

Book	District Policy
Section	J - STUDENTS
Title	Gender Non-Conforming Students
Number	JDAD
Status	
Legal	N.R.S. 233.010; 651.070 and Title IX of the Civil Rights Act, 20 USC Sec 1681
Adopted	

1. **Gender-Based Discrimination/Harassment/Bullying of Students Prohibited**

It is the policy of the Board of Trustees of the Elko County School District to recognize student physical privacy rights and the need to ensure student safety and maintain school discipline, and to maintain a safe and respectful learning and educational environment that is free from gender-based discrimination, harassment, intimidation, and bullying.

The Board of Trustees of the Elko County School District hereby prohibits all staff and all students from all gender-based discrimination, harassment and/or bullying of all students. In particular, gender non-conforming students must be protected from discrimination, harassment and bullying in the school system. Site administration and staff must:

- a. Take responsible measures to maintain the confidentiality of a gender non-conforming student's gender assigned at birth as well as the fact that the student is a gender non-conforming student; and
- b. Respond appropriately to create an environment free from any gender-based discrimination, harassment and bullying.

2. **Definitions**

- a. "Gender" means a student's biological sex assigned at birth.
- b. "Gender non-conforming" students are students whose gender identity and/or gender expression does not conform to the social expectations or norms for a person of that gender.
- c. "Gender identity" is a student's inner sense of being male or female, regardless of the student's gender assigned at birth.
- d. "Gender expression" refers to the way a student expresses gender to

others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.

3. **Student Privacy & Parents**

The status of gender non-conforming students must be kept private except to the extent necessary to disclose such status to school officials or otherwise. If a student requests that the school not communicate with the student's parents or guardians about such status, explore the basis of the student's concern. In all circumstances, the guiding principle is the well-being of the student.

4. **Names/Pronouns**

Gender non-conforming students shall have the right to be addressed by a requested name and pronoun corresponding to their gender identity or expression. Students are not required to obtain a court ordered name and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to an intentional and persistent refusal to respect a student's gender identity. The requested name shall be included in the system student records in addition to the student's legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

5. **Official Records**

The District is required to maintain a mandatory permanent student record which includes the legal name of the student, as well as the student's gender assigned at birth. The District shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to Nevada legal requirements.

6. **Sports and Gym Class**

Gender non-conforming students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis, and for high school students, in accordance with NIAA guidance.

7. **NIAA Sanctioned High School Athletics**

High school gender non-conforming students shall be eligible to participate as follows:

- a. In accordance with NIAA rules, policies and guidance; and
- b. The principal of the school attended by the gender non-conforming student must, prior to the start of the season, make an eligibility determination whether the student's gender identity is:
 - i. asserted for the entire period starting at least 90 calendar days prior to the 1st NIAA allowed day of practice for the sport and continuing through the state championship; and
 - ii. bona fide and not asserted for the purpose of gaining an unfair competitive advantage.
- c. For students transferring into the District, the 90 calendar day gender assertion period may be met by either:
 - i. The principal verifying from the sending school the period that the student identified prior to the transfer and adding that period to the period of gender identity assertion at the District school; or
 - ii. The principal verifying from the sending school that the transferring student participated in the NIAA (or other state equivalent) sport at that school before transferring.

8. **Dress Codes**

Gender non-conforming students may dress in accordance with their gender identity or expression, within the constraints of the dress codes adopted at their school.

9. **Use of School Facilities and Overnight Accommodations**

- a. Notwithstanding any other Board Policy, every public school restroom, locker-room, and shower room accessible by multiple persons at the same time shall be designated for use by male gender persons only or female gender persons only.
- b. In all schools in this District, restrooms, locker rooms, and showers that are designated for one gender shall be used only by members of

that gender; and no person shall enter a restroom, locker room, or shower that is designated for one gender unless he or she is a member of that gender.

- c. In any other school facility or setting where a person may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by persons based on their gender, and no person shall enter these private areas unless he or she is a member of the designated gender.
- d. During any school authorized activity or event where persons share overnight lodging, no person shall share a bedroom or multi-occupancy restroom with a member of the opposite gender, unless such persons are members of the same family (i.e., parent/guardian, child, sibling, or grandparent).
- e. This section shall not apply to a person who enters a facility designated for the opposite gender:
 - i. for custodial or maintenance purposes, when the facility is not occupied by a member of the opposite gender;
 - ii. to render emergency medical assistance; or
 - iii. during a natural disaster, emergency, or when necessary to prevent a serious threat to good order or student safety.
- f. Nothing in this section shall be construed to prohibit schools from adopting rules necessary to accommodate disabled persons or young children in need of physical assistance when using restrooms, locker rooms and shower rooms.

10. **Accommodations.**

Alternative facilities must be made available in each school building as an accommodation for students who, for any reason, are unwilling or unable to use a facility described in subsection 9 above. Options for alternate facilities may include, but are not limited to, access to a single-user restroom or controlled use of an employee restroom, locker room, or shower. In no event shall the alternate facility accommodation be accessed through a facility that is designated for use by members of the opposite gender while persons of the opposite gender are present.