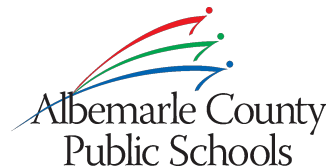


Albemarle County Public Schools Proposed Policy on the Protection of Transgender and Gender-Expansive Students

Community Information Session
Wednesday, July 28, 2021





Welcome

- Tonight, we will provide the context and reason for our proposed policy on the treatment of transgender and gender-expansive students.
- We will also provide the legal background for components of the policy.
- We will provide information to moderate misconceptions about the proposed policy and provide an avenue for your feedback.

If you have questions or concerns, please email TransgenderPolicyFeedback@k12albemarle.org.

Learning for All

Vision

Our learners are engaged in authentic, challenging, and relevant learning experiences, becoming lifelong contributors and leaders in our dynamic and diverse society.

Mission

Working together as a team, we will end the predictive value of race, class, gender, and special capacities for our children's success through high-quality teaching and learning for all. We seek to build relationships with families and communities to ensure that every student succeeds.

We will know every student.

Learning for All

Values

Equity: We will provide every student with the level of support necessary to thrive.

Excellence: We will mitigate barriers and provide opportunities for every student to be academically successful.

Family and Community: We will engage with and share the responsibility for student success with families and community partners.

Wellness: We will support the physical and emotional health of our students and staff.

Learning for All

Strategic Goals

Thriving Students will facilitate learning experiences grounded in high expectations, networks of care, and student curiosity to ensure academic and social-emotional development for all students while eliminating opportunity, access, and achievement gaps.

Affirming and Empowering Communities is about strengthening the social context of the environment in which ACPS community works. When we embolden the ACPS community members and the ties that bind them to one another, there is little we can't achieve together for the benefit of our students.

Equitable, Transformative Resources concerns the intentional flow of critical, equitably distributed human, financial, technological, and other resources to the students and teachers for transformative learning to take place.



Lars Holmstrom

Equity Specialist

Defining Terms for this Session

Cisgender: Describes a person whose gender identity corresponds to their assigned sex at birth. For example, an individual who was assigned the sex designation of female at birth, has female reproductive organs, and whose gender identity is female.

Transgender: Describes a person whose gender identity or gender expression is different from their assigned sex at birth.

Non-binary: Describes people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

Gender-Expansive: Describes an individual whose gender expression and/or gender identity does not conform to the social or stereotypical norms or expectations for a person of that sex assigned at birth. Gender-Expansive individuals may identify as male, female, some combination of both, or neither. Other descriptions synonymous with gender-expansive include differently gendered, gender creative, gender variant, genderqueer, nonbinary, agender, genderfluid, gender neutral, bigender, two-spirit, trans male/boy, trans female/girl, androgynous, or gender diverse. The language used to describe gender-expansive individuals may differ based on factors such as geographic location, race, ethnicity, age, country of origin, etc. This terminology may also change over time.

Why is this policy critical to our community?

ACPS Goals and Objectives (Policy AE)

The school environment should be responsive and conducive to learning. The physical environment facilitates and enhances the learning experiences available to each student. A responsive environment includes competent, dedicated teachers using a variety of techniques and a classroom atmosphere where students can function and develop according to their abilities. Safety, physical comfort, and appearance also are vital environmental components.

and yet...



Schools are often not safe or conducive to learning for transgender and gender-expansive students

- Transgender students are 8 times more likely to feel unsafe than their cisgender female peers.
- They are 40 times more likely to feel unsafe than their cisgender male peers.

Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools. New York: GLSEN.

Risk to Transgender or Gender-Expansive Students

- Transgender youths are far more likely to experience violence victimization such as bullying at school (2x the rate of peers) and being threatened or injured with a weapon at school (more than 4x the rate of peers).
- Transgender youths are more than five times more likely than their cisgender peers to attempt suicide.

Johns, Michelle M. et al. Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts, 2017. Center for Disease Control and Prevention: Mortality and Morbidity Weekly Report, January 25, 2019. Vol. 68, No. 3.

Feedback from ACPS students and families confirm this need:

“As the parent of a non-binary child, let me assure you that what I want is the same as what every parent wants: for my child to grow up to be a happy and fulfilled adult...but mostly, I just want him to be safe. This policy will safeguard the lives of all children, not just the transgender and gender-expansive youth, because when you create an environment that sees, respects, and affirms ALL, you create an environment in which every child is free to be exactly who they were born to be.”

— ACPS parent

Feedback from ACPS students and families confirm this need:

“Being trans and GNC in a binary world is exhausting. Being viewed and called something other than what you are everyday is exhausting. School can magnify these issues exponentially, so making sure trans and GNC students feel comfortable, respected, heard, and valued is critical to helping us feel safe and happy with ourselves.”

**— Joint statement by ACPS
high school students**

Feedback from ACPS students and families confirm this need:

“Being non-binary, this policy will make me feel safer and free to express myself at school. This policy will offer me support and help teachers understand how to make their classrooms more accepting of all kids. I don't understand why some people don't want me to feel safe and secure. I have as much of a right to learn at school as anyone else.”

— 11-year-old ACPS student

How will the policy change these outcomes?

(Policy Goals)

What

Assist in eliminating ways in which gender-expansive students are stigmatized or marginalized

Foster social and school-community integration and cultural inclusiveness of gender-expansive students

Respect the right of students to keep their gender identity or transgender status private and confidential to the extent permitted by applicable law

How

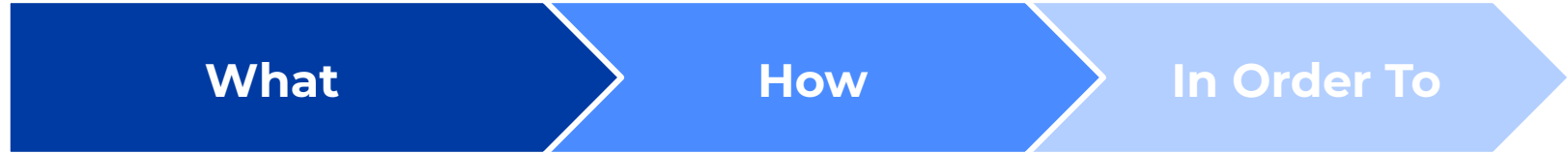
Provide consistent support and training to ACPS administration and staff to enable them to address matters of student gender identity and expression in a consistent and appropriate manner.

In Order To

Support students so that they may participate in all aspects of school life consistent with their gender identity

Said simply

(Policy Goals)



Reduce marginalization

Increase inclusivity

Respect privacy

Through professional
development for all
staff

All students can
participate fully
regardless of their
gender

What does discrimination look like?

- Almost 80% of transgender students report discrimination at school based on their gender identity. This discrimination comes in the form of verbal harassment, physical harassment, and even physical assault.
- While this discrimination is often at the hands of peers, it can also come from school staff and as the result of marginalizing practices and policies. 31% of LGBTQ students report hearing school staff make negative remarks about someone's gender expression.
- The majority of transgender students report being marginalized by school policies ranging from bathroom and locker room use to names and pronouns.

GLSEN. (2021). School Climate for LGBTQ Students in Virginia (State Snapshot). New York: GLSEN.

How do we achieve inclusivity?

- Consistently address gender harassment and bullying for transgender and gender-expansive peers as equal to other forms of bullying and harassment
- Use accurate names and pronouns
- Eliminate gender segregated grouping where it does more harm than good
- Provide non-stigmatizing access to bathroom and locker room facilities
- Ensure curricular representation and inclusive instructional practices
- Work closely with students and families to create plans that respect privacy, increase safe and healthy learning environments

How is our school community learning to be more gender inclusive?

Community partnership with Side by Side to provide training for all staff.

- Side by Side is one of the leading organizations that helped the state of Virginia draft its new legislation and model policies
- Recognized state leader in LGBTQ school and youth support for 30 years
- ACPS Middle Schools have already begun working extensively with Side by Side to provide training and support to their teachers

Partnerships with He, She, Ze, and We to support families.

- Also acknowledged by the state of Virginia for support in the development of “Model Policies for the Treatment of Transgender Students in Virginia Schools”
- Work with families at all starting points when family members come out as transgender or gender-expansive

Professional learning developed by ACPS Division Equity Leadership Team.

- Co-constructed by members of the Department of Community Engagement and the Office of Student Learning
- Full list of training requirements can be found in the policy

Misconceptions about this policy

Misconception: If a child comes out as transgender or gender-expansive to an ACPS employee, ACPS supports that employee to actively hide the information from families.

Clarification: ACPS does not support educators to actively hide information from families that they have a right to know according to board policy. We will always seek to balance parental rights with student safety.

Misconceptions about this policy

Misconception: This policy will allow boys to use girls' restrooms.

Clarification: This policy calls for access to non-stigmatizing bathroom and locker room use for all students. An important theoretical question is, “how should an ACPS employee distinguish between a gender-expansive student with whom they are unfamiliar, and a boy (or girl) entering a restroom designated for the opposite gender with intent other than simply using the restroom that conforms to their consistently asserted gender?” The answer lies in the plan established with the student, the resultant communication among employees, and the general education for employees on this topic. In practice, however, it is important to note that both gender neutral bathrooms and access to non-stigmatizing bathrooms and locker rooms have existed in some ACPS schools for multiple years, without the fears associated with this concern coming to fruition.



Ross Holden

School Board Attorney

Draft policy aligns with prevailing law in Virginia

The ACPS proposed transgender and gender-expansive policy has been developed in compliance with Virginia statutory and federal case law to ensure a positive, safe, and nurturing learning environment for all students free from discrimination and harassment.

Transgender policy requirements of Virginia state law

Virginia Code § 22.1-23.3, enacted in 2020, requires each local school board to adopt policies before the start of the 2021-22 school year concerning the treatment of transgender students in primary and secondary schools consistent with and, at least, as comprehensive as the guidance published by the Virginia Department of Education. This statute mandates that the policy address the following specific issues:

1. Compliance with applicable nondiscrimination laws;
2. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students;
3. Prevention of and response to bullying and harassment;
4. Maintenance of student records;
5. Identification of students;
6. Protection of student privacy and the confidentiality of sensitive information;
7. Enforcement of sex-based dress codes; and
8. Student participation in sex-specific school activities and events and use of school facilities.

Constitution and federal law allow transgender students to use restrooms consistent with their gender identity

The policy is also in accord with the recent holding in [Grimm v. Gloucester County School Board](#). In this case, the U.S. Court of Appeals for the Fourth Circuit (encompasses Virginia) ruled that school board policy which excluded a transgender male from the boys' bathrooms violated the Equal Protection Clause of the Fourteenth Amendment and constituted discrimination on the basis of sex in violation of Title IX. The Court concluded that a transgender student could not be deprived of the right to use the bathroom of the gender with which the student identified by the "fantastical fears and unfounded prejudices" voiced by others. Last month, the U.S. Supreme Court denied the School Board's attempt to appeal the Fourth Circuit's ruling, and, as a result, it is now the established law in this jurisdiction.



Policy follows VDOE guidance as required by law

In response to [Virginia Code Section 22.1-23.3](#), the Virginia Department of Education (VDOE) developed [Model Policies for the Treatment of Transgender Students in Virginia's Public Schools](#) that include information, guidance, and model policies on issues such as student identification, student privacy/confidentiality, and access to activities and facilities for transgender students to help local school districts better protect their transgender and nonbinary students.

Overview of Key Policy Provisions



Key Policy Provisions

Goals

- Support students in all aspects of school life regardless of gender identity
- Respect right of students to keep gender identity private and confidential
- Eliminate ways in which gender-expansive students are stigmatized and diminished
- Encourage integration of gender-expansive students into entire school community
- Provide training to staff to assist them in addressing matters of student gender identity

Key Policy Provisions

Privacy and Confidentiality

- Information about student's gender-expansive status, legal name, or gender assigned at birth shall be treated in accordance with laws governing confidentiality of student records, such as the Family Educational Rights and Privacy Act (FERPA)
- Development of plan in collaboration with the student and student's family to ensure student has equal access to school programs and activities and is protected from gender-based discrimination in school
- School shall honor student's request for confidentiality, but will advise student that aspects of plan may not be implemented without parental approval

Key Policy Provisions

Names and Pronouns

- School Division will allow a student to assert a name and gender pronouns that reflect the student's gender identity
- At the request of the student or parents, school staff shall address the student using the name and pronouns corresponding to the student's gender identity
- If parents of an underage student making such a request object to it, the school shall follow the parents' directions in this regard
- Schools shall offer resources to students and their families to help address issues pertaining to gender identity

Key Policy Provisions

School Records

- School Division is required to maintain a permanent record that includes student's legal name and gender assigned at birth
- Records and documents that are not part of the permanent file (e.g. yearbooks, graduation programs) shall use the name and gender the student uses and consistently asserts in school
- School Division shall change the name and gender designation in the permanent school record of a current or former student upon submission of a legal document such as a birth certificate or court order substantiating the amended name and gender

Key Policy Provisions

Sports and Physical Education

- Student shall be allowed to participate in physical education and intramural sports in a manner consistent with the student's gender identity
- Athletic participation regulated by the Virginia High School League or similar organization as well as middle school athletics shall follow the policies and rules of those entities

Key Policy Provisions

Restroom and Locker Room Access

- Student allowed to use the restroom, locker room, or changing facility that corresponds to the student's consistently asserted gender identity
- School personnel shall make available reasonable alternatives, in a non-stigmatizing manner, to a student who requests them or desires more privacy
- If a student expresses discomfort with a gender-expansive student's use of the same sex-segregated restroom, locker room, or changing facility, upon request, the objecting student will be given the option to use an alternative facility that is made available to any student seeking more privacy

Key Policy Provisions

Gender Segregation in Other Areas

- Student shall be permitted to participate in all school programs, activities, including extra-curricular activities such as class trips in accordance with consistently asserted gender identity
- Student dress code may not be applied so as to compel students to wear different articles of clothing depending upon biological gender
- Students shall have the right to dress in a manner that accords with their gender identity

Key Policy Provisions

Bullying and Harassment

- School Division prohibits any and all discrimination, harassment, and bullying based on an individual's actual or perceived race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or any other characteristic protected by law
- Incidents and complaints of of discrimination, harassment, or bullying will be given prompt attention and handled in the same manner as other complaints of this type

Key Policy Provisions

Training and Professional Development

- School Division shall conduct training for all staff members as to their responsibilities under the law and this policy, including:
 - Development understanding of gender identity
 - Strategies for communicating with students and parents about issues related to gender identity
 - Prevention of bullying, including cyberbullying
 - Federal and state laws and School Board policies addressing the rights of all students to privacy and a safe and secure educational environment
 - Equal access to facilities and school activities
 - How to foster a more gender-inclusive environment for all students
 - Medical and physical issues, including adherence to a treatment plan provided by the student's medical professional to the extent consistent with skills and experience of school's health staff
- School Board policies are binding on all School Division staff



Thank you

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