

SPECIAL SERVICES

Health and Welfare

Gender-expansive and Transgender Students

This regulation supersedes Regulation 2603.1

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 (FCPS) facilities 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

Official Transcript: to include legal name at the time of the awarded credit. Documents are signed by the school official with name and title or transmitted and verified through a verified electronic method.

III. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Section II., removed the definition of parent and added the definition of official transcript.
- B. Section IV., added definition of parent.
- C. Section VI.B., added language to reflect that a student can request an alternate and/or unofficial diploma or transcript.
- D. Section VI.D., added "and transcript assistants."
- E. Legal References., added the proposed Virginia Code 8VAC20-160-3D

IV. IDENTIFICATION OF GENDER-EXPANSIVE AND TRANSGENDER STUDENTS

Schools shall accept a student or parent's (use of this term herein includes parent, guardian, legal custodian, or other person having control or charge of a child) 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. The support team shall be a multidisciplinary team that may consist of the student, parents 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 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. 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 to discuss any necessary accommodations for the school year.
 2. Regular check-ins with the student and/or the student's parents 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. School staff will address the student using the asserted name and gender as communicated by the student. 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 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. Schools may offer to meet jointly with the parents and the student at school.

V. 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 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.

VI. 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 sex, 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 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 an alternate diploma and/or alternate, unofficial 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 unofficial transcript with their chosen name, without parent permission being received by FCPS.
- C. For current FCPS students, legal name and/or gender marker changes will be reflected throughout the time of enrollment.
- D. Staff access to permanent student records that contain a gender-expansive or transgender student's legal name and/or sex assigned at birth will be limited to the following staff members: administrators, directors of student services, counselors, school psychologists, school social workers, SIAs/SSAs, and transcript assistants based on their legitimate educational interest in this information.
- E. In situations where school staff is required to use or to report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing,

school staff and administrators will adopt practices to avoid the inadvertent disclosure of such information to individuals outside of the reporting requirement.

- F. FCPS graduates may change their permanent records under the same requirements as current FCPS students.

VII. 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.

VIII. 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.

IX. 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 including gender identity, 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). Such alternative options will minimize impact to instructional time to the extent possible.
- D. Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status or other underlying reason for the request confidential. FCPS will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a student or parent.
- 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.

X. STUDENT ACTIVITIES AND ATHLETICS

- A. Student participation in Virginia High School League (VHSL) sponsored programs, or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, are governed by policies and rules of those organizations. Gender-expansive and transgender students shall participate in such sponsored activities in accordance with these policies.
- B. Student participation in school-sponsored programs, 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.

XI. GENDER SPECIFIC COURSES

- A. Schools should eliminate or reduce the segregation of students by gender to the extent possible.
- B. When schools offer a gender specific course or a course with a gender specific section, gender-expansive and transgender students shall be allowed to enroll in the course corresponding with the student's gender identity.
- C. 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.

XII. 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.

XIII. 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. Requirements for attire for school-related

programs, activities, and events shall be gender-neutral. These guidelines shall be enforced impartially regardless of a student's gender identity or expression.

XIV. TRAINING FOR EMPLOYEES

All school staff will be trained annually on topics relating to transgender students, including procedures for preventing and responding to harassment and bullying based on gender identity and expression. This includes that a persistent refusal to use a student's chosen name and pronouns constitutes discrimination. School mental health professionals shall be trained annually on topics relating to safety and support of these students.

XV. COMPLAINTS

Parents and 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 Sections 22.1-23.3, 2.2-3901,
Virginia Administrative Code 8VAC20-160-3D Proposed

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](#), Discrimination and Harassment on a Protected Class
[Management of the Student Scholastic Records Manual](#), Virginia High School League, Inc. Handbook and Policy Manual