

PROVIDING QUALITY LEGAL SERVICES TO SCHOOL DISTRICTS ACROSS IOWA

**ADDRESSING ISSUES RELATED TO TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

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February 9, 2016

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- Building and construction matters
- Special education matters
- Policy formulation, revision, and implementation
- Personnel policies and job descriptions
- Negotiations and collective bargaining
- Grievance and interest arbitrations

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**DEFINING RELEVANT TERMS**

**GLAAD Definitions**

- Transgender
- Gender Non-Conforming
- Gender Expression
- Gender Identity
- Sex
- Sexual Orientation

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**DEFINING RELEVANT TERMS (CONTINUED)**

- New York Commission on Human Rights
  - Transgender
  - Gender Non-Conforming
  - Gender
  - Cisgender

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**DEFINING RELEVANT TERMS**  
*(CONTINUED)*



- **Iowa High School Athletic Association and Iowa Girls High School Athletic Union**
  - **Gender Identity**

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**RELEVANT STATE LAWS**



- **Iowa Code § 216.9 – Iowa Civil Rights Act**
  - **“It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of . . . gender identity . . . in any program or activity.”**

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**RELEVANT STATE LAWS**  
*(CONTINUED)*



- **Iowa Code § 280.28**
  - **“School employees, volunteers, and students shall not engage in harassing or bullying behavior” against students.**
    - **Harassment and bullying defined**
    - **Trait or characteristic defined**

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### RELEVANT FEDERAL LAWS



- 20 U.S.C. § 1681 – Title IX
  - “No person . . . shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity . . . .”

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### INTERPRETING STATE AND FEDERAL LAWS



- Iowa: Iowa High School Athletic Association and Iowa Girls High School Athletic Union
  - Competing in sports activities
  - Name and pronoun preferences
  - Use of restroom, locker room and shower facilities
  - Overnight rooming accommodations

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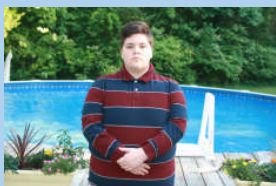
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### INTERPRETING STATE AND FEDERAL LAWS



- Other States
  - California
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  - Illinois
  - Kentucky
  - Maine
  - Nebraska
  - Nevada
  - Virginia



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**INTERPRETING STATE AND FEDERAL LAWS**



- **Federal Law**
  - **U.S. Department of Education's Office for Civil Rights - Questions and Answers on Title IX and Sexual Violence (2014)**

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**POINTS TO REMEMBER**



- **Points for School Districts to Remember:**
  - **Establishing Gender Identity**
  - **Confidentiality**
  - **Official Records**
  - **Names and Pronouns**
  - **Bullying/Harassment Complaints**

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**POINTS TO REMEMBER (CONTINUED)**



- **Points for School Districts to Remember:**
  - **Dress**
  - **Restrooms**
  - **Locker Rooms**
  - **Overnight Accommodations**
  - **Participating in Activities**
  - **Policy Considerations**
  - **Public Response**

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QUESTIONS?



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