming.

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

7. Gender Transition: The process of shifting toward living according to their gender identity, rather than the sex assigned at birth. Transitions can be at different levels, including social transition, such as new names, pronouns, appearance, and clothing. Some people may undergo medical transitions, such as hormone therapy or surgery.

8. LGBTQ+: An acronym for “lesbian, gay, bisexual, transgender, queer/questioning, and others.”

9. Nonbinary: a term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct identity. Other similar terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American Indian, Alaska Native, First Nation, or Indigenous communities).

10. Sex Assignment: A label, generally “male” or “female,” that is typically assigned at birth on the basis of a cluster of physical and anatomical features. Intersex refers to someone whose combination of chromosomes, gonads, hormones, internal sex organs, and genitals differs from the two expected patterns of male or female.

11. Transgender: A self-identifying term that describes a person whose gender identity is different from their sex assigned at birth. A transgender girl is a girl who was presumed to be male when she was born, and a transgender boy is a boy who was presumed to be female when he was born. Note that there is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary. A transgender student is a student who consistently and sincerely asserts a gender identity different from the gender associated with the student’s sex assigned at birth.

B. Student Identification - Names and Pronouns. Transgender and gender-expansive students have the right to affirming learning environments. School staff shall, at the request of a student or parent/legal guardian, use a student’s chosen name and gender pronouns. However, in the situation when a parent/legal guardian of a minor student does not agree with a student’s request to use their chosen name and gender pronouns that reflect their consistently asserted gender identity, staff will discuss and may develop an alternative that respects both the student and the parent/legal guardian. This process will require consideration of solutions to address the student’s emotional needs to be affirmed at school as well as the goal of assisting the family in developing solutions in their student’s best interest.

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

C. Student Privacy and Confidentiality. Staff shall follow and adhere to legal standards of confidentiality relating to information about a student's gender identity, transgender status, legal name, or sex assigned at birth. Staff must support student privacy and safety and not disclose a student's gender identity or transgender status to other students or other parents. A student's gender identity or transgender status should not be shared without the student's consent, even internally among school personnel except to those with a legitimate educational interest or need to know.

To ensure consistency, staff will update student classroom records (class rosters for substitutes, etc.) with the student's consistently asserted chosen name and, where applicable, appropriate gender marker.

D. Non-Binary Gender Marker. The Virginia Department of Education has established a third gender code of "Non-Binary" for students. Parents/legal guardians, or students 18 years or older, may complete the Gender Marker Change Request form to request an update from their current gender marker ("female" or "male") to "Non-Binary." The link to the "Non-Binary" Gender Marker Change Request Form is located online on the LCPS webpage. Once the form is completed, LCPS will review and update the gender marker request accordingly. Questions can be directed to the Supervisor for Student Assistance Services within the Department of Student Services.

E. School Records. School staff shall adhere to legal standards of confidentiality to protect the student's privacy, and to prevent accidental disclosure of the student's transgender status.

1. Permanent educational records shall be maintained in accordance with [Policy 8610](#), Student Records. The educational record includes the student's legal name and sex assigned at birth. LCPS staff may be required to report the student's 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 or data reporting to the Virginia Department of Education, school staff shall adhere to legal standards of confidentiality to avoid the inadvertent disclosure of such information.

LCPS 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 identification, 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.

2. Classroom records shall, upon the request of the student or parent/legal guardian, use the name and gender marker/gender consistent with the student's consistently asserted gender identity.

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

F. Access to Activities. Transgender and gender-expansive students have the right to equitable access to school sponsored events, after-school programs, and overnight field trips and shall be permitted to participate in accordance with the student's consistently asserted gender identity. Staff shall not require the student to stay in a single-occupancy accommodation when such accommodation is not required of other students participating in the same event. Students may be assigned to a room related to their consistently asserted gender identity. Any student uncomfortable sharing a sleeping area, shower, restroom, or any sex-segregated facility, shall, upon request, be provided with a designated safe, non-stigmatizing alternative.

Student participation in Virginia High School League (VHSL) sponsored programs is governed by current VHSL policies. Gender-expansive and transgender students shall participate in VHSL sponsored activities in accordance with these policies.

G. Access to Facilities. When schools have available gender-inclusive or single-user restrooms or private changing areas, these restrooms or areas should be accessible to all students without special codes or keys.

The Code of Virginia [22.1-6.1](#) requires that menstrual supplies be available at no cost to students in accessible locations in each elementary school, and in the bathrooms at the middle and high school. Such supplies should be available in gender-inclusive bathrooms.

If there is a request for increased privacy, the student should communicate with their school administrator or counselor and will be offered access to a reasonable accommodation such as a separate changing schedule, use of a nearby private restroom or clinic/health office.

Issued: 9/13/21

Leg Ref: Code of Virginia [22.1-23.3](#)

EXHIBIT G



Book	Policies and Regulations
Section	700 - Students
Title	REGULATION - Treatment of Transgender and Gender Nonconforming Students
Code	738-5
Status	Active
Adopted	June 9, 2021
Last Revised	October 28, 2021
Prior Revised Dates	August 31, 2021

Students

REGULATION 738-5

TREATMENT OF TRANSGENDER AND GENDER NONCONFORMING STUDENTS

School Board Policy 738 prohibits discrimination against, or harassment of, students on any basis prohibited by law, including gender identity. All Prince William County Public School (PWCS) staff members are expected to recognize and respect matters of gender identity; make reasonable accommodations in response to student requests regarding gender identity in accordance with the procedures set forth below; and protect student privacy and confidentiality. This regulation, which is aligned with the "Model Policies for the Treatment of Transgender Students in Virginia's Public Schools," addresses common issues affecting transgender and gender nonconforming students and sets forth procedures, as well as available accommodations designed to ensure equal access to PWCS education programs and activities.

I. Definitions

- A. Gender: A set of social, psychological, and emotional traits that classify an individual as typically masculine or feminine, although the social construct of gender may be more diverse across a continuum rather than as a binary system.
- B. Gender Expression: The manner in which a person's gender identity or role is represented or expressed to others, often through appearance, clothing, hairstyles, behavior, activities, voice, or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.
- C. Gender Identity: An internal sense of one's own identity as a boy/man, girl/woman, something in between, or something outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same as, or different from, the sex assigned at birth.
- D. Gender Nonconforming: A person who does not conform to gender stereotypes. A person whose gender expression differs from expectations associated with the sex assigned at birth.
- E. Gender Transition: The process of shifting toward living according to an individual's gender identity, rather than the sex assigned at birth. Gender transitions can occur at different levels, including social transition, such as new names, pronouns, appearance, and clothing. Some individuals may undergo medical transitions, such as hormone therapy or surgery.
- F. Legal Sex: A label, generally "male" or "female," that is typically assigned at birth and recorded on a person's original birth certificate. The sex originally recorded on a person's birth certificate can be

changed by court order or by the issuance of an amended birth certificate.

- G. Transgender: A self-identifying term that describes a person whose gender identity is different from the sex assigned at birth. A transgender girl is a girl who was presumed to be male at birth, and a transgender boy is a boy who was presumed to be female at birth. There is a wide range of gender identities in addition to transgender male and transgender female, such as nonbinary.
- H. Legitimate Educational Interest: A need to know information in a student record in order to perform a professional duty.

II. Identification and Support of Transgender and Gender Nonconforming Students

- A. School staff shall accept a student's or the student's parent's or guardian's assertion of the student's transgender or gender nonconforming status.
- B. Requests for accommodations shall be directed to the student's school counselor or a school administrator. When a request for accommodations is received, the counselor or administrator shall offer to convene a multidisciplinary support team that may consist of the student, parent or guardian, school administrator or administrative designee, and a school-based mental health professional familiar with the student; classroom teacher(s) and other staff members may also serve on the multidisciplinary team as needed or at the request of the student or the student's parent or guardian. The student or the student's parent or guardian shall have input into the composition of the team and may request that additional PWCS employees participate.
- C. The multidisciplinary support team shall develop an individualized student support plan that provides the student with accommodations designed to ensure equal access to PWCS education programs, activities, and facilities. When developing the individualized student support plan, the multidisciplinary team shall consider the student's age and needs, protection of student privacy, maximization of social integration, minimization of stigmatization, and any perceived safety risks. The individualized student support plan shall include, but is not limited to, the following provisions:
1. A timeline for reconvening the multidisciplinary support team;
 2. A timeline for a designated school staff member to check-in with the student and/or the student's parent or guardian;
 3. Decisions regarding the accommodations that will be provided to the student (e.g., use of preferred name and pronouns; access to school facilities; and participation in gender-specific courses, school activities, and athletics); and
 4. If applicable, a timeline to support the student's gender transition.
- D. The student or the student's parent or guardian may request that the multidisciplinary support team be reconvened at any time.

III. Student Name and Pronouns

Schools shall, at the request of a student or the student's parent or guardian, allow the student to use a name and gender pronoun that reflect their gender identity. Students are not required to present substantiating evidence, obtain court-ordered name changes, or to change their student records as a prerequisite to being addressed by their preferred names and pronouns at school. The intentional or persistent refusal by a staff member to respect a student's gender identity (for example, by intentionally referring to the student by a name and/or gender pronouns that do not correspond to a student's gender identity) is a violation of this regulation and is grounds for disciplinary action. Similar conduct by students may be a violation of the bullying and harassment provisions of the PWCS "Code of Behavior."

IV. School Records

- A. PWCS uses all students' preferred name and gender, not legal name or legal sex, on school-generated documents, unless use of students' legal name and legal sex is specifically required. Unless a student or the student's parent or guardian informs the school otherwise, PWCS presumes that a student's legal name and legal sex are the same as the student's preferred name and gender. School-generated documents include, but are not limited to, classroom rosters, identification

badges, announcements, certificates, newspapers, newsletters, and yearbooks.

- B. PWCS is required to maintain an official record that includes a student's legal name and legal sex and may be required to use or report the student's legal name and legal sex in some situations, such as for standardized testing. In situations where a student who is transgender or gender nonconforming has requested or the student's parent or guardian has requested that a preferred name and gender be used other than the student's legal name and legal sex be used as described in subsection A above, documentation of the student's legal name and legal sex shall be accessible only to school officials with a legitimate educational interest in the record and may be disclosed outside of PWCS only as permitted by the Family Educational Rights and Privacy Act.
- C. The director of the Student Services Department (or designee), shall change a student's legal name and/or legal sex in the student's official record upon verification or submission of a legal document substantiating the change in legal name and/or legal sex (such as a birth certificate, a passport, Virginia driver's license, or court order). Student transcripts and diplomas of former PWCS students may be re-issued upon the verification or submission of such legal documents.

V. Student Privacy/Confidentiality

All school personnel shall adhere to legal standards of confidentiality relating to information about a student's gender identity, legal name, or legal sex. In addition to adhering to all legal standards of confidentiality, school personnel shall treat information relating to a student's transgender status as being particularly sensitive; shall not disclose it to other students and other parents or guardians; and shall only disclose to other school personnel with a legitimate educational interest.

VI. Dress Code

- A. All students, regardless of their gender identity, are expected to dress in accordance with the dress and appearance guidelines set forth in the PWCS "Code of Behavior," which does not establish separate clothing requirements for students based on gender. Therefore, as long as they are meeting the dress and appearance guidelines set forth in the PWCS "Code of Behavior," transgender and gender nonconforming students shall be permitted to dress in a manner consistent with their gender identity or gender expression, including when wearing uniforms or other clothing required for school-related programs, activities, and events.
- B. School staff shall enforce the dress and appearance guidelines set forth in the PWCS "Code of Behavior" consistently, regardless of any student's actual or perceived gender identity or gender expression.

VII. Access to Facilities

- A. All students shall have access to facilities (e.g., restrooms and locker rooms) that correspond to their gender identity.
- B. Upon request, single-user, gender-inclusive facilities or other reasonable alternatives shall be made available to any student who seeks additional privacy. Any alternative option that is offered shall be non-stigmatizing and minimize the loss of instructional time.

VIII. Access to Academic Courses

- A. Schools should avoid the practice of segregating students by gender in situations where there is no legitimate educational purpose.
- B. When schools offer a gender-specific course or a course with a gender-specific section, transgender and gender nonconforming students shall be allowed to enroll in the course corresponding with their gender identity.
- C. In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), transgender and gender nonconforming students shall be allowed to participate with the group corresponding to their gender identity.
- D. Junior Reserve Officers' Training Corps (JROTC) courses are regulated by the applicable military commands and shall be in compliance with the policies and rules outlined by those military

commands.

IX. Participation in School Activities and Athletics

- A. Except as set forth in subsections B and C below, transgender and gender nonconforming students shall be allowed to participate in school activities and athletics in a manner consistent with their gender identity. As provided in Section VII above, all students shall be given access to school facilities that correspond to their gender identity. In the case of overnight school trips, an administrator shall work with the student or the student's parent or guardian to determine the accommodations that will be provided, including hotel and room sharing arrangements, based on the particular circumstances of the trip. Accommodations for overnight school trips shall be made clear to the student prior to the student's departure for the trip and shall remain confidential.
- B. Athletic participation regulated by the "Virginia High School League" (VHSL) or another organization such as the "Virginia Scholastic Rowing Association" (VASRA) shall be in compliance with the policies and rules outlined by those organizations.
- C. In the absence of an independent regulating organization, participation in middle school athletics shall be in compliance with the policies and rules outlined by VHSL.
- D. For activities and athletics not regulated by the VHSL or another organization such as the VASRA, schools should eliminate or reduce the practice of segregating students by gender to the extent possible.

X. Bullying, Harassment, and Discrimination

- A. PWCS prohibits any discrimination against, or harassment, or bullying of, any student on any basis prohibited by law, including gender identity.
- B. Reports or complaints alleging discrimination, harassment, or bullying based on a student's actual or perceived gender identity or transgender status shall be handled in the same manner as other bullying, discrimination, or harassment complaints. Accordingly, any such report or complaint shall be given prompt attention, investigated, and resolved under PWCS Regulations 738-1, "Resolution of Allegations against Students of Sexual Misconduct," or 738-3, "Resolution of Allegations Against Students of Discrimination or Harassment," or other PWCS complaint resolution mechanism, as applicable.
- C. The Title IX and Student Equity Officer shall be available to hear concerns from a student or the student's parent or guardian.

XI. Professional Development and Training

All school administrators and school-based mental health professionals shall be trained on topics relating to transgender and gender nonconforming students, including how to provide for the safety and support of transgender and gender nonconforming students in PWCS education programs and activities.

The Associate Superintendent for Special Education and Student Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.

Cross References

[Arabic - معاملة الطلاب مغايري الهوية الجنسية وغير المحددين لجنسهم](#)

[Chinese - 对待跨性别和性别错乱学生](#)

[Korean - 성전환 및 성별 비순응 학생에 대한 처우](#)

[Pashto - د نړېنځې او جنس غیر مطابقت لرونکي زده کوونکو درملنه](#)

[Spanish - TRATAMIENTO DE ESTUDIANTES TRANSGÉNERO Y DE GÉNERO NO CONFORME](#)

[Urdu - ٹرانس جینڈر اور جنس کا تعین نہ ہونے والے طلباء کے ساتھ برتاؤ](#)

[Vietnamese - ĐỐI XỬ VỚI HỌC SINH CHUYỂN GIỚI VÀ KHÔNG PHÙ HỢP GIỚI TÍNH](#)

[رفتار یا دانش آموزان ترا جنسی و جنسیت نامشخص - Farsi](#)