

Shenandoah County Public Schools Policies on “Gender Identity”

I. Purpose

The Shenandoah County Public Schools Policies on “Gender Identity” are issued to fulfill the requirements of the Code of Virginia and protections guaranteed by the Virginia Constitution and Constitution of the United States. These policies are designed to be both consistent with, and more comprehensive than, the Model Policies on Ensuring Privacy, Dignity, and Respect for All Students and Parents in Virginia’s Public Schools created by the Virginia Department of Education.

II. Definitions

Terms and phrases used herein are defined as follows:

- A. As set forth in Code of Virginia § 22.1-1, the term “parent” or “parents” shall mean “any parent, guardian, legal custodian, or other person having control or charge of a child.”
- B. The word “sex” means biological sex.
- C. The phrase “gender identity” refers to the notion of self-identifying as either a male or female, without relation to one’s actual sex.
- D. An “eligible student” is a student or former student who is 18 years of age or older or a student under the age of 18 who is emancipated. See Code of Virginia § 16.1-331 *et seq.*

III. Policies

Shenandoah County Public Schools complies with all applicable federal and state nondiscrimination laws, including Title IX of the education Amendments of 1972, 20 U.S.C. §§ 1686-1688, and the Virginia Human Rights Act, Code of Virginia, § 2.2-3900.

- A. Maintenance of a safe and supportive learning environment free from discrimination for all students.
 - 1. School personnel shall be trained annually on health and mental wellness support to, and safety of, all students.
 - 2. Each school shall make reasonably available, with available resources, guidance and counseling services to all students as provided in 8 VAC 20-620-10 and pursuant to parental notification requirements therein, including that, “[n]o student shall be required to participate in any counseling program to which the student’s parents object.” Except regarding eligible

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students, parents must be informed and provide written consent, as well as be provided with the opportunity to be present, before counseling services pertaining to gender identity are given.

3. The Superintendent of Shenandoah County Public Schools, with the approval of the School Board, shall designate an administrator or counselor to speak, together with the student's parents (except in the case of eligible students), and any student regarding questions pertaining to gender. This provision should not apply regarding eligible students.

B. Prevention of and Response to Bullying and Harassment:

1. Shenandoah County Public Schools shall provide bullying prevention education in accordance with *Code of Virginia* § 22.1-208.01.
2. Any incident or complaint of discrimination, harassment, or bullying shall be given prompt attention, but in no event longer than 48 hours of the report, excluding weekends, holidays or other times when school is not in session. A school administrator shall investigate the incident and take appropriate corrective and/or disciplinary action.
3. Bullying of any student by another student, for any reason, shall not be tolerated in the course of any school related activities. Intervening immediately to stop bullying on the spot can help ensure a safer school environment for all students.
4. The Shenandoah County School Superintendent or, in his/her absence, the Assistant Superintendent shall be available to hear concerns from students and parents when complaints are not resolved at the school level.
5. Shenandoah County Public Schools shall inform parents of any bullying incidents that involve their child within 24 hours of learning of the allegation of bullying, per the requirements of *Code of Virginia* § 22.1-279.6(D).

C. Maintenance of Student Records:

1. Shenandoah County Public Schools are required to maintain an official record for each student that includes the student's legal name and sex. Shenandoah County Public Schools may be required to use or report a student's legal name or sex in some situations.
2. Shenandoah County Public Schools, with the approval of the School Board on a case-by-case basis, shall change the legal name or sex designation in a student or former student's official record only if a parent (or eligible student) certifies that status by submitting for approval: (a) a legal document, such as a birth certificate, state- or federal-issued identification, passport, or court order

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substantiating the student or former student's change of legal name or sex designation; and, in the care of changing a student's sex designation, (b) an official medical diagnosis of gender dysphoria by a licensed health care provider; and (c) substantiated evidence that the student's gender identity has been both persistent and consistent over time.

D. Identification of Students:

1. Every effort should be made to ensure that every student is treated with respect, compassion, and dignity in the classroom and school environment.
2. Shenandoah County Public Schools personnel shall refer to each student using only (a) the name that appears in the student's official record, or (b) if the student prefers, using any nickname commonly associated with the name that appears in the student's official record. Nothing in this policy shall prevent Shenandoah County School District personnel from using a different name for a student when it is necessary for the student's academic instruction, such as using a name more common in a foreign country while in a foreign-language course.
3. Shenandoah County Public Schools personnel shall refer to each student using only the pronouns appropriate to the sex appearing in the student's official record - that is, male pronouns for a student whose sex is male, and female pronouns for a student whose sex is female, unless the student has been officially designated a gender different from his or her sex pursuant to Section III.C.2.
4. Notwithstanding the provisions (2) and (3) of this section, Shenandoah County Public School personnel shall refer to a student by a name other than the one in the student's official record, or by pronouns other than those appropriate to the sex recorded in the student's official record, only if the student has been officially designated a gender different from his or her sex pursuant to Section III.C.2, and the eligible student or the student's parent instructs the school division in writing that such other name or pronoun be used.
5. Any written instruction from a parent or eligible student under paragraph (4) of this section shall be memorialized in the student's official record and subject to the same retention, disclosure, and confidentiality requirements as the official record itself. The legal name and sex of a student shall not be changed, even upon the written instruction of a parent or eligible student, except as specified in Section III.C.2.
6. No policy, guidance, training, or other written material issued by Shenandoah County Public Schools may encourage or instruct teachers to conceal material information about a student from the student's parent, including information

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related to gender identity. Provided, however, that Shenandoah County Public Schools will comply with all laws that prohibit disclosure of information to parents, including but not limited to *Code of Virginia* § 22.1-272.1(B) (prohibiting parental contact where student is at imminent risk of suicide related to parental abuse or neglect).

- E. Protection of student privacy and the confidentiality of sensitive information:
 - 1. Shenandoah County Public Schools shall comply with the limitations on access to student records provided in *Code of Virginia* §§ 22.1-287 through 289.01;
 - 2. Shenandoah County Public Schools shall adhere to legal standards of confidentiality relating to sensitive student information and personally identifiable data covered by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; and
 - 3. Shenandoah County Public Schools shall disclose sensitive student information (including any survey or evaluation related to the student's gender) only (a) to the student, the student's parents (except in the case of eligible students), and school personnel with a legitimate educational interest, or (b) when required by law.

- F. Enforcement of sex-based dress codes:
 - 1. Students may dress in any manner consistent with maintaining a respectful, distraction-free environment which supports a focus on learning for all students.
 - 2. Students are not required to dress in a gender-neutral manner. However, any dress or grooming code shall provide the same set of rules and standards regardless of gender, as required by the *Code of Virginia* § 22.1-279.6.

- E. Student participation in sex-specific school activities and events and use of school facilities.
 - 1. For any school program, event, or activity (including extracurricular activities) that are separated by sex, the appropriate participation of students shall be determined by sex rather than gender or gender identity. Shenandoah County Public Schools, with the approval of the School Board, shall provide reasonable modifications to this policy only to the extent required by law.
 - 2. Where state or federal law requires schools to permit a student who has officially been designated a gender identity different from his or her sex to share otherwise sex-segregated facilities (such as bathrooms or locker rooms) with students of the opposite sex, parents should be given the right to opt their

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child out of using such facilities, and such child should be given access to alternative facilities that promote such child's privacy and safety. Eligible students should also be given the right to opt out of using such facilities and be given access to alternative facilities.

3. Overnight travel accommodations, use of locker rooms, and use of other intimate spaces for school-related activities and events shall be separated based on sex. Shenandoah County Public Schools, with the approval of the School Board, shall provide reasonable modifications to this policy only to the extent required by law.
4. Students shall use bathrooms that correspond to his or her sex. Shenandoah County Public Schools, with the approval of the School Board, shall provide reasonable modifications to this policy only to the extent required by law.
5. Single-user bathrooms and facilities should be made available, where possible, in accessible areas and provided with appropriate signage, indicating accessibility for all students.
6. Students with a diagnosis of gender dysphoria made by a licensed health care provider should consult with their school's ADA coordinator regarding any requested services.

H. Athletic Teams and Athletic Events Held in Shenandoah County:

1. For any athletic program or activity that is separated by sex, the appropriate participation of students shall be determined by sex rather than gender identity. Shenandoah County Public Schools, with the approval of the School Board, shall provide reasonable modifications to this policy only to the extent required by law.
2. For any athletic program or activity that is designated for female athletes, no biological males shall be permitted to participate, except to the extent that federal law requires otherwise.
3. For any athletic program or activity that is designated for female athletes where biological males are permitted to participate, no female athlete or coach for such team shall be forced to participate in such program or activity.

I. Protections:

1. Notwithstanding any other provision in this Policy, Shenandoah County Public Schools shall not compel, discipline, retaliate against or otherwise disadvantage any student, teacher, staff member, or other person to address or

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refer to any students using pronouns or other words inconsistent with the student's actual biological sex or as reflected by the official record.

2. No person, including any student, teacher, or staff member may be disciplined, retaliated against or otherwise disadvantaged for his or her refusal to participate in school-sponsored activities or events and/or the teaching of principles related to sexual and/or gender identity.