

Anne Arundel County Public Schools

Transgender Students: *Guidelines for Support*



Department of Student Support Services

August 2016

The guidelines outlined here are fluid and may be subject to change based on need, additional information, or changes in laws pertinent to the rights of transgender youth.

Procedures outlined in this guide are consistent with the following Board of Education Policies and Administrative Regulations:

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Non-Discrimination

JCCA and Regulation JCCA-RA

**Bullying/Cyberbullying/
Harassment and Intimidation/
Hazing/Bias Behavior**

JH and Regulation JH-RA

Student Records

GAGG and Regulation GAGG-RA

**Non-Discrimination and
Anti-Harassment**

Definitions

These definitions are provided to assist in understanding these guidelines and the legal obligations of school staff, and are not provided for the purpose of labeling students. Students may or may not use these terms to describe themselves.

Gender Expression

The manner in which a person represents or expresses their gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity

A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the sex assigned at birth.

Gender Non-Conforming

A term for people whose gender identity does not meet the stereotypically expected norms associated with their sex assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include "gender diverse" or "gender expansive."

Gender Transition

The process by which a person goes from living and/or identifying as one gender to living and/or identifying as another. Some people may personally identify as a different gender but may not seek to change their public life. For most young people, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition," whereby they begin to live and identify as the gender consistent with their gender identity.

Legal Gender Marker

Commonly known as "sex" assigned at birth, *legal gender marker* is the designation of the student as "male" or "female" appearing on the student's Evidence-of-Birth document on file in the student's record. This will correspond to the "student's gender" listed on the Student Record Card. Unless the student has obtained a change of the legal gender marker shown on their Evidence-of-Birth document under the procedures prescribed by the entity that issued that document, the student's legal gender marker will typically correspond with the student's sex assigned at birth, but might not correspond with the student's gender identity.

Transgender

Students who identify as transgender are children whose sex assigned at birth does not match their internalized understanding and sense of their gender.

This guide provides information and guidance to students, parents, and school staff on the rights, responsibilities, and best education practices to support *transgender* and *gender non-conforming* students in Anne Arundel County Public Schools (AACPS). These guidelines should be interpreted consistent with the goal of fostering learning environments that honor, respect, and accept the diversity of the student body. The intent is to ensure that *transgender* and *gender non-conforming* students are not stigmatized, to maintain the privacy of students, and to foster cultural competence and professional development for school staff.

Furthermore, these guidelines will support healthy communication between educators, students, and parents/guardians to further the successful educational development and well-being of every student. This administrative procedure is applicable to students in grades pre-K through 12.

Background

Federal, State, and County laws prohibit discrimination on the basis of race, color, sex, age, national origin, religion, marital status, sexual orientation, *gender identity*, *gender expression*, or disability in any educational program that receives Federal financial assistance. It is the policy of AACPS to maintain learning and work environments for students, employees, and volunteers that respect diversity and are free from discrimination and harassment.

Scope

These procedures cover conduct that takes place

- in the school.
- on school property, school buses, or vehicles.
- at school-sponsored functions, activities, and bus stops.
- outside of school, if it may substantially disrupt the school environment.

These guidelines also pertain to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles at bus stops, and on school computers, networks, forums, and mailing lists. These guidelines apply to the entire school community, including educators, school staff, students, parents, and volunteers.

School staff will work with students and their parents/guardians to develop an appropriate plan to accommodate and support specific needs.

Federal, State, and County laws prohibit discrimination on the basis of... gender identity [and] gender expression.

Procedures

Identification of Transgender Students

Elementary and Middle School

Generally, 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 first surface at school. If school staff believes that a *gender identity* or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue may be appropriate. Together, the family and school can then identify appropriate steps to support the student.

High School

Parents may already be aware and supportive of the student's *gender identity*, expression, or transition status. In these cases notification may be unnecessary. In some cases, however, notifying parents carries risks for the student, such as rejection. Case-by-case decisions regarding parent notification should be made in consultation with the student and should reflect all factors that affect the student's well-being.

Names & Pronouns

Every student has the right to be addressed by a name and pronoun that corresponds to the student's *gender identity*. A court-ordered name or gender change is not required, and the student need not change his or her official school records. The school principal will communicate with appropriate staff with regard to students who wish to be addressed by a specific name or pronoun.

Determining a Student's Gender Identity

The person best situated to determine a student's gender identity is the student. Only if there is an objective basis that justifies questioning whether a student's asserted gender identity or expression is genuine may school personnel ask for information to confirm that the gender identity or expression is sincerely held. In that circumstance, examples of information confirming a student's asserted gender identity may include, but are not limited to: a letter from a parent, health care provider, school staff member familiar with the student (a teacher, school counselor, or school psychologist, among others), or other family members or friends.

Medical Evidence

A student shall not be required to produce medical evidence to demonstrate their *gender identity*.

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity.

Student Privacy

1. Information about a student's *transgender* status, legal name, or sex assigned at birth may constitute confidential medical information within the student's educational record. AACPS shall ensure that all medical information relating to *transgender* and *gender non-conforming* students shall be kept confidential in accordance with applicable state, local, and federal privacy laws.

2. Anne Arundel County Public Schools shall restrict access to its student information system to prevent disclosure of confidential information. In addition, AACPS school personnel should use a student's preferred name in the student information system, except where the school is legally required to use a student's legal name and gender assigned at birth, if the *legal gender marker* has not been changed.

Release of individually identifiable student data by any school system staff member to parties outside of the local school system, except as provided by Federal law, State law, and/or Board of Education of Anne Arundel County Policy JH, requires the written consent of the parent/guardian or adult student consistent with the Family Educational Rights and Privacy Act (FERPA).

Official Records

Permanent Student Record

1. The school shall maintain a mandatory permanent student record that includes a student's legal name and *legal gender marker* as required by the Code of Maryland Administrative Regulations (COMAR) and the most recent Maryland Student Records Manual. However, to the extent that the school is not legally required to use a student's legal name and *legal gender marker* for student records and/or documents, the school shall use the name and gender preferred by the student, if this information is provided by the student.
2. The school will change a student's official record to reflect a change in legal name and/or *legal gender marker* upon receipt of a court document that reflects the new legal name or *legal gender marker* or a court order documenting the new legal name and/or *legal gender marker*.

Changes to the Permanent Student Record

1. Upon receipt of legal documentation that a current student has obtained a change of their legal name and/or *legal gender marker*, as shown on a court document, the student's legal name and/or *legal gender marker* will be revised in the student's record accordingly.
2. The former record and current record shall be linked in the Student Information System (SIS) by the local student identification number. The former record will only be accessible to SIS users with "limited or confidential" access privileges.
3. After receiving confirmation that the legal name and/or *legal gender marker* has been changed, school system personnel shall cooperate and support authorized requests by the student or the parent/guardian to amend the official record in accordance with the federal FERPA.

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender.

...Students shall have access to facilities that correspond to their... gender identity

Requests for Amended Official Records

1. If a transcript or high school diploma has been issued under a student's former legal name, the documents must be re-issued to reflect the new legal name upon request of the student or (if the student is a minor) the student's parent. If the student's *legal gender marker* and/or legal name have been changed, the student's official record must be amended to reflect both changes upon request of the student or (if the student is a minor) the student's parent.
2. Official records will not be amended for former students who have not amended their legal name and/or *legal gender marker* as shown on a valid court document or appropriate court order.

Sex- or Gender-Segregated Activities and Facilities

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. To the extent possible, schools should reduce or eliminate the practice of segregating students by gender.

1. If requested, students shall be provided a separate changing area within the locker room of the gender for which the student identifies.
2. Students shall have access to restrooms of the gender for which they identify, where there are individual stalls.
3. Students participating in overnight field trips may be provided with a safe and non-stigmatized private sleeping area as an option.

Physical Education Classes, Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner aligned with the *gender identity* consistently asserted at school. In the case of questions related to interscholastic athletic participation and *gender identity*, decisions will be based upon the Maryland Public Secondary Schools Athletic Association (MPSSAA) guidelines. Questions related to individual student participation should be referred to the Athletics Program Office.

Use of Facilities

Students participating in overnight field trips and camps shall have access to facilities that correspond to their outwardly and consistently expressed *gender identity*.

Shared Areas

Any student who is uncomfortable sharing a common sleeping area, shower, bathroom, etc. or who has a need for increased privacy, regardless of the reason, shall, upon the student's request, be provided with a designated safe and non-stigmatizing alternative.

Schools may enforce dress codes pursuant to county and school policies. Students shall have the right to dress in accordance with their *gender identity*, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against *transgender* and *gender non-conforming* students than other students.

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1. It is the responsibility of each school to ensure that *transgender* and *gender non-conforming* students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, intimidation, bullying, or violence is given immediate attention, including documenting the complaint, investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.
 2. Complaints alleging discrimination or harassment based on a person's actual or perceived *transgender* status or gender non-conformity are to be handled in the same manner as other discrimination or harassment complaints consistent with Administrative Regulation JCCA-RA (allegations of students being harassed, bullied, or intimidated by another student or an employee).
 3. Transfers: In response to claims of discrimination/harassment, schools should aim to keep *transgender* and *gender non-conforming* students at their home schools. Transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the student, or when requested by the student or student's parent/guardian subsequent to a substantiated claim of harassment, intimidation or bullying.

Current best practices will be maintained on the Student Services page of the Intranet, including but not limited to a glossary, recommendations for non-gender specific grouping, current events related to *transgender* issues, and other resources to assist schools in supporting *transgender* students.

Overnight Field Trips and Camps

Dress Code

Discrimination, Harassment, Intimidation or Bullying

Best Practices



ANNE ARUNDEL
COUNTY PUBLIC SCHOOLS

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Anne Arundel County Public Schools prohibits discrimination in matters affecting employment or in providing access to programs on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, sexual orientation, genetic information, gender identity, or disability. For more information, contact: Anne Arundel County Public Schools, Division of Human Resources, 2644 Riva Road, Annapolis, MD 21401. 410-222-5286 TDD 410-222-5000.

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