TREATMENT OF TRANSGENDER AND NON-BINARY STUDENTS

The purpose of this Policy is to foster an educational environment that is safe, welcoming, and free from discrimination and harassment for all students, regardless of the student's gender identity or expression.

Bullying, Harassment and Discrimination

In alignment with Policy AC, the school division prohibits any and all discrimination, harassment, and bullying based on an individual's actual or perceived sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law.

In alignment with Policy JB, Equal Educational Opportunities/Nondiscrimination/Harassment, and Policy GBA/JFHA, Prohibition Against Harassment and Retaliation, any incident or complaint of discrimination, harassment, or bullying shall be given prompt attention, including investigating the incident and taking appropriate corrective action by the school administrator. Complaints alleging discrimination, harassment, or bullying based on a student's actual or perceived gender identity shall be handled in the same manner as other discrimination or harassment complaints.

Confirmation of Asserted Gender Identity

As a general matter, gender identity may be demonstrated by an assertion of the student's gender identity or a declaration that the student's gender identity is sincerely held as part of their core identity and belief. No proof or substantiating evidence will be required. Gender identity may not be asserted for any improper purpose such as mockery or in a way that violates School Board policies or the Student Rights and Responsibilities. School personnel may question a student's asserted gender identity only when there is a credible basis for believing that the student's gender identity is being asserted for some improper purpose.

Student Privacy/Confidentiality

Information about a student's gender identity, legal name, or gender assigned at birth shall be treated in accordance with applicable laws and policies governing the confidentiality of student records, including but not limited to the Family Educational Rights and Privacy Act ("FERPA") and Va. Code § 22.1-287 et seq. In addition, school personnel shall treat information relating to a student's gender identity as being particularly sensitive and shall not disclose it without consent except to those other school personnel with a legitimate educational interest.

Student Identification

The school division shall allow the student to assert a name and pronouns that reflect their gender identity without any other substantiating evidence. At the request of a student or parent/guardian, school staff will make every effort to address the student using the asserted name and pronouns. A school employee's intentional and persistent refusal to respect a student's name and pronouns is considered discriminatory. All parties should be aware that all related information entered into the student information system (SIS) is public-facing and will be visible to school staff, students, and families. Changes in the SIS may impact the child's presentation in some school records, teaching tools, and communications.

School Records

The school division is required by law to maintain a record that includes a student's legal name and sex assigned at birth and may be required to use or report the legal name and sex assigned at birth in some situations. In such situations, school staff and administrators should adopt practices to avoid the inadvertent disclosure of such information. Upon the request of a student or parent/guardian, school staff shall use the asserted name and gender on other school records or documents where possible. The school division shall change a student's legal name and legal sex upon submission of a legal document such as a birth certificate, state- or federal-issued identifications, passport, or court order. Records of former students may also be re-issued with the submission of legal documents substantiating the amended name and sex.

Dress Code

Dress codes shall be written without limits on gender expectations. Students have a right to dress in a manner consistent with their gender identity or gender expression. School staff shall administer and enforce dress codes consistently across the student body, regardless of actual or perceived gender identity or gender expression. Where school-related programs, activities, and events have gender-specific uniforms, students may choose the uniform of their choice.

Access to Activities

The school division will eliminate the practice of segregating students by gender whenever possible.

For any school program, event, or activity, including extra-curricular activities that are segregated by gender, upon confirmation of asserted gender identity, the school division will allow students to participate in a manner consistent with their gender identity. Athletic participation regulated by the Virginia High School League (VHSL), as

well as middle school athletics, shall follow policies and rules outlined by that organization.

Access to Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities that are sanitary, safe, and adequate. Students shall be permitted to use the restroom, locker room, or changing facility consistent with the student's asserted gender identity. School personnel should work with each student, on a case-by-case basis, to accommodate the student's needs, including providing a single-stall restroom option that is made available to any student who desires more privacy (regardless of gender identity). Upon request, school personnel should add a privacy partition or curtain to existing facilities, providing use of a nearby private restroom or office, or a separate changing schedule or gender-neutral space. Any options offered shall minimize lost instructional time and be non-stigmatizing.

If another student expresses discomfort with a transgender student's use of a sex-segregated restroom, locker room, or changing facility, upon request, school administrators and counseling staff may address the discomfort and foster an understanding of gender identity, to create a school culture that respects and values all students. Moreover, the objecting student should be given the option to use an alternative space that is made available to any student who desires more privacy.

Professional Development and Training

All school staff shall be trained on topics relating to LGBTQ+ students, including safety and support measures. Division mental health professionals and administrators will receive training annually.

Questions and Communications with Parents

While prioritizing the student's safety, the school division shall work in collaboration with the student and family. When needed, schools will facilitate a meeting with the parent or guardian to ensure the student's success while enrolled in Charlottesville City Schools. In some cases, students may not want their parents to know about their gender identity or transition. These situations must be addressed on a case-by-case basis and will require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children. The most important consideration in such situations is the physical and mental health and safety of the student. Note that some student supports – such as changing the name and pronouns in the student information system as described above – cannot be implemented without parent/guardian knowledge.

Definitions*

Gender: A set of social, psychological, and emotional traits that classify an individual as typically masculine or feminine, although the social construct of gender may be more diverse across a continuum rather than as a binary 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 Identity: A person's internal sense of their own identity as a boy/man, girl/woman, another gender, no gender, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different from society's expectations with the sex they were assigned at birth.

Gender Nonconforming: A person who does not conform to gender stereotypes. Their gender expression differs from society's expectations associated with the sex assigned at birth. Being gender nonconforming is distinct from being transgender, though some transgender people may consider themselves to be gender non-conforming.

Gender Transition: The process of shifting toward living according to their gender identity, rather than the sex assigned at birth. Transitions can be at different levels, including social transition, such as new names, pronouns, appearance, and clothing. Some people may undergo medical transitions, such as hormone therapy or surgery.

Transgender: A self-identifying term that describes a person whose gender identity is different from their sex assigned at birth. A transgender girl is a girl who was presumed to be male when she was born, and a transgender boy is a boy who was presumed to be female when he was born. There is a wide range of gender identities in addition to transgender males and transgender females, such as nonbinary.

*Definitions adopted from VDOE Model Policies for the Treatment of Transgender Students in Virginia (2021)

Adopted: September 1, 2022
Renamed: