



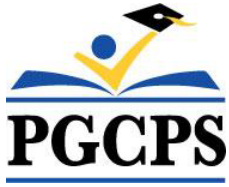
# ADMINISTRATIVE PROCEDURE

## TRANSGENDER AND GENDER DIVERSE

0103  
Procedure No.

July 1, 2023  
Date

- I. **PURPOSE:** To provide information and guidance to students, parents and school staff on the rights, responsibilities and best education practices to support gender diverse students and staff in Prince George’s County Public Schools (“PGCPS”).
- II. **POLICY:** The Prince George’s County Board of Education (“Board”) affirms its intent to maintain a safe environment conducive for learning and working for all students and staff. It further seeks to ensure that all students and staff learn, work and interact in school communities that accept diversity and promote educational equity. Students and staff shall not be bullied, harassed, intimidated or discriminated against based upon their gender identity. (Board Policy 0103)
- 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 and workplace that receives federal financial assistance.
- IV. **DEFINITIONS:** The following definitions are provided to assist in understanding this administrative procedure and the legal obligations of school staff, and are not provided for the purpose of labeling students and staff. Students and staff may or may not use these terms to describe themselves.
  - A. *Agender* – Without a gender (also “non-gendered” or “genderless”).
  - B. *Cisgender* – A person whose gender identity is consistent with the sex assigned at birth; a person who is not transgender or gender diverse.
  - C. *Gender* – Refers to the attitudes, feelings, and behaviors that a given culture associates with biological sex.
  - D. *Gender diverse* – A term used to describe 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 non-conforming” or “gender expansive.”
  - E. *Gender expression* – The manner in which a person represents or expresses their gender to others often through behavior, clothing, hairstyles, activities, voice, speech, word choice, or mannerisms.



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- F. *Gender fluid* – A person whose gender identity or gender expression is not fixed and shifts from time to time, depending on the situation.
- G. *Gender identity* – A person’s deeply held internalized sense or psychological knowledge of the person’s own gender. One’s *gender identity* may be the same as or different from the sex assigned at birth. All people have *gender identity*, not just persons who are transgender or gender diverse people.
- H. *Gender transition* – The process of changing one’s gender from the sex assigned at birth to one’s gender identity. Some people may personally identify as a different gender but may not seek to change their public life. For people transitioning, the experience varies and may involve or not involve medical interventions including hormone blockers, hormone therapy, or surgery. Most people begin *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. Although *gender transitioning* includes the public representation of one’s gender expression, gender transitioning is a personal process and individuals transitioning have the right to privacy.
- I. *Intersex* – A term for a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two typical patterns for male or female bodies.
- J. *Legal gender marker* – The designation of the person as “male,” “female” or “x.” For students, their *legal gender marker* appears on the student’s proof-of-birth document (as defined in Administrative Procedure 5111) on file in the student’s record. With regard to staff, their *legal gender marker* appears on a government-issued identification document, such as a driver’s license, birth certificate, or passport.
- K. *L.G.B.T.Q.I.A.* – An acronym that stands for lesbian, gay, bisexual, transgender, queer/questioning one’s sexual or gender identity, intersex, and asexual/aromantic/agender.
- L. *Non-binary* – A person who does not identify solely, or at all, as either male or female. Some *non-binary* people are also transgender.
- M. *Preferred gender pronouns* – The pronoun a person prefers to have used when referred to in conversation (*i.e.*, a person with a traditionally female gender



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identity likely prefers she, her, and hers). Some people may choose their pronoun to be “they,” “ze,” or no pronouns.

- N. *Sex assigned at birth* – The sex designation recorded on a birth certificate, should such a record be provided at birth; usually aligns with a child’s anatomical sex.
- O. *Sexual orientation* – An enduring pattern of romantic, emotional, or sexual attraction (or a combination of these and/or a lack thereof) to persons of the opposite or same sex, or to more than one sex. Some examples of *sexual orientation* are gay, lesbian, bisexual, asexual, or pansexual.
- P. *Transgender* – An adjective describing a person whose gender identity or expression is different from the sex assigned at birth. A *transgender* male is someone who identifies as male but was assigned the sex of female at birth (FTM); a *transgender* female is someone who identifies as female but was assigned the sex of male at birth (MTF). Other terms that can have similar meanings are “transsexual” and “trans.”

### V. PROCEDURES:

#### A. **Scope**

1. This administrative procedure applies to the entire school community, including educators, staff, students, parents/guardians, contractors, and volunteers. 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.
2. This administrative procedure should be interpreted consistent with the goals of fostering learning environments that honor, respect and accept the diversity of the students and staff. The intent is to ensure that transgender and gender diverse students and staff are not stigmatized, to maintain the privacy of students and staff, to foster cultural awareness and cultural competence, and professional development for staff.
3. Furthermore, this administrative procedure will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.



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#### B. Identification

1. The responsibility for determining a student's or staff member's gender identity rests with the student or staff member; or, in the case of young students not yet able to advocate for themselves, with the parent/legal guardian.
2. Every student or staff member has the right to be addressed by a name and pronoun that corresponds to the student's or staff member's gender identity. A court-ordered name or gender change is not required for a student or staff member to be addressed by their chosen name or pronoun and the student or staff member need not change /their official school or personnel records.
3. A student or staff member shall not be required to produce medical evidence to demonstrate their gender identity.

#### C. Privacy

1. Right to Privacy
  - a. All students and staff have a right to privacy and to keep their transgender and gender diverse status private at school and in the workplace. Information about a student or staff member's transgender or gender diverse status or sex assigned at birth may constitute confidential medical information within the student's educational record or staff member's personnel record.
  - b. A student or staff member's transgender or gender diverse status is confidential information. School staff shall not disclose information that may reveal a student's or staff member's transgender or gender diverse status to others, including to parents, students, and other school staff, unless legally required to do so or the student or staff member has authorized such disclosure.
  - c. Unless the student or parent/guardian has specified otherwise, when contacting the parent/guardian of a transgender or gender diverse student, PGCPS school staff members shall use the student's legal name and pronoun that correspond to the student's legal gender marker.



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- d. PGCPS shall not release individually identifiable student data, except as provided by law and/or Board policy without the written consent of the parent/guardian or adult student.
- e. Required disclosure of a student or staff member's gender diverse status includes by subpoena or in emergency situations related to physical health and safety. When it is believed that you are legally required to disclose a student or staff member's transgender or gender diverse status, consult with the Office of General Counsel prior to disclosure.
- f. A student or employee's failure to adhere to the privacy requirements of this administrative procedure may result in disciplinary action.

#### **D. Proactively Working with Transgender and Gender Diverse Students**

1. **Communication with Families:** Prior to contacting a student's parent/guardian, the principal or identified staff member should speak with the student to ascertain the level of support the student either receives or anticipates receiving from home. In some cases, transgender and gender diverse students might not openly express their gender identity at home because of safety concerns or lack of acceptance. Matters of gender identity can be complex and might involve familial conflict. If this is the case, staff will support the development of a student-led plan that works toward inclusion of the family, if possible, taking safety concerns into consideration, as well as student privacy, and recognizing that providing support for a student is critical, especially when the family is non-supportive.
2. **Gender Support Plan:** The principal/designee and the student will hold an initial consultation to determine if gender support plan is needed. If requested, the principal/designee, in collaboration with the student and the student's family (if the family is supportive of the student), shall develop a plan to ensure that the student has equal access and equal opportunity to participate in all programs and activities at school and is otherwise protected from gender-based discrimination at school.
  - a. Each student's needs should be evaluated on a case-by-case basis, and all plans should be evaluated on an ongoing basis and revised as needed. As a part of the plan, schools should identify staff member(s) who will be the key contact(s) for the student. The plan should delineate how support will be provided and how and to whom information will be



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disseminated. In addition, each plan should address the student's identified name; pronouns; athletics; extracurricular activities; locker rooms; bathrooms; safe spaces, and other safety supports; and formal events such as graduation.

#### 3. Disclosure of Information

- a. All students have a right to privacy. This includes the right to keep private one's transgender or gender diverse status and/or presentation at school.
- b. Information about a student's transgender or gender diverse status, legal name, or sex assigned at birth may constitute confidential medical information. Disclosing this information to other students, their parents/guardians, or third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA).
- c. Schools shall ensure that all medical information, including that relating to transgender or gender diverse students, is kept confidential in accordance with applicable state, local, and federal privacy laws.
- d. Please note that medical diagnosis, treatment, and/or other documentation are not required for a school to accommodate requests regarding gender presentation, identity, and diversity.
- e. Transgender and gender diverse students have the right to discuss and demonstrate their gender identity and expression openly and decide when, with whom, and how much to share private information. The fact that students choose to disclose their status to staff members or other students does not authorize staff members to disclose a student's status to others, including parents/guardians and other staff members, unless legally required to do so or unless students have authorized such disclosure. It is inappropriate to ask transgender or gender diverse students more questions than are necessary to support them at school.

4. Staff Communication: Whenever schools are not legally required to use a student's legal name or sex assigned at birth on school records and other documents, the school should use the name and gender identified by the student on documents such as classroom rosters, identification badges, announcements, certificates, newspapers, newsletters, and yearbooks. To



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avoid harmful misgendering or misnaming, schools should be especially mindful that all information shared, including with substitute teachers, should be in alignment with the student's identified name and gender.

- a. Schools shall seek to minimize the use of permission slips and other school-specific forms that require disclosure of a student's gender or use gendered terminology such as boys/girls (instead of students) or mother/father (instead of parent/guardian).
- b. Unless the student or parent/guardian has specified otherwise, when contacting the parent/guardian of a transgender or gender diverse student, PGCPS school staff members should use the student's legal name and pronoun that correspond to the student's sex assigned at birth.
- c. Asking a student's pronouns makes spaces more inclusive and welcoming of transgender and gender diverse people.

#### **E. Transitioning in the Workplace**

1. Employees who transition on the job can expect the support of PGCPS administrators and Human Resources staff. Each transgender or gender diverse individual may have different preferences about making their gender transition known to their colleagues, and the specific steps and timing of a transition may vary. Accordingly, each employee may, upon request, be provided with guidance, consistent with this administrative procedure, and developed in consultation with the transitioning employee, that provides support and guidance to the transitioning employee relative to their employment setting at work. The strategies shall give consideration to the employee's own plan for their gender transition process and timetable, to the extent it is consistent with PGCPS policies, administrative procedures, Collective Bargaining Agreements and other controlling established business practices.
2. If an employee chooses to disclose their gender identity status to a colleague, that does not authorize other staff members to disclose a staff member's status to others, unless legally required to do so or unless students have authorized such disclosure. It is inappropriate to ask transgender or gender diverse staff members more questions than are necessary to support them at work.



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3. Guidance for workplace transition can address many issues that might occur in relation to the employment setting during the gender transition process. Among other relevant factors, consideration may include, but not be limited to, the following:
  - a. PGCPS' commitment in helping a transitioning employee manage their workplace transition.
  - b. Affirmation that administrators, staff, and transitioning employees shall follow PGCPS policies and administrative procedures in facilitating a successful workplace transition.
  - c. Providing the transitioning employee with a copy of this administrative procedure which addresses transition-related workplace changes, such as adjusting personnel and administrative records. It is the responsibility of the transitioning employee to contact the Office of Human Resources to request adjustments to personnel and administrative records.
  - d. Where requested, assistance in developing a communication plan that may include if, when and how the transition process will be communicated and to whom. This may include determining the timing and manner of informing supervisors, coworkers, students, or parents, as appropriate and necessary. Other considerations:
    - 1) Disclosure, if so desired, by the employee of when the individual will begin changing their outward expressions of their gender identity in their workplace, such as dress, behavior, grooming style.
    - 2) Disclosure, by the employee, of when the employee will begin using the sex-specific facilities that match their gender identity.
    - 3) Promotion of asking staff member's pronouns which makes spaces more inclusive and welcoming of transgender and gender diverse people.
  - e. Assistance with accommodating leave time, for which the employee is eligible, that may be needed for medical procedures and recovery.
  - f. A transitioning employee's co-workers, other PGCPS employees, students, and parents may only be given the transitioning employee's





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new name and pronoun(s). All other personal information about the employee remains confidential and must not be discussed or released without the employee's prior consent.

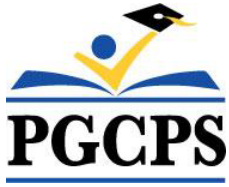
- g. Sex specific job assignments – Where sex is a bona-fide qualification for the assignment, transgender or gender diverse employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

### F. Names/Pronouns

All students and staff have the right to be referred to by their identified name and/or pronoun. Staff members should address students and fellow staff by the name and pronoun corresponding to the gender identity that is consistently asserted at school. Students and staff are not required to obtain a court-ordered name and/or sex designation change or to change their student records and personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their identified name. To the extent possible, and consistent with this administrative procedure, school personnel shall maintain the confidentiality of the student and staff member's transgender or gender diverse status, to the extent which is possible. Whenever schools are not legally required to use a student or employee's legal name or legal gender marker on school records and other documents, the school should use the name and gender preferred by the student or employee, including using the student or staff member's preferred name for classroom rosters, identification badges, announcements, certificates, newspapers, newsletters and yearbooks.

### G. Medical Information

PGCPS shall ensure that all medical information relating to transgender and gender diverse students and staff shall be kept confidential (as outlined in Administrative Procedure 3050). 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, to the extent possible. A student or employee's failure to adhere to the privacy requirements of this administrative procedure may result in disciplinary action.



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### H. Information Systems

In student or staff information systems, PGCPS staff shall ensure that school personnel use a student's and staff member's preferred name and pronouns consistent with the student's or staff member's gender identity, except where PGCPS is legally required to use a student's or staff member's legal name and gender assigned at birth.

### I. Legal Name and Gender Marker in Student and Employee Records

1. 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 Systems Manual (as amended).
2. In situations where schools are required to use the legal name and gender from a student's educational record, such as for standardized tests or reports to the Maryland State Department of Education (MSDE), school staff members and administrators shall adopt practices to avoid the inadvertent disclosure of the student's legal name and gender when it differs from the student's identified name and gender.
3. Request to change legal name and/or gender marker
  - a. By request, PGCPS will change a student's education record and a staff member's personnel record to reflect a change in legal name and/or legal gender marker upon receipt of:
    - 1) A valid evidence-of-birth document;
    - 2) Birth certificate (including amended birth certificates);
    - 3) Court order;
    - 4) Passport; or
    - 5) State-issued identification card or driver's license.
    - 6) Note: An updated social security card may be used as proof of name change; however, it cannot be used as proof of gender change.
  - b. For a student's educational records, after receiving a request in accordance with Administrative Procedure 5125 and legal confirmation that the legal name and/or legal gender marker has been changed, school



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system personnel shall amend the official record in accordance with FERPA.

- 1) School administrators should advise families that they must provide updated copies of any records provided to the school that were generated by external sources (*e.g.*, immunization records, doctor's orders, or other records from medical providers).
- 2) 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.
- 3) Upon request of the student (including a former 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.
- 4) Official records will not be amended for students who have not amended their legal name and/or legal gender marker as stated in paragraph 3.a. above.

#### J. Sex- or Gender-Based 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 and/or staff are segregated by gender, students and staff should be included in the group that corresponds to their gender identity.

#### K. Gender Separated Areas

1. Students and staff shall have access to restrooms, locker rooms or changing facilities that correspond to their gender identity.
2. A student or staff member who does not wish to use a shared facility shall be provided with a safe alternative, which may include, but not be limited to:



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access to a single stall or gender-neutral facility; addition of a privacy partition or curtain; use of a nearby private restroom or office; or a separate changing schedule.

3. A transgender or gender diverse student or staff member shall not be required to use a separate, non-integrated space when the student or staff member has not requested access to such a space. Under no circumstances shall students or staff be required to use sex-segregated facilities that are inconsistent with their gender identity.
4. Some students or staff may feel uncomfortable with a transgender or gender diverse student or staff member using the same sex-specific facility. This discomfort is not a reason to deny access to the transgender or gender diverse student or staff member. School administrators should work with students and staff to address their discomfort to foster understanding of gender identity and to create a school and work culture that respects and values all students and staff.

#### L. Overnight Trips

1. Students and staff shall be granted access to housing facilities, restrooms and any other gender specific activity consistent with their gender identity. The school shall ensure that the transgender or gender diverse student or staff member is not isolated or otherwise marginalized.
2. Student sleeping arrangements should be discussed with the student and family (if the family is supportive of the student). Upon request, the student should be provided with a safe and non-stigmatizing alternative arrangement, such as a private sleeping area, if practicable, without isolating other students from their peers.

#### M. Physical Education Classes, Extracurricular Activities, and Interscholastic Athletics

All students shall be permitted to participate in physical education classes, extracurricular activities, and interscholastic athletics 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. Transgender and gender diverse student participation in interscholastic athletics is determined in accordance with



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MPSSAA policies and guidelines (available at [https://www.mpssaa.org/assets/1/6/Handbook\\_22-23.pdf](https://www.mpssaa.org/assets/1/6/Handbook_22-23.pdf)).

#### N. **Dress Code**

Students and staff 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 dress code more strictly against transgender and gender diverse students and staff than other students and staff.

#### O. **Discrimination, Bullying, Harassment or Intimidation**

1. It is the responsibility of each school to ensure that transgender and gender diverse students and staff have a safe school environment.
2. Complaints alleging discrimination or bullying, harassment and intimidation based on a person's actual or perceived gender identity shall be handled consistent with Administrative Procedures 5143 (bullying, harassment, or intimidation involving students only) and 4170 (discrimination and harassment involving an employee).

#### VI. **MONITORING AND COMPLIANCE:**

- A. The Department of Student Services shall serve as the Superintendent's designee in monitoring adherence to this administrative procedure, including training for school system staff.
- B. The Department of Student Services shall respond to student requests for additional guidance and compliance support. The Office of Equity Assurance shall respond to staff requests for additional guidance and compliance support.
- C. The Principal is responsible for the implementation of this administrative procedure and for reviewing with their staff.
- D. All PGCPS staff shall be encouraged to complete annual training on gender diversity and inclusion in the workplace.

#### VII. **RELATED POLICIES AND ADMINISTRATIVE PROCEDURES:**

- Board Policy 0101 – Educational Equity



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- Board Policy 0102 – Culturally Proficient Schools and Central Offices
- Board Policy 0103 – Inclusive Environments for LGBTQIA+ People
- Board Policy 0104 – Title IX
- Board Policy 0125 – Nondiscrimination
- Administrative Procedure 3050 – Confidential Data and Personally Identifiable Information (PII)
- 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
- Administrative Procedure 5110.3 – Student Transfers

### VIII. LEGAL REFERENCE:

- Title IX of the Education Amendments of 1972

IX. MAINTENANCE AND UPDATE OF THIS PROCEDURE: The Department of Student Services in collaboration with the Office of Equity Assurance will review and update this administrative procedure as needed.

X. CANCELLATIONS AND SUPERSEDURES: This administrative procedure supersedes the version dated April 12, 2021, and which was numbered 5183.

XI. EFFECTIVE DATE: July 1, 2023