

AR 130.2 Nondiscrimination - Gender Identity

Book School Board Policy

Section CHAPTER 01 - (3) Administrative Regulations

Title AR 130.2: Nondiscrimination - Gender Identity

Code 130.2

Status Active

Cross References

130 - Policy 130: Nondiscrimination

130 - AR 130: Nondiscrimination - Nondiscrimination and Affirmative Action

131 - Policy 131: Harassment

131.1 - AR 131.1: Harassment - Sexual Harassment

131.2 - Policy 131.2: Title IX

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The purpose of this regulation is to advise district staff regarding issues relating to transgender and gender-nonconforming students in order to create a safe learning environment for all, and to ensure every student has equal access to all components of the educational program.

To ensure a positive and safe learning environment, the district will treat all students with respect. This regulation does not anticipate every situation that might occur. Those with questions about this regulation are encouraged to contact a school administrator, the Title IX Specialist, or the Employment and Educational Opportunity Officer.

1. Names/Pronouns

When appropriate, teachers, including counselors, should privately ask transgender or gender-nonconforming students how they want to be addressed. If a school staff member has a question about how a student wishes to be addressed, the staff member should consult with the student's counselor who can determine the student's preference and then communicate to the staff as appropriate. If a student and parents or guardians disagree about the name and pronoun to be used at school, school officials should seek a resolution acceptable to the student and to the parents or guardians.

Students are allowed to select a name they prefer to be called at school. A student may request to be addressed by a "preferred name" that corresponds to their gender identity consistently asserted at school without obtaining a court order or changing their official records.

The district is required to maintain a permanent student record which includes the legal name of the student and the student's sex. The district will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order.

Students may have the name they consistently use at school used for assemblies, meetings, etc. regardless of the name maintained in the official student files, with the exception, the student's official name should be used for official occasions, e.g. transcripts and graduation diploma.

2. Dress

The district's dress code should be applied uniformly to all students.

3. Acceptance

Some transgender and gender-nonconforming students are not open about their gender identity at home. A school should prioritize student safety when providing or reporting information about the student to parents or guardians.

4. Classes

When possible, students should be allowed to express their preference in classes that involve separation based on sex or gender, based on the student's gender identity. All students shall be allowed to attend the health curriculum for classes geared to the gender identity the student consistently asserts during school. To provide appropriate educational instruction, students will also be allowed to attend the class geared to the student's gender assigned at birth.

5. Access to Physical Education and Sports

All students shall have the same opportunities to participate in physical education and school supported sports.

The district will comply with all Alaska School Activity Association (ASAA) rules regarding eligibility, provided such rules are not enjoined or deemed unconstitutional by a Court of Law. Whenever a school has separate divisions based on sex, one team shall be limited to females who were assigned female at birth. The other team shall be open to both females and males. However, a female is ineligible to compete on both teams during the same school year.

During any period where an ASAA rule regarding transgender participation in sports is enjoined or deemed unconstitutional by a Court of Law, the District will revert to its prior policy, which states:

Students are permitted to participate in physical education and noncompetitive sports based on the gender identity they consistently assert during school. Transgender students may participate in contact sports and gender-separated competitive sports according to the gender identity they consistently assert at school if they provide their school's athletic director with objective evidence of their transgender status. Such evidence can include diagnosis of gender dysphoria, current medical treatment related to transitioning, or an established history of consistently asserting a particular gender during school. Once a student is determined to be eligible for participation in a contact or gender-separated competitive sport on a team that does not conform to the student's sex at birth that determination of eligibility remains in effect for the duration of the student's high school eligibility. This paragraph is intended to comport with ASAA requirements.

Locker Room Accessibility

All students shall be provided appropriate locker room facility access that aligns with the gender identity they consistently assert at school. If, for any bona fide reason, a student needs increased privacy, the student may be provided access to a reasonable alternative locker room such as:

use of a private area (i.e., a nearby restroom stall with a door, an area separated by a curtain; a P.E. instructor's office in the locker room; a separate changing schedule; or a nearby health office restroom).

7. Restroom Accessibility

All students shall be able to use the restroom that corresponds to the gender identity the student consistently asserts at school. Any student with a need or desire for increased privacy will be provided access to an alternative restroom such as a single stall "unisex" restroom or the health office restroom.

8. After School Activities and Programs

All students have the right to equitable access to activities and programs at school. No student shall be excluded from participation in extra-curricular groups or meetings due to their gender identity, subject to any limitations required by ASAA.

9. Travel on School-Sponsored Overnight Trips

All students who are eligible to travel shall be allowed to participate in all school-sponsored events, including those that require overnight accommodations. All students, regardless of their gender identity, have the right to maintain confidentiality about their personal information. No faculty, staff, coach, volunteer, chaperones, or other personnel associated with the district may, without a student's express permission, discuss the student's gender identity with anyone that does not have a need and right to know.

Accommodations for overnight lodging will be discussed with the student and, if necessary, appropriate arrangements will be made. Students will be provided similar accommodations regardless of gender identity or transgender status. A student may request special accommodations for purposes of confidentiality or reasonable concerns of safety, which requests will be considered on a case-by-case basis.

10. Confidentiality

Students have a right to openly discuss their gender identity, and to decide when, to whom, and how much information is shared about that topic.

School personnel does not have the right to disclose a students gender status with others and will follow all protocols if student safety is of concern, unless there is a "legitimate need to know". Parents and guardians shall be presumed to have a "legitimate need to know".

11. Discrimination and/or Harassment

No student or employee is permitted to discriminate against or harass any student due to their gender identity.

Complaints alleging discrimination or harassment based on a student's actual or perceived transgender or gender-nonconforming identity are to be handled in the same manner as other discrimination/harassment complaints.

Harassment, bullying, or discrimination against any student or staff due to their actual or perceived gender identity may lead to disciplinary action, including expulsion from school or termination of employment.

See Administrative Regulation 130 for information regarding the filing of

discrimination/harassment complaints.

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Fairbanks North Star Borough School District
