

ADMINISTRATIVE PROCEDURE

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

5183

Procedure No.

April 12, 2021

Date

- I. **PURPOSE:** To provide 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 Prince George’s County Public Schools.

- II. **POLICY:** The Board affirms its intent to maintain a safe environment conducive for learning for all students. It further seeks to ensure that all students learn and interact in school communities that accept diversity and promote educational equity. Students shall not be bullied, harassed, intimidated or discriminated against based upon their gender identity. (Board Policy Nos. 101, 104, 125, 5143.)

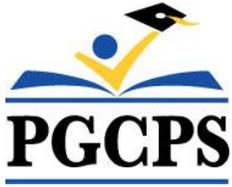
- III. **BACKGROUND:** Federal, State, and County laws prohibit discrimination on the basis of race, color, sex, age, national origin, religion, marital status, sexual orientation, gender identity, gender expression or disability in any educational program that receives Federal financial assistance.

- IV. **SCOPE:** This administrative procedure is applicable to students in grades Pre-K through 12. It covers conduct that takes place in the school; on school property, school buses or vehicles; on school computers, networks, forums, and mailing lists; at school-sponsored functions, activities and bus stops; or outside of school if it may substantially disrupt the school environment. This procedure applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

This administrative procedure should be interpreted consistent with the goals 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, to foster cultural awareness and cultural competence, and professional development for school staff.

Furthermore, this procedure will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.

- V. **DEFINITIONS:** The following definitions are provided to assist in understanding this procedure 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.



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A. Gender Expression

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

B. 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.

C. Gender Non-conforming

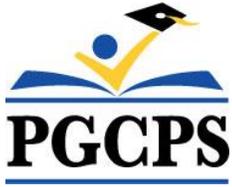
A term for people whose gender identity differs from the stereotypically expected norms associated with their sex assigned at birth. This includes people who identify inside or outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include "gender diverse" or "gender expansive."

D. 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, although some may begin to use hormones or hormone blockers. Most transgender youth, however, 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.

E. 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 (as defined in Administrative Procedure 5111) on file in the student's record. This will correspond to the "student's gender" listed on the Student Record Card.



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F. Transgender

Individuals whose sex assigned at birth does not match their internalized sense of their gender identity.

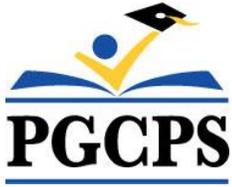
VI. PROCEDURES:

A. Identification

1. The responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent/legal guardian.
2. 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.
3. A student shall not be required to produce medical evidence to demonstrate their gender identity.

B. Privacy

1. All students have a right to privacy and to keep their transgender status private at school. Information about a student's transgender status or sex assigned at birth may constitute confidential medical information within the student's educational record.
2. PGCPS shall ensure that all medical information relating to transgender and gender non-conforming students shall be kept confidential. PGCPS shall restrict access to information regarding a student's biological sex in the student information system, such as SchoolMax, to prevent disclosure of confidential information. In addition, PGCPS shall ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity in its student information system, except where the school is legally required to use a student's legal name and gender assigned at birth.
3. School staff shall not disclose information that may reveal a student's transgender status to others, including parents and



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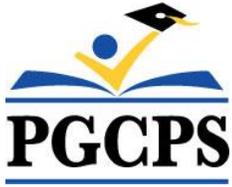
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other school staff, unless legally required to do so or the student has authorized such disclosure.

C. Official Records

1. Permanent student record
 - a) 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 2020 Maryland Student Records Manual (as amended).
 - b) The school will change a student's official record to reflect a change in legal name and/or legal gender marker upon receipt of: (1) a valid Evidence-of-Birth document; (2) amended birth certificate; (3) court order; (4) passport; or (5) state-issued identification card or driver's license. An updated social security card may be used as proof of name change; however, it cannot be used as proof of gender change.
2. Changes to the permanent student record
 - a) After receiving a request in accordance with Administrative Procedure 5125 and confirmation that the legal name and/or legal gender marker has been changed, school system personnel shall amend the official record in accordance with the federal Family Educational Rights and Privacy Act (FERPA).
 - b) PGCPS shall not release individually identifiable student data, except as provided by law and/or Prince George's County Board of Education Policy without the written consent of the parent/guardian or adult student.
 - c) 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.



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- d) Upon request of the student or the student's parent/guardian (if the student is a minor), a transcript or high school diploma will be re-issued to reflect the student's new legal name and/or legal gender marker.
- e) Official records will not be amended for students who have not amended their legal name and/or legal gender marker as stated in paragraph C (1) (b) above.

D. Sex- or Gender-Segregated Activities

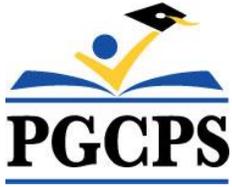
1. Schools should evaluate, and to the extent possible eliminate or reduce, all gender-based activities, rules, policies, and practices — including, but not limited to, classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose.
2. In situations where students are segregated by gender, students should be included in the group that corresponds to their gender identity.

E. Restroom and Locker Room Accessibility

1. Students shall have access to restrooms, locker rooms or changing facilities, that correspond to their gender identity.
1. A student who does not wish to use a shared facility shall be provided with a safe alternative, which may include, but not be limited to: (a) access to a single stall or gender-neutral facility; (b) addition of a privacy partition or curtain; (c) use of a nearby private restroom or office; or (d) a separate changing schedule.
2. A transgender or gender non-conforming student shall not be required to use a separate, non-integrated space when the student has not requested access to such a space. Under no circumstances shall students be required to use sex-segregated facilities that are inconsistent with their gender identity.

F. Overnight Trips

Students shall be granted access to housing facilities, restrooms and any other gender specific activity consistent with their gender identity. The



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school shall ensure that the transgender or gender non-conforming student is not isolated or otherwise marginalized.

G. Physical Education Classes, Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports consistent with their gender identity. Students shall be permitted to participate in interscholastic athletics in accordance with the Maryland Public Secondary Schools Athletic Association (MPSSAA) guidelines.

H. Dress Code

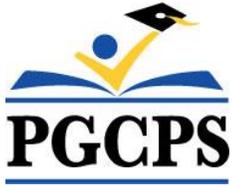
Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender non-conforming students than other students.

I. Discrimination, Bullying, Harassment or Intimidation

1. It is the responsibility of each school to ensure that transgender and gender non-conforming students have a safe school environment.
2. Complaints alleging discrimination or bullying, harassment and intimidation based on a person's actual or perceived transgender status or gender non-conformity shall be handled consistent with Administrative Procedures 5143 (allegations of student to student bullying, harassment or intimidation) and 4170 (allegations of students being harassed, bullied by an employee).

VII. MONITORING AND COMPLIANCE

- A. The Department of Student Services shall serve as the CEO's designee in monitoring adherence to this procedure, including annual training for school system staff.
- B. The Department of Student Services, in consultation with the Office of General Counsel and EEO Advisor, shall respond to requests from schools for additional guidance and compliance support.



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- C. The Principal is responsible for the implementation of this procedure and for reviewing with their staff.

VIII. RELATED POLICIES AND PROCEDURES:

Board Policy 0102, Culturally Proficient Schools and Central Offices;
Board Policy 0125, Nondiscrimination.

Administrative Procedure 4170, Discrimination and Harassment;
Administrative Procedure 5125 (Individual Student School-Based Records);
Administrative Procedure 5125.1 (Individual Non-School-Based Records);
Administrative Procedure 5143, Bullying, Harassment or Intimidation; and
Administrative Procedure 5110.3., (Student Transfers).

IX. LEGAL REFERENCE: Title IX of the Education Amendments of 1972

X. MAINTENANCE AND UPDATE OF THESE PROCEDURES: The Department of Student Services in collaboration with the Office of General Counsel will review and update this procedure as needed.

XI. CANCELLATIONS AND SUPERSEDES: None. This is a new procedure.

XII. EFFECTIVE DATE: April 12, 2021

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, 11, 12, and 13