Regulation 2603-Gender-Expansive and Transgender Students Guidance Document

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Guidance Overview

FCPS is pleased to support gender-expansive and transgender students through the development of Regulation 2603. This regulation provides our students, families, staff, and community with a way forward, providing youth with an equitable, safe and supportive school environment. The journey to this point has been a long one for our community and for the country. Virginia has been clear; it is time to recognize and support youth as they express their identities. All who have been part of these discussions know that there are differing levels of understanding and acceptance, so, now the work begins to operationalize the ideal for all students.

The Virginia Assembly passed House Bill 145 and Senate Bill 161 during the spring 2020 session. With the passage of this bill the Code of VA 22.1-23.3 was amended to address common issues regarding the treatment of transgender students in public schools. The Virginia Department of Education (VDOE) immediately started to work on a model policy which is currently in draft status.

Upon passage of the bill, it was determined that FCPS would develop a regulation addressing the need to provide our gender-expansive and transgender students with a safe, supportive and inclusive environment.

The FCPS Gender-Expansive and Transgender Guidance is intended to be a tool for schools, parents and students to effectively navigate existing laws, regulations and policies that support gender-expansive and transgender students. This guidance ensures that all students are treated equitably and with dignity while attending school. This resource includes the following:

- Direction to schools on meeting our federal, state and local obligations to ensure equitable treatment of gender-expansive and transgender students;
- Insight for families, students and staff who may have questions; and
- Tools and resources for administrators, staff, families and students.

For further assistance please contact:

Director of Intervention and Prevention Services   Mental Wellness Specialist
Fairfax County Public Schools   Fairfax County Public Schools

The Need

Fairfax County Public Schools are committed to promoting a welcoming and inclusive culture where all students feel valued and supported. As outlined in the Strategic Plan Goal 2, FCPS is committed to fostering a responsive, caring and inclusive culture. The implementation of Regulation 2603 supports FCPS in promoting inclusivity for all students.

Members of the LGBTQIA+ community face disproportionate challenges in schools. Although the Fairfax County Youth Survey does not currently request information related to transgender or gender-expansive status, data collected from the 2019 Fairfax County Youth Survey indicate that of the students in 8th, 10th and 12th grade who identify as lesbian, gay, bisexual, queer or questioning:

- 25% had been sexually harassed.
- 50% experienced depressive symptoms.
- 16% had been victims of emotional abuse by dating partners.
- 32% have seriously considered suicide.
- LGBQ youth are 70% more likely than non-LGBQ youth to report being bullied.

The Centers for Disease Control and Prevention released data consistent with the Fairfax County Youth Survey data indicating that LGBTQIA+ students are more likely to experience victimization, violence and suicidality. In fact, the data from the CDC show that 43% of transgender youth have been bullied on school property while 29% of transgender youth have attempted suicide. Students are less engaged when they are ostracized and isolated, which creates barriers to academic achievement.

Many LGBTQIA+ youth report involvement and support in their families, schools, and community as they overcome these challenges. Implementation of Regulation 2603 promotes further support from caring adults and schools. Furthermore, putting systems and structures in place to support LGBTQIA+ youth is of vital importance.

Terms and Definitions

Terms and definitions developed from genderspectrum.org and welcomingschools.org

These definitions are intended to assist in understanding the regulation and guidelines. Knowledge of these terms will support FCPS staff understanding of the diverse spectrum of identities.

Asexual: A term that describes a person who lacks sexual attraction or desire for other people.

Bisexual/Bi+: A term that describes a person who is emotionally, romantically, or sexually attracted to people of more than one gender, sex, or gender identity.

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.

Cisgender: A person whose gender identity and gender expression align with the sex assigned at birth

Deadnaming: When someone, intentionally, or not, refers to a person who is transgender or gender-expansive by a name other than their chosen name.

Gender: A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures.

Gender Binary: The idea that there are two distinct and opposite genders-female and male. This model is limiting and doesn't account for the full spectrum of gender identities and gender expressions.

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.

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.

Gender Fluidity: Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may change, even from day-to-day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectation of girls or boys. In other words, a person may feel they are a girl some days and a boy on others, or a combination or possibly feel that neither term describes them accurately.

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.

Gender Role: This is the set of roles, activities, expectations, and behaviors assigned to females and males by society. In the United States, typically two basic gender roles are recognized: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.

Heteronormative: The assumption of heterosexuality as the given or default sexual orientation instead of one of many possibilities, and that the preferred or default relationship is between two people of "opposite" genders.

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.

Lesbian: A woman who is emotionally, romantically and/or sexually attracted to women. This includes cis, trans and other people who are women.

LGBTQIA+: An acronym for Lesbian, Gay, Bisexual, Transgender, Queer, and/or Questioning, Intersex, and Asexual and/or Ally Community. A "+" is added to include the range of identities.

Pansexual/Pan: Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way, or to the same degree.

Pronouns - The pronoun a person uses when referred to in conversation (i.e., a person with traditionally male gender identity likely uses the pronouns he, him, his). Please note that young people may choose to go by they, ze, or no pronouns.

QTPOC: Queer, Trans, People of Color.

Queer: Deemed an offensive term historically and still by some people today, queer has been reclaimed by many members of the LGBT community as a term of empowerment. The term can have different meanings to different people, but in this context, it generally refers to a member of the lesbian, gay, bisexual, or transgender community. This term may be used by a member of the LGBT community, who may not identify themselves by any of the other letters in that acronym. Since this term has a negative history, it should only be used to describe those individuals who identify themselves as queer and give permission for others to use that term to describe them.

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. This term is also referred to as birth assignment or biological or anatomical sex.

Sexual Orientation: Term that refers to being romantically or sexually attracted to people of a specific gender or sex. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

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.

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.

Transphobia: Fear or hatred of transgender people; transphobia is manifested in several ways, including violence, harassment, and discrimination.

The Gender Unicorn provides a visual aid to support in the understanding of some of the terms noted above.
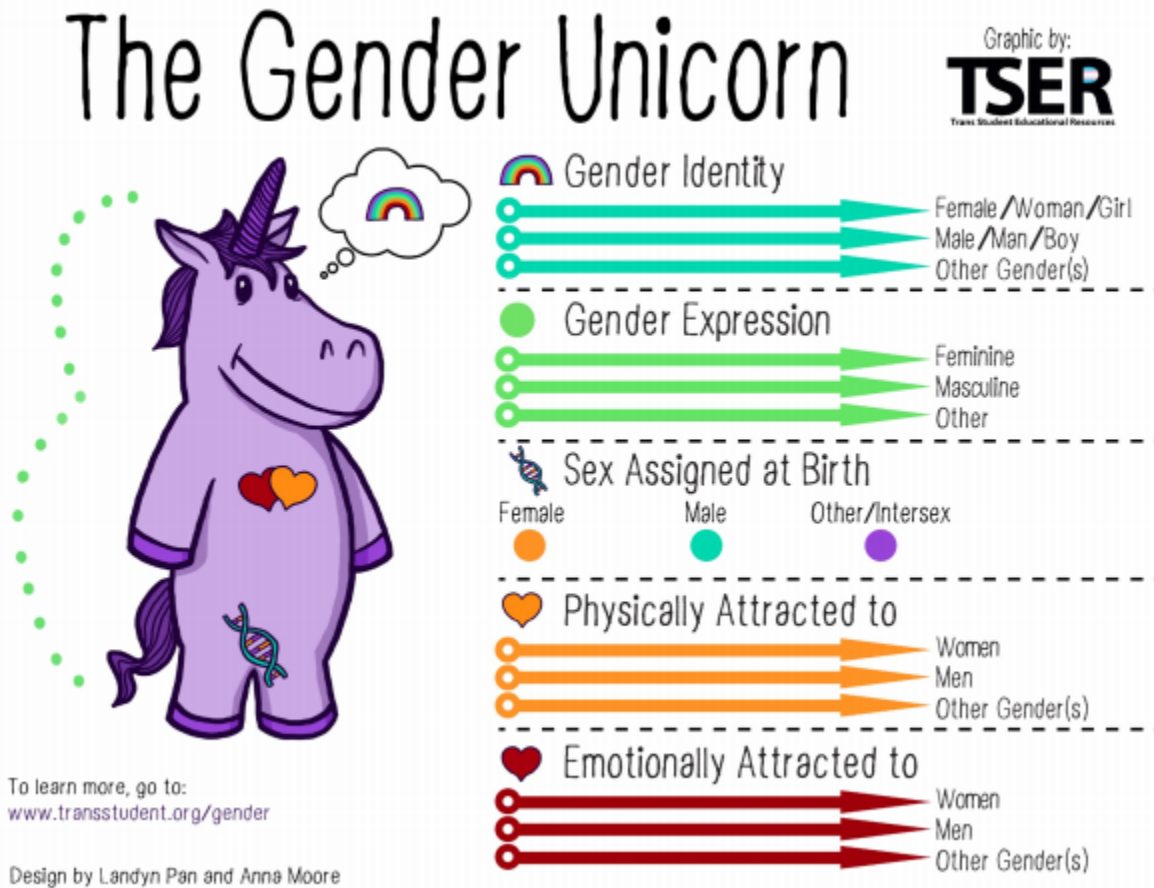
Student Transitions
Not all gender expansive students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome.

The regulation states, *"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 consider the student's needs, protection of student privacy, maximization of protection of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements."*

In most cases, transitioning is a very private matter. Students may choose to have their parents participate in this process; however, parental participation is not required. When appropriate,

schools should work closely with the student and family in devising a plan regarding the confidentiality of the student's transgender status. A member of the Student Support Team should be consulted to begin conversations to identify the student's needs. A sample school planning tool is included in Appendix 4. This planning tool provides a list of suggested topics for a transitioning student to review with the student services team member and/or the Student Support Team. Please note that the student's team should be comprised of an administrator (when available), a member of the student services team , any other staff that the student chooses. When this meeting is scheduled, the team lead should ensure that the student and/or parents are informed of the team members who will be participating in the team meeting. The contents of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student's chosen name, as to avoid deadnaming.

Parent Engagement

Regulation 2603 states, "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." However, if a student has not shared information with the parents, the school shall not disclose confidential information related to the student's transition with the parents or guardians..

The Virginia Department of Education *Model Policies for the Treatment of Transgender Students in Virginia Public Schools* states the following:

"Privacy and confidentiality are critical for transgender students who do not have supportive families. Disclosing a student's transgender status can pose imminent safety risks, such as losing family support or housing. According to a recent study, LGBT youth have a 120 percent increased risk of experiencing homelessness compared to youth who identified as heterosexual and cisgender (Morton, Dworsky, & Samuels, 2017). School divisions will need to consider the health and safety of the student in situations where students may not want their parents to know about their transgender status, and schools should address this on a case-by-case basis. If a student is not ready or able to safely share with their family about their transgender status, this should be respected. There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity, and school staff should work with students to help them share the information with their family when they are ready to do so."

Developmental Considerations

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish, but are not required, to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmental considerations. These are considerations, but each student situation should be handled according to the maturity of each individual student, while still respecting the student's rights.

Generally, notification from the student's parents or guardians about their gender identity, gender expression, or transition is unnecessary, as they may already be aware and supporting. In some cases, however, notifying parents or guardians carries risks for the student, such as being kicked

out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student.

Since students are likely to be more comfortable in some areas of a school than others, their transition, particularly in the early phases, may be "site-specific," meaning they choose to go by one name or have one pronoun used in one place and another name or another pronoun used in another. For example, a student may feel more comfortable expressing their gender identity in a student club or small group, but not to the larger school community or at home. Whatever the student prefers should be acknowledged and respected. Be aware of the preference of the student and always use their chosen reference when you are speaking to the student and about the student to another person. Awareness and sensitivity about where the student is open about their identity is crucial to be an effective ally.

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. Staff are encouraged to review this document for additional considerations related to student pronouns.

Student Name in the Student Information System (SIS)

Protected Information

The Student Information System (SIS) contains a tab for entering protected student information. The use of the Protected Information feature will maintain a student's legal identity, as required by law, while allowing the school counselors, administrators or other designated school personnel to modify the SIS Student Information as requested by the family/student chosen information. Examples are the student's first name and/or gender. The modified data will be used to populate all instructional and administrative applications that receive student information as part of automated provisioning and rostering processes. Use of the modified data in SIS must be discussed with the student(s) to ensure that the implications are fully understood. For example, use of modified information in SIS will result in this data being displayed to parents in ParentVUE and for those students with IEP/504 documentation in the SEA STARS system.

Changing the student's name in the Student Information tab of SIS and storing the legal name in the Protected Information tab is not appropriate if the student's parent/guardian is unaware of the student's transition since this may unintentionally out the student and potentially compromise their safety and well-being. Additional information about considerations for use of the protected information area is posted in this section of the Employee Hub. Use of the Protected Information area will also be addressed during SIS training sessions.

Legal Name on Records

Each school is required to maintain a permanent pupil record of each student. For those students who choose to change name and/or gender in SIS, the legal information will be stored in the Protected Information tab of SIS. 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's legal information.

Please note that the name in the database is part of an official educational record and is therefore covered by the Family Educational Rights and Privacy Act (FERPA), meaning that if a parent or guardian requests access to see their student's records, they will have access to the student's chosen name and legal name. If a student transitioning at school is not ready to share with their family about their transgender status, this should be respected. In this scenario, school staff should make a change socially, calling the student by the chosen name, while their official SIS information remains the same.

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.

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.

Use of "Nickname"
If a student wishes to go by another name, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

Caution should be utilized in using the nickname field in SIS. The Nickname field in SIS is not the best option for supporting students in making their chosen name known to all staff. This field appears on limited reports and does not transfer to teacher class rosters. When using the Nickname field in Teacher Vue, the nickname for the class will appear, but every teacher will be required to make this change in Teacher Vue in their own section views.

If teachers utilize the nickname on the class view, the nickname will appear for substitutes, but not the student's last name.

Gender Identity
Effective December 17, 2020, SIS includes the option to identify a student's gender as Non-Binary in the drop-down for Gender identification. This selection will display as an X in the students' demographic information.

Schools/Facilities Requirements and Gender Based Activities
Bathrooms
Having safe access to restroom facilities is important to the health and wellbeing of all people, including those who identify as transgender and gender expansive. Students can use the same bathrooms as their peers, unless they request alternate accommodations. This means that transgender and gender-expansive students are entitled to use the bathroom that matches their gender identity. This does not require parental permission. Any student, transgender or otherwise, who has a need or desire for increased privacy, regardless of underlying reasons, also has the right to access a single-user restroom, such as a staff bathroom or the bathroom in the health office. To promote an inclusive environment for all, the single-user bathroom may not be given as the only option for transgender or gender-expansive students.

Physical Education/Locker Rooms
All students must be permitted to participate in physical education classes in a manner consistent with their gender identity.

Schools may maintain separate locker room facilities for male and female students. However, all students must have access to the locker room facility that corresponds to their gender identity. If there is a request for increased privacy, any student, regardless of the underlying reason, should be offered access to reasonable accommodations such as:

- A separate changing schedule
- Use of a private area in the facility (e.g., a restroom stall with a door or an area separated by a curtain)
- Use of a nearby private area (i.e., nearby restroom or health suite)
- Assignment of student locker in close proximity to staff office or a supportive peer group.

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.

Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status confidential.

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 or single-use facility as described in this section.

Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to talk to their identified trusted adult.

Gender-based Activities
Interscholastic Athletics

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.

Intramurals/Clubs
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.

Field Trips
FCPS is committed to providing a safe, welcoming school environment where students are engaged in learning because they feel accepted and valued. Additionally, FCPS respects the privacy rights of its students and parents and will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a parent or student as required by law. As part of this commitment to inclusion and equity, when an instructional or extra-curricular or athletic event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.

Any student uncomfortable sharing a sleeping area, shower, bathroom, or any sex-segregated facility, shall, upon request, be provided with a designated safe, non-stigmatizing alternative. Fairfax County Public Schools staff shall not require a student to stay in a single-occupancy accommodation when such accommodations are not required of other students participating in the same event.

Gender Specific Courses
Schools should evaluate all gender-based policies, rules, and practices, and maintain only those that have a clear and sound pedagogical purpose. By eliminating gender-specific courses, the potential for discrimination is reduced. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate consistent with their gender identity.

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 shall be allowed to participate with the gender group corresponding to the student's gender identity.

A Note to School Staff
Wherever arbitrary gender dividers can be avoided, they should be eliminated to promote inclusivity. For example, when dividing the class into two lines based on male and female, perhaps the students could be divided by the first letters of their last names, type of shoe, color clothing, etc. Lunch divisions can be handled similarly, by dividing the students in half by last name as opposed to gender. Simple things, such as calling students "students" or "scholars" instead of "boys and girls," may seem insignificant but actually make a notable difference to students who feel alienated because they may not identify as being part of either of the two binary categories.

Privacy and Confidentiality/Records

Privacy and Disclosure of Information
All students have the right to privacy within the legal limits of that term. This includes the right to keep private one's transgender status or gender-expansive presentation at school. Information about a student's transgender status, transition status, legal name, or sex assigned at birth may constitute confidential personally identifiable and medical information. Disclosing this information to other students, their parents/guardians, or third parties may violate privacy laws such as the Federal Family Educational Rights and Privacy Act (FERPA). School staff members must ensure that all medical information including that relating to transgender or gender expansive students is kept confidential in accordance to federal, state and local privacy laws. School staff may not disclose information that may reveal a student's transgender, gender-expansive, or transition status to others, including parents/guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. A medical diagnosis, treatment and/or other documentation is not required for school staff to accommodate a request for gender presentation, identity and diversity.

Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom and how much to share. The fact that students may choose to share their status with others does not authorize school staff to disclose the students' status to others.

When contacting the parent/guardian of a transgender or gender-expansive student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent/guardian has specified otherwise.

FAQs
What name and pronouns should I use to address a student?
Students who identify as gender-expansive or transgender should be addressed by their chosen name and gender pronouns, regardless of the name and gender recorded in the student's permanent pupil record. Members of the Student Support Team 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. If you are unsure about a student's chosen name or pronoun, it is appropriate to privately ask the student what they have chosen to be called. When speaking about a student, it is rarely necessary to label them as being transgender, since they should be treated the same as their peers.

How do we address restroom use?
Transgender and gender-expansive students have the right to utilize the restroom that corresponds with their gender identity. The use of a single use bathroom or the nurse's office cannot be required. The Virginia Human Rights Act protects students and they cannot be denied access to school facilities for a discriminatory reason.

Learn more about school restroom use.

If I have a student requesting to go by a new name, or new pronouns, am I required to contact the parent/guardian?

Typically, it will be the parent or guardian who informs the school of the impending transition. However, it is not unusual for a student's desire to transition to be shared at school. If the family is aware of the student's transition, the family can work with the student and the student's support team to develop steps that will provide the student with the necessary support. School staff will not disclose gender identity or pronouns to anyone without the student's permission since this can pose a serious safety concern for some students.

What happens with locker room use?
Gender-expansive and transgender students should be provided with the option to use the locker room or restroom consistent with the student's gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a non-stigmatizing alternative such as the use of a private area (e.g., nearby restroom stall with a door, nearby health room or single-use/unisex bathroom). A gender-expansive or transgender student should never 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.

A student has asked that their name be changed in our virtual learning platform, do I change the name even though the name in SIS won't match?
Always use the chosen name identified by the student.[11] The Student Support Team will work with the student to ensure that they are aware of the implications of changing their name on virtual platforms. If an issue arises from the school or family, this can be negotiated, but the best course of action for the safety and support of the student is to use the student's chosen name.

One of my students has started to wear short skirts, makeup and heels to school. It is a distraction to the other students. We don't allow girls to wear short skirts, why is this student allowed to do so?
All students are required to dress in clothing that follows the guidelines as listed in Policy 2613 as well as Regulation 2601 (Student Rights and Responsibilities), regardless of gender identity. Clothing requirements in SR&R do not delineate 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.

I have a student who would like to change their name and pronouns on their IEP. How does this process work?
If the student has changed their name and gender in SIS, the information will populate in Sea-Stars and can be used on special education forms. If a student has not changed their name or gender in SIS, the team can make note of and utilize the chosen names and pronouns on the Present Levels of Performance (PLOP) page and use these throughout the document.

What do I call a student if they prefer to use their chosen name, but the parents are opposed to the use of the chosen name?
If the student's chosen name has not yet been shared with parents, the legal name will be utilized when staff members engage with the parent/guardian. When working directly with the student, it is appropriate to use their chosen name.

If a student is being bullied or harassed by others, is there a different procedure as it relates to discipline?
FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against. Discrimination is treating someone unequally based on protected category in a way that interferes with a person's education and/or academic performance.

For more information about discrimination, the FCPS Title IX response, the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at titleixcoordinator@fcps.edu or 571-423-3070

Guidance and Contacts
FCPS Office of Intervention and Prevention
Phone: 571-423-1300
Website: https://www.fcps.edu/department/department-special-services

FCPS Title IX Coordinator
Phone: 571-423-3070

US Department of Education: Office of Civil Rights
Email: ocr@ed.gov
Phone: (800) 421-3481
Website: http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html

Virginia High School League
Phone: 434-977-8475

Policies and Laws
Applicable and Related Laws
A brief summary of federal and state laws is included for informational purposes and to aid in the development of model policies for the treatment of transgender students. Given the changing legal landscape, including on-going litigations and different interpretations, the summary provided in this section does not constitute legal interpretation nor advice.

First Amendment: The First Amendment protects freedom of speech and expression. Schools may not prevent students from expressing their identity.

Equal Protection Clause of the 14th Amendment: This clause guarantees every citizen equal protection under the law. It protects LGBTQ+ youth in schools from unfair or discriminatory school actions.

Title VII of the Civil Rights Act of 1964: The US Supreme Court ruled in June 2020 that this clause includes protection based on sexual orientation and gender identity. The decision also clarifies the meaning of "sex" in other federal antidiscrimination laws and includes transgender students.

Title IX of the Education Amendments of 1972: Title IX is a federal law that prohibits schools that receive federal financial assistance from limiting or denying a student's participation in any school program on the basis of sex. This may be understood to prohibit discrimination, including sexual harassment, based on sex stereotypes, sexual orientation, and gender identity or transgender status.

Family Educational Rights and Privacy Act (FERPA): This is a federal law that protects the privacy of student educational records. It prohibits the improper disclosure of personally identifiable information from students' records. Information relating to gender identity or sexual orientation may constitute personally identifiable information.

Virginia Values Act: This state law expands the Virginia Human Rights Act to prohibit discrimination in employment and housing on the basis of sexual orientation and gender identity.

Virginia Anti-Bullying legislation: Virginia school boards are required to include bullying prevention as a part of character education (§ 22.1-208.01 of the *Code of Virginia*). In addition, school boards are expected to include bullying as a prohibited behavior in their student codes of conduct (§ 22.1-279.6.D of the *Code of Virginia*) and to implement policies and procedures to educate school board employees about bullying and the need to create a bully-free environment (§ 22.1- 291.4 of the *Code of Virginia*).

Virginia Identification Documents legislation: Senate Bill 246 requires the Department of Motor Vehicles to offer any applicant the option to mark "male," "female," or "non-binary" when designating the applicant's sex on an application for a driver's license or special identification card. Senate Bill 657 and House Bill 1041 requires the State Registrar to issue a new certificate of birth to show a change of sex upon request and, if a certified copy of a court order changing the person's name is submitted, to include the person's new name.

FCPS Policies and Regulations
Policy 1450.6-Nondiscrimination
Policy 2613.5-Student Dress Code
Regulation 2613.8-Student Dress Code
Regulation 2601.6-Rights and Responsibilities of Students
Regulation 2202.11-Required Admission Credentials for Students

Resources
Family Support
 2nd Fridays Trans Community-Groups for children, teens, parents and adults.
7:00-9:00 pm
MCC Nova
10383 Democracy Lane
Fairfax, Virginia
Contact: info@mccnova.com

CDC Guidance
https://www.cdc.gov/healthyyouth/protective/pdf/parents_influence_lgb.pdf

Family Acceptance Project
http://familyproject.sfsu.edu

Family Pride Coalition
www.familypride.org

Healthy Children
https://www.healthychildren.org/English/ages-stages/gradeschool/Pages/Gender-Diverse-Transgender-Children.aspx

Milpride-specifically for LGBTQ military children and their families. Provides resources and support groups to help meet the needs of each family.
Contact: amanda@milpride.org

PFLAG-The first and largest organization for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people, their parents and families, and allies.

Alexandria Location   Fairfax Location
Third Tuesday 7:00-9:30   First Tuesday 7:30-9:00
St. Luke's Episcopal Church   Unitarian Universalist Congregation of Fairfax
8009 Fort Hunt Road   2709 Hunter Mill Road
Alexandria, VA 22308   Oakton, VA 22124
                                             Contact: wf.pflag@gmail.com

Rainbow Families
www.rainbowfamilies.org

SAMHSA Resource for Families
https://store.samhsa.gov/sites/default/files/d7/priv/pep14-lgbtkids.pdf

TransParent-Support group; welcoming all parents and caregivers of transgender, non-binary, and gender independent children of any age.
Contact: arlington.va@transparentusa.org

True Child
www.truechild.org

School Support
FCPS Parent Resource Center
Email: prc@fcps.edu

Phone: 703-204-3941

FCPS Pride
Fcpspride.org
Email: president@fcpspride.org
Phone: 202-295-7939

Gay Straight Alliance Network
www.gsanetwork.org

GLSEN Northern Virginia
glsen.org/nova
Email: northernva@chapters.glsen.org
Phone: 571-208-2424

Human Rights Campaign-Welcoming Schools
www.welcomingschools.org

Student Support
GLSEN Northern Virginia
glsen.org/nova
Email: northernva@chapters.glsen.org
Phone: 571-208-2424

Gay Straight Alliance Network
www.gsanetwork.org

The Trevor Project
www.thetrevorproject.org

Crisis Resources for LGBTQ Youth

National Suicide Prevention Lifeline: 1-800-273-TALK (8255)

PRS Crisis Link:
- Text: "CONNECT" to 85511
- Phone: 703-527-4077

Trans Lifeline: 877-565-8860

Trevor Hotline: 866-488-7386
Trevor Chat: www.thetrevorproject.org

Additional Helpful Organizations
Gay and Lesbian Advocations and Defenders

www.glad.org

Gender Spectrum
www.genderspectrum.org

Lambda Legal
www.lambdalegal.org

National Center for Lesbian Rights
www.nclrights.org

National Center for Transgender Equality
www.transequality.org

National LGBTQ Task Force
www.thetaskforce.org

Transgender Law Center
http://transgenderlawcenter.org

Transgender Law and Policy Institute
www.transgenderlaw.org

Appendix I: Administrator Guidance

Introduction:

This document has been developed to support the implementation of Regulation 2603
Gender-Expansive and Transgender Students. Teams should review this regulation and guidance
documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for
each student and the support provided should be guided by the individual strengths and needs of
the student. Not all people who undergo a transition desire the same outcome. We have students
and staff in our buildings who have already transitioned. ALL FCPS students and staff are
protected by FCPS Policy 1450 Nondiscrimination.

Procedures:

If a student's transition is brought to your attention, a student services team should be developed
to create an individualized plan of support. Additional guidance documents are available to
support teams in implementing a plan of support.

If a parent or student requests a change to student records, the administrator will notify members
of the student services team. After consulting with the team, the administrator will follow
through with the agreed upon request. Each student outcome will be unique. Prior to making any
of the following changes, please ensure that a student services staff member has discussed with
the student and/or family any implications when making a change to student records.

Name Changes in Google Meet

● When Google Meet is being used for virtual instruction, a student's G Suite display
name will be shown. This is the same name that is displayed in G Suite shared
documents. This name can be permanently changed through the process shared below.

● Making the request for a student name change will now change the name in both
FCPS 24-7 Blackboard (but not Blackboard Collaborate) and in FCPS G Suite. Principals
will follow the existing request process, outlined below. Teachers will need to understand
how they should alert their administrators if they receive a request for name change from

a student or parent. The principal will ultimately need the official request from the enrolling parent of that student, or from the student (parental consent is not required). Once the principal receives the request, here is the process:

1. Principal receives a request to change the display name
2. Principal submits RequestIT Ticket via IT Service catalog by selecting Fix My > FCPS G Suite for Edu. The request should include
    - that a student wishes to have a name change, and should include Student First name, Last Name, Student ID and Chosen Name
3. IT Service Desk will receive the request and update FCPS 24-7 Learning and FCPS G Suite name display.

Name Changes to the SIS:

Principals or their designee have access to make name changes in the Student Information System (SIS). Principals will also designate additional staff who will have access to protected view information with a memorandum of understanding.

- This step-by-step process can be viewed here.

Parent Complaints:

Administrators will follow the current protocol when addressing any parent complaint. Parents, guardians or students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

Permanent Records:

Transcripts and Diplomas are considered a part of the student's permanent record. Please see section 5 of Regulation 2603 for clarification related to documents that require legal and chosen names.

Appendix II: Student Services Team Guidance

Introduction:
This document has been developed to support the implementation of [Regulation 2603](#)
Gender-Expansive and Transgender Students. Teams should review this regulation and guidance
documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for
each student and the support provided should be guided by the individual strengths and needs of
the student. Not all people who undergo a transition desire the same outcome. We have students
and staff in our buildings who have already transitioned. ALL FCPS students and staff are
protected by FCPS [Policy 1450 Nondiscrimination](#).

Procedures:
When you are informed of a student's transition, do not assume that the student is experiencing
challenges in school, with family or in connection with their mental wellness.
- Share limits of confidentiality with the student, including confidentiality related to
the student's transition.
- Review the optional Student Support Team planning tool for relevant
information/questions to consider. Remember completing this tool is optional and if
completed is subject to FERPA.
    - Identify who knows about the student's transition
    - Bathroom and locker room use
    - Use of chosen name and pronouns
    - Student Support Plans will be reviewed and updated annually, at a minimum.
    - If a formalized plan is completed, the form should be kept with the student's
    designated point of contact for follow-up. The planning tool will not be stored in
    the student's cumulative file.
    - The counselor or identified trusted adult will be the point of contact for staff
    and the student if concerns arise regarding plan implementation.

- ○ If members outside of the school team wish to participate, be sure to gain a signed release of information.
- ● School Transitions: When a student is moving to middle or high school, the student's point of contact will consider convening a Student Support Team meeting[SDE16] . This will allow the student to determine which information should be shared with the new school, to allow for a smooth transition to a new building.

Things to Consider:
- ● When a student wishes to keep information within the school team, avoid sharing student information through email.
  - ○ Consider scheduling a brief touch base meeting with an email stating "I need to speak with you briefly to share information about one of your students."
    - ■ During this meeting, discuss the importance of using chosen name and pronouns
- ● When a student requests changing information in SIS and Seastars:
  - ○ Parent permission is not required, but advise that changing this information will "out" a student to parents/guardians since records will reflect the name change
  - ○ Inform student that unless the student has legally changed their name, the information on the birth certificate will be maintained by the school.
  - ○ Inform the student that the name on permanent student records will be printed with the legal name and chosen name only if requested by a parent/guardian or by a student who is 18 years or older.
    - ■ Students should be informed that college and/or job applications should utilize consistent names. There are likely situations requiring that the student use the legal name (FAFSFA, Job Applications etc.). For this reason, schools will provide diplomas and transcripts with both the chosen and legal names if requested by a parent/guardian or by a student who is 18 years or older.
- ● When a student requests name changes through other virtual platforms (ex: Google Suite, BBCU, Schoology):
  - ○ Parent permission is not required
  - ○ Advise student that changing the name on these platforms may result in the parent/guardian seeing the change

Appendix III: Teacher Guidance

Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

Tips for creating an inclusive classroom:
- Create a classroom culture where you and the students speak out against bullying behavior and show respect and acceptance for marginalized individuals and groups. This is an ongoing process that requires bravery and commitment from both students and staff.
- Avoid forming groups based on "Male or Female".
- Respond to biased or homophobic behavior as if there is an LGBTQIA+ student in the room at all times.
- At the beginning of the school year, consider including questions that ask students to provide their chosen name and pronoun to be used in the classroom.
- Model inclusive pronoun use. By sharing your pronouns, you are creating a welcoming environment for others.
- Avoid dead-naming. If you inadvertently make a mistake, apologize. You will be modeling respectful communication.
- Do not out a student, there can be significant negative consequences in intentionally or unintentionally outing a student to peers or family.

- Use visual aids such as quotations or posters on your wall to serve as constant reminders to students that they are fully welcome. Consider the use of safe space emblems.
- Incorporate student voice in your classroom and give space for all voices to be heard.
- Evaluate gender norms in your classroom practice by conducting a visual audit of your classroom; refer to a group of kids as students, scholars, class, friends and avoid the binary term "boys and girls"; do not separate students according to gender; don't make assumptions based on gender;
- Evaluate classroom texts for their inclusion of voices of LGBTQIA+ people.
- Things to keep in mind for substitute teachers
    - Ensure that your class roster, within the substitute folder, contains all student chosen names and pronouns (if identified).
    - Ask that the substitute teacher not group students by male and female.

Tips for when a student confides in you:
- Listen and allow the student to confide in you. Having someone to listen to is powerful.
    - Ask clarifying and open-ended questions
- Be mindful of your biases, we all hold bias.
- Take the student's lead on language that they use and prefer.
- Consider sharing the following: There are now protections for you as a student related to confidentiality. I am happy to be a part of your supportive team, but I am not the expert on the regulations and practices. To support you further, I would like to loop in someone from student services.
    - Ask the student if they have a connection with an adult in student services.
    - If they do not, please introduce them to someone.
- Ensure the student that you will not share their personal information related to their transition with anyone other than the identified member of the student services team.
    - If the student indicated concerns with abuse, neglect, or suicidal ideation we cannot keep this confidential.
- If a student requests to be called something other than their legal name, but does not want to adjust any formal records, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

Appendix IV Student Support Team Planning Guide
Supporting Gender-Expansive and Transgender Students
A fillable version of this form is located in the Forms Cabinet and can be located using this link.

This planning tool provides a list of suggested topics for a transitioning student and is to be reviewed with the student services team member and/or the Student Support Team. Please note that the Student Support Team should be composed of an administrator (when available), a member of the student services team, any other staff that the student chooses. The content of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student's chosen name, as to avoid deadnaming.

While completing this document is optional, a conversation with the student and a member of the school-based mental health team should occur any time a student shares that they are transitioning. The conversation should include, at a minimum, the factors below. Once completed, this form becomes a part of the student's scholastic record and is subject to FERPA.

School: Date:
Meeting Participants and Position:

Name: _____   Position: _____
Name: _____   Position: _____
Name: _____   Position: _____
Name: _____   Position: _____
Name: _____   Position: _____

Initial Information Consider gathering the following information:	
Student's chosen name	
Student's gender identification	

Student's legal name on record	
Student's current gender marker on record	
Is the student requesting a name change in SIS? Is the student requesting a name change on virtual platforms other than SIS? Is the student requesting a name change only during instruction?	Yes or No Yes or No If yes, identify the platforms:_____ Yes or No If yes, identify classes:_____
Has a Student Support Team member talked to the student about the various options for name changes in school and the implications of each? If no, teams should identify the staff member who will have the conversation with the student.	Yes or No

Parent/guardian name(s) and contact information	
Is the parent/guardian aware of the student's chosen name and gender identification?	Yes or No
If yes, is the parent/guardian participating in this meeting/process?	Yes or No
Who is the student's school point of contact? (Please include name and role, ex. Ms. ABC, School Counselor)	
Please include any additional relevant information in the space provided:	
Student Support Plan	

Who has been identified as part of the student's support team? *Administrator? Parent/Guardian? School Counselor? School Psychologist? School Social Worker? Teacher? Public Health Nurse? Community Provider? Other?*	(perhaps make this a checklist with the options listed to the right?)
Of those in attendance, who is the student's main point of contact?	
What is the plan for bathroom use (*identify location, which will be used)? It is recommended to do a walk through with the student, so they know where facilities are located.*	
What is the plan for PE/locker rooms?	
What is the plan for field trips?	

What is the plan for gendered activities (*such as sports or clubs*)?	
If Family Life Education (FLE) is separated by gender, in which class will the student participate? Be sure to provide access to both curriculums as appropriate.	
Is staff training required (*for all staff or selected few)?*	
Is a follow up meeting required?	Yes or No
If yes, what is the meeting date and who will be invited to attend?	

Be sure to share any relevant resources with the student and/or parent/guardian.	