

Administrative Guidelines Addressing the Rights of Students Regarding Gender Identity and Expression

Gender expression is separate and independent both from sexual orientation and sex assigned at birth. Gender identity can be expressed through behavior, clothing, hair, makeup and other aspects of one's external appearance. Gender expression does not always fall in line with a person's gender identity.

The District, in an effort to meet its obligations under the law, is issuing the following guidance. In issuing these guidelines, the District seeks to comply with the requirements of Title VI of the Civil Right Act and Title IX of the Education Amendments of 1972. The District compliance efforts include an analysis of those laws as interpreted by the United States Supreme Court in *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020) and other applicable legal authority. In part, these guidelines are intended to mitigate risk associated with failing to comply with the law and offer resources to the District's students in a manner consistent with and as permitted by the law.

A recipient institution that receives Department of Education funds must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity.

Each school shall address the rights and needs of students regarding gender identity and expression on an individualized basis. Where appropriate, the School may form a Student Support Team that consists of the parent(s)/guardian(s); the student; school personnel as determined by the administrator or designee of the administrator which could include a teacher, school psychologist, social worker, counselor, or other mental health professional; and any additional representatives as requested by the parent. The Student Support Team may complete a personalized plan for each student that will be kept by the school principal. The plan will be reviewed and revised as needed to ensure that the needs of the student are being met at school.

The District, through these guidelines, seeks to foster an educational environment that is safe and free from discrimination for all students, faculty, and staff, parents/guardians, volunteers and visitors, regardless of gender identity or gender expression.

A. Student Privacy

The District shall protect the privacy of each student. The District shall comply with the provisions of the Family Educational Rights and Privacy Act (FERPA), in addition to District Policy JR, Student Records, and its implementing regulations. District employees shall not disclose information that may reveal a student's gender identity or expression status:

- to other students;
- to the parents of other students;
- to staff members or other personnel unless there is a specific need to know;
- unless legally required to do so (e.g. court order, subpoena); or

- unless the parent has authorized, in writing, such disclosure.

When a student transfers to another school, the School Principal shall disclose the Student Support Team Plan, and related information, to the receiving school only upon the written consent of the parent/legal guardian.

B. Names/Pronouns/Gender on School Records

Wherever and to the extent that the school is not legally required to use a student's legal name in school records and other documents (e.g. transcript, diploma, standardized testing), the school should use the name preferred by the student. Students are not required to obtain a court-ordered name and/or gender change or to change their student records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

Students should be addressed by school staff by the name and pronoun corresponding to their gender identity and gender expression that is consistently asserted at school. To the extent possible and consistent with these guidelines, school personnel should make efforts to maintain the confidentiality of the student's transgender status.

Student IDs should be issued in the name that reflects a student's gender identity and gender expression that is consistently asserted at school. Classroom documents and communications created by the student's teachers should use the student's preferred name and preferred gender.

Any change to a student's gender designation in the student information record, shall require parent/guardian consent, and should be reviewed with the Student Support Team, and the District level administrator/s who oversee electronic student record systems and who report information to local, state, and federal agencies.

C. Dress Code

Schools can enforce the dress codes adopted by the District and school sites. Students have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the adopted dress codes.

D. Access to Facilities and Education Experiences

The Student Support Team shall review the following factors to ensure each student feels supported in accessing the School's facilities.

1) Sports and Physical Education

Students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education classes and school-sponsored intramural athletics in accordance with the student's gender identity that is consistently asserted at school.

Participation in competitive and intramural athletic activities that are restricted to students of a specific gender may require additional analysis and collaboration with the Title IX Coordinator to ensure compliance with State, Federal, and AIA authority.

2) Restroom and Locker Room Accessibility

Restroom and locker room access for students with diverse gender identities or expressions shall be determined on a case-by-case basis through the Gender Support Team, subject to any individual requests for privacy.

Students shall not be required to use a restroom or locker room that conflicts with the student's gender identity. The decision regarding use of restrooms, locker rooms, and alternative arrangements should include consideration of the following factors:

- The student's preference regarding use of the restroom or locker room or reasonable alternative arrangements.
- The safety and dignity of the student and others in the restroom or locker room, including the privacy of students to disrobe, shower, and attend to other personal needs outside the presence of members of the opposite (biological) sex.
- The age and maturity of the student and others who use the restroom or locker room.
- The goal of maximizing social integration and minimizing stigmatization of the student.
- The goal of maintaining a school environment that is free of harassment, bullying, and other social conflicts between students.

In circumstances where it is not recommended to not allow a student to use a restroom or locker room that conforms to the student's gender identity, or when the student prefers to not use the restroom that conforms to their gender identity, the school must provide a reasonable alternative arrangement. Reasonable alternative arrangements may include, but are not limited to, use of a single stall restroom, the use of a private area, and a separate changing schedule.

Note: Students who are not transgender may also request an accommodation to use a private or other appropriate accommodation for restrooms or locker rooms (e.g. nurse's office). Students should not be penalized or singled out for the reasonable additional time that it may take to use these alternative spaces.

3) Overnight Field Trips

Students with diverse gender identities or expressions may participate in overnight field trips consistent with their gender identity or expression. Activities such as overnight field trips that may involve the need for an accommodation to address student privacy concerns will be addressed on a case-by-case basis through the Student Support Team. In such circumstances, staff shall make a reasonable effort to provide an available and reasonable accommodation for the student that can address any such concerns.

4) Gender Segregation in Other Activities/Academic Programming

In other circumstances where students are separated by gender in school activities, students with diverse gender identities or expressions shall be permitted to participate in accordance with their gender identity that is asserted at school. Activities that may involve the need for accommodation to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available and reasonable accommodation for the student that can address any such concerns.

E. Bullying, Harassment, and Discrimination

Complaints alleging harassment, bullying, or discrimination based on a student's sex, including based on a student's gender identity and/or expression should be referred to the Title IX Coordinator, who will provide the student with information about the Title IX Complaint Process and other complaint processes available under District policies.