

Book	Policy Manual	The board brought this document INTO the Meeting of the Whole on May 13th, with the Status already listed as ACTIVE and Adopted on May 14th (the day AFTER the meeting). And yet board members acknowledge there were still votes to be held on finalizing the policy.
Section	200 Pupils	
Title	Physical Privacy	Remember, they claim this Policy is already a done deal and cannot be changed, and still had votes to finalize coming into this meeting, and have it listed here as active, and then chose NOT to implement it until NEXT school year?? Do they just make it up as they go?
Code	253	
Status	Active	
Adopted	May 14, 2019	We'll be exposing more of this in the weeks to come...

## **1.0 Purpose**

Note the purpose of this is not separation by biological sex, but rather 'privacy'. This is an important distinction that has ramifications as you will see later in the document.

The Board recognizes that each student has an individual interest in his or her own physical privacy, modesty, and personal space as it relates to the use of school restrooms, locker changing rooms, shower facilities, and other school facilities where students may be in a state of undress in the proximity of other students. Moreover, the District has an obligation to ensure student safety and maintain school discipline.

This policy is enacted to advise school site staff, District administration, and students regarding their interests and obligations in relation to student use of restrooms, locker changing rooms, showers, and other school facilities where students may be in a state of undress in the proximity of other students.

## **2.0 Authority**

This policy is in effect while students are on property that is owned, leased or under the control of the District and while attending or engaged in school-sponsored activities.

Any violation of this policy shall be considered an infraction of the Code of Student Conduct, with discipline implemented accordingly. Any violation that is based on a student's sex, race, national origin, sexual orientation, color, religion, age, or disability shall be reported to the building administrator and investigated pursuant to Policy 248, entitled Unlawful Harassment. Any behavior that is a violation of the PA Crimes Code will be reported to the appropriate legal authorities. (Pol. 103, 103.1, 248)

## **3.0 Delegation of Responsibility**

The Superintendent or designee shall develop administrative procedures to ensure compliance with this policy. This policy shall be implemented through the cooperative efforts of the Superintendent, Assistants to the Superintendent, building administrators, school staff members, parents/guardians, and the District's community.

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy at least every three (3) years or as needed, and recommend necessary revisions to the Board. Staff members will be responsible to intervene, but are also expected to respect students physical privacy. In today's environment, what liability does this put on staff?

Each staff member shall be responsible for maintaining an educational environment that respects the physical privacy of students. Staff members who observe or become aware of an act in violation of this policy shall take immediate, appropriate steps to intervene.

Additionally, s/he shall report the conduct to the building principal for further investigation. This investigation may include: interviews with students, parents/guardians, and school staff; review of school records; and any other appropriate means of investigation.

Each student shall be responsible for respecting the privacy of his/her fellow students.

This is sounds good, but dangerous point when you see how privacy is defined...

The District expects students and parents/guardians who become aware of an act which violates this policy to report it to a school official (usually the building principal) for further investigation.

Any student who retaliates against another person for reporting violations of this policy shall be subject to disciplinary action.

## 4.0 Definitions

We are representing the voice of the community to maintain these multi-user facilities and simply keep them separated by biological sex

4.1 **Changing Room** refers to a private room designated for the purpose of allowing an individual to change out of and into alternative clothing in privacy. A changing room may include a shower area.

4.2 **Multi-User facilities** refer to, restroom facilities, locker rooms~~sareas~~, and sink areas, accessible by more than one (1) person at a time.

4.3 **Single User** or **Unisex facilities** refer to changing, restroom or shower facilities comprised of a single shower, toilet, sink designed for use by one (1) person at a time. Here we see single user private facilities, that the district plans to move towards as the norm, will not uphold sexual identity, but rather remove it.

4.4 **State of Undress** refers to any time when a student, as required by Policy 221, Dress and Grooming, is (a) missing or (b) not wearing pieces of clothing on those parts of the body for which they were designed, in connection with toileting, showering and/or changing. (Pol. 221)

## 5.0 Guidelines

### 5.1 Use of School Facilities

Physical boundaries are to be respected by all students and staff in the context of locker room~~s~~/areas, changing room, shower or restroom use, both in multi or single-user facilities. This does not explicitly state those boundaries include by biological sex. We still have not seen anything to this affect yet...

Personal space must reflect a level of respect that honors each student's physical privacy interests while using locker ~~rooms~~areas, changing rooms, restrooms, and shower facilities. Again, nothing indicating personal space includes biological sex...

Unisex or single-user facilities for changing and toileting shall be provided by the District in order to create a comfortable facility for any student, for any reason.

## 5.2 Available Facilities

### 5.2.1 Locker Areas

The school board keeps saying unisex single user private facilities are only being implemented at the high school shower rooms, but this statement commits the district to building them wherever deemed necessary for any student for any reason.

Locker areas are provided by the District for use by students in connection with physical education and athletic activities. Locker areas~~s~~facilities are equipped with appropriate lockers for storage of student property during physical education classes, athletic practices and events. Students are not permitted to use open locker-room areas as changing areas and are expected to be fully dressed in these locations in accordance with Policy

221, Dress and Grooming

And now we start to see the implications of a 'privacy' policy. What is now the norm (a biological male disrobing in front of another biological male) will be made punitive.

### 5.2.2 Changing Rooms

District locker ~~room-areas~~facilities shall be equipped with single-person changing rooms for use by any student, regardless of the reason. Single-user changing rooms shall include locking mechanisms controlled by the user. Each room shall include walls which ensure maximum privacy. Each room shall include floor to ceiling walls which protect the student's privacy but do not unduly burden or restrict student and school safety. Such changing rooms shall be generally accessible in close proximity to the locker ~~room~~area~~facility~~, and use of such changing rooms shall not require advance notice, permissions, or explanation.

### 5.2.3 Restrooms

District buildings are equipped with single-user, unisex restroom facilities with no more than one (1) toilet and/or urinal, and which has a locking mechanism controlled by the user. Such single-user restrooms are available to all students, and without the necessity of advance notice, permissions, or explanations.

Again, biological sexes can be in proximity to one another outside of the facilities, and each use it after the other.

### 5.2.4 Showers

Showers facilities are available for student use in connection with physical education, athletic activities and events. Shower facilities are single-user, lockable facilities similar to the individual changing rooms described above; shower facilities may be combined with changing rooms. Single-user showers shall be accessible in close proximity to the locker area~~facility~~, and

Again, no mention of separation of biological sex, which means boys and girls will have nothing restricting their proximity to one near these unisex single user facilities. Could this not lead to the very co-mingling the board claims they're trying to eliminate?? And how is a staff member to make a judgement call on this?

use of such shower rooms shall not require advance notice, permissions, or explanation.

Again, biological sexes can be in proximity to one another outside of the facilities, and each use it after the other.

### 5.3 Student Misconduct

The District does not tolerate any misconduct in District locker, changing, shower or toilet facilities including, but not limited to: hazing, bullying, harassment, overt displays of nudity or invading the personal space or privacy of others. Any student who violates the District's expectations of behavior in these facilities will be subject to discipline under both this policy and any other applicable policy including, but not limited to, the Unlawful Harassment and Bullying policies. (Pol. 103, 103.1, 218, 247,

248, What is considered overt? It's made very clear here that someone being undressed in front of their own biological sex is now punitive. And again, no mention of separation by biological sex.

### 5.4 Cellular Telephones and Other Electronic Devices

Cellular Telephones and other electronic devices with photographic, video graphic, or audio recording capabilities are not permitted in any changing rooms, locker areas or shower facilities. Use of such devices within these facilities will result in immediate discipline. (Pol. 237)

### 5.5 Right of Access by District Personnel

In order to protect the health, safety, security and welfare of the school population, the District shall maintain master keys to all lockable facilities. The District shall have the right to access any single-user lockable facility, including one currently in use, where building administrators have a reasonable basis to believe that an individual's use of such facility poses an imminent threat to the health, safety, security or welfare of him/herself or others.

Are teachers supposed to be proximate to the area to monitor? And what is a staff member to do when they suspect co-mingling of sexes inside private facilities given they cannot see ANY student in an undressed capacity?

In the absence of a reasonable belief that above, District personnel shall not enter single-user facilities currently in use without the express permission of the student and/or his/her parents/guardians.

In all other respects, Policies 226 and 705, entitled Searches and Safety respectively, shall be applicable to facilities outlined in this policy. (Pol. 226, 705, 709)

### 5.6 Disciplinary and Other Actions

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include: (Pol. 218, 233)

1. Counseling with the school.
2. Parent/Guardian conference.

3. Loss of school privileges.
4. Exclusion from school-sponsored activities.
5. Detention.
6. Suspension.
7. Expulsion.
8. Counseling/Therapy outside of school.
9. Referral to law enforcement officials.

#### Addendum

While the renovation plan for the facilities is being reviewed and executed, wherever we cannot provide private single user facilities when changing or using the bathroom facilities, all students are to use the facilities based on their biological sex. Anywhere within the district that our system has not caught up with the renovations this will be in effect. Any student who wishes additional privacy while changing or using the bathroom facilities will have the ability to use an appropriate single user facility.

At the very end, at the insistence of the public, we finally see an acknowledgment of biological sex.

But notice the separation is only in place until private facilities are available, which makes clear that recognition of the **differences by biological sex is being phased out, not upheld**.

If the original policy was about upholding separation by biological sex, the addendum would not even be necessary.

The policy seeks to **circumvent** the issue of recognition and separation by biological sex, it does **not uphold it**.

**For all the reasons cited above, the community wants a policy that upholds and enforces recognition and separation by biological sex, not privacy that nullifies it.**