

Anne Arundel County Public Schools

# **Students and Gender Identity: Guidelines for Support**



Department of Student Support Services  
*July 1, 2019*

The guidelines outlined here may be subject to change based on need, additional information, or changes in law.

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

**AC—Non-Discrimination**

JCCA and Regulation JCCA-RA—**Bullying, Cyberbullying, Harassment, Intimidation, Hazing, and Bias Behavior**

JH and Regulation JH-RA—**Student Records**

## Definitions

The following definitions are provided to assist in understanding these guidelines and the 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.

### Cisgender

A person whose gender identity and expression are aligned with the sex they were assigned at birth.

### Gender Non-Binary

A term to describe students whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

### Gender Expression

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

### Gender Fluid

A person whose gender identity is not fixed. The person experiences different gender identities at different times.

### Gender Identity

A person's deeply held sense or psychological knowledge of the person's own gender. A person'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 Pronouns

The pronoun with which a person self identifies. Examples include, but are not limited to: he, she, they, and ze.

### 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

A person whose sex assigned at birth does not match the person's internalized understanding and sense of the person's own gender.

This guide provides information and guidance to students, parents, and school staff on the rights, responsibilities, and best educational practices with regard to *gender identity* and student support 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 of the guidelines is to help ensure that students are not stigmatized, maintain the privacy of students, and 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. The guidelines are applicable to AACPS students in pre-K through Grade 12.

## Background

Federal, State, and/or 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 respectful of diversity and free from discrimination and harassment for students, employees, and volunteers.

These guidelines cover conduct that takes place:

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

These guidelines also pertain to the use 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. The guidelines apply to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

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

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

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## Student Gender Identification

### Elementary and Middle School

At the elementary and middle school levels, it will generally be the parent(s)/guardian(s) who informs the school of the student's *gender identity* or 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 the student's parent(s)/guardian(s) about the issue may be appropriate. Together, the family and school can then identify appropriate steps to support the student.

### High School

At the high school level, 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 correspond to the student's gender identity. A court-ordered name or gender change is not required, and the student is not required to change the student's official school records. The school principal shall communicate with appropriate staff about students who wish to be addressed by a specific name or pronoun. A student should be called by the name and pronoun that match the student's gender identity. It is important to note that sometimes an honest mistake can be made.

### 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, a letter from a parent(s)/guardian(s), 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 cannot be required to produce medical evidence to demonstrate the student's *gender identity*.

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

1. Information about a student's *gender* identity, 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 a student's gender identity is kept confidential in accordance with applicable State, local, and federal privacy laws.
2. AACPS shall restrict access to its student information system to prevent disclosure of confidential information. In addition, AACPS school personnel shall document the student's preferred name in the student information system. In cases where the school is legally required to use a student's legal name and legal gender, records cannot be changed.

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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, or Board of Education of Anne Arundel County Policy *JH–Student Records*, requires the written consent of the parent/guardian or adult student consistent with the *Family Educational Rights and Privacy Act (FERPA)*.

### Official Student Record

1. The school shall maintain a mandatory official 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. An official student record consists of student record cards, transcripts, and a diploma.
2. The school shall change a student's official student record to reflect a change in legal name or *legal gender marker* once the proper documentation has been received.

### Changes to the Official Student Record

1. The request to change a student's name or gender on an official student record must be supported by a:
  - New amended birth certificate with name and gender change;
  - Court order changing the student's name; or
  - Statement signed, under penalty of perjury, by a healthcare practitioner who treated or evaluated the student for gender identity issues, requesting that the name or gender change be made on the official student record and explaining the health-related reasons for the request.
2. Upon receipt of the required documentation, the student's legal name or *legal gender marker* shall be revised in the student's official record accordingly.
3. The former official student record and current official student record shall be linked in the *Student Information System (SIS)* by the local student identification number. The former official student record may only be accessible to SIS users with "limited or confidential" access privileges.

*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

4. 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(s)/guardian(s) to amend the official record in accordance with FERPA.

### Requests for Amended Official Records

1. If a transcript or high school diploma has been issued under a student's former name, the documents must be re-issued to reflect the new name upon request of the student or (if the student is a minor) the student's parent(s)/guardian(s). If the student's *legal gender marker* and/or 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(s)/guardian(s).
2. Official student records will not be amended for former students who have not provided the required documentation as identified in the *Change to Official Student Records* section.

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## Sex- or Gender-Segregated Activities and Facilities

Students who consistently demonstrate and identify with a specific gender should be accommodated in their use of 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. Students may use locker rooms of the gender with which they identify. If requested by a student or student's parent(s)/guardian(s), the school shall provide a student with a separate changing area within the locker room of the gender with which the student identifies.
2. Students shall have access to restrooms of the gender with which they identify.

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## 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 their *gender identity*. Decisions regarding participation in interscholastic athletics shall be in accordance with the *Maryland Public Secondary Schools Athletic Association (MPSSAA)* guidelines. Questions related to individual student participation shall be referred to the Athletics Program Office.

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## Use of Facilities

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

## Shared Areas

A school shall provide any student who is uncomfortable sharing a common area, including a sleeping area, shower, or bathroom, or a student who has a need for increased privacy, regardless of the reason, with a designated safe and non-stigmatizing alternative.

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Schools may enforce dress codes pursuant to Board policies and school guidelines. Students shall have the right to dress in accordance with their *gender identity*, in accordance with *Policy JCD—Student Attire and Personal Appearance*. School staff shall enforce a school’s dress code equitably, regardless of the gender identification of a student.

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It is the responsibility of each school to ensure that all students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, intimidation, bullying, or violence is given immediate attention. As such, the school shall take appropriate steps, including documenting a complaint, investigating an incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

1. Complaints alleging discrimination or harassment based on a person’s actual or perceived gender identity shall be handled in the same manner as other discrimination or harassment complaints consistent with Administrative Regulation *JCCA-RA—Bullying, Cyberbullying, Harassment, Intimidation, and Bias Behavior*. Students, parents and/or guardians who have questions or concerns should contact the school system’s Title IX coordinator to address those issues.
2. Transfers: In response to claims of discrimination or harassment, schools shall aim to keep all 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(s)/guardian(s) subsequent to a substantiated claim of harassment, intimidation or bullying.

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Current best practices shall be maintained on the Student Services page of the Intranet, including 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

**Information from the following sources was used in the compilation of this document.  
This is not exhaustive.**

Board of Education of Anne Arundel County policies AC, JCCA, and JH;  
and administrative regulations JCCA-RA and JH-RA

Code of Maryland Regulations (COMAR)

GLSEN

Family Educational Rights and Privacy Act of 1974 (FERPA)

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Maryland Office of the Attorney General

Maryland State Department of Education

National Center for Transgender Equality

Title IX of the Education Amendments of 1972



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.

**[www.aacps.org](http://www.aacps.org)**