

## VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND

**TITLE: *Transgender Students in School***

**POLICY NUMBER: S065**

### **Policy Statement:**

The Virginia School for the Deaf and the Blind (VSDB) Board of Visitors (Board) is committed to maintaining an educational and residential environment and workplace that is free from harassment and discrimination on the basis of gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identity, genetic information, pregnancy, childbirth or related medical conditions, status as military personnel or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school-sponsored activity. The VSDB Board is an equal opportunity employer and provides equal educational opportunities for all students, without regard to gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identity, genetic information, pregnancy, childbirth or related medical conditions, military status or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school-sponsored activity. Educational programs and services, including but not limited to health, physical education, music, and career and technical education, will be designed to meet the varying needs of all students and will not discriminate against any individual on the basis of gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identity, genetic information, pregnancy, childbirth or related medical conditions, status as a veteran or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity.

In accordance with federal and state laws, regulations, policy, the Board prohibits discrimination, harassment, and retaliation by individuals subject to its control or supervision against gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identity, genetic information, pregnancy, childbirth or related medical conditions, military status or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school-sponsored activity.

### **Definitions**

The term “*Transgender*” referred to in this policy is referenced from the publication by the American Psychological Association *Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students* (American Psychological Association, 2015).

*Transgender is an umbrella term that incorporates differences in gender identity wherein one’s assigned biological sex doesn’t match their felt identity. This umbrella term includes persons who do not feel they fit into a dichotomous sex structure through which they are identified as male or female. Individuals in this category may feel as if they are in the wrong gender, but this perception may not correlate with a desire for surgical or hormonal reassignment (Meier & Labuski, 2013).*

## **Procedures:**

### ***Bathrooms, Locker Rooms, Residential Hall:***

Access to facilities that correspond to a student's gender identity will be available to all students. Single user, gender neutral facilities or other reasonable non-stigmatizing alternatives will be made available to students upon request..

### ***Co-curricular and Extracurricular Activities***

Students may participate in any co-curricular or extracurricular activity consistent with their gender identity. Any uniform required for participation in any co-curricular or extracurricular activity, including athletics, shall include options that are gender neutral. Awards for participation in any such activity will also be gender neutral.

### ***Athletic Team Student Participation***

Interscholastic Athletic participation follows the criteria set by the Virginia High School League (VHSL), the Eastern Schools Athletic Association of the Deaf, (ESAAD), and the Eastern Athletic Association of the Blind, (EAAB) for high school and middle school athletic competition. Any uniform required for participation in any athletic activity shall include options that are gender neutral.

### ***Extended Instructional Field Trips or Athletic Events with Overnight Stays***

When an instructional or extracurricular or athletic activity requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity. Any student uncomfortable sharing a sleeping area, shower, bathroom, or any sex-segregated facility, shall be provided with a designated safe, non-stigmatizing alternative upon request. VSDB shall not require a student to stay in a single-occupancy accommodation when such accommodations are not required of other students participating in the same activity.

### ***Dress Code***

All students are expected to dress according to the dress code as outlined in the ***VSDB Student Code of Conduct Handbook***. Information and policies regarding appropriate attire for the school day and school related activities shall be non-gender specific and enforced impartially regardless of the student's gender identity or gender expression.

### ***Confidentiality of Student Educational Records***

VSDB respects the privacy rights of all students, parents. VSDB will maintain confidentiality of nonpublic information about students releasing this information to third parties only when authorized by a parent or adult student as required by law.

VSDB employees will adhere to all legal standards regarding confidentiality related to a student's personal identifiable information such as gender identity, legal name or sex assigned at birth. In addition, VSDB employees shall treat information relating to a student's gender identity as being sensitive information and shall not disclose this information to other students, parents, or other VSDB personnel without permission from the parent, adult student, or a legitimate educational interest and aligned with the ***Federal Family Educational Rights and Privacy Act (FERPA)***.

Permanent records for students may only be changed with the submission of a legal document such as a birth certificate, state or federal-issued identification, passport, or court order. Records of former students may also be re-issued with the submission of legal documents substantiating the amended name and/or gender.

A request for a legal change of name for a student, should be made to the VSDB Admissions Office. Appeals to any decision made regarding a change to a student’s permanent record must be made in writing to the VSDB’s Superintendent.

***Student Identification***

VSDB shall allow students to use a name and/or gender pronouns that reflect their gender identity without any substantiating or legal documentation. VSDB staff shall, at the request of a student or parent, use the name and pronoun that corresponds to the student’s gender identity, when using a name or pronoun to address a student. In addition, VSDB staff will update classroom and residential records (class rosters for substitutes, residential hall paperwork, etc.) with the student’s chosen name and, where appropriate, appropriate gender markers.

***Faculty and Staff Professional Development and Training***

All faculty and staff who are providing direct student services shall be trained annually on topics related to Lesbian, Gay, Bisexual, Transgender, Queer, plus (LGBTQ+) students, including safety and support for all students.

***Enforcement***

Questions of discrimination, harassment, and/or retaliation will be addressed in accordance with the procedures outlined in Policy No. G036. VSDB shall promptly investigate all formal complaints of discrimination and/or harassment prohibited by this policy and take appropriate action to stop any discrimination and/or harassment, including retaliation against any student or school personnel who reports alleged discrimination and/or harassment.

***Title IX Non-Discrimination Statement***

VSDB provides equal opportunities to employees and applicants for employment and for students and applicants for admission, consistent with Title IX of the Education Amendments of 1972 (Title IX). Title IX prohibits discrimination based on gender (including sexual harassment and sexual violence) in educational programs which receive federal financial assistance. Questions regarding discrimination prohibited by Title IX of the Education Amendments of 1972, or other applicable federal and state laws, may be referred to the Compliance Officers/Title IX Coordinators:

Tessy Schlemmer/Agency; PO Box 2069 Staunton, VA 24401 540-332-9065 Tessy.Schlemmer@vsdb.virginia.gov	Karen Kaminski-Joyner /Students PO Box 2069 Staunton, VA 24401 540-332-9219 karen.kaminski-joyner@vsdb.k12.va.us
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Questions and complaints may also be made to the  
Assistant Secretary the of United States Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW, Washington, D.C. 20202-1100

Telephone: 1-800-421-3481  
FAX: 202-453-6012; TDD: 1-800-877-8339 Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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Legal References:

*Code of Virginia §22.1-23.3*  
*First Amendment of the U.S. Constitution*  
*Equal Protection Clause of the 14th Amendment of the U.S. Constitution*  
*Title VII of the Civil Rights Act of 1964*  
*Title IX of the Education Amendments of 1972*  
*Equal Access Act*  
*Family Educational Rights and Privacy Act (FERPA)*  
*Health Insurance Portability and Accountability Act of 1996 (HIPAA)*  
*Virginia Values Act*  
*Virginia Anti-Bullying Act (Code of Virginia §§ 22.1-208.01; 22.1-279.6.D; 22.1-291.4; 22.1-276.01; and 22.1-270.6)*  
*Virginia Identification Documents (Code of Virginia §§ 46.2-323, 46.2-341.12, 46.2-345 and 46.2-345.2, 32.1-261, 32.1-269)*  
*VSDB Student Equal Educational Opportunities/Nondiscrimination Policy TBD*  
*Model Policies for the Treatment of Transgender Students in Virginia Public Schools, Virginia Department of Education, retrieved April 2021.*

<b>Rescission:</b>	Origination Date: April 19, 2021; Revised: September 1, 2021; BOV Approved: September 15, 2021
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