

# 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.

Pursuant to Idaho Code Section 33-6001, it is primarily the responsibility of a minor student's parent(s) or legal guardian(s) 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 accommodation should be made in writing and submitted to the Title IX Coordinator and the minor student's building administrator. Before a request is approved or denied, the designated trained staff shall discuss the requested accommodation and their proposed course of action with the Superintendent. After discussion with the Superintendent, the Title IX Coordinator shall notify the parent(s) or legal guardian(s) of the minor student, in writing, of the decision regarding the requested accommodation. The minor student's parent(s) or legal guardian(s) may appeal this decision to the Board of Trustees.

##### 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.~~ 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.
- 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:
  - the student's preference;
  - the student's privacy;
  - ~~the effects on the social integration of the transgender or gender nonconforming student;~~ and
  - the desired result of minimizing stigmatization of the student.
- Relevant Factors in Determining Reasonable Accommodations include 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.

- 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 will be provided in a manner that respects the student's desired level of confidentiality. 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. 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 24 hours 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 24 hours of departure.

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 **must be in writing submitted to the building administrator and** will be handled on an individual basis pursuant to a meeting with the student and his/her parent(s) or guardian(s). **the responsibility of the minor student's parent(s) or legal guardian(s).**
- Official records may only be changed upon presentation of the following documentation:
  - o Court order or birth certificate identifying a change of the student's legal name and/or gender.

## **Unofficial Student Records**

Parent(s) or **legal guardian(s) of a minor student** 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.

When the preferred name is beyond a derivative of a student's legal name, the preferred name, per the request of the **minor student's** parent(s)/guardian(s), 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.~~

## Student Privacy

- 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 Designated Trained Staff, or School Counselor, or Building Administrator. Within three (3) business days of receiving the information, the school shall notify the minor student's parent(s) or legal guardian(s) of the change(s) in the student's mental, emotional, physical health or well-being.
- ~~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.~~
- ~~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.~~
- Except for notifying the parent(s) or legal guardian(s) of the student, district staff members/school employees shall not disclose a student's gender identity or sexual orientation to other individuals, including other district staff members/school employees absent a compelling interest, or parent(s) or legal guardian(s) authorizing the 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
- District staff shall implement practices to avoid inadvertent disclosure of a student's gender identity, sexual orientation, or transgender status.
- ~~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.~~

## **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).

## **DEFINITIONS:**

"Changing Facility" means a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room, and shower room.

"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.

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

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

"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.

"Public School" means any public school teaching K-12 students within an Idaho School District or Charter School.

"Sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at the conception and generally recognizable at birth, that define an individual as male or female.

"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.

"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.

## **Policy History:**

Adopted on: October 20, 2022

Revised on: