

GENDER IDENTITY AND EXPRESSION

PURPOSE: To prohibit harassment and discrimination based on gender identity and expression

Consistent with the law and School Board policies on nondiscrimination and prohibition against sexual harassment, the purpose of this Policy is to foster an educational environment that is safe, welcoming, and free from discrimination for all students, regardless of the student's gender identity or expression.

Definition

For purposes of this Policy:

"Gender identity" means a student's internalized sense of their own gender as female, male, a blend of both, or neither. A student's gender identity can be the same or different than their gender assigned at birth. Gender identity may be demonstrated by the consistent and uniform assertion of the student's gender identity or other evidence that the student's gender identity is sincerely held as part of their core identity and belief. Gender identity shall not be asserted for any improper purpose or in a way that violates School Board policies or the Student Code of Conduct.

"Gender expression" means the external appearance or expression of a student's identity, usually expressed through behavior, clothing, hairstyles, activities, voice, or mannerism.

"Transgender" is an umbrella term for those students whose expression, behaviors, mannerism, appearances, or identities are incongruent with their sex assigned at birth. A transgender boy, for example, is a student who was assigned the sex of female at birth but has demonstrated a clear and persistent identity as male. A transgender girl is a student who was assigned the sex of male at birth but has demonstrated a clear and persistent identity as female.

Names, Pronouns, and School Records

Upon a showing of consistent and uniform assertion of the student's gender identity or other evidence that the student's gender identity is sincerely held as part of their core identity, school staff ~~should~~shall honor a student's request to be addressed by the student's preferred name and gender pronoun,

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regardless ~~of~~ whether the student has legally changed their name or gender. If the student has previously been known at school by a different name, the building administrator ~~should~~shall direct school staff to use the student's chosen name and pronoun. ~~Consistent with the guidelines set forth below, if~~ any questions arise, school staff ~~may privately ask the student or, in the case of young students, shall ask~~ the parents, how the student wants to be addressed in class and in the school's communications.

A student's request to change the education record to reflect the student's new name or asserted gender identity will be accommodated prospectively if the student or parent provides sufficient evidence that the student has legally changed their name or sex.

Dress Codes

Teachers and building administrators may enforce the school's dress code pursuant to any applicable policies or procedures, so long as the student is given the right to dress in accordance with their gender identity, including maintaining a gender-neutral appearance within the constraints of applicable policies and procedures. School staff cannot enforce the dress code more strictly against transgender students than other students.

Restrooms and Locker Rooms

All students are entitled to have access to restrooms, locker rooms, and changing facilities that are sanitary, safe, and adequate. School personnel ~~should~~will work with ~~each~~any student, ~~upon the student's request, on a case-by-case basis, to~~ accommodate ~~the student's~~specific needs, including providing a single-stall restroom option that is made available to any student who desires more privacy (regardless of transgender status). ~~Moreover, u~~Upon the student's request, school personnel ~~should~~must add a privacy partition or curtain to existing facilities, providing use of a nearby private restroom or office, or a separate changing schedule.

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Upon a showing of consistent and uniform assertion of the student's gender identity or other evidence that the student's gender identity is sincerely held as part of their core identity, school personnel ~~should~~shall permit the student to use the restroom, locker room, or changing facility consistent with the student's asserted gender identity.

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When an elementary or middle school student expresses discomfort with a transgender student's use of the same sex-segregated restroom, locker room, or changing facility, the school will notify the parents to discuss available options. If a high school student expresses discomfort with a transgender student's use of the same sex-segregated restroom, locker room, or changing facility, ~~upon request,~~ school administrators ~~and counseling staff~~ may address the discomfort ~~and foster an understanding of gender identity, to create a school culture that respects and values all students. Moreover, the student should be given the option by providing the student with the opportunity~~ to use an alternative option that is made available to any student who desires more privacy.

Consistent with the mandate of this Policy, single stall and gender-neutral bathrooms will be incorporated, to the extent practicable, in new construction or building renovations.

Sex-Segregated Classes, Extracurricular Activities, and Interscholastic Athletic Activities

Upon a showing of consistent and uniform assertion of the student's gender identity or other evidence that the student's gender identity is sincerely held as part of their core identity, the student ~~should~~must be permitted to participate in sex-segregated classes and extracurricular activities in a manner consistent with their gender identity. To participate in interscholastic athletic activities in a manner consistent with the student's gender identity, the student must comply with all relevant rules and regulations promulgated by the Virginia High School League ("VHSL"). Please refer to the VHSL website for specific information: <https://www.vhsl.org/>.

Overnight Field Trips

In situations where students are separated by gender for overnight accommodations, school personnel ~~should~~shall assign any such accommodations consistent with the student's asserted gender identity, provided that there is evidence of consistent and uniform assertion of the student's gender identity or other evidence that the student's gender identity is sincerely held as part of their core identity. Any student who is uncomfortable sharing a common sleeping area, shower, bathroom, or other sex-segregated facilities, shall, upon the student's request, be

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provided with a designated safe and non-stigmatizing alternative.

Confirmation of Asserted Gender Identity

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

Confirmation of a student's asserted gender identity may include a letter from a parent, health care provider, school staff member familiar with the student (a teacher, guidance counselor, or school psychologist, among others), or other family members or friends. A letter from a social worker, doctor, nurse practitioner, or other health care provider stating that a student is being provided medical care or treatment relating to their gender identity is a form of confirmation of an asserted gender identity, but such a letter is not a requirement. Similarly, a letter from a clergy member, coach, family friend, or relative stating that the student has asked to be treated consistent with their asserted gender identity, or photographs at public events or family gatherings are other potential forms of confirmation.

School personnel may question a student's asserted gender identity only when there is a credible basis for believing that the student's gender-related identity is being asserted for some improper purpose.

Information provided by the student or parent for purposes of confirming a student's asserted gender identity will be maintained as part of the student's education records. The information will not be released unless permitted by law and only in a manner that is consistent with School Board policies and procedures.

Discrimination and Harassment

Any complaints of discrimination or harassment based on gender identity or expression may be reported pursuant to School Board Policy 2402, Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion.

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There may be times when members of the community or the media approach school administrators and staff with questions regarding issues or policies related to transgender students. In such a case, all questions or comments must be directed to the Director of Strategic Communication & Community Engagement. Protecting the privacy of all students is a top priority for all School Board employees. Personally identifiable education records for all students, including medical and patient health care records, shall be kept confidential in accordance with applicable laws and policies governing the confidentiality of student records.

Adopted: XX/XX/XX

Cross Ref.: Policy 2402 - Sexual Harassment / Harassment Based on Race, National Origin, Disability, and Religion