



Administrative Regulation 5161

GENDER IDENTITY AND GENDER NON-CONFORMITY - STUDENTS

Responsible Office: Office of School Leadership

PURPOSE

This administrative regulation establishes protocols and informs staff regarding transgender and gender non-conforming students in the Washoe County School District ("District" or "WCSD").

REGULATION

1. The District is committed to addressing the health and safety needs of all students, including those needs related to a student's actual or perceived gender identity. A safe and respectful environment is necessary for students to have equal access to all school programs and activities and is integral to student success. The District acknowledges its role in providing student with an understanding, appreciation of, and respect for the differences of others.
2. This administrative regulation does not anticipate every situation that might occur and, therefore, the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to foster the safe and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration into the school setting and minimizing stigmatization of the student.
3. The District will not require proof of medical treatments as a prerequisite for respecting a student's gender identity or expression.
4. If a student has demonstrated a consistent, insistent, and persistent gender presentation over a period of time, school staff and volunteers shall not question whether that student's asserted gender identity is genuinely held.
5. Rights and Protections
 - a. Right to Privacy –
 - i. Transgender and gender non-conforming students have a right to privacy, including keeping private their sexual orientation, gender identity, transgender status, or gender non-conforming presentation at school. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share their private information.
 - ii. Staff shall not disclose information that may reveal a student's transgender or gender non-conforming status to others, including parents/guardians or other staff members, unless there is a specific

“need to know,” they are legally required to do so, or the student has authorized such disclosure.

- iii. Staff must be mindful of the confidentiality and privacy rights of students when contacting parents/guardians so as to not reveal, imply or refer to a student’s actual or perceived sexual orientation, gender identity, or gender expression.
- b. Names/Pronouns – Students have the right to be addressed by the names and pronouns that correspond to their gender identity. Using the student’s declared name and pronoun promotes the safety and wellbeing of the student. When possible, the requested name shall be included in the District’s electronic database in addition to the student’s legal name, in order to inform faculty and staff, to include substitute teachers and classroom volunteers, of the name and pronoun to use when addressing the student.
- i. A student is not required to change his/her official school record or obtain a court-ordered name or gender change in order to be addressed at school by the name and pronoun which corresponds to their gender identity. Such a request may be made by the student or by the student’s parent/guardian.
 - ii. If a student obtains a court order changing his/her name or recognized gender, the student or student’s parent/guardian should notify the school of the court order and the official school records will be modified as appropriate in accordance with the court order.
- c. Restroom Access – Students shall have access to the restroom that corresponds to their gender identity as expressed by the student and asserted at school. Transgender and gender non-conforming students shall not be forced to use the restroom corresponding to their physiological or biological sex at birth, nor an alternative restroom such as in the health clinic.
- i. If a transgender or gender non-conforming student or the student’s parent/guardian provides notice to the school principal of a reason or desire for increased privacy and/or safety with regard to restroom use, regardless of the underlying reasons, the school shall take reasonable steps to provide a reasonable accommodation for the student, including but not limited to, providing the student access to gender neutral unisex restroom facilities or a single stall restroom. However, no student shall be compelled to use such bathroom.
- d. Locker Rooms or Other Facilities – Students shall have access to use facilities that correspond to their gender identity as expressed by the student and asserted at school, irrespective of the gender listed on the

student's records, including but not limited to locker rooms. Transgender and gender non-conforming students shall not be forced to use the locker room corresponding to their physiological or biological sex at birth.

- i. If a transgender or gender non-conforming student or the student's parent or /guardian provides notice to school officials a reason or desire for increased privacy and/or safety with regard to locker room use, regardless of the underlying reason, the student shall be provided access to a reasonable alternative locker room. The use of such accommodations shall be a matter of choice for a student and no student shall be compelled to use such accommodations. Such accommodations may include but not limited to:
 1. Use of a private area in the public area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby gender neutral restroom);
 2. A separate changing schedule (either utilizing the locker room before or after the other students); or
 3. Use of a nearby private area (e.g., a nearby restroom, a nurse's office).
- e. Physical Education Class and Athletics – Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner that is consistent with their gender identity.
- f. Interscholastic Competitive Sports Teams – Participation in interscholastic athletics by transgender and gender non-conforming students in a manner consistent with their gender identity will be addressed on a case-by-case basis, consistent with the rules and bylaws governing interscholastic sports competition, the Nevada Interscholastic Activities Association (NIAA), Title IX, and any other applicable laws, rules or bylaws.
- g. Dress Code – The District shall not implement a dress code that is gender-based. Transgender and/or gender non-conforming students have the right to dress in accordance with the gender identity or gender expression that they consistently assert at school and within the requirements of the school's dress code or site-based school uniform policy.
- h. Yearbook Photos – Schools shall offer one of two alternatives in order to accommodate the needs of transgender and gender non-conforming students: (1) Allow students the option to select their preferred picture attire or "uniform", regardless of their biological sex and which is consistent with the student's asserted gender identity; or (2) Adopt a standardized, gender neutral picture "uniform" such as a cap and gown.

- i. Academic Programming – the District discourages, within academic programming, the separation of students based upon gender unless it serves a compelling instructional or academic interest.
 - j. Gender Segregation in Other Activities – In other circumstances where students are separated by gender in school activities (e.g. class discussions, field trips, etc.), transgender and gender non-conforming students shall be permitted to participate in accordance with their gender identity that is asserted at school. Activities that may involve the need for accommodation to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available and reasonable accommodation for the student that can address any such concerns.
 - k. Official Records – the District is required to maintain a mandatory permanent record which includes the legal name of the student, as well as the student’s gender. The District shall only 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 in accordance with Nevada legal requirements.
6. Terminology
- a. The following are examples of ways in which transgender and gender nonconforming youth describe their lives and gendered experiences: trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender, two-spirit, trans man, and trans woman.
 - b. Faculty and staff may inquire which terms students may prefer and avoid terms that make these students uncomfortable; a good general guideline is to employ those terms which the students use to describe themselves.
7. Discrimination, Harassment and Bullying Complaints
- a. Concerns and/or complaints should be brought to the attention of the school principal immediately. The District provides several reporting mechanisms to include:
 - i. Online at: www.wcsdbullying.com
 - ii. By phone via Secret Witness at: 775-329-6666
 - iii. Written or verbal to the school principal or other staff member
 - b. A formal complaint of discrimination, harassment, intimidation or bullying based upon a student’s transgender or gender non-conforming status, or a student’s sex, gender, sexual orientation or gender identity may be brought under Board Policy 9200, Harassment and Discrimination Prohibited, Board Policy 5700, Safe and Respectful Learning Environment, the associated administrative regulations and the procedures set forth

therein. Incidents and/or allegations shall be given immediate attention which include, but are not limited to, the following:

- i. Intervening immediately to stop the discrimination, harassment, bullying and/or violent behavior;
 - ii. Investigating the incident;
 - iii. Determining and enforcing corrective actions, as appropriate;
 - iv. Monitoring to ensure the behavior does not persist.
- c. The intentional or persistent refusal to respect a student's gender identity, such as by referring to the student by a name or pronoun that does not correspond to the student's gender identity, may be considered a violation of Board Policy 9200, Harassment and Discrimination Prohibited, as well as this administrative regulation.

DEFINITIONS

1. These definitions are provided not for the purpose of labeling students but to assist in understanding this document and the legal obligations of faculty and staff.
 - a. Gender Expression - The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
 - b. Gender Identity: An individual's understanding, outlook, feelings and sense of being masculine, feminine, both or neither, regardless of one's biological sex.
 - c. Gender Nonconforming - A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.
 - d. Gender Non-conforming / Variant: an individual who is, or is perceived to have, characteristics or behaviors that do not conform to societal expectations of gender expression. Gender non-conforming or variant individuals may or may not identify as lesbian, gay, bisexual, transgender or questioning.
 - e. Sexual Orientation means having or being perceived as having an orientation, such as heterosexuality, homosexuality or bisexuality. Individuals may identify their sexual orientation as heterosexual, lesbian, gay, bisexual, questioning, or in other terms. Not all transgender youth identify as gay, lesbian, bisexual or questioning, and not all gay, lesbian,

bisexual and questioning youth display gender non-conforming characteristics.

- f. Transgender – A term used to describe a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are transsexual and trans.
- g. Transition - The process in which a person goes from living and identifying as one gender to living and identifying as another.

DESIRED OUTCOMES

- 1. The District, through this administrative regulation, seeks to foster an educational environment that is safe and free from discrimination for all students, faculty and staff, parents/guardians, volunteers and visitors, regardless of gender identity or gender expression.
- 2. This administrative regulation:
 - a. Seeks to facilitate compliance with local, state, and federal laws concerning bullying, harassment and discrimination and to ensure that school and district policies do not discriminate against transgender and gender non-conforming students.
 - d. Documents the District's intent to reduce the stigmatization of and improve the educational integration of transgender and gender non-conforming students, maintain the privacy of all students, and foster cultural competence and professional development for faculty and staff.
 - e. Will support healthy communication between the District and parents/guardians to further the successful educational development and well-being of every student.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

- 1. This administrative regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 9200, Harassment and Discrimination Prohibited
 - b. Board Policy 5700, Safe and Respectful Learning Environment
- 2. This administrative regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. Chapter 386, Local Administrative Organization
 - i. NRS 386.420 – 386.470, Nevada Interscholastic Activities Association
 - b. Chapter 388, System of Public Instruction

- i. NRS 388.121 – 388.145, Provision of Safe and Respectful Learning Environment
 - c. Chapter 392, Pupils
- 3. This administrative regulation complies with federal laws and regulations to include:
 - a. Title VI of the Civil Rights Act of 1964
 - b. Title IX of the Education Amendments of 1972

REVIEW AND REPORTING

- 1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the associated policy.
- 2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this document. The Board of Trustees and Superintendent shall receive notification of the adoption and/or revision of any associated administrative regulations.

REVISION HISTORY

Date	Revision	Modification
2/12/2015	1.0	Adopted
4/3/2019	2.0	Revised to add language referring to “insistent, persistent, and consistent” demonstration of gender