

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.

3.4. No policy, guidance, training or other written material issued by the School Division may encourage or instruct teachers to conceal material information about a student from the student's parent, including information related to gender. Provided that the School Division will comply with all laws that prohibit disclosure of information to parents, including but not limited to Code of Virginia § 22.1-272.1 (B), as amended, (prohibiting parental contact where student is at imminent risk of suicide related to parental abuse or neglect).

B. Student name and gender pronouns

1. Names and nicknames

School personnel shall refer to each student using only: a) the name that appears in the student's official record; b) a nickname that the eligible student or the parent of a minor student has designated in the student's official record; or c) nicknames commonly associated with the name in the student's official record. If the parent notes that the nickname supersedes the official name, the nickname is to be used. Names, titles, or nicknames, associated with academic instruction or extracurricular activities may refer to a student without being noted in the student's official record. ~~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. Student pronouns

School personnel shall refer to a student using only: a) the pronoun associated with the student's sex or gender identity as set forth in the student's official records; or b) the pronoun the eligible student or the parent of a minor student has designated in the student's official record. The pronouns recognized by the School Division will be he, she, or they. An eligible student or the parent of a minor student requesting a different pronoun other than those listed in this item should notify the principal designee.

3. Notwithstanding the provisions of (B)(1) and (B)(2) of this Regulation, school personnel shall refer to a student by a name other than the one in the student's official record, or by pronouns other than those appropriate to the sex appearing in the student's official record, only if an eligible student or the parent of a minor student has instructed the School Division in writing that such other name or pronoun be used.

4. Use of a student's designated names, nicknames, and pronouns

- a. School personnel and students who are not informed by the School Administration of the designated names, nicknames and pronoun in the student's official record will not be found to have discriminated against or harassed the student for not using the designated names, nicknames, or pronoun.
- b. Inadvertent or mistaken use of a name, nickname and/or pronoun not listed in the student's official record will not constitute discrimination or harassment if the School Administration determined that there was no ill will or intention to intimidate or harass the student. Reasonable efforts will be made to inform the person not using the student's designated names, nicknames, and pronoun.
- c. Notwithstanding the other provisions of this Regulation, the School Division shall not compel School Division personnel or other students to address or refer to students in any manner that would violate their constitutionally protected rights.

5. Students requesting consultation regarding gender

At the request of a parent of a minor student, the school should designate an administrator or counselor to speak, together with the student's parent, with the student regarding questions pertaining to gender. Eligible students may consult with an administrator or counsellor regarding gender at their discretion.

6. Student official records will reflect the legal name and sex

Student records (i.e. birth certificate, Student Information System, final transcript) that require the student's legal name and sex as designated in the student's or former student's official record will so reflect those, unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex.

1. ~~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.~~
2. ~~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.~~
3. ~~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.~~
4. ~~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.~~
5. ~~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- not competitive sports

Sex and gGender-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. Sex and gGender 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-sex or single-gender activities or programs should not be based on generalizations or stereotypes about different talents, capacities, or preferences of any sex or gender.
3. For any school program, event or activity (including extracurricular activities) that are separated by sex, the appropriate participation of students shall be determined by sex rather than gender or gender identity. The School Division shall provide reasonable

~~modifications to this Regulation to the extent provided by law. 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.~~

~~3.—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

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APPROVED AS TO
LEGAL SUFFICIENCY



APPROVED AS TO CONTENT

