

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: AC, JCCA, JCCA-RA, JCL, JCL-RA, JO, JO-RA, JP, JQ

Responsible Office: DIVISION OF STUDENT SUPPORT SERVICES, DIVISION OF HUMAN RESOURCES,
OFFICE OF EQUITY AND ACCELERATED STUDENT ACHIEVEMENT

[Under Review]

SAFE AND INCLUSIVE ENVIRONMENTS FOR LGBTQ+ STUDENTS

A. PURPOSE

To establish procedures in accordance with the *Anne Arundel County Public Schools (AACPS) Students and Gender Identity: Guidelines for Support* and to provide support for all AACPS students, including LGBTQ+ students, regardless of their sex, sexual orientation, gender identity, or gender expression.

B. BACKGROUND

AACPS is committed to providing AACPS students a safe and supportive environment free of discrimination and harassment based on sex, sexual orientation, gender identity, or gender expression. In accordance with federal, State, and county laws, regulations, and guidelines, AACPS prohibits discrimination on the basis of actual or perceived characteristics of a person or a group of persons, including race, ethnicity, color, religion, national origin, sex, age, marital status, sexual orientation, genetic information, gender identity, gender expression, disability, or homeless status. AACPS maintains learning and work environments respectful of diversity and free from discrimination, bias, and harassment for students, employees, and volunteers.

The intent of this regulation is to help ensure that AACPS students, including LGBTQ+ students, feel safe, included, and respected in school regardless of their sex, sexual orientation, gender identity, or gender expression. Together, AACPS and AACPS families can work to identify appropriate steps to support all students.

C. DEFINITIONS

1. ***Gender Expression*** – the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

2. ***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.
3. ***Sexual Orientation*** – an individual’s romantic or physical attraction to individuals of the same or another gender such as being straight, gay, bisexual, or asexual. Individuals who are transgender and gender nonconforming may have any sexual orientation.

D. PROCEDURES

School staff shall work with a student and the student’s parent(s)/guardian(s) to develop an appropriate plan to accommodate and support the student and their gender identity, unless there is a genuine safety concern for the student’s physical, emotional, or mental health safety as determined by the principal or the principal’s designee.

1. Names and Pronouns

- a. 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.
- b. The school principal shall communicate with appropriate staff about a student who wishes to be addressed by a specific name or pronoun. A student shall be called by the preferred name and pronoun.
- c. In cases where the school is legally required to use a student’s legal name and legal gender, a student’s records may not be changed.

2. Medical Evidence

A student may not be required to produce medical evidence to demonstrate the student’s gender identity.

3. Official Student Records

- a. In accordance with Maryland State Department of Education (MSDE) guidance, documentation is not required to change a student’s gender in the official student record. Self-identification of a student’s gender is sufficient for AACPS reporting of student gender information to the MSDE.
- b. A school shall maintain an official student record that includes a student’s legal name in accordance with the Code of Maryland Administrative Regulations and

the most recent *Maryland Student Records Manual*. An official student record consists of student record cards, transcripts, and a diploma.

- c. A school shall change a student's official student record, in accordance with the *AACPS Students and Gender Identity: Guidelines for Support*, to reflect a change in the legal name of the student once the proper documentation has been received. Proper documentation constitutes a:
 - i. New amended birth certificate with name change;
 - ii. Court order changing the student's name; or
 - iii. Statement signed, under penalty of perjury, by a healthcare practitioner who treated or evaluated the student for gender identity issues, requesting that the name change be made on the official student record and explaining the health-related reasons for the request.

4. Confidentiality

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.

- a. AACPS shall ensure that all medical information relating to a student's gender identity is kept confidential in accordance with applicable local, State, and federal privacy laws.
- b. AACPS shall restrict access to its student information system to prevent disclosure of confidential information.
- c. The federal Family Educational Rights and Privacy Act generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education records. Accordingly, school staff may not disclose any information that may reveal a student's gender identity unless legally required to do so with the proper authorization. If a school is legally required to disclose a student's gender identity, the school shall provide the student an opportunity to make that disclosure, where practicable. This includes providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

5. School Facilities

A student who consistently demonstrates and identifies with a specific gender identity shall have access to the school facilities that correspond with the gender identity with

which the student identifies. The following are examples of common accommodations:

- a. A student may use the locker room of the gender identity with which the student identifies. 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 identity with which the student identifies.
- b. A student shall have access to restrooms of the gender identity with which the student identifies.
- c. A student participating in overnight field trips and camps shall have access to facilities of the gender identity with which the student identifies.
- d. 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 additional privacy, regardless of the reason, with a designated safe and non-stigmatizing alternative.

6. Activities

- a. To the extent possible, schools shall reduce or eliminate the practice of dividing students by gender.
- b. A student shall be permitted to participate in physical education classes and intramural sports in a manner aligned with the student's gender identity.
- c. Decisions regarding a student's participation in interscholastic athletics shall be in accordance with the Maryland Public Secondary Schools Athletic Association guidelines.
- d. LGBTQ+ student organizations may be formed in accordance with Regulation JCL-RA – Student Organizations.

7. Student Attire

- a. A student who demonstrates and identifies with a specific gender shall have the right to dress in accordance with that student's gender identity, including a student's decision to maintain a gender-neutral appearance in accordance with Policy JCD – Student Attire and Personal Appearance.
- b. School staff shall enforce the AACPS dress code equitably, regardless of the sex, sexual orientation, gender identity, or gender expression of a student.

8. Complaints

Complaints of discrimination, bias behavior or language, bullying, cyberbullying, harassment, or intimidation related to sex, sexual orientation, gender identity, or gender expression shall be addressed in accordance with the procedures set forth in Regulation JCCA-RA – Bullying, Cyberbullying, Harassment, and Intimidation or Regulation JO-RA – Bias Behavior and Language, as appropriate.

9. Training and Professional Development

AACPS shall provide annual training for all school staff regarding students and gender identity to help ensure that AACPS students experience a safe and supportive environment free of discrimination and harassment. Additionally, AACPS shall provide regular professional development to continue fostering learning environments that honor, respect, and support the diversity of the AACPS student body.

Regulation History: Issued 06/16/21; Revised 09/06/22; 10/31/23

Note Previous Regulation History: None

Legal References: Title IX, Education Amendments of 1972, 20 U.S.C. 1681; Family Educational Rights and Privacy Act, 20 U.S.C. 1232; Section 7-424 of the Education Article; COMAR 13A.01.04.03 School Safety; COMAR 13A.08.02 Student Records; Maryland State Department of Education guidance “Changing a Student’s Name and Gender on Official School Records,” April 15, 2022