

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-36
Subject: Creating Welcoming and Affirming Schools for Transgender and Gender Nonconforming Students	Issued: 8/10/17
Preparing Office: Office of the Superintendent	Amended: 1/10/19

Policy 443

I. Definitions

Gender Expression - The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

Gender Identity - A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual.

Gender Nonconforming – A term for people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive.

Non-binary/Genderqueer – Terms used by those who identify with neither, both, or a combination of genders.

Sexual Orientation – A person's romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender nonconforming people may have any sexual orientation.

Transgender – An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

Transition – The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

II. Purpose

To execute the intent of Board Policy 443 *Creating Welcoming and Affirming Schools for Transgender and Gender Nonconforming Students*, the following procedures are developed for implementation in all schools within Frederick County Public Schools (FCPS).

III. Procedures

A. Identification and Support of Transgender and Gender Nonconforming Students

1. School staff shall accept a student's and/or parent/guardian's assertion of a student's transgender or gender nonconforming status that supports the definitions above and is treated as a sincerely held part of the student's core identity.
2. If notified, school staff will offer to convene a support team for the student, which may consist of the parents/guardians, student, classroom teacher(s), administrator, school counselor, school psychologist, school social worker, and/or other staff members as appropriate for this collaboration. Staff will seek input from the student and/or the student's parent/guardian regarding the composition of the team and invite any representatives of the parent/guardian's choosing. The goal of such meeting is to collaborate on how best to support the student in day-to-day activities at school to ensure he/she feels welcomed and safe, and that appropriate accommodations are provided for the student.
3. The support team will then develop a student-specific support plan to provide the student with safe and equitable access to school facilities and activities.

B. Student Records

Each school is required to maintain an official student record of each student, which includes the legal name of the student and birth gender. Official student records can be modified as stipulated under Maryland law ¹ and/or in accordance with Maryland State Department of Education (MSDE) guidelines. ² (See also FCPS Regulation 400-20 *Student Records*, Section E "Procedures to Request Amendment of Student Records")

C. Use of Preferred Name

FCPS recognizes the right of every student to be referred to by their preferred name and pronoun. All staff who work with students will have access to a current and complete list of preferred names and pronouns for all students and will use them in every interaction, unless the interaction could compromise student privacy.

¹ §4-211(f), General Article, *Annotated Code of Maryland*

² MSDE Guidelines 10/6/17 – Documentation Needed for Name and/or Gender Change

Requests for name and/or gender changes on official school records shall be honored if the parent/legal guardian submits:

- a. A new amended birth certificate with name and gender change;
- b. A court order changing the student's name; or
- c. A statement signed, under penalty of perjury, by a healthcare practitioner who treated or evaluated the student for gender identity issues, requesting name and/or gender change be made on the "official school record" and explaining the health-related reasons for the request.

Notification of the change must be communicated to the Unique Student Identification Specialist in the Division of Curriculum, Assessment, and Accountability at MSDE. **NOTE:** Changing an official student record under option "c" does not involve a court order or court action and is applicable for FCPS and MSDE student record purposes only. Other agencies (i.e. state, federal, college institutions) may still require a court order to recognize an official name change.

D. Diplomas

The high school diploma is considered an official student record and may only be modified as stipulated under III. B. As with all students, if a transgender student has a legal name change after graduation and requests a new diploma to reflect the change, FCPS will provide the new diploma upon legal verification of the name change and a photo ID which matches the name. A diploma replacement fee will be charged to cover the expense of printing the diploma and any associated mailing fees.

E. Other Student Lists

It is an expectation that internally generated and shared school lists of students (e.g. honor roll, graduation programs) will identify transgender or gender nonconforming students by the students' preferred name and gender. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media should identify transgender or gender nonconforming students by the students' preferred name and gender, including using pronouns corresponding to the student's gender identity.

F. Privacy/Confidentiality

FCPS respects the rights of students to express their gender identity or expression as they wish. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide where, when, and with whom to share private information. The fact that a student may wish to use a different name or pronoun at school, or to disclose their transgender or gender nonconforming status to school staff, does not authorize school staff to disclose a student's personally identifiable or medical information. FCPS will ensure all personally identifiable and medical information relating to transgender and gender nonconforming students will be kept confidential according to applicable federal, state and local privacy and student records laws.³

Every effort shall be made to encourage and support communication between transgender and gender nonconforming students and the student's parent/guardian. School staff may offer to meet jointly with the parent/guardian and the student at school. School staff shall work to both support student needs as well as respect the rights of the parent/guardian to have access to student records in compliance with federal and state law. Parents/Guardians will be contacted any time there is a health or safety concern regarding the student.

G. Access to Gender-Segregated Facilities

Students, including non-binary students, should determine which facilities are consistent with their gender identity. All students must have access to facilities, including rest rooms, locker rooms, or changing facilities, that correspond to their gender identity. Access is provided without any additional complicating procedure.

Any student, regardless of gender or gender identity or expression, who is uncomfortable for any reason using a gender-segregated facility will be provided a safe and nonstigmatizing alternative. Options include, but are not limited to, privacy curtains, provisions to use private restrooms or office restrooms, or a separate changing schedule. These options are provided to any student without question or complicating procedures

³ FCPS Regulation 400-20 *Student Records* (parental rights to review student records)

required. Under no circumstance is any student required or directed to use a private use facility. If there is a credible basis for believing that the student is not asserting their authentic gender identity for the purpose of being disruptive or infringing on the rights of others, school administration has the responsibility to investigate as they would for any other behavior that is being disruptive and follow up with the student and/or parent accordingly.

H. Participation in Sports/Physical Education Classes

Students are permitted participation in FCPS sports and physical education classes in a manner consistent with their gender identity. The gender identity of student-athletes is not required to be disclosed to coaches, teammates, opponent's coaches, or anyone else if not authorized by the student. If special events, such as out-of-state tournaments or competitions specify particular disclosures, those will be discussed in advance and confidentially with the student.

Any concerns may be addressed to the Supervisor of Athletics and Extracurricular Activities who will ensure fair and consistent treatment, and compliance with the Maryland Public Secondary Schools Athletic Association (MPSSAA) rules.

I. Overnight Field Trips

The comfort of all students is paramount in the decisions around overnight field trips. Maximizing students' social integration may be achieved by applying these guidelines:

- Make arrangements in consultation with the student. If the transgender or gender nonconforming student's parents or guardians are involved and supportive, they may also be consulted.
- Be sensitive to the need to maintain the student's privacy and not disclose or require disclosure of the student's transgender or gender nonconforming status to the other students or their parents without the consent of the transgender or gender nonconforming student and/or the student's parent.
- Allow students the opportunity to room with others according to their gender identity.
- Make efforts to accommodate any student who desires greater privacy; however, no student should be isolated.

J. Dress Codes

Dress codes designated for school events like dances, graduations, and other ceremonies shall be gender neutral.

K. Training

All FCPS personnel who work directly with students are required to participate in, or have access to, annual training that includes:

- The importance of privacy for all students, as well as an overview of the legal and other implications of disclosing gender identity to parents.
- Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents.
- Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy.

- Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying.
- Classroom management practices, curriculum, and resources that educators can integrate into their classrooms to foster a more gender-inclusive environment for all students.
- Board Policy 443 *Creating Welcoming and Affirming Schools for Transgender and Gender Nonconforming Students*.

Approved:

original signed by

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