

RIGHTS OF TRANSGENDER AND GENDER-EXPANSIVE STUDENTS

The purpose of this regulation is to establish procedures for school personnel 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 school employees shall treat all students with respect and dignity. In accepting employment with LCPS, the staff member agrees 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 discussion in 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 society's expectations with the sex they were assigned at birth.
6. Gender Nonconforming: 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.

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.

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 or 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 or 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.

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 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 for Pupil 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.

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. 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.

- 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 nurse health office.

Leg Refs: Code of Virginia 22.1-23.3