

Book Policy Manual

Section

Title

Code 253

Status Draft

Adopted

### **1.0 Purpose**

The Board recognizes that students have a right to have their biological sex recognized and boundaries associated with it respected as it relates to use of school restrooms, changing rooms, shower facilities, and other facilities where students may be in a state of undress in the proximity of other students. The boundaries are stated as students of a biological sex are not permitted in facilities designated for the opposite biological sex.

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.

The District is regulated by Pennsylvania law, which requires separate facilities on the basis of sex. This law is not in conflict with Title IX (which for the purpose to provide equal educational opportunities for males and females) under 34 C.F.R. § 106.33, which provides that schools may maintain restrooms, changing rooms, shower facilities, and other facilities where students may be in a state of undress in the proximity of other students.

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, being accountable to the Board, and the direction given them by the Board, 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.

Each staff member shall be responsible for maintaining an educational environment that respects the biological sex of students and the boundaries associated with it respected as it relates to use of school restrooms, changing rooms, shower facilities, and other facilities where students may be in a state of undress in the proximity of other 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 biological sex of his/her fellow students and the boundaries associated with it respected as it relates to use of school restrooms, changing rooms, shower facilities, and other facilities where students may be in a state of undress in the proximity of other students.

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**

4.1 Changing Room refers to either a multi-user or private room designated by biological sex for the purpose of allowing students to change out of and into alternative clothing. A changing room may include a shower area.

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

4.3 Single User 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, within a multi-user facility designated by biological sex.

Note: This policy is referring to facilities used by students; Single User facilities for district staff and teachers are out of scope for this policy

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**

Boundaries associated with biological sex are to be respected by all students and staff in the context of locker room/areas, changing room, shower or restroom use, both in multi-user facilities identified by biological sex, or single-user facilities within it's respective grouping by biological sex.

Single-user facilities for changing and toileting may be provided at the discretion of the District within facilities designated by biological sex, and only to be used by students within that biological sex grouping.

## **5.2 Available Facilities**

### **5.2.1 Locker Areas**

Locker areas are multi-user facilities designated by, and restricted to, a biological sex, provided by the District for use by students in connection with physical education and athletic activities. Locker areas facilities are equipped with appropriate lockers for storage of student property during physical education classes, athletic practices and events. Locker areas are recognized as part of changing rooms.

### **5.2.2 Changing Rooms**

District locker room areas facilities shall be multi-user facilities designated by, and restricted to, a biological sex. The District may add single-person changing rooms within multi-user changing room facilities at its discretion.

Single-user changing rooms shall include locking mechanisms controlled by the user, that has an external override accessible by staff in case of emergency. 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 placed within a multi-user facility that is designated by, and restricted to, a biological sex. Use of such changing rooms shall not require advance notice, permissions, or explanation, and are accessible by all students within that respective biological sex.

### **5.2.3 Restrooms**

District buildings are equipped with multi-user restrooms designated by, and restricted to, biological sex. The District may add single-person changing rooms within multi-user restroom facilities at its discretion.

Single-user restroom facilities for girls will include a sink and toilet, and restroom facilities for boys will include a sink, and both a toilet and a urinal.

Single-user restrooms shall include locking mechanisms controlled by the user, that has an external override accessible by staff in case of emergency.

Use of such changing rooms shall not require advance notice, permissions, or explanation, and are accessible by all students within that respective biological sex.

### **5.2.4 Showers**

Mult-user shower facilities are available for student use in connection with physical education, athletic activities and events.

The District may add single-person shower facilities within multi-user shower facilities at its discretion.

Single-user shower facilities shall include locking mechanisms controlled by the user, that has an external override accessible by staff in case of emergency.

Use of such shower facilities shall not require advance notice, permissions, or explanation, and are accessible by all students within that respective biological sex.

## **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, or invading the personal space 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, 249)

#### **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.

In the absence of a reasonable belief that an imminent threat exists as set forth above, but when District personnel believe inappropriate conduct is taking place within lockable facilities (such as suspected drug use, or a person of the opposite biological sex is using it to hide), District personnel will call for appropriate assistance and stay at the private facility until it arrives to ensure disciplinary action can be taken.

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.