

519.50- Transgender & Gender Nonconforming Students. This policy sets forth guidelines for the school district to follow regarding transgender and gender nonconforming students. Note that the policy does not necessarily follow the current case law on these issues. Instead, the policy follows guidelines set forth by the U.S. Department of Education and Department of Justice, which are the agencies responsible for education funding and enforcement.

State and federal law and District policy require that all District programs, activities, and practices be free from discrimination. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programming and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students in situations where questions may arise about how to protect the legal rights or safety of such students.

Definitions

The definitions provided herein are not intended to label students but rather to assist in understanding this policy and the obligations of school personnel. Students may or may not identify with the definitions used here.

“Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

“Gender identity” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.

“Gender nonconforming” describes a person whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.

“Transgender” describes a person whose gender identity is different from their gender assigned at birth.

Gender Segregated Activities

To the extent possible, the District will reduce or eliminate the practice of segregating students by gender for school activities. Transgender and gender nonconforming students shall not be denied the right to participate in school activities because of the student’s gender identity or gender expression. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity or gender expression consistently asserted at school.

Restroom/Facilities Accessibility

Students shall have access to the restroom/facilities that corresponds to the gender identity or gender expression consistently asserted at school. Any student with a need or desire for increased privacy or for safety reasons, may be provided access to a single stall restroom. No student shall be required to use such separate facilities.

Interscholastic Competitive Sports Teams

Transgender and gender nonconforming students shall be allowed to participate in interscholastic sports as set forth by the Rules and Regulations of the Idaho High School Activities Association (IHSAA).

Dress Codes

Schools within the District may not adopt dress codes that restrict students’ clothing or appearance on the basis of gender. Transgender and gender nonconforming students shall be allowed to dress in a manner consistent with their gender identity or gender expression consistently asserted at school within the constraints of gender neutral dress codes or other rules regarding student attire.

School Trips

Transgender and gender nonconforming students shall not be denied the right to participate in overnight school trips because of the student’s gender identity or gender expression. Students shall be assigned sleeping rooms that correspond to the gender identity or gender expression consistently asserted at school. Any student with a need or desire for increased privacy or for safety reasons, may be assigned a private sleeping room. No student shall be required to use such separate sleeping rooms.

Discrimination/Harassment

The District shall ensure that transgender and gender nonconforming students have a safe school environment. Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender nonconformity will be handled in the same manner as other discrimination or harassment complaints pursuant to District policy.



LEGAL REFERENCE:

Title IX of the Education Amendments of 1972

20 U.S.C. 1681 *et seq.*

34 CFR Part 106

Idaho Code Section 67-5901 *et seq.* (Commission on Human Rights)

Idaho Code Section 33-506(1) (Organization and government of board of trustees)

IDAPA 16.02.08.201.6(c) (Vital Statistics)

ADOPTED:

AMENDED: