

NEW

ADOPT 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, other than field trips. Nothing in this definition requires adoption of a specific curriculum.
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 sex assigned at birth.
4. Gender Support Team: When a child identifies as being gender diverse, a group is convened to address the individual needs of the student. The group will consist 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) a person acting in the place of a parent with whom the child lives; 4) a person who is legally responsible for the child's welfare; or 5) an emancipated student.

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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 the Gender Support Team, a team led by the school-site administrator or administrator's designee.

A. The Gender Support Plan requirements and components will be 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, as well as the capacity of the school (for example, but not limited to, the layout or age of the school), and the rights and needs of the student body at large, including individual requests for privacy.

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, meaningful, and appropriate for students with diverse gender identities or 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

or 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 all clubs and the ability to form a student club according 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 as outlined in their Gender Support Plan. 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.

- (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 a 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.

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 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, subject to any individual requests for privacy.
 - b. Option 2: Students with diverse gender identities or expressions have the right to access restrooms consistent with their gender identity or expression as determined on a case-by-case basis through the Gender Support Plan process, subject to any individual requests for privacy.
 - c. Option 3: Students with diverse gender identities or expressions may use restrooms consistent with their sex assigned at birth, subject to any individual requests for privacy, as determined on a case-by-case basis through the Gender Support Plan process.

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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, subject to any individual requests for privacy.
- b. Option 2: Students with diverse gender identities or expressions have the right to access locker rooms consistent with their gender identity or expression as determined on a case-by-case basis through the Gender Support Plan process, subject to any individual requests for privacy.
- c. Option 3: Students may use locker rooms that are consistent with their sex assigned at birth, subject to any 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: Students with diverse gender identities or expressions have the right to participate in overnight field trips, as determined on a case-by-case basis through the Gender Support Plan process, subject to any individual requests for privacy.
- b. Option 2: Students with diverse gender identities or expressions may participate in overnight field trips consistent with their gender identity or expression as determined on a case-by-case basis through the Gender Support Plan process, subject to any individual requests for privacy.
- c. Option 3: Students with diverse gender identities or expressions may participate in overnight field trips consistent with their sex assigned at birth, subject to any 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 or 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. In accordance to Regulation 2310, Out-of-District Consultants for Instructional-Related Services, the District shall follow the process for out-of-district consultants. Consultants must also be vetted through the District for compliance with state and federal civil rights laws.
- C. The District shall assume full responsibility and authority in developing 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 or 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 school-site 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; and
 - 6. Training addressing the definitions and terminology in describing the requirements, needs, and experiences of persons with diverse gender identities or expressions.

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:

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- 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.

VII. Discipline

The District shall 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 [Policy 5137, Safe and Respectful Learning Environment: Bullying and Cyberbullying](#), or any other policy or regulation of the District.

Legal Reference:

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

Review Responsibility:

Instructional Services Unit