



Frederick County Public Schools

Board of Education

ENSURING INCLUSIVE SCHOOL ENVIRONMENTS FOR TRANSGENDER AND GENDER DIVERSE STUDENTS

Policy 443

A. Policy Purpose

1. To ensure that all Frederick County Public Schools (FCPS) schools provide safe, welcoming and affirming learning environments for gender-diverse students – including those who are transgender, intersex, gender-questioning, and gender non-conforming.
2. To establish clear expectations for how the school system will support gender diverse students in ways that protect their privacy, safety, dignity, and access to educational opportunities, while providing clear guidance for staff.
3. To balance respect for student privacy and safety with supportive and meaningful family engagement, while acknowledging that students have the right to privacy and to discuss and express their gender identity and expression openly and to make decisions about where, when, and with whom to share private information while, at the same time, the Board of Education of Frederick County (Board) values the important role of parents and guardians and seeks to encourage constructive communication between schools, students, and families.

B. Definitions

1. For the purposes of this policy, the phrase “Bullying, Harassment, and Intimidation” is defined to mean intentional conduct, including verbal, physical, or written conduct, or intentional electronic communication that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is: (a) motivated by an actual or a perceived personal characteristic of sex, sexual orientation, gender identity, or gender expression; or (b) threatening or seriously intimidating; and (c) occurs on school property, at a school activity or event, or on a school bus; or (d) substantially disrupts the orderly operation of a school.
2. “Corollary Athletic Program” is defined to mean an FCPS athletic program that is not governed by the requirements of the Maryland Public Secondary Schools Athletic Association (MPSSAA) and that is specifically designed to combine groups of students with and without disabilities together in physical activity.
3. “Gender Diverse” is defined to mean an individual whose gender identity, gender expression, or gender experience differs from traditional or societal expectations associated with the sex they were assigned at birth. This term includes, but is not limited to, students who identify as transgender, nonbinary, gender non-conforming, gender questioning, or intersex. The term is intended as an inclusive umbrella that recognizes the broad spectrum

of gender identities and expressions.

4. “Gender Expression” is defined as the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
5. “Gender Identity” is defined as a person’s deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender.
6. “Gender Questioning” is defined to mean the process of a person determining their sexual orientation and/or gender identity.
7. “Intersex” is defined to mean those who have genitals, chromosomes, or reproductive organs that do not fit into a male-female sex binary, whose genitals may not match their reproductive organs or who may display traits of both.
8. “Mental Health Professional” is defined to mean an FCPS employee who serves in the role of Community Agency School Services (CASS) social worker, school counselor, school psychologist, school social worker, or school therapist.
9. “Non-binary” or “Genderqueer” is defined as terms used by those who identify with neither, both, or a combination of genders.
10. “Parent” is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).
11. “Sexual Orientation” is defined to mean a person’s romantic and/or physical attraction to people of the same or opposite gender or other genders.
12. “Transgender” is defined as an adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

C. Policy Statement

1. The Board is committed to FCPS schools that will be free of discriminatory acts of hate, violence, insensitivity, and disrespect and that all students will be provided equal access to curriculum, facilities, and extracurricular activities that align with their gender identity, with their gender expression, and are a sincerely held part of the student’s core identity.
2. Every school will embody a culture of respect, grounded in the Board’s core values, that promotes understanding, respect, civility, acceptance, and positive interaction among all individuals and groups.

3. The Board affirms its commitment to providing all students, including gender-diverse students, with safe, fair, and respectful opportunities to participate in extracurricular activities, interscholastic athletics, and the FCPS corollary athletic program.

D. Implementation

1. Student Expression of Identity, Rights, and Confidentiality

- a. FCPS respects the rights of students to express their gender identity or expression as they wish. Transgender and gender diverse 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.
- b. The fact that a student may wish to use a different name or pronoun at school, or to disclose their transgender or gender diverse status to school staff, does not authorize school staff to disclose a student's personally identifiable or medical information outside of what is permitted under law. All such information will be kept confidential in accordance with applicable federal, state, and local privacy and student records laws.
- c. FCPS staff shall not disclose that a student is transgender or gender diverse to anyone other than:
 - i. School staff;
 - ii. Any individual to whom the student expressly authorizes staff to disclose such information; and
 - iii. Appropriate law enforcement, medical, or emergency response professionals.
- d. The Board acknowledges the importance of parental involvement in the lives of their student but also recognizes the rights of students to share personal and private information at a time and place of their choosing. Accordingly, parents should be contacted whenever there is health, mental health or safety concern regarding the student. In all other circumstances, every effort should be made to encourage and support communication between students and the student's parent. Staff may provide the student the opportunity to meet with an FCPS Mental Health Professional to discuss a communication plan, but the school's role is to facilitate – not replace – the essential relationship between student and parent.

2. Use of Preferred Name / Official Records

a. Names/Pronouns

- i. FCPS is committed to ensuring that all students are afforded a respectful and non-discriminatory learning environment. All staff who work with students will have access to a current and complete list of preferred names and pronouns for all students. Staff are expected to use a student's preferred name and pronoun as provided in all school-related interactions, consistent with professional responsibilities, Board Policy, FCPS Regulation, and applicable federal and state law.
- ii. Employees who have a sincerely held religious objection may request a reasonable accommodation through established Title VII procedures. Any accommodation must not interfere with the student's equal access to educational programs and activities, create a stigmatizing environment, violate Title IX, or materially disrupt school operations. Nothing in this provision permits conduct that compromises

student privacy or constitutes bullying or harassment under [Board Policy 437, *Bullying-Harassment-Intimidation*](#).

- iii. FCPS encourages students to use their fellow students' preferred names and pronouns as part of maintaining a respectful learning environment. Intentional or persistent use of names or pronouns to target, bully, harass, or create a hostile environment may constitute bullying, harassment, and intimidation and will be addressed under [Board Policy 437, *Bullying-Harassment-Intimidation*](#) and the [Student Code of Conduct](#).
 - b. **Student Records**
 - i. Each school is required to maintain an official student record of each student, which includes the legal name of the student and birth gender.
 - ii. In accordance with applicable federal and State law, FCPS shall make available student records to parents upon request.
3. **Access to Facilities (Restrooms, Locker Rooms, Changing Areas)**
- a. All students, including both transgender and gender diverse students, should have access to facilities (*i.e.*, restrooms, locker rooms) that are consistent with their gender identity, gender expression, and sincerely held part of their core identity.
 - b. Any student, regardless of gender, gender identity or expression, who is uncomfortable for any reason using a gender-segregated facility will be provided with a safe and non-stigmatizing alternative. Options include, but are not limited to, privacy partitions, provisions to use private restrooms, private changing areas, office restrooms, or a separate changing schedule.
 - c. Under no circumstances is any student required or directed to use a private use facility.
 - d. FCPS will ensure that all FCPS multi-purpose restrooms and locker rooms offer access to individual use stalls.
4. **Interscholastic and Corollary Athletics and Physical Education Classes**
- a. While acknowledging the importance of safety and competitive fairness, students are permitted to participate in FCPS sports and physical education classes in a manner consistent with their gender identity and gender expression.
 - b. 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 and, with permission of the student athlete, the student's parents.
 - c. In rare cases where concerns regarding competitive fairness or player safety arise, staff are authorized to address each situation on its individual merits, consistent with federal and State law, applicable athletic association guidance, and Board Policy. Any decisions shall prioritize the rights, privacy, and dignity of all student athletes, and consider all reasonable solutions that ensure equitable access to competition regardless of gender identity.
5. **Bullying, Harassment and Intimidation.** Consistent with [Board Policy 437, *Bullying-Harassment-Intimidation*](#), and the FCPS [Student Code of Conduct](#), bullying, harassment,

and intimidation based on perceived or real sex, sexual orientation, gender diverse status, or gender identity or expression is prohibited in FCPS.

6. **Training and Professional Development.** All FCPS personnel who work directly with students are required to participate in, or have access to, annual training that includes:
 - a. The importance of privacy for all students, as well as an overview of the legal and other implications of disclosing gender identity to parents.
 - b. Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents.
 - c. Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy.
 - d. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying.
 - e. Classroom management practices, curriculum, and resources that educators can integrate into their classrooms to foster a more gender-inclusive environment for all students while ensuring the parental right to direct their child's religious upbringing is respected.
 - f. A discussion of this Policy and its relationship to [Board Policy 437, *Bullying-Harassment-Intimidation*](#).
7. **Parental Notification for Students Under 12.** When students younger than 12 years old request a change in pronouns, name usage, or access to gender specific facilities, the school will notify the parents/guardians in a timely and supportive manner, recognizing the central role of parents in the care and development of younger children and consistent with Maryland law on minor consent for mental health treatment and confidentiality. Notification will be conducted in a manner that supports a student's safety, affirms their dignity and seeks to promote collaboration between the family and school.

E. Related Information

1. **Board Policy**
 - a. [Policy 414, *Field Trips*](#)
(<https://apps.fcps.org/legal/documents/414>)
 - b. [Policy 437, *Bullying-Harassment-Intimidation*](#)
(<https://apps.fcps.org/legal/documents/437>)
2. **Code of Maryland Regulation (COMAR)**
 - a. [COMAR 13A.01.04.03, *School Safety*](#)
(https://fcps-md.info/COMAR_13A-01-04-03)
 - b. [COMAR 13A.06.03, *Interscholastic Athletics in the State*](#)
(https://fcps-md.info/COMAR_13A-06-03)
 - c. [COMAR 13A.08.02, *Student Records*](#)
(https://fcps-md.info/COMAR_13A-08-02)
3. **External Resources**

- a. [Maryland State Department of Education \(MSDE\) \(March 20, 2025\), *Creating Safe Spaces for LGBTQIA+ Youth in Schools*](https://fcps-md.info/MSDE_Safe_Spaces)
(https://fcps-md.info/MSDE_Safe_Spaces)
- b. [MSDE \(December 2024\), *Non-Discrimination Guidelines for Student Gender Transitions*](https://fcps-md.info/MSDE_Non-DiscriminationGuidelines)
(https://fcps-md.info/MSDE_Non-DiscriminationGuidelines)
- c. [MSDE \(October 2024\), *Safe and Supportive Schools for All Students: Creating Inclusive Spaces for LGBTQIA+ Youth*](https://fcps-md.info/MSDE_Inclusive_Spaces)
(https://fcps-md.info/MSDE_Inclusive_Spaces)
- d. [National School Board Associations \(NSBA\) \(October 12, 2017\) 2016 Transgender Students in Schools: Frequently Asked Questions and Answers for Public School Boards and Staff, Version 11.0](https://fcps-md.info/NSBA_TransgenderStudentsInSchools)
(https://fcps-md.info/NSBA_TransgenderStudentsInSchools)

4. FCPS Regulations

- a. [Regulation 421-01, *Student Records*](https://apps.fcps.org/legal/documents/421-01) (formerly 400-20)
(<https://apps.fcps.org/legal/documents/421-01>)
- b. [Regulation 443-01, *Creating Welcoming and Affirming Schools for Transgender and Gender Nonconforming Students*](https://apps.fcps.org/legal/documents/443-01)
(<https://apps.fcps.org/legal/documents/443-01>)

5. Federal Law

- a. [Family Educational Rights and Privacy Act \(FERPA\), 20 USC § 1232g](https://fcps-md.info/FERPA_20_USC_1232g)
(https://fcps-md.info/FERPA_20_USC_1232g)
- b. [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\), 45 C.F.R. 160](https://fcps-md.info/HIPAA_45_CFR_160)
(https://fcps-md.info/HIPAA_45_CFR_160)
- c. [Title IX of the 1972 Education Amendments, 20 U.S.C. § 1681](https://fcps-md.info/TitleIX_20_USC_1681)
(https://fcps-md.info/TitleIX_20_USC_1681)
- d. [U.S. Department of Education Regulations Implementing Title IX, 34 C.F.R. Part 106](https://fcps-md.info/TitleIX_34_CFR_106)
(https://fcps-md.info/TitleIX_34_CFR_106)

6. Maryland Statutes

- a. [Md. Code Ann., Educ §7-424](https://fcps-md.info/MD_Educ_Code_7-424)
(https://fcps-md.info/MD_Educ_Code_7-424)

F. Policy History (Maintained by Legal Services)

<i>Responsible Office</i>	All FCPS Departments
Adoption Dates	06/14/17
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