

Book	Policy Manual
Section	3000 Students
Title	Gender Identity and Sexual Orientation
Code	3281
Status	Active
Adopted	September 24, 2018
Last Revised	February 22, 2022

### **Salmon River Joint School District No. 243**

#### **STUDENTS 3281**

##### Gender Identity and Sexual Orientation

The Board 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. **The privacy considerations of all students will be given consideration when addressing equal access.**

Failure of any school student or school employee to abide by the terms and provisions of this policy may subject such individual to disciplinary action.

##### 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 mannerism.

"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.

##### School Facilities

It shall be the responsibility of students and parents (legal guardians) to communicate with the school if any student has a concern, privacy or otherwise, relating to equal access to school facilities and or any matter associated with gender identity and/or gender expression. If such a request is made a meeting will be scheduled between the student and parents (legal guardians) and the school administrator. It will be the goal of the meeting to develop an understanding of that student's needs with respect to their gender identity, interactions at school, privacy, and access issues.

It shall be the intention of the administration of any such school to work individually with the student and/or family of the student to develop an individual plan that meets the privacy considerations for the student as well as all other students of the school. If the school administration, student and parents (legal guardian) are unable to agree on a plan the student and parents (guardian) may meet with the superintendent to develop a plan. If the superintendent, student and parents (legal guardian) are unable to agree on a plan the student and parents (guardian) may request a meeting with the Board of Trustees. In no instance will any student be compelled to engage in access that is in violation of then-applicable law.

The District will work to address privacy considerations for all students, regardless of gender identity or orientation, with regard to the use of school facilities, the District will periodically examine its locker rooms and restrooms to assure privacy stalls and other related privacy mechanisms are in place. The District will meet and work with students to address the privacy concerns of all students in these situations.

### School Activities

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 at school. However, activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA rules and regulations).

### School Trips

In the case of overnight trips sponsored by the District, **individual student plans shall be created to address student privacy concerns as well as the privacy concerns of all students**

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

In no case will a student be denied the right to participate in an overnight trip because of that student's sexual orientation. **In no instance will any student be compelled to engage in access that is in violation of then-applicable law.**

### Student Records and Privacy

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 utilize practices avoiding the inadvertent disclosure of the student's transgender status.

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.

### Change of Official School Records

District records required by law to include the student's legal name and/or gender will be changed by the District upon the student's/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 in the student's legal name and/or gender. The student's records will be changed accordingly.

### Confidentiality

Administration and faculty should not disclose a student's actual or perceived sexual orientation, gender identity, or gender expression to others, including other students, or other school personnel, unless required to do so by law or unless the student has agreed, or unless the student makes requests that require such information to be disclosed, such as when a student requests to be called by a certain name or pronoun or to use a restroom or locker room that conforms with the student's gender identity.

### Training

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 student and their parents/guardians.

### School Dances

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 the prohibition of attendance of same-sex student couples, limitations of public displays of affection only applicable to same-sex couples, discounted couples tickets, gender for dance court titles that correspond to birth sex, and other such distinctions.

### Safe Environment

It is the responsibility of the District to ensure all students, regardless of sexual orientation, have a safe school environment. Discrimination, harassment, bullying, or sexual harassment complaints involving any students shall be handled in the same manner as other discrimination, harassment, bullying, and sexual harassment complaints.

Cross Reference: 2140 Student and Family Privacy Rights

3260 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

Legal Reference: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
I.C. 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—Penalties

Other Reference: Idaho High School Activities Association Rules & Regulations, Rule 11-3 Transgender Student Participation

Policy History:

Adopted on: September 24, 2018

Revised on: