

## Kimberly School District

### STUDENTS

#### 3280 Gender Identity and Sexual Orientation

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 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 to request a meeting with the building administrator and the Title IX Coordinator 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.

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

- The district aims to support all students by providing reasonable accommodations.
- ~~Students may not be required to use a locker room or restroom that conflicts with the student's gender identity.~~ Restrooms and locker rooms accessible by multiple persons will be utilized in accordance with IC 33-6601
- 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.

##### 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

#### Commented [AF1]: Rerword-

"Pursuant to Idaho Code Section 33-6001, it is primarily the responsibility of a **minor** student's parents or legal guardians to request reasonable accommodations to support and meet the needs of the student with respect to their gender identity, sexual orientation, or transgender status. A request for reasonable accommodations should be made in writing and submitted to the Title IX Coordinator and the minor student's building administrator. *(You may want to consider having a form that parents/guardians complete. If you go that route, I would give the form a number or name and call out the form by name in the policy.)*

Before a request is approved or denied, the designated trained staff shall discuss the requested accommodations and their proposed course of action with the Superintendent. After discussion with the Superintendent, the Title IX Coordinator shall notify the parents or legal guardians of the minor student in writing of the decision regarding the requested accommodation. *(Perhaps set forth a right to appeal the decision to the school board?)*

**Commented [AF2]:** 33-6605 and 33-6001 provide for reasonable accommodations. I would recommend replacing appropriate with reasonable throughout the policy.

**Commented [AF3]:** It shall be the intention of the district to work with the parents or guardians of the student to develop reasonable accommodations.

**Commented [AF4]:** Perhaps remove this since this has its own section below?

**Commented [LS5]:** Do we need the verbiage from the law?

**Commented [AF6R5]: Reasonable Accommodations Related to School Restrooms and Changing Facilities:**  
Pursuant to Idaho Code Title 33, Chapter 66, multiple occupancy restrooms, changing facilities accessible by multiple people at the same time, or other settings where a person may be in a state of undress in the presence of others, must be designated for use by male persons only or female persons only and utilized only by members of that sex, as defined below. Therefore, accommodation requests for a person to utilize facilities that do not correspond with their sex, as defined below, shall be denied. However, a request to utilize single-sex occupancy facilities may be approved.

**Commented [LS7]:** Do we still need this? To align with new law, mention unisex bathroom for those seeking accommodations?

**Commented [AF8R7]:** Perhaps have this in a separate paragraph where you detail the relevant considerations for whether an accommodation request is reasonable? Something like..

Relevant Factors in Determining Reasonable Accommodations:  
-applicable law, including but not limited to the U.S. Constitution, Constitution of the State of Idaho, Idaho statutes and regulations, federal statutes and regulations, and administrative law.  
- the privacy rights of others.  
- bullet points you already have listed, but consider removing the third bullet point?

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 have had their room assignment changed. Every attempt will be made to facilitate a room assignment change for those that do not contact the building level principal or designee prior to 24hrs of departure.

**Commented [AF9]:** I would make some edits and add:  
  
Pursuant to Idaho Code Title 33, Chapter 66, students participating in any school-related overnight trip shall be assigned sleeping quarters according to their sex, as defined below. Alternative room assignments may be requested; however, a request to share sleeping quarters with an individual or individuals whose sex is different than their own shall not be approved. However, a request for a single occupancy room shall be considered.

Students will be required to follow all Kimberly School District policies while on a 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
- 3311 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 birth certificate identifying a change of the student's legal name and/or gender.

**Commented [AF10]:** I would clarify that such requests are to be made according to the procedure detailed on the previous page -- in writing to Title IX coordinator and building administrator.

**Unofficial Student Records**

Parents 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 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.

**Commented [AF11]:** Parents or legal guardians of a (minor?) student

When the preferred name is beyond a derivative of a student's legal name, the preferred name, per the request of the parent/guardian, will be entered into the student management 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 unofficial information. Parents/guardians will have the option to be notified in the event unofficial information is changed for their child.

**Commented [LS12]:** Is this aligned with new parental rights law?

**Commented [AF13R12]:** Perhaps add language "Student names should not be considered to denote a student's sex, so requests by parents or guardians for district staff to use an unofficial name instead of their original name should generally be considered a reasonable accommodation."

As it reads currently, only parents/legal guardians are the ones who can request changes to an unofficial record, so you could just remove the last sentence. Alternatively you could add language that states "Parents and legal guardians shall have access to their student's education and health records that are created, maintained, or used by the district unless such documentation relates to physical abuse, abandonment, or neglect by the parent or legal guardian." (See 33-6001(3)). But if you go that route, I'd probably create a new section titled Access to Records, or something along that line.

**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.

**Commented [AF14]:** \*\*or unless the parents or guardians of the minor student have authorized such disclosure.

- District staff shall implement practices to avoid inadvertent disclosure of a student's gender identity, sexual orientation, or transgender status.
- Outside of notifying the designated trained staff member, no staff should disclose a student's gender identity or sexual orientation to anyone, 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.
  - o As is necessary to comply with the individual student's plan
- In the event a student discloses any information regarding gender identity, sexual orientation or transgender status, said staff member shall immediately contact a designated trained staff member and notify them as to the information disclosed. The designated trained staff member will then determine the appropriate course of action to be taken, if any.

**Commented [AF15]:** I would specify Title IX coordinator and building administrator.

**Commented [LS16]:** The new parental rights law mentions the schools responsibility to notify parents regarding known changes in the students mental, emotional, or physical health or well being. Does this know include LGBTQ status or transitioning genders?

**Commented [AF17R16]:** Arguably yes.. You could consider something like..

Pursuant to Idaho Code Section 33-6001, whenever any district staff member/school employee has knowledge of a change in a student's mental, emotional, physical health or well-being, such district staff member/school employee shall immediately notify the Title IX Coordinator and building administrator. Within three (3) business days of receiving the information, the Title IX Coordinator shall notify the (minor?) student's parents or legal guardians of the change(s) in the student's mental, emotional, physical health or well-being.

You could get more specific if you wanted, but I'm not sure that I would recommend that. At this point, I'd recommend staying more vague like the statute does.

\*\*Also, I added some timelines.. The three (3) day period is arbitrary. You could make it more vague with "as soon as practical".

**Commented [AF18]:** A minor student or any student regardless of age?

**Commented [AF19]:** This paragraph is a bit duplicative at this point. Consider removing assuming you feel comfortable with the new proposed language.

**Commented [AF20]:** Pull the definitions of "changing facility", "public school" and "sex" from Idaho Code Section 33-6602 and add them to your definitions.

### Students of Legal Age

Per policy 3130, every student eighteen (18) years of age will be deemed to be an adult a 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).

### 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” shall refer to the Title IX Coordinator, principal and school counselor who are trained regularly in district policies and procedures by district legal counsel and/or experts in the field related to gender identity and sexual orientation.

“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.

**Policy History:**

Adopted on: October 20, 2022

Revised on:

