

# Gender Diverse Student Policy

- I. Purpose: Pinecrest Academy of Nevada is committed to fostering a safe and respectful learning environment for all students enrolled, including those with diverse gender identities or expressions, in every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot, and other areas on the premises of the school. This policy will contain the requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions. [NRS 388.132 and NRS 388.133(2)(b)].
  
- II. Definitions:
  - a. These definitions are not provided for the purpose of labeling students, but to assist in understanding this policy.
    - i. Classroom Activities: Activities that provide education or instruction for all students, other than field trips. Nothing in this definition requires adoption of a specific curriculum [NAC 388.880(6)].
    - ii. Gender Expression: How a person expresses their gender through outward presentation and behavior. This may include, but is not limited to, a person's name, clothing, hair style, body language and mannerisms.
    - iii. Gender Identity: A person's understanding/outlook/feelings/sense of being male, female, both or neither, regardless of the person's biological sex. All people have a gender identity.
    - iv. Gender Support Team: A group consisting of the student; the student's parent(s); the school personnel and/or administrator or designee of the administrator, including a counselor; and any representative(s) of community-based groups (including faith groups), as requested by the parent(s). The Gender Support Team will be led or coordinated by the school administrator or the administrator's designee.
    - v. Parent: For the purpose of this policy, a parent is defined as:
      1. A biological or adoptive parent;
      2. A legal guardian;
      3. A person acting in the place of a parent with whom the child lives;
      4. A person who is legally responsible for the child's welfare; or
      5. An emancipated student.
  
- III. Genders Support Plan: In order to address the rights and needs of students with diverse gender identities or expressions, a Gender Support Plan will be created for each student by the Gender Support Team.

- a. The Gender Support Plan will be consistent with this policy and must include the following components [NAC 388.880(3)]:
  - i. Methods to ensure protection of the privacy of the student;
  - ii. Methods to support the appropriate engagement of the parent(s) of the student;
  - iii. Compliance with the Nevada Interscholastic Activities Association (NIAA), if interscholastic activities are considered;
  - iv. Consideration of the rights and needs of the student for which the plan is developed, as well as the capacity of the school (for example, but not limited to, the layout or age of the school), and the rights and needs of the student body at large, including individual requests for privacy; and,
  - v. Measures to ensure that each person governed by the plan, including, without limitation, each employee, volunteer and student, uses only the names and pronouns to refer to the student for whom the plan is developed that have been designated by the parent or guardian of the student, as recorded through the student information system of the school, in reference to or in any verbal or written communication with the student.
  
- b. The Gender Support Plan will include measures to ensure access to academic courses and services that are appropriate for and supportive with diverse gender identities or expressions, including, without limitation [NAC 388.880(3)(c)(4)]:
  - i. Classroom activities that are relevant and meaningful to and appropriate for the student and do not discriminate or segregate according to gender identity or expression;
  - ii. Physical education, assemblies, dances, ceremonies, intramural activities and other school activities that are appropriate for the student and do not discriminate or segregate according to gender identity or expression; and,
  - iii. Intramural and interscholastic activities, in accordance with the regulations and policies of the NIAA.
  
- c. The Gender Support Plan will include measures to ensure that students with diverse gender identities or expressions will have access to appropriate and supportive clubs and support groups for the family of the student in accordance with the schools policy governing school clubs and groups and the use of the school's facility by such clubs and groups. [NAC 388.880(3)(c)(5)].

- d. The Gender Support Plan will include measures necessary to ensure that the student for whom the plan is developed is able to dress and act in an appropriate manner in accordance with his or her gender expression or identity, including, without limitation [NAC 388.880(3)(c)(6)]:
  - i. Any accommodation necessary to ensure that the student is able to comply with the uniform policy in a manner that is physically and emotionally comfortable for the student;
  - ii. Any accommodation necessary to ensure the student is able to choose clothing that aligns with their gender identity or expression with regards to yearbook or school photographs, and, if applicable, the school will allow for a yearbook photograph that is not gender-specific; and,
  - iii. Authorization for the student to select a cap and gown combination for graduation that aligns with the gender identity or expression of the student.
- e. The Gender Support Plan will include a requirement that the name of the student that has been designated by the parent or guardian of the student, as recorded through the registration and enrollment process or the student information system of the school, be read during ceremonies and other events, including, without limitation, graduation ceremonies [NAC 388.880(3)(c)(7)].
- f. Any of the requirements in section III of this policy, regarding the requirements of a Gender Support Plan, may be omitted if the parent or guardian of the student for whom the plan is developed chooses to do so.

#### IV. Privacy

- a. School employees shall not disclose information that may reveal a student's gender identity or expression status:
  - i. To other students;
  - ii. To the parents of other students;
  - iii. To staff members unless there is a specific need to know;
  - iv. Unless legally required to do so (e.g. court order, subpoena); or
  - v. Unless the parent has authorized, in writing, such disclosure.

#### V. Names/Pronouns

- a. Students have the right to be addressed by the name and pronoun that correspond to their gender identity or expression. The requested name shall be included in the school's student information system in order to inform faculty and staff of the name and pronoun to use when addressing the student.

b. Records

- i. Unofficial Records (including the school's student information system): As part of the student's Gender Support Plan, the school has a process that will allow a student to use their preferred name and gender on unofficial records. Unofficial records include, but are not limited to: identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons, communications, team and academic rosters, newspapers, newsletters, yearbooks, and other site-generated unofficial records. Changes will be made in the school's student information system once said changes have been requested in writing by the parent or guardian of the student and the Gender Support Team has added the changes to the student's Gender Support Plan.
- ii. Official Records (including Permanent Records): The school is required to maintain in perpetuity mandatory permanent student records (such as transcripts), which include the legal name of the student and the student's gender as indicated on official government issued documents such as birth certificates, passports, and identification cards/permits. The school will change a student's name and gender on official records when the name of the student is changed by court order.

VI. Access to restrooms, locker rooms, dressing rooms, overnight field trips.

- a. Restroom access for students with diverse gender identities or expressions will be determined on a case-by-case basis through the Gender Support Plan process with input from the student, the student's parent(s), and other members of the Gender Support Team, subject to any individual requests for privacy.
- b. Access to locker rooms or dressing rooms will be determined on a case-by-case basis through the Gender Support Plan process with input from the student, the student's parent(s), and other members of the Gender Support Team, subject to any individual requests for privacy.
- c. Students with diverse gender identities or expressions have the right to participate in overnight field trips, as determined on a case-by-case basis through the Gender Support Plan process with input from the student, the student's parent(s), and other members of the Gender Support Team, subject to any individual requests for privacy.

VII. Professional Development and Training (NRS 388.133, NRS 388.134 and NAC 388.875)

- a. The school will provide professional development and training concerning the rights and needs of students with diverse gender identities or expressions, on an annual basis, for the Board of Directors, administrators, principals, teachers, and other personnel. All newly elected members of the Board of Directors and newly hired employees shall receive

such training and professional development within 180 days of being elected to the Board of Directors or being employed by the school.

- b. The training and professional development shall include, without limitation, the following:
  - i. Any training materials developed by the Nevada Department of Education regarding providing a safe and respectful learning environment for students with diverse gender identities or expressions;
  - ii. Each member of the Board of Directors, school employee, and parent/guardian of each student enrolled in the school will receive a copy of NAC 388.875 to 388.920 and a copy of this policy on a yearly basis;
  - iii. Training regarding the needs of persons with diverse gender identities or expressions as it pertains to the prevention of discrimination, harassment, bullying, and cyberbullying; and,
  - iv. Training regarding current state laws and regulations governing the rights and needs of students with diverse gender identities or expressions.

VIII. Complaint Procedures

- a. Persons (employees, students, parents, members of the public) who believe they have been discriminated against or believe they witnessed discrimination against a student because of the student's gender identity or expression should follow the school's grievance policy as provided on the school website.

IX. Discipline

- a. School employees, volunteers, and students may be disciplined for the use of a name or pronoun, selected in the Gender Support Plan only if the action(s) meet the definition of bullying or cyberbullying as prescribed in the school's discipline policy.

- X. This policy must be reviewed and, if necessary, updated on an annual basis by the school's Board of Directors. [NRS 388.134(5)]

**NRS 388.132 Legislative declaration concerning safe and respectful learning environment.** The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;
2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State's high academic standards;
3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education in this State;
4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;
6. It will ensure that:
  - (a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;
  - (b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;
  - (c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;
  - (d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and
  - (e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of [NRS 388.121](#) to [388.1395](#), inclusive, regarding a response to bullying or cyber-bullying against a pupil will be held accountable; and
7. By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

**NRS 388.133 Policy by Department concerning safe and respectful learning environment.**

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of [NRS 388.135](#), including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

**NRS 388.134 Policy by governing bodies for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to governing bodies and school personnel; posting of policies on Internet website; annual review and update of policies.** Each governing body shall:

1. Adopt the policy prescribed pursuant to [NRS 388.133](#) and the policy prescribed pursuant to subsection 2 of [NRS 389.520](#). The governing body may adopt an expanded policy for one or both of the

policies if each expanded policy complies with the policy prescribed pursuant to [NRS 388.133](#) or pursuant to subsection 2 of [NRS 389.520](#), as applicable.

2. Provide for the appropriate training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policies prescribed pursuant to [NRS 388.133](#) and pursuant to subsection 2 of [NRS 389.520](#). For members of the governing body who have not previously served on the governing body or for employees of the school district or school who have not previously been employed by the district or school, the training required by this subsection must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district or school.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district or school. Upon the request of a parent or legal guardian, the school district or school shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the governing body updates the policies, the governing body must submit a copy of the updated policies to the Department within 30 days after the update.

**NAC 388.875 Governing body of each school required to develop and carry out plan to ensure certain persons receive training in accordance with policy to provide safe and respectful learning environment; provision of certain laws, policies and plans to certain persons. ([NRS 388.1327](#), [388.133](#))**  
The governing body of each school shall:

1. Develop and carry out a plan to ensure that members of the governing body, administrators, teachers and all other personnel employed by the school district or school, as applicable, receive the training in accordance with the policy prescribed by the Department pursuant to paragraph (c) of subsection 2 of [NRS 388.133](#), including, without limitation, the training materials developed by the Department.

2. Provide a copy of [NAC 388.875](#) to [388.920](#), inclusive, and any policies adopted pursuant thereto to the parent or guardian of each pupil who is enrolled in a school within the school district or charter school, as applicable, and each teacher, administrator and other staff member of the school district or school, as applicable, at least once each school year.

3. Make the information described in subsection 1 available upon request to any person, including, without limitation, a community organization that has a cooperative agreement with a school within the school district or charter school, as applicable.

**NAC 388.880 Persons with diverse gender identities or expressions: School or school district required to address rights and needs; adoption of policy; individual plan for pupil; list of resources provided by Department. ([NRS 388.133](#))**

1. Each school or school district shall address the rights and needs of persons with diverse gender identities or expressions on an individualized basis to foster the safe and healthy development of the gender identity and expression of each pupil. When addressing the rights and needs of a person as they relate to the gender identity or expression of the person, a school or school district shall consider the individual characteristics and unique circumstances of the person.

2. The governing body of a school or school district shall adopt a policy that includes, without limitation:

(a) A requirement that each member of the governing body and each employee governed by the policy, including, without limitation, each administrator and teacher, receive annual training concerning the requirements and needs of persons with diverse gender identities or expressions. Such training must include, without limitation:

(1) Methods to support appropriate engagement of the parents or guardians of pupils with diverse gender identities or expressions;

(2) Developing and implementing an individualized plan to address the rights and needs of a pupil with a diverse gender identity or expression pursuant to paragraph (c), including, without limitation, the required contents of such a plan, as prescribed by subsection 3; and

(3) Instruction on appropriate definitions and terminology to describe the requirements, needs and experiences of persons with diverse gender identities or expressions.

(b) A limitation on discipline so that an employee, volunteer or pupil may only be disciplined for the failure to refer to a pupil using a name or pronoun identified by the parent or guardian of the pupil if that failure:

(1) Constitutes bullying or cyber-bullying; or

(2) Violates a policy or regulation of the governing body of the school or school district.

(c) A requirement that the administrator of a school in which a pupil who has a diverse gender identity or expression is enrolled convene a team to develop an individualized plan to address the rights and needs of the pupil. The team must consist of the pupil, the parent or guardian of the pupil, any representative of a community-based group chosen by the parent or guardian of the pupil and one or more members of the staff of the school. The team shall submit the plan for the approval of the administrator of the school.

3. A plan developed pursuant to paragraph (c) of subsection 2:

(a) Must not conflict with any applicable regulations or policies of the Nevada Interscholastic Activities Association, the requirements of [NRS 651.050](#) to [651.110](#), inclusive, or any policies of the school district concerning public use of district facilities;

(b) Must take into consideration the rights and needs of the pupil for whom the plan is developed, the ability of the school to comply with the requirements of the plan and the rights and needs of all pupils enrolled at the school; and

(c) Except as otherwise provided in subsection 4, must include, without limitation:

(1) Methods to ensure the protection of the privacy of each person governed by the plan;

(2) Methods to support the appropriate engagement of the parent or guardian of the pupil for whom the plan is developed;

(3) Measures to ensure that each person governed by the plan, including, without limitation, each employee, volunteer and pupil, uses only the names and pronouns to refer to the pupil for whom the plan is developed that have been designated by the parent or guardian of the pupil, as recorded through the registration and enrollment process or the pupil information system of the school or school district, in reference to or in any verbal or written communication with the pupil;

(4) Measures to ensure that the pupil for whom the plan is developed has access to academic courses and services that are appropriate for and supportive of the pupil, including, without limitation:

(I) Classroom activities that are relevant and meaningful to and appropriate for the pupil and do not discriminate or segregate according to gender identity or expression; and

(II) Physical education, assemblies, dances, ceremonies, intramural activities and other school activities that are appropriate for the pupil and do not discriminate or segregate according to gender identity or expression;

(5) Measures to ensure access to appropriate and supportive school clubs for the pupil for whom the plan is developed and support groups for the family of that pupil in accordance with [NRS 393.071](#) to [393.0719](#), inclusive, any regulations adopted pursuant thereto and any other policy of the governing body concerning the use of school property by such clubs and groups;

(6) Measures necessary to ensure that the pupil for whom the plan is developed is able to dress and act in an appropriate manner in accordance with his or her gender expression or identity, including, without limitation:

(I) Any accommodations necessary to ensure that the pupil is able to comply with a dress code or uniform policy in a manner that is physically and emotionally comfortable for the pupil;

(II) Policies concerning yearbook photographs that allow the pupil to choose clothing that aligns with the gender identity or expression of the pupil and, if applicable, allows for a yearbook photograph that is not gender-specific; and

(III) Authorization for the pupil to select a cap and gown combination for graduation that aligns with the gender identity or expression of the pupil; and

(7) A requirement that the name of the pupil that has been designated by the parent or guardian of the pupil, as recorded through the registration and enrollment process or the pupil information system of the school or school district, be read during ceremonies and other events, including, without limitation, graduation ceremonies.

4. A plan developed pursuant to paragraph (c) of subsection 2 is not required to include an item listed in paragraph (c) of subsection 3 if the parent or guardian of the pupil for whom the plan is developed elects to omit the item.

5. To facilitate compliance with the provisions of [NRS 388.133](#) and [388.134](#), the Department will, at least annually, provide to the governing body of each school or school district a list of resources that reflect nationally accepted best practices for addressing the rights and needs of persons with diverse gender identities or expressions.

6. As used in this section, “classroom activities” means activities that provide education or instruction to pupils but does not include field trips.