

Regulation XXXX.X

Special Services

School Counseling Services

Effective

SPECIAL SERVICES/ SCHOOL DIVISION ORGANIZATION PHILOSOPHY AND GOALS

School Counseling Services

Gender Non-Conforming and Transgender Students

I. PURPOSE

To establish procedures and guidelines for schools to support gender non-conforming and transgender students

II. DEFINITIONS

- A. "Sex assigned at birth" refers to the sex designation listed on one's original birth certificate.
- B. "Gender identity" refers to one's internal sense of gender, which may be different from the gender associated with one's sex assigned at birth. One's gender identity is consistently and uniformly asserted, or there is other evidence that the gender identity is sincerely held as part of the student's core identity.
- C. "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 mannerisms, clothing, and pronoun usage. Medical treatments or procedures are not considered a prerequisite for identifying students as transgender. A transgender student is a student who consistently and uniformly asserts a gender identity different from the gender associated with the student's sex assigned at birth, or for which there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.
- D. "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.

- E. “Gender nonconformity” refers to one’s gender expression, gender characteristics, or gender identity that does not conform to stereotypes of what it means to be “masculine” or “feminine.”
- F. “Legal Name” refers to the student’s official name entered in the FCPS student record following the procedure set forth in the current version of [Regulation 2202](#).
- G. “Preferred Name” refers to a name requested by a student and 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.

III. IDENTIFICATION OF GENDER NON-CONFORMING AND TRANSGENDER STUDENTS

- A. Schools shall accept a student and parents or guardians’ assertion of a student’s gender non-conforming or transgender status when there is consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of the student’s core identity. Consistent and uniform assertion can be interpreted as a student’s desire to be referred to in a manner consistent with the student’s gender identity throughout the school day and throughout every, or almost every, other area of the student’s life. If a student’s verbal and/or written assertions, appearance, and/or behavior meet these criteria, schools shall affirm the student’s gender identity. While not required, additional confirmation of a student’s gender identity may come from letters and/or statements from parents or guardians, family friends, or physical and mental health care providers.
- B. The only circumstance in which a school may question a student’s asserted gender identity is where school personnel have a credible basis for believing that the student is not asserting their authentic gender identity.

IV. AFFIRMING GENDER NON-CONFORMING AND TRANSGENDER STUDENTS AND THEIR FAMILIES

- A. When a school is made aware of a student’s gender non-conforming or transgender status, schools shall offer to convene a support team for the student. The support team shall be a multidisciplinary team that may consist of the parents or guardians, student, classroom teacher(s), administrator, school counselor, school psychologist, school social worker, and/or other staff members as appropriate for this collaboration. The student and 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 non-conforming 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 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 transition from one academic setting to another
 4. Information about community resources
 5. A timeline to support student transition from one gender to another, if applicable
 6. Decisions regarding use of student name and pronouns, restroom and locker room access, gender specific courses, and sports and student activities.
- C. Any alternative arrangement shall, to the extent possible, be provided in a way that does not call attention to the student's gender non-conforming or transgender status.

- D. 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 non-conforming and transgender students under Title IX and [Policy 1450](#). This training should be generalized to honor the privacy and confidentiality of the student.
- E. A parent or guardian or the student may request that the support team be reconvened at any time.
- F. Every effort shall be made to encourage and support communication between gender non-conforming 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. In no case shall personnel commit themselves to maintain confidentiality around student requests, such as use of preferred names and pronouns different from the legal name of the student, thus keeping such requests from parents, guardians, or appropriate school authorities. Schools shall work to both support student needs as well as the rights of parents or guardians to make educational decisions for their children and otherwise direct their upbringing.

V. STUDENT RECORDS

- A. Each school is required to maintain a permanent pupil record of each student. The student's legal name, birth date, sex, 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 and in FCPS systems. A court order or updated birth certificate attesting to any changes in student identification, to include legal name and sex, is required before any changes will be made to the student scholastic record.
- B. For current FCPS students, legal name and/or gender changes will be reflected in student records generated on and after the date of the record change. Records prior to the date of the record change will not be amended.
- C. Past records of former FCPS students will not be amended.
- D. If a gender non-conforming or transgender student and the student's parents or guardians request a diploma with the student's preferred name, schools may provide a student with both a diploma reflecting the student's legal name as well as a diploma with the student's preferred name that reflects the student's gender identity.

- E. When possible, internally generated and shared school lists of students (e.g., honor roll, graduation programs) should identify gender non-conforming or transgender students by the student's preferred name and gender. Additionally, when possible, school documents such as yearbooks, school newspapers, and communications to outside media should identify gender non-conforming or transgender students by the student's preferred name and gender including using pronouns corresponding to the student's gender identity.

VI. STUDENT NAMES AND PRONOUNS

- A. Students who identify as gender non-conforming or transgender should be called by the student's preferred name and gender 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 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 preferred name, gender, and gender pronouns.

VII. RESTROOM AND LOCKER ROOM ACCESSIBILITY

- A. Gender non-conforming and transgender students shall be provided with the option of using a locker room or restroom consistent with the student's gender identity.
- B. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a reasonable 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).
- C. Gender non-conforming and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.
- D. Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender non-conforming or transgender status confidential.

- E. In no case shall a gender non-conforming 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 or single-use facility as described in this section.

VIII. 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 non-conforming 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 non-conforming and transgender students, with direction of parents or guardians, shall be allowed to participate with the gender group corresponding to the student's gender identity.

IX. STUDENT ACTIVITIES AND ATHLETICS

- A. Student participation in Virginia High School League (VHSL) sponsored programs is governed by current VHSL policies. Gender non-conforming 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 non-conforming and transgender students to participate in accordance with the student's gender identity.

X. GENDER SEGREGATION IN OTHER AREAS

- A. As a general rule, in any other circumstances where students are separated by gender in school activities, gender non-conforming 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.

XI. DRESS CODES

- A. All students are required to dress in clothing that follow the guidelines as listed in [Policy 2613](#) as well as [Regulation 2601](#) (Student Rights and Responsibilities), regardless of gender identity. There are no separate categories of clothing requirements for either males or females, therefore, gender non-conforming and transgender students shall be allowed to dress in clothing as long as it meets the guidelines in the policies referenced above.

XII. COMPLAINTS

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

See also the current versions of:

- Policy 1450—Nondiscrimination
- Regulation 2202—Required Admission Credentials for Students
- Policy 2613—Student Dress Code
- Regulation 2601—Student Rights and Responsibilities
- Management of the Student Scholastic Records Manual
- Virginia High School League, Inc. Handbook and Policy Manual