

Policy 3281: Gender Identity and Sexual Orientation

Status: ADOPTED

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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. Failure of any school student or school employee to abide by the terms and provisions of this policy will 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 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.

School Facilities

In the case of middle/junior high school students and high school students, the principal or building administrator is encouraged to request a meeting with a transgender student and, if the student grants permission, with their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.

In the case of elementary school students, it will generally be the parent/guardian that informs the school of the impending transition. However, if the school's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it may be appropriate for the school's administrative staff and/or counselor to approach the student's parent/guardian about the issue. An individual teacher shall not approach a student's parent/legal guardian to address such a student situation without first conferring with the school's administration about the subject and obtaining permission to enter into such a discussion. A meeting may be held at the request of the student's parent/guardian or at the request of the principal or building administrator. Together, the family and school can identify appropriate steps, if any, to support the student.

School Activities

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

Student Records and Privacy

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.

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.

However, in the course of ordinary school interactions and communication, District staff shall use the name and

pronouns consistently asserted 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, up to and including possible termination.

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 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 the student's legal name and/or gender. The student's records will be changed accordingly.

Confidentiality

School employees should not disclose a student's transgender status or sexual orientation to other individuals, regardless of setting, including the other school personnel or (in the case of middle school, junior high school, and high school students) the student's parents/guardians, unless they have a legitimate need to know or unless the student has authorized such disclosure. Action in violation of such student confidentiality may subject an employee to discipline, up to and including possible termination and for certificated personnel, a report to the Professional Standards Commission.

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 the student or parent/guardian has specified otherwise.

Dress Codes

School dress codes shall be gender neutral in all situations, including attire during the traditional school day, school activities including dances and prom, and graduation. The District will allow students to dress in a manner that is consistent with their gender identity within the constraints of the dress codes and any other rules regarding student attire.

Students may wear clothing or accessories that voice their views on lesbian, gay, bisexual, and transgender (LGBT) issues, regardless of viewpoint, provided these conform to the dress code; are not a disruption to the educational environment; and are not obscene, threatening, lewd, or vulgar.

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 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.

Safe Environment

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

Cross References:	§ 2140	Student and Family 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

Legal References:

20 U.S.C. §§ 1681 - 1682

Title IX of the Education Amendments of 1972

LC.§ 33-133(1)(j)(ii)

Student Data- Items Not to Be Included in

a Student's Educational Record

Other Reference: Idaho High School Activities Association, Current Rules and Regulations Manual Rule 11-3: Transgender Student Participation (Available at https://idhsaa.org/asset/19-20Manual_Complete.pdf) (Last Accessed November 11, 2019)

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