



Book	Policy Manual
Section	3000 Series - Students
Title	Gender Identity and Sexual Orientation for Legal Review
Code	3281
Status	Proposed

The Caldwell School District 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. This policy is designed to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. Failure of any school student or school employee to abide by the terms and provisions of this policy ~~will~~ **may** subject such individual to disciplinary action.

SECTION 1. DEFINITIONS

- 1.1** "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.
- 1.2** "Gender identity" shall refer to a person's ~~deeply felt~~ internal sense of their own gender.
- 1.3** "Gender expression" shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- 1.4** "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.
- 1.5** "Planning Team" refers to the student, parent(s)/guardian(s), school administration, **and** counselor who will work together to develop a plan in the best interest of the student.

SECTION 2. SCHOOL FACILITIES

- 2.1** In the case of **a minor** students who wish **es** to use different school facilities, based on the gender identity they most ~~present~~ **express** at school, then the parents/guardian ~~or student may~~ **shall** request to meet with the principal or building administrator. **(See Idaho Code 32-1010 Idaho Parental Rights Act & Idaho Code 32-1011 Parental Right to the Care, Custody, and Control of Children). If the student is an emancipated youth, unaccompanied youth, or is of legal age, the student shall request to meet with the principal or building administration.** The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity. A plan will be developed in the best interest of the student, and will be signed by all parties involved, noting the consensus, and any dissenting opinions.
- 2.2** Based on the plan, students may use the restrooms and locker rooms that correspond to the gender identity they consistently ~~assert~~ **express** at school. No student will be required to use facilities that conflict with his or her gender identity consistently ~~asserted~~ **expressed** at school. A transgender student or any other student who has a need or desire for increased privacy may be given the option of using a separate or private restroom or changing area ~~such as a single stall restroom, if such is available. While~~ The planning team will identify what the student and parent/guardian are most comfortable using. ~~may decide it is in the best interest of the student to use separate facilities,~~ **No** student shall, on account of their transgender status, be required to use such separate facilities.

SECTION 3. SCHOOL ACTIVITIES

3.1 Activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA rules and regulations. **Middle school activities shall also follow IHSAA rules and regulations.** Otherwise, the District will provide all students the opportunity to participate in any activities segregated by gender in a manner that is consistent with their gender identity consistently ~~asserted~~ **expressed** at school.

SECTION 4. SCHOOL TRIPS

4.1 In no case will a student be denied the right to participate in an overnight trip because of that student's sexual orientation.

4.2 In no case will a transgender student be denied the right to participate in an overnight trip because of that student's transgender status.

4.3 In the case of overnight trips sponsored by the District, **any students participating will be may select an alternative assigned sleeping rooms assignment.** ~~that correspond to the gender identity they consistently assert~~ **express** at school or to a private sleeping room.

4.3.1 Room assignments will be made at least two weeks in advance

4.3.2 Students will be assigned to either three to a room or four to a room

4.3.3 Students will not be denied a sleeping room assignment on account of their transgender status

4.3.4 Students and/or parent/guardian may request for a change in room assignment

SECTION 5. STUDENT RECORDS AND PRIVACY

5.1 The District's official records required by law shall utilize a student's legal name. In situations where State or federal law or administrative rules require school employees to use or report a student's legal name or gender, such legal name or gender shall be utilized. However, school staff shall use practices to avoid the inadvertent disclosure of the student's transgender status.

5.2 Information regarding a student's sexual orientation, gender identity, gender expression, legal name, or gender assigned at birth may constitute confidential information. Disclosure of such information shall be in accordance with District policies pertaining to student privacy. The student's educational record shall not include mention of the student's sexual orientation.

5.3 However, in the course of ordinary school interactions and communication, District staff shall use the name and pronouns consistently ~~asserted~~ **expressed** by the student at school, regardless of the student's legal name and sex. A student is not required to legally change their name, gender, or official school records as a prerequisite to the use of a name and the pronouns consistent with the student's identity. Intentional and persistent refusal to use the name and gender by which the student identifies is a violation of this policy and may subject an employee to discipline.

SECTION 6. CHANGE OF OFFICIAL SCHOOL RECORDS

6.1 District records required by law to include the student's legal name and/or gender will be changed by the District upon the student or former student's presentation of appropriate documentation to the District Office. **Any current or former student may present to the Superintendent or designee responsible for student records a copy of a court order or birth certificate identifying a change to the student's legal name and/or gender. The student's records will be changed accordingly** (see Policy 3210).

SECTION 7. CONFIDENTIALITY

7.1 School employees should not disclose a student's transgender status or sexual orientation to other individuals, regardless of setting, including the other school personnel unless they have a legitimate need to know ~~in order to best serve the student~~, or unless the student or parent has authorized such disclosure. Action in violation of such student confidentiality may subject an employee to discipline.

7.2 When contacting the parent/guardian of a transgender student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless determined by a previously developed plan.

SECTION 8. TRAINING

8.1 The District may conduct staff development or awareness activities for students or parents on transgender issues or gender diversity. However, in regard to such activities the District and its personnel shall not disclose the transgender status of any student without permission of ~~that~~ **the** student and their parent(s)/guardian(s).

SECTION 9. DRESS CODES

9.1 All students are expected to uphold the District dress code found in Policy 3255 - *Student Dress*.

SECTION 10. SCHOOL DANCES

10.1 The District shall not impose different or unique practices or rules for same sex couples who attend and/or participate in school activities, including dances. This includes such matters as prohibition of attendance of same sex student couples, limitations of public displays of affection only applicable to same sex couples, ~~discounted couples tickets~~, gender identity for dance court titles that correspond to birth sex, and other such distinctions.

SECTION 11. SAFE ENVIRONMENT

11.1 It is the responsibility of the District to ensure all students, have a safe school environment. Discrimination, harassment, bullying, or sexual harassment complaints will be addressed following District policy (Sexual Harassment Policy 3085).

Legal	Idaho High School Activities Association Rules & Regulations, Rule 11-3 Transgender Student Participation I.C. §32-1011 Parental Right to the Care, Custody, and Control of Children I.C. §32-1010 Idaho Parental Rights Act I.C. § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—Penalties 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
Cross References	Policy 3085 Sexual Harassment, Discrimination and Retaliation Policy 2140 Student and Family Privacy Rights 3255 Student Dress 3280 Equal Education, Nondiscrimination, and Sex Equity 3290 Sexual Harassment/Intimidation of Students 3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing 3575 Student Data Privacy and Security