

# Student Welfare: Parental Authority and Gender Fluidity Policy

## **SECTION 1.1 - DEFINITIONS**

Parent – A person standing in parental relation who is registered as a parent or legal guardian in the records of the District. The term does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order.

*Education Code 26.002*

Biological Sex – The sex of such person as listed on: (1) the person’s official birth certificate; or (2) if the person’s official birth certificate is unobtainable, another government-issued record. A statement of a student’s sex on the student’s official birth certificate is considered to have correctly stated the student’s sex only if the statement was entered at or near the time of the student’s birth, modified to correct any type of scrivener or clerical error in the student’s sex, or modified by court order. (See FM Legal.)

*Education Code 33.0834*

Privacy Facilities – Restrooms, locker rooms, showers, and similar facilities as determined by the Superintendent.

*34 C.F.R. 106.33*

Gender Fluidity – Any belief, theory, or ideology that (1) espouses the view that gender is merely a social construct; (2) espouses the view that it is possible for a person to be any gender or no gender (i.e., non-binary); (3) espouses the view that an individual’s biological sex should be changed to “match” a gender different from that person’s biological sex; and (4) supports hormone therapy or other medical treatments or procedures to temporarily or permanently alter a person’s body so that it “matches” a gender different from that person’s biological sex.

## **SECTION 1.2 – OVERVIEW**

The objectives of this policy are that (1) biological females and males and sex-specific spaces are safeguarded; (2) District facilities such as bathrooms, locker rooms, and changing facilities are separated by Biological Sex; (3) the pronouns used for persons on campus are consistent with the Biological Sex of the person; (4) Gender Fluidity content is excluded from the classroom and instructional materials; and (5) District staff will not diagnose or treat gender dysphoria and will respect the right of the parent to determine what is best for the welfare of their child. The District’s ultimate goal is to ensure students are safe to learn and grow, and not to engage in the social transitioning of students.

The right to free speech, biological facts, and grammatical accuracy will be respected.

All students and staff will be treated with respect. Enforcement of anti-bullying and anti-harassment policies on behalf of every student will be applied by District staff even-handedly. Compliance with this policy does not qualify as bullying or harassment. (See FFH and FFI.)

The District staff will not teach, share, instruct, train, or otherwise require any student or other District staff to adopt, support, or otherwise promote Gender Fluidity.

### **SECTION 1.3 – PARENTAL AUTHORITY**

A Parent’s role in guiding the beliefs and protecting the health and well-being of their children is paramount.

A Parent has the right to full information concerning their student except as limited by law. An attempt by the District or any District employee to encourage or coerce a student to withhold information from their Parent is grounds for disciplinary action.

*Education Code 26.008, .0085*

A Parent is entitled to access all records of the District concerning the Parent’s child, including health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and other items.

*Education Code 26.004*

The District will only withhold information to the extent authorized by law, and only to the minimum extent necessary.

*Family Code 32.004*

The District shall not diagnose or treat gender dysphoria. District personnel are not, and shall not be, employed as experts in diagnosing or treating gender dysphoria or related mental health conditions. Parents have the right to determine whether to seek professional medical support for their child.

*Tex. Att’y Gen. Op. No. KP-0401 (2022)*

### **SECTION 1.4 – SAFEGUARDING BIOLOGICAL FEMALES AND MALES AND SEX-SPECIFIC SPACES**

Biological females and males and sex-specific spaces will be protected to provide students equal opportunity, privacy, and safety.

Title IX of the Education Amendments Act of 1972 states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX applies to every aspect of education, including facilities, academics, and extracurricular programs, including athletics.

*20 U.S.C. §§ 1681 et seq.; Tex. Att’y Gen. Op. No. KP-0396 (2021)*

Except as provided below, an interscholastic athletic team sponsored or authorized by the District may not allow a student to compete in an athletic competition sponsored or authorized by the District that is designated for the Biological Sex opposite to the student’s Biological Sex.

An interscholastic athletic team sponsored or authorized by the District may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

*Education Code 33.096; Tex. Att’y Gen. Op. No. KP-0396 (2021)*

Overnight travel accommodations related to team sports and other extracurricular activities requiring hotel rooms will be separated based on Biological Sex.

## **SECTION 1.5 – DISTRICT FACILITIES**

The District will maintain Privacy Facilities separated by Biological Sex. Individuals will use the Privacy Facilities corresponding to their Biological Sex unless a reasonable accommodation is granted for students seeking privacy. Exceptions to this policy include custodial or maintenance staff when the Privacy Facility is not occupied by a member of the opposite sex and persons rendering medical assistance or aid during a natural disaster, emergency, or when there is a serious threat to student safety.

Nothing in this policy will be construed to prohibit schools from adopting policies necessary to accommodate disabled people or young children in need of physical assistance when using Privacy Facilities.

## **SECTION 1.6 – USING “PREFERRED PRONOUNS”**

District staff will not promote, require, or encourage the use of pronoun identifiers for students or any other persons in any manner inconsistent with the Biological Sex of such person. District staff will not ask a student for their “preferred pronouns.” Except as described below, District staff will not use pronouns for students which are inconsistent with the student’s Biological Sex.

*United States v. Varner, 949 F.3d 250 (5th Cir. 2020)*

In the event a minor student with the written consent of such student’s Parent or an adult

student specifically, in writing, requests or directs the use of specific pronouns for that particular student, District staff interacting with the student may comply with such request. However, the District cannot and will not compel District staff or other students to address or refer to students in any manner that would violate the speaker's First Amendment rights.

*W. Vir. Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943); *Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021)

Except to the extent prohibited by law or in cases of suspected abuse, District staff will notify parents if their child requests he or she be identified as transgender, change his or her name, or use different pronouns at school. The administration may create a process that allows District staff to fulfill their obligation to provide the parental notice required by this paragraph. Such notice may be given by any District staff member.

*Parham v. J.R.*, 442 U.S. 584 (1979); *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Arnold v. Escambia Co. Bd. of Educ.*, 880 F.2d 305 (11th Cir. 1989); *Gruenke v. Seip*, 225 F.3d 290 (3d Cir. 2000)

## **SECTION 1.7 – GENDER FLUIDITY MATERIALS**

No course of instruction, unit of study, materials, instructional materials, or any other curricular or District-sponsored extracurricular offerings adopting, supporting, or promoting Gender Fluidity will be used or introduced in any District classroom. This prohibition will also include any such materials or instructional materials that a teacher or administrator might seek to provide to any student, including any situation in which a teacher or administrator would allow a student to “borrow” such materials or instructional materials from the District staff member's private collection. Any materials or instructional materials adopting, supporting, or promoting Gender Fluidity, including but not limited to displays, communications, and related signage, will be prohibited in the District's classrooms and, if present, removed from any District classroom setting.

No District staff will instruct, refer, or otherwise guide any student to any Internet website, chat room, or other online forum for publication for instruction or other information regarding Gender Fluidity, unless such website, chat room, or other online forum has been approved for use in the District's Instructional Materials. (See EFA.)