

Kimberly School District

STUDENTS

3280 Gender Identity and Sexual Orientation

Amy's Edits

Abby and Doug's Edits

The Kimberly School Board of Trustees believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. The Board also believes in ensuring that every **all students have** equal access to all school programs and activities.

Guidelines

Meeting with Parent(s)/Guardian(s)

Generally, it will be the responsibility of a transgender and gender nonconforming student's parent/guardian ~~in elementary school and middle school and the student in high school~~ to request a meeting with the administrator and counselor or designated trained staff to discuss appropriate accommodations to support and meet the needs of the student with respect to their gender identity, sexual orientation, or transgender status. It shall be the intention of the school to work individually with the student/ family of the student to develop an individual plan that meets the privacy considerations for the student. **None of the three attorneys (Amy White, Abby French, and Doug Nelson) were comfortable requiring parents at all levels. Abby suggested the following language in this section: "While it is the intention of the school to work collaboratively with the student and the student's parent(s)/guardian(s), the district understands that a collaborative approach may not always be possible. If a student requests a meeting for accommodations on their own, without parental involvement, the district will consult with designated trained staff to determine appropriate parental involvement. In determining whether parental involvement is necessary, the designated trained staff member will give due consideration to the requesting student's age."**

Guidelines for Student Use of Facilities, Restrooms, Locker Rooms, and School Overnight Trips:

- The district aims to support **all** ~~transgender and gender nonconforming~~ students by providing reasonable accommodations ~~to transgender and gender nonconforming students.~~

- **All** ~~A transgender or gender nonconforming~~ students may not be required to use a locker room or restroom that conflicts with the student's gender identity. **Abby suggested start this with Students.**
- ~~An alternative~~ arrangements for a transgender or gender nonconforming student should be provided in a way that protects the student's ability to keep their transgender status private.
- An accommodation regarding the use of facilities, including restrooms and locker rooms by students, requires that the principal or designated trained staff consider numerous factors, including, but not limited to:
 - o the student's preference;
 - o the student's privacy;
 - o the effects on the social integration of the transgender or gender nonconforming student; and
 - o the desired result of minimizing stigmatization of the student.
- Any parent/guardian or student may express a need or desire for increased privacy in restroom or locker room usage. The principal should provide a student who requests additional privacy with reasonable alternative arrangements. Reasonable alternative arrangements may include:
 - o the use of a private area to change;
 - o the installation of privacy stalls or curtains, if appropriate and feasible;
 - o the implementation of a separate changing schedule; or
 - o the use of a single stall restroom.

Does this provide a loophole if the student can request without parental consent?

All attorneys do not believe this is a loophole and students should have the right to make these request on their own behalf.

School Sponsored Overnight Trips

No student shall be denied the opportunity to participate in any school-related trip solely due to matters associated with the student's gender identity, gender expression, sexual orientation, or transgender status. Student accommodations will be made clear and determined prior to trip departure. The accommodations will be provided in a manner that respects the student's desired level of confidentiality. Room assignments will be made available to all parents/guardians and students no later than 72 hours prior to departure. If any parent/guardian or student objects to their room assignment, they shall contact the building principal or designee **no later than 24hrs prior to departure**, who will change room assignments **in a confidential manner** and contact the parents/guardians

and students that ~~are impacted~~ **an assignment changed.** **Abby has a concern about limiting it to 24 hours, what if someone requested after that time frame?**

Students will be required to follow all Kimbelry School District policies while on an School Sponsored Overnight Trip including but not limited to:

- 3224 Student Dress (Including sleepwear)
- 3225 Sexual Harassment/Intimidation of Students
- 3287 Violence Prevention including “Bullying/Harassment Behavior”
- 3310 Student Discipline
- 331 Drug Free School Zone

Official Student Records

- Requests to make changes to official student records required by law to include a student’s legal name and/or gender will be handled on an individual basis pursuant to a meeting with the student and his/her parent(s) or guardian(s).
- Official records may only be changed upon presentation of the following documentation:
 - Court order or **newly issued** birth certificate identifying a change of the student’s legal name and/or gender

Unofficial Student Records

Parents of ~~elementary or middle school students or students in high school~~ may ask for accommodations regarding the student's **unofficial records**, such as:

- changing a student's unofficial record to reflect the student's preferred name, such as in ~~school yearbooks, ID cards,~~ rosters and on daily school assignments;
- changing a student's unofficial record to reflect the student's preferred pronoun and identified gender; and/or
- addressing a student by the student's preferred name and consistent with preferred pronouns.

When the preferred name is beyond a derivative of a student's legal name, the preferred name, per the request of the parent/guardian ~~for elementary and middle school and students in high school,~~ will be entered into the student management system’s directory **unofficial** information. The legal name of the student will remain in the student

management system for official records required by law. Staff members will refer to the student using their preferred name as it is entered into directory **unofficial** information. Parents/guardians will have the option to be notified in the event directory **unofficial** information is changed for their child.

Student Privacy

- A student's gender identity or sexual orientation should not be disclosed to other individuals including other District personnel unless there is a need to know or unless the student has authorized such disclosure.
- District staff shall implement practices to avoid inadvertent disclosure of a student's gender identity or sexual orientation status.
- No staff should disclose a student's gender identity or sexual orientation to anyone, ~~including parents~~, absent of a "compelling interest" that requires such disclosure. A compelling interest **may include but not limited to** the following:
 - o student disciplinary matter and the right of the student or parent to contest the discipline, particularly where suspension or expulsion is considered.
 - o allegations of sexual abuse, but particularly when such allegations present a possible criminal prosecution of the perpetrator; or,
 - o concern for the health, welfare and safety from a legitimate threat of physical harm; or,
 - o suicidal ideation; or,
 - o law enforcement and/or Department of Health and Welfare investigations relating to abuse, abandonment or neglect; or,
 - o a requested change in the student's official educational records that are lawfully available to parents/guardians and including birth certificates, gender notations, and names changes.
- In the event of a staff member having a student disclose any information regarding gender identity or sexual orientation, the staff member will refer the name, and information disclosed, to the building's designated and trained staff member. The designated and trained staff members will then determine the appropriate course of action to be taken, if any. **Per Abby, there is risk as entities such as the ACLU may consider this outing students. However, from a practical standpoint she is in favor of requiring staff to refer these matters to the designated staff member. She would like to limit the number of staff this information is disclosed to. Abby is working on drafting language that would limit how many staff are involved and flesh out the definition of the trained designated staff member. This language will not be available until next meeting.**

Students of Legal Age

Per policy 3130, every student eighteen (18) years of age will be deemed to be an adult and will have legal capacity to act as such, meaning adult students can make their own educational decisions. Parents of adult students will be notified and communicated with regarding the educational matters of adult students. Independent adult students living on their own and that are financial independent may request that their parents do not have access to their educational information. Such request must be initiated by the independent student contacting the building principal.

Extracurricular Activities

Participation in extracurricular activities will be under the direction of the Idaho High School Activities Association (IHSAA).

Disciplinary Action

- ~~1. Discrimination, harassment, bullying, or sexual harassment complaints shall be handled in the same manner for all students.~~
- ~~2. Failure of any District employee to abide by the terms and provisions of this policy may subject such individual to disciplinary action up to and including termination and for certificated personnel, a report to the Professional Standards Commission.~~

DEFINITIONS:

Gender Expression: ~~how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerism.~~

Gender Identity: ~~a person's deeply felt internal sense of their own gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.~~

Gender Transition: ~~the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and~~

~~use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.~~

~~**Sex Assigned at Birth:** the sex designation recorded on an infant's birth certificate should such a record be provided at birth.~~

~~**Sexual Orientation:** an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.~~

~~**Transgender:** a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.~~

~~**Transgender Female:** someone who identifies as female but was assigned the sex of male at birth.~~

~~**Transgender Male:** someone who identifies as male but was assigned the sex of female at birth.~~

ISBA Policy Definitions:

“Sexual orientation” shall mean an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

“Gender identity” shall refer to a person's deeply felt internal sense of their own gender.

“Gender expression” shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

“Transgender”, an adjective, shall refer to a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

“Designated trained staff” Principal, school counselor, or others will be designated as staff members that will receive additional training in the handling of gender identity and sexual orientation situations that might arise in their respective buildings.

“Nonconforming Student” refers to the degree to which an individual’s appearance, behavior, interests, and subjective self-concept deviate from the conventional norms for masculinity/femininity.

Do we need to define designated trained staff or gender nonconforming student