

GUIDELINES FOR THE TREATMENT OF TRANSGENDER AND GENDER NONCONFORMING STUDENTS

Hampton City Schools (HCS) policies prohibit discrimination against, or harassment of, students on any basis, including gender identity. All HCS staff members are expected to recognize and respect matters of gender identity; make reasonable accommodations in response to student requests regarding gender identity in accordance with the guidelines set forth below; and, protect student privacy and confidentiality. These guidelines, which are aligned with the Virginia Department of Education's (VDOE) *Model Policies for the Treatment of Transgender Students in Virginia's Public Schools*, address common issues affecting transgender and gender-nonconforming students and sets forth procedures, as well as available accommodations designed to ensure equal access to HCS education programs and activities.¹

I. Definitions

A. Legal Sex: A label, generally "male" or "female," that is typically assigned at birth and recorded on a person's original birth certificate. The sex originally recorded on a person's birth certificate can be changed by court order or by the issuance of an amended birth certificate.

B. 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.

C. Gender Expression: The manner in which a person's gender identity or role is represented or expressed 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.

D. Gender Identity: An internal sense of one's own identity as a boy/man, girl/woman, something in between, or something outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same as, or different from, the sex assigned at birth.

E. Gender-expansive/gender-diverse/gender-fluid/agender/gender queer: Terms that convey a wider, more inclusive range of gender identity and/or expression than typically associated with the social construct of a binary (two discrete and opposite categories of male and female) gender system.

F. Gender Nonconforming: A person who does not conform to gender stereotypes. A person whose gender expression differs from expectations associated with the sex assigned at birth.

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

H. Cisgender: A person whose gender identity and gender expression align with the sex assigned at birth.

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

J. LGBTQ+: An acronym for "lesbian, gay, bisexual, transgender, queer/questioning, and others."

K. Nonbinary: a term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct identity. Other similar terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American Indian, Alaska Native, First Nation, or Indigenous communities).

L. Legal Name: Refers to the student's official name entered in the HCS student record.

M. Chosen Name: Refers to a name requested by a student or the student's parents or guardians by which the student would like to be known, which may be different from a student's official name in the HCS student record. Pronoun usage also should reflect how the student would like to be called.

N. Sex Assignment: A label, generally "male" or "female," that is typically assigned at birth on the basis of a cluster of physical and anatomical features. Intersex refers to someone whose combination of chromosomes, gonads, hormones, internal sex organs, and genitals differs from the two expected patterns of male or female.

II. Identification and Support of Transgender and Gender Nonconforming Students

A. School staff will accept a student's and parent's or guardian's assertion of the student's transgender or gender-nonconforming status.

B. In recognition of the right of the parent or guardian to make educational decisions and to otherwise direct the upbringing of their child, a parent or guardian has the right to be involved in the development of an individualized student support plan for the student as discussed below in subsections C and D. ***If a student is not ready or able to safely share with their family about their transgender status, this should be respected.*** School multidisciplinary teams may still move forward with the development of the individualized support plan as discussed in subsection C.

There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity. Therefore, it is to be understood that the division has no affirmative legal duty to inform parents of the student's gender identity choice acknowledged while the student is involved in HCS learning or activities. However, school staff should work with students to help them share the information with their family when they are ready to do so.

C. Requests for accommodations shall be directed to the student's school counselor or a school administrator. When a request for accommodations is received, ***within 10 school days***, the counselor or administrator shall convene a multidisciplinary team consisting of the student, parent/guardian (if applicable), school administrator or administrative designee, and/or school-based mental health or support personnel familiar with the student if desired. As needed, classroom teacher(s) and other staff members may also serve on the multidisciplinary team.

The multidisciplinary team will need to consider the health and safety of the student in situations where students may not want their parents or others to know about their transgender status, and schools should address this on a case-by-case basis.

D. The multidisciplinary team shall develop an [individualized student support plan](#) that provides the student with accommodations designed to ensure equal access to HCS education programs, activities, and facilities. The individualized student support plan will be housed in the Response to Intervention (RtI) Database. When developing the individualized student support plan, the multidisciplinary team shall consider the student's age and needs, protection of student privacy, maximization of social integration, minimization of stigmatization, and any perceived safety risks. ***Once the individualized student support plan is initiated, the Director of Student Services should be contacted.***

The individualized student support plan shall include, but is not limited to, the following provisions:

1. A timeline for reconvening the multidisciplinary team;
2. A timeline for a designated school staff member to check-in with the student and/or the student's parent or guardian;
3. Decisions regarding the accommodations that will be provided to the student (e.g., use of preferred name and pronouns; access to school facilities; participation in gender-specific courses, school activities, and athletics); and,
4. If applicable, a timeline to support the student's gender transition.

E. The student or the student's parent or guardian may request that the multidisciplinary team be reconvened at any time.

III. Student Name and Pronouns

School staff shall, at the request of a student and/or the student's parent or guardian, address the student by the name and pronouns corresponding to the gender identity that is consistently asserted at school. Students are not required to obtain court-ordered name changes or to change their student records as a prerequisite to being addressed by their preferred names and pronouns.

IV. School Records

A. HCS is required to maintain an official record that includes a student's legal name and legal sex and may be required to use or report the student's legal name and legal sex in some situations, such as for standardized testing.

B. When use of a student's legal name or legal sex is not legally required and upon the request of a student and the student's parent or guardian, the school shall use the preferred name and asserted gender on all other documents, including classroom rosters, identification badges, announcements, and certificates.

C. Schools shall change a student's legal name and/or legal sex in the student's official record upon verification or submission of a legal document substantiating the change in legal name and/or legal sex (such as a birth certificate, a passport, Virginia driver's license, or court order). Student transcripts and diplomas of former HCS students may be re-issued upon the verification or submission of such legal documents.

V. Classroom Records

A. Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender markers.

B. HCS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun as designated by the student or parents or guardians.

VI. Student Privacy/Confidentiality

All school personnel shall adhere to legal standards of confidentiality relating to information about a student's transgender status, legal name, or legal sex. In addition to adhering to all legal standards of confidentiality, school personnel will treat information relating to a student's transgender status as being particularly sensitive; shall not disclose it to other students, parents, or guardians; and, shall only disclose to other school personnel with a legitimate educational interest or need to know.

VII. Dress Code

A. All students, regardless of their gender identity, are expected to dress in accordance with the dress and appearance guidelines set forth in the HCS "Student Code of Conduct," which does not establish separate clothing requirements for males and females. Therefore, as long as they are meeting the dress and appearance guidelines set forth in the HCS "Student Code of Conduct," transgender and gender-nonconforming students shall be permitted to dress in a manner consistent with their gender identity or gender expression, including when wearing uniforms or other clothing required for school-related programs, activities, and events.

B. School staff shall enforce the dress and appearance guidelines set forth in the HCS "Student Code of Conduct" consistently, regardless of any student's actual or perceived gender identity or gender expression.

VIII. Access to Facilities

A. All students shall have access to facilities (e.g., restrooms, locker rooms) that correspond to their gender identity.

B. Upon request, single-user, gender-inclusive facilities or other reasonable alternatives shall be made available to any student who seeks additional privacy. Any alternative option that is offered shall be non-stigmatizing and minimize the loss of instructional time.

IX. Access to Academic Courses

A. Schools should avoid the practice of segregating students by gender in situations where there is no legitimate educational purpose.

B. When schools offer a gender-specific course or a course with a gender-specific section, transgender and gender-nonconforming students shall be allowed to enroll in the course corresponding with their gender identity.

C. In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), transgender and gender-nonconforming students shall be allowed to participate with the group corresponding to their gender identity.

D. Junior Reserve Officers' Training Corps (JROTC) courses are regulated by the applicable military commands and shall be in compliance with the policies and rules outlined by those military commands.

X. Participation in School Activities and Athletics

A. Athletic participation regulated by the Virginia High School League (VHSL) will be in compliance with the policies and rules outlined by those organizations. Reference the [*VHSL Handbook and Policy Manual 2021-2022*](#) for additional guidance.²

B. In the absence of an independent regulating organization, participation in middle school athletics shall be in compliance with the policies and rules outlined by VHSL.

C. For activities and athletics not regulated by the VHSL, schools should eliminate or reduce the practice of segregating students by gender to the extent possible.

D. Except as set forth in subsections IX.A and IX.B., transgender and gender-nonconforming students shall be allowed to participate in school activities and athletics in a manner consistent with their gender identity.

XI. Bullying, Harassment, and Discrimination

A. HCS prohibits any discrimination against, or harassment or bullying of, any student on any basis, including gender identity.

B. Reports or complaints alleging discrimination, harassment or bullying based on a student's actual or perceived gender identity or transgender status shall be handled in the same manner as other bullying, discrimination, or harassment complaints. Accordingly, any such report or complaint shall be given prompt attention, investigated, and resolved under existing HCS processes for handling such reports and complaints (reference, School Board Policies [JHGB/GBAB](#) and [JBG](#)). Discrimination or harassment against a student, by either school staff or by other students, on the basis of their gender identity is prohibited under federal and state laws.

C. The Title IX Compliance Officer shall be available to hear concerns from the student or the student's parent or guardian.

XII. Professional Development and Training

All school administrators and school-based mental health professionals shall be trained on topics relating to transgender and gender-nonconforming students, including how to provide for the safety and support of transgender and gender-nonconforming students in HCS education programs and activities.

References and Notes

¹ Virginia Department of Education (2021). *Model policies for the treatment of transgender students in public elementary and secondary Schools*. Retrieved from: <https://www.doe.virginia.gov/support/gender-diversity/transgender-student-model-policies.docx>

² *Virginia High School League, Inc. Handbook and Policy Manual 2021-2022*, Charlottesville, VA, pp. 81-83. Accessed on: August 24, 2021. [Online]. Available: https://drive.google.com/file/d/1bAp-szoI6yLz_ZFzFVTbyEqiCBH0ZXGA/view