

STUDENTS

Treatment of Transgender Students

The School Division respects students' variations in sexuality, gender identity, expression, and/or presentation. Students are entitled to a safe and positive learning environment regardless of their sexuality, gender identity, expression, and/or presentation.

A. Confidentiality of information

1. All school personnel shall adhere to legal standards of confidentiality relating to information about a student's gender identity, legal name, or sex assigned at birth.
2. In addition to adhering to all legal standards of confidentiality, school personnel shall treat information relating to a student's gender identity as particularly sensitive and shall not disclose it to other students and other parents.
3. Disclosure of such information may only be made to other school personnel with a legitimate educational interest.

B. Student name and gender pronouns

1. In accordance with this subsection, students will be allowed to use a name and gender pronoun that reflects their gender identity without substantiating evidence. The pronouns recognized by the School Division will be he, she, or they. A student or parent requesting a different pronoun other than those listed in this item should notify the principal or designee.
2. At the written request of the student or parent/legal guardian of a minor student, use the name and pronoun that corresponds to the student's or parent/legal guardian's request. The school administration where the student attends school may require that the request be made in writing.
3. School personnel and students who are not informed of the requested name and gender pronoun by the school administration will not be found to have

discriminated against or harassed the student for not using the requested name or gender pronoun.

4. Inadvertent or mistaken use of a student's preferred name and/or gender pronoun will not constitute discrimination or harassment if the school administration determines that there was no ill will or intention to discriminate or harass the student. Reasonable efforts will be made to inform the person not using the student's preferred name or pronoun and that compliance with this Regulation and related policies and regulations is required.
5. In the situation when parents/legal guardians of minor students (under 18 years of age) do not agree with the minor student's request to adopt a new name and/or pronoun or gender identity, the school administrator will make reasonable efforts to work with the student and the parents/legal guardians to determine how to address the student's needs while in the educational setting. If the parents/legal guardian continue to disagree with the student on these matters, the school administrator or designee should consult with School Board Legal Counsel and the Department of School Leadership.
6. Student records (i.e. birth certificate, Student Information System, final transcript) that require the student's legal name and sex assigned at birth be used may not be amended to reflect a chosen name or gender identity unless supported by a court order. In accordance with guidance from the Office of Student Support Services, other student education records (i.e., student work samples) may be amended to reflect the student's or parent/legal guardian of a minor student's choice of name and/or gender identity categories: male; female; non-binary or no choice. Other than written documentation of the request, school administrators may not require substantiating documentation of a name or gender identity. This subsection does not apply to participation in extracurricular sports.

C. Participation in school activities and events

Gender based practices should be limited to serve legitimate, educational goals or for otherwise non-discriminatory purposes. The following should be considered and implemented when practicable

1. Gender grouping for class activities or school sponsored events should not be used unless necessary to accomplish the purpose of the activity or event.

2. Single-gender activity or programs should not be based on generalizations or stereotypes about different talents, capacities, or preferences of any gender.
3. Whenever schools provide gender specific activities such as physical education classes; students should be allowed to participate in a manner consistent with their gender identity. Students have the right to equitable access to programs, after-school programs, extracurricular activities, intramurals, non-competitive sports leagues, and field trips based on the student's gender identity.
4. This Regulation does not address access to competitive sports. Athletic participation regulated by the Virginia High School League (VHSL) or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, shall follow policies and rules outlined by those organizations.

Legal reference

Code of Virginia § 2.2-3900, et seq., as amended. Virginia Human Rights Act.

Code of Virginia § 22.1-23.3, as amended. Treatment of transgender students; policies.

Virginia Department of Education Model Policies for the Treatment of Transgender Students in Virginia's Public Schools (2020), as amended.

Adopted by Superintendent: September 28, 2021

APPROVED AS TO
LEGAL SUFFICIENCY

Kamala H. Larratti