

POLICY TITLE: SAFE EDUCATIONAL ENVIRONMENT AND ACCESS

Background

It is the goal of COSSA, its administration, employees and agents, to endeavor to obtain a safe educational environment, consistent with applicable state and federal laws.

Such safe educational environment shall apply to all students, including LGBT students. Discrimination, harassment, bullying, or sexual harassment complaints, including in a cyber-context, involving LGBT students shall be addressed in the same manner as other such similar complaints with non LGBT students.

Further, this policy is designed to ensure that all students have equal access to school activities and programs.

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

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.

“Gender Non-Conforming or Non-Conformity” – Gender Non-conforming shall be used to describe an individual whose expression of gender is different from that which is stereotypically expected of an individual with such assigned birth gender.

School Records and Confidentiality

The Agency’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 Agency 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, Agency 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

Agency records required by law to include the student’s legal name and/or gender will be changed by the Agency upon the student or former student’s presentation of appropriate documentation to the Agency 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.

Activities

The Agency 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 Facilities Access

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 Agency 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.

Students will be allowed to use the restrooms and locker rooms that correspond to the gender identity they consistently assert at school. No student will be required to use facilities that conflict with his or her gender identity consistently asserted 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. No student shall, on account of their transgender status, be required to use such separate facilities.

School Trips

In the case of overnight trips sponsored by the Agency, students will be assigned sleeping rooms that correspond to the gender identity they consistently assert at school or to a private sleeping room. No student shall be required to sleep in a private room or in an assigned room conflicting with his or her consistently asserted school gender identity.

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. Likewise, a student will not be required to use a private sleeping room or be denied participation on the basis of that student's sexual orientation.

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 Agency 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.

Training

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

School Dances

The Agency 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 Agency 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.

LEGAL REFERENCE:

**Title IX; 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
Idaho Human Rights Act; I.C. 67-5909(7)
Johnson v. Joint School Agency No. 60, Bingham County, 95 Idaho 317,
317-318 (1973)
Murphy v. Pocatello School Agency No. 25, 94 Idaho 32, 38 (1971)
I.C. § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—
Penalties**

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

POLICY HISTORY:

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