

NOTICE OF INTENT
CLARK COUNTY SCHOOL DISTRICT POLICY 5138

Strategic Imperative(s): Academic Excellence (SI-1); Engagement (SI-2); School Support (SI-3)
Focus Area(s): Proficiency (FA-1); Achievement Gaps (FA-3); Family/Community Engagement and Customer Service (FA-7)

The Notice of Intent to adopt, repeal, or amend Clark County School District Policies and Regulations is pursuant to NRS 386.365. The Clark County Board of School Trustees hereby notices its intent to adopt:

Policy 5138, Addressing the Rights and Needs of Students with Diverse Gender Identities or Expressions

A copy of the proposal is available for inspection by the public during normal business hours in the Office of the Superintendent of Schools of the Clark County School District which is located at 5100 West Sahara Avenue, Las Vegas, Nevada, and also on the Clark County School District Web site:
<http://ccsd.net/district/policies-regulations/>.

All persons interested in the proposed changes are invited to submit data, views, or arguments, orally or in writing, prior to the date set for final action.

This matter may be considered at a public meeting to be held on Thursday, July 12, 2018, at 5 p.m., in the Board Room of the Clark County School District located at 2832 East Flamingo Road, Las Vegas, Nevada.

Discussion and possible action on approval of the Notice of Intent to Adopt, Repeal, or Amend Clark County School District Policy 5138, Addressing the Rights and Needs of Students with Diverse Gender Identities or Expressions, prior to submission to the Board of School Trustees for approval on July 12, 2018, is recommended.

NEW

CLARK COUNTY SCHOOL DISTRICT POLICY

P-5138

ADDRESSING THE RIGHTS AND NEEDS OF STUDENTS WITH DIVERSE GENDER IDENTITIES OR EXPRESSIONS

I. Introduction

The Clark County School District (the District) is committed to providing a safe, inclusive, and respectful learning environment for all students, including those with diverse gender identities or expressions, at all District facilities, including but not limited to, school buildings, school buses, school grounds, and at school-sponsored activities. State law protects students from discrimination based on gender identities or expressions.

II. Definitions

A. These definitions are provided not for the purpose of labeling students, but to assist in understanding this policy.

1. Classroom Activities: Activities that provide education or instruction for all students, including those with diverse gender identities or expressions.
2. Gender Expression: The manner in which a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
3. Gender Identity: A student's understanding, outlook, feelings, and sense of being masculine, feminine, both or neither, regardless of the student's biological sex.
4. Gender Support Team: A group consisting of the parent(s); the student; Equity and Diversity Education Department administrative team; as well as school personnel as determined by the administrator or designee of the administrator, including a counselor; and any representatives of community-based groups (including faith groups), as requested by the parent(s).
5. Parent: For the purpose of this policy, a parent is defined as 1) a biological or adoptive parent; 2) legal guardian; 3) an emancipated

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student; or 4) student 18 years of age or older.

III. Gender Support Plan to Address the Rights and Needs of Students with Diverse Gender Identities or Expressions

In order to address the rights and needs of students with diverse gender identities or expressions, a Gender Support Plan will be created for each student by a team led by the administrator or administrator's designee.

A. Gender Support Plan Requirements and Components

Consistent with the requirements of this policy, each Gender Support Plan for students with diverse gender identities or expressions must include the following components:

1. Methods to ensure protection of the privacy of the student;
2. Methods to support the appropriate engagement of the parent(s) of the student;
3. Compliance with the Nevada Interscholastic Activities Association (NIAA), if interscholastic activities are considered;
4. Compliance with the Nevada Equal Enjoyment of Places of Public Accommodations law; and
5. Consideration of the rights and needs of the student for which the plan is developed, the capacity of the school, and the rights and needs of the student body at large.

B. Schools shall take measures to ensure access to academic courses and services that are appropriate for and supportive of students with diverse gender identities or expressions, including, without limitation:

1. Classroom activities shall be relevant and meaningful to and appropriate for students with diverse gender identities and expressions and do not discriminate or segregate according to gender identity or expression;
2. Physical education, assemblies, dances, ceremonies, and other school activities shall be appropriate for students with diverse gender identities and expressions and not discriminate or segregate according to gender identity or expression;

3. Intramural and interscholastic activities, in accordance with the regulations and policies of the Nevada Interscholastic Activities Association; and
4. Schools shall ensure that students with diverse gender identities or expressions shall have access to appropriate and supportive clubs. Requests to form a student club will be pursuant to District Policy 5132, Student Groups/Clubs/Organizations.

IV. Addressing the Rights and Needs of Students with Diverse Gender Identities or Expressions

Each school shall address the rights and needs of students with diverse gender identities or expressions on an individualized basis. Specifically, the school shall consider the student characteristics and unique circumstances of the student. The following provisions address the rights and needs of students with diverse gender identities or expressions.

A. The District shall protect the privacy of each student governed by this policy.

1. District employees shall not disclose information that may reveal a student's gender identity or expression status:
 - a. to other students;
 - b. to the parents of other students;
 - c. to staff members unless there is a specific need to know;
 - d. unless legally required to do so (e.g. court order, subpoena); or
 - e. unless the parent has authorized, in writing, such disclosure.

B. Names/Pronouns: Students have the right to be addressed by the name and pronoun that correspond to their gender identity or expression. The requested name shall be included in the District's Student Information System in order to inform faculty and staff of the name and pronoun to use when addressing the student.

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1. Records:

a. Unofficial Records (including the District's Student Information System):

As part of the student's Gender Support Plan, the District has a process that will allow a student to use their preferred name and gender on unofficial records. The unofficial records may include, but are not limited to: identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons, communications, team and academic rosters, newspapers, newsletters, yearbooks, and other site-generated unofficial records. The following is the established process for unofficial records:

- (1) School Administration Receives a Written Request: The process is initiated upon written request from a parent.
- (2) School Administration Schedules a Meeting: A meeting is scheduled with the Gender Support Team to address the parent's written request to support the student's gender identity or expression.
- (3) Outcome of Request is Determined: As a result of the Gender Support Team meeting; if agreed upon, appropriate changes may be made in the District's Student Information System.

b. Official Records (including Permanent Records): The District is required to maintain in perpetuity mandatory permanent student records (such as transcripts), which include the legal name of the student and the student's gender as indicated on official government-issued documents such as birth certificates, passports, and identification cards/permits. The District will change a student's name and gender on official records when the name of the student is changed by court order.

2. Discipline: Establish methods to ensure that disciplinary action against an employee, volunteer, or student for the use of a name or pronoun selected during the Gender Support Team meeting shall only be considered if the action or actions meet the definition of bullying as prescribed in Nevada Revised Statutes (NRS) 388.122 through NRS 388.124 inclusive, or violate Regulation 5137, Safe and Respectful Learning Environment: Bullying and Cyberbullying, or any other policy or regulation of the District.

- C. Schools shall ensure that dress or uniform policies are not delineated or segregated according to gender identity or expression. If a school implements Standard Student Attire under Regulation 5131(V), students with diverse gender identities or expressions may wear clothing consistent with their gender identity or expression.
- D. Schools shall ensure that yearbook photographs allow for all students, including those students with diverse gender identities or expressions, to choose clothing that aligns with their gender identity or expression and, if applicable, allow for yearbook photographs of high school seniors that are not gender-specific.
- E. Schools shall ensure that students with diverse gender identities or expressions are authorized to select cap and gown combinations for graduation that align with their gender identity or expression.
- F. Schools shall ensure that the preferred name of a student be read during ceremonies and other events, including, without limitation, graduation ceremonies.
- G. Schools shall use appropriate definitions and terminology in describing the requirements, needs, and experiences of students with diverse gender identities or expressions.
- H. Access to Facilities and Educational Experiences: The Clark County School District complies with all state and federal laws regarding to discrimination and access to public facilities. NRS 651.070 states: "All persons are entitled to equal enjoyment of places of public accommodation. All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression."
 - 1. Restroom Access
 - a. Option 1: Restroom access for students with diverse gender identities or expressions may be determined on a case-by-case basis through the Gender Support Plan process.
 - b. Option 2: Students with diverse gender identities or expressions have the right to access restrooms consistent with their gender identity as determined on a case-by-case basis through the Gender Support Plan process.

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- c. Option 3: Students may use restrooms consistent with their biological sex assigned at birth subject to individual requests for privacy as determined on a case-by-case basis through the Gender Support Plan process.
2. Locker Rooms or Other Facilities
 - a. Option 1: Locker room access for students with diverse gender identities or expressions may be determined on a case-by-case basis through the Gender Support Plan process.
 - b. Option 2: Students with diverse gender identities or expressions have the right to access locker rooms consistent with their gender identity as determined on a case-by-case basis through the Gender Support Plan process.
 - c. Option 3: Students may use locker rooms that are consistent with their biological sex assigned at birth subject to individual requests for privacy as determined on a case-by-case basis through the Gender Support Plan process.
3. Overnight Field Trips
 - a. Option 1: Participation in overnight trips shall be determined on a case-by-case basis for students with diverse gender identities or expressions may be determined on a case-by-case basis through the Gender Support Plan process.
 - b. Option 2: Students with diverse gender identities or expressions have the right to participate in overnight trips consistent with their gender identity as determined on a case-by-case basis the Gender Support Plan process.
 - c. Option 3: Students may participate in overnight trips consistent with their biological sex assigned at birth subject to individual requests for privacy as determined on a case-by-case basis through the Gender Support Plan process.

V. Professional Development and Training

The District will provide professional development and training concerning the rights and needs of students with diverse gender identities and expressions, on an annual basis, for the Board of School Trustees, administrators, principals, teachers, and all other personnel employed by the District as prescribed by this policy.

- A. The District shall develop methods for discussing the meaning and substance of this policy with staff in order to address the rights and needs of persons with diverse gender identities or expressions and ensure that they are safe, included, and respected.
- B. The District shall develop a professional development and training plan that will include the following requirements and procedures:
 - 1. Awareness of the rights and needs of students with diverse gender identities and expressions;
 - 2. Training in the appropriate methods of cultural competency to facilitate positive learning environments, social emotional learning skills, and appropriate human relations among all students;
 - 3. Training concerning the needs of persons with diverse gender identities or expressions as it pertains to the prevention of discrimination, harassment, bullying, and cyberbullying;
 - 4. Training regarding the requirements of state laws and regulations, which require the District to develop a Gender Support Plan with a team led by the administrator or administrator's designee;
 - 5. Training in methods to support the appropriate engagement of the parents of students with diverse gender identities or expressions;
 - 6. Training addressing the definitions and terminology in describing the requirements, needs, and experiences of persons with diverse gender identities or expressions.

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VI. Complaint Procedures

Persons (employees, students, parents, members of the public) who believe they have been discriminated against or believe they witnessed discrimination against a student because of their gender identity or expression may file a complaint with the District's Diversity and Affirmative Action/ADA and Title IX Programs office, by:

- A. E-mailing their complaint to TitleIXcoordinators@nv.ccsd.net; or
- B. Addressing their written complaint to Diversity and Affirmative Action/ADA and Title IX Programs, 5100 West Sahara Avenue, Las Vegas, Nevada, 89146; Attention: Title IX Coordinators; or
- C. Calling the Diversity and Affirmative Action/ADA and Title IX Programs office at 702-799-5087.

Legal Reference:

NRS Chapter 388, System of Instruction,
NRS Chapter 651.070, Equal Enjoyment of Places of
Public Accommodations
Instructional Services Unit

Review Responsibility: