

Board Policy 3281: Gender Identity and Sexual Orientation

[OPTIONAL POLICY: This policy mainly describe practices that are not required, but which may be of use to the board.]

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.

Any instruction related to sexual orientation or gender identity shall be age-appropriate, developmentally appropriate, and in accordance with state standards. Instruction which does not meet these requirements is prohibited by state law. Parent permission for instruction on these topics must be provided as described in Policy 2320 on Health, Sex Education, and Human Sexuality.

If a student, parent/guardian, or District employee has an issue or concern related to this policy, they should discuss the concern with the **building principal OR _____** so that a resolution can be reached.

A student or the student's parent/guardian may request a meeting be held with the building principal, the student, and the student's parent/guardian to discuss a change in the student's gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity and create a plan to address those needs. If the school's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the student 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. Instead, they shall notify the building principal or school counselor. The building principal or their designee shall work with the counselor to notify the student's parent/guardian and take any appropriate further steps.

The student's use of restrooms, changing facilities, and sleeping rooms shall be addressed as described in Policy 9605. In no case will a student be denied the right to participate in school activities and/or an overnight trip because of that student's transgender status or sexual orientation.

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.

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 ensure they do not use practices to avoid the inadvertently 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 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 in 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, 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.

However, when the school becomes aware of change in a student's gender identity or expression and such change constitutes a change in the student's mental, emotional, or physical health or wellbeing, the building principal and/or school counselor shall notify the student's parent/guardian. The individuals responsible for parental notification shall keep documentation that such notification has occurred detailing the date and time, participants in the communication, manner of communication, and the content of such communication.

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 parent(s)/guardian(s). Any student instruction on this topic shall comply with Policy 2320.

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 or transgender students 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, any requirement that dance court titles correspond to sex assigned at birth, and other such distinctions.

Safe Environment

It is the responsibility of the District to strive to provide all students, including LGBT students, with 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.

Legal References

20 USC §§ 1681 - 1682

Description

Title IX of the Education Amendments of 1972

IC § 33-133(1)(j)(ii)

Student Data – Items Not to Be Included in a Student’s Educational Record

IC § 33-1609

Definitions

IC § 33-1611A

Requiring Permission for Instruction Addressing Human Sexuality

IC § 33-6001

Parental Rights

IC § 33-6602 et seq.

Definitions

Other References

Idaho High School Activities Association

Description

[Current Rules and Regulations Manual Rule 11-3: Transgender Student Participation \(Last Accessed November 11, 2019\)](#)

Cross References

Code

Description

2140

Student and Family Privacy Rights

2140

Student and Family Privacy Rights

2320

Health, Sex Education, and Human Sexuality

2320

Health, Sex Education, and Human Sexuality

3255

Student Dress

3280

Equal Education, Nondiscrimination, and Sex Equity

3290

Sexual Harassment/Intimidation of Students

3290

Sexual Harassment/Intimidation of Students

3295

Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying

3295

Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying

3295

Hazing, Harassment, Intimidation, Bullying, and Cyber Bullying

3575

Student Data Privacy and Security

9605

Facilities Separated by Sex

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