

SPECIAL SERVICES

Health and Welfare

Gender-expansive and Transgender Students

This is a new regulation.

I. PURPOSE

To establish procedures and guidelines for schools to ensure that all students, including gender-expansive and transgender students experience a safe, supportive, and inclusive school environment.

All students have a right to privacy in Fairfax County Public School facilities (FCPS) or while participating in FCPS sponsored events. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with reasonable, non-stigmatizing accommodations. Students shall not disclose private information about another student's reason for seeking privacy. Additionally, school personnel should not disclose information about a student's gender-expansive or transgender status, legal name, or sex assigned at birth, including to other school personnel who do not have a need to know, unless the student has authorized such disclosure, or unless legally required to do so as further outlined below.

II. DEFINITIONS

- A. Sex Assigned at Birth: A label, generally "male" or "female," that is typically assigned at birth and recorded on a birth certificate, if that document exists.
- B. Cisgender: A person whose gender identity and gender expression align with the sex assigned at birth.
- C. Gender-expansive/gender: non-conforming/gender-diverse/gender-fluid/gender-nonbinary/agender/genderqueer: Terms that convey a wider, more flexible range of gender identity and expression than typically associated with the social construct of a binary (two discreet and opposite categories of "male and female") gender system.
- D. Transgender: Describes an individual whose gender identity is different from that associated with the individual's sex assigned at birth. An individual can express or assert a transgender identity in a variety of ways such as pronoun usage, mannerisms, and clothing. Medical treatments or procedures are not considered a prerequisite for identifying students as transgender.
- E. 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.

- F. Gender identity: A person's sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different than the sex assigned at birth.
- G. Transition: Refers to the experience by which a transgender person goes from living and identifying as the gender associated with the sex assigned at one's birth to living and identifying as the gender consistent with one's gender identity. A gender transition often includes a "social transition," during which an individual begins to live and identify as the gender consistent with the individual's gender identity, with or without certain medical treatments or procedures.
- H. Legal Name: Refers to the student's official name entered in the Fairfax County Public Schools (FCPS) student record following the procedure set forth in the current version of [Regulation 2202, Required Admission Credentials for Students](#).
- I. Chosen Name: Refers to a name requested by a student or the student's parents or guardians by which the student would like to be known, which may be different than a student's official name in the FCPS student record. Pronoun usage also should reflect how the student would like to be called.
- J. Deadnaming: When someone, intentionally, or not, refers to a person who is transgender or gender-expansive by a name other than their chosen name.

III. IDENTIFICATION OF GENDER-EXPANSIVE AND TRANSGENDER STUDENTS

Schools shall accept a student or parent's or guardian's assertion of a student's gender-expansive or transgender status.

- A. When a school is made aware of a student's gender-expansive or transgender status, the school shall offer to convene a support team for the student or the parents or guardians. The support team shall be a multidisciplinary team that may consist of the student, parents or guardians if the student is willing, classroom teacher(s), administrator, school counselor, school psychologist, school social worker, and/or other staff members as appropriate for this collaboration. The student or the student's parents or guardians may have input into the composition of the team and also may invite any representatives of their choosing to include physical and mental health professionals or advocates.
- B. Support teams shall develop a student-specific support plan to provide the gender-expansive or transgender student with safe and equitable access to all school and school division facilities and activities, addressing any particular issues raised by the student or the student's parents or guardians. The support team shall consider the student's needs, protection of student privacy, maximization of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements. The plan may include, but is not limited to:

1. Annual conferences with a student support team, the student, and/or the student's parents or guardians to discuss any necessary accommodations for the school year.
2. Regular check-ins with the student and/or the student's parents or guardians by the school counselor, administrator, school psychologist, school social worker, or other designated staff member deemed appropriate.
3. Meetings to support the student from academic year to academic year.
4. Information about community resources.
5. School staff should provide information and referral to resources to support a student in coping with a lack of support at home and seek opportunities to foster a better relationship between the student and their family.
6. A timeline to support student transition from one gender to another, if applicable.
7. Decisions regarding use of student name and pronouns, restroom and locker room access, gender specific courses, sports, student activities, and extended instructional field trips or athletic events.

This plan should be maintained in the school file (i.e., school counselor office) to be accessible to the members of the support team. This plan is subject to the same privacy guidelines as are other student records.

- C. In situations where a student may be transitioning from one gender to another, either prior to the beginning of or during the current school year, school teams shall consider providing staff training on gender diversity to include responsibilities to support gender-expansive and transgender students under Title IX and [Policy 1450, Nondiscrimination](#). This training should be generalized to honor the privacy and confidentiality of the student.
- D. A student or parent or guardian may request that the support team be reconvened at any time.
- E. Every effort shall be made to encourage and support communication between gender-expansive or transgender students and the student's parents or guardians. Schools may offer to meet jointly with the parents or guardians and the student at school.

IV. STUDENT NAMES AND PRONOUNS

Students who identify as gender-expansive or transgender should be called by their chosen name and pronouns, regardless of the name and gender recorded in the student's permanent pupil record. School counselors, administrators, or other designated school personnel should work with the student and/or the student's parents or guardians to determine the best course of action to inform teachers, coaches, and other school personnel of this request. Every effort should be made by the student's teachers to reasonably inform substitute teachers of the student's chosen name and pronouns.

V. PERMANENT STUDENT RECORDS

- A. Each school is required to maintain a permanent pupil record of each student. The student's legal name, birth date, sex assigned at birth, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record. A court order or an official government document, such as an updated birth certificate or passport attesting to any changes in student identification, to include legal name and gender, is required before any changes will be made to the student scholastic record.
- B. If a gender-expansive or transgender student and the student's parents or guardians request a diploma and/or transcript with the student's chosen name, schools will provide a student with both a diploma and/or transcript reflecting the student's legal name as well as a diploma and/or transcript with the student's chosen name that reflects the student's gender identity. Students who are 18 or older may request an additional diploma and/or transcript with their chosen name, without parent or guardian permission being received by FCPS.
- B. For current FCPS students, legal name and/or gender marker changes will be reflected throughout the time of enrollment.
- C. FCPS graduates may change their permanent records under the same requirements as current FCPS students.

VI. CLASSROOM RECORDS

- A. Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender markers.
- B. FCPS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun (when possible) as designated by the student or parents or guardians.

VII. PRIVACY AND EDUCATIONAL RECORDS

Information about students' transgender status, legal name, or sex assigned at birth constitutes confidential personally identifiable and medical information. Such information should not be disclosed unless required by law.

VIII. ACCESS TO FACILITIES

- A. Gender-expansive and transgender students shall be provided with the option of using a locker room or restroom consistent with the student's gender identity.
- B. When an instructional or extra-curricular event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.

- C. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a reasonable, non-stigmatizing alternative such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, or a nearby health or single-use/unisex bathroom), or with a separate changing schedule (e.g., using the locker room that corresponds to the student's gender identity before or after other students).
- D. Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status confidential. FCPS will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a student or parent or guardian.
- E. In no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using only a private area, single-occupancy accommodation or other single-use facility as described in this section.
- F. Gender-expansive and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.

IX. STUDENT ACTIVITIES AND ATHLETICS

- A. Student participation in Virginia High School League (VHSL) sponsored programs is governed by current VHSL policies. Gender-expansive and transgender students shall participate in VHSL sponsored activities in accordance with these policies.
- B. Student participation in school-sponsored clubs, activities, and sports (other than those sponsored by VHSL) shall allow gender-expansive and transgender students to participate in accordance with the student's gender identity.

X. GENDER SPECIFIC COURSES

- A. When schools offer a gender specific course or a course with a gender specific section (e.g., men's chorus), gender-expansive and transgender students shall be allowed to enroll in the course corresponding with the student's gender identity.
- B. In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), gender-expansive and transgender students, shall be allowed to participate with the gender group corresponding to the student's gender identity.

XI. GENDER SEGREGATION IN OTHER AREAS

As a general rule, in any other circumstances where students are separated by gender in school activities, gender-expansive and transgender students shall be permitted to participate in accordance with the student's gender identity consistently asserted at schools. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis.

XII. DRESS CODES

All students are required to dress in clothing that follow the guidelines as listed in [Policy 2613, Student Dress Code](#) as well as [Regulation 2601, Student Rights and Responsibilities Booklet](#) (SR&R), regardless of gender identity. There are no separate categories of clothing requirements for either males or females, therefore, gender-expansive and transgender students shall be allowed to dress in any clothing that meets the guidelines in the policies referenced above. These guidelines shall be enforced impartially regardless of a student's gender identity or expression.

XIII. TRAINING FOR EMPLOYEES

All school staff should be periodically trained on topics relating to transgender students, including procedures for preventing and responding to harassment and bullying based on gender identity and expression.

XIV. COMPLAINTS

Parents, guardians or students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

Legal References:

Family Educational Rights & Privacy Act, 20 U.S.C.
§ 1232g; 34 C.F.R. Part 99
Virginia Code § 22.1-23.3
Virginia Code § 2.2-3901

See also the current versions of:

Policy 1450, Nondiscrimination
Policy 2613, Student Dress Code
Policy 2730, Confidentiality of Student Information
Regulation 2202, Required Admission Credentials for Students
Regulation 2601, Student Rights and Responsibilities Booklet
Regulation 2701, Student Personal Data
Regulation 4952, Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability
[Management of the Student Scholastic Records Manual](#)
Virginia High School League, Inc. Handbook and Policy Manual