

## Comparison of Versions #1 and #2 of Draft Policies to Implement Senate Bill 150 JCPS Policy Committee – 07/10/2023

Policy	Version #1	Version #2
<p><b>01.52 Preemptive Effect of the U.S. Constitution and Federal law and Protecting Transgender Discrimination</b></p> <p><b>NEW - No KSBA Sample Language</b></p>	<ul style="list-style-type: none"> <li>• Not included</li> </ul>	<p><b>Pages 1-4</b></p> <ul style="list-style-type: none"> <li>• U.S. Constitution and federal law preempt state law</li> <li>• Board believes SB 150 violates Equal Protection Clause</li> <li>• Board believes SB 150 violates Title IX</li> <li>• Argument to support that belief</li> </ul>
<p><b>08.13531 Human Sexuality</b></p> <p><b>AMENDMENT - KSBA Sample Language as Base</b></p>	<p><b>Pages 1-2</b></p> <ul style="list-style-type: none"> <li>• Addressed curriculum and instruction regarding human sexuality and parent/guardian notification</li> <li>• Similar to previous version reviewed by committee</li> <li>• Largely KSBA language, <b>except:</b> <ol style="list-style-type: none"> <li>1. Uses “or” text in SB 150 to prohibit K-5 Sex Ed but retain opportunity for instruction/discussion addressing sexual orientation and gender identity</li> <li>2. Deletes 2008 language in KRS 158.1415 included by KSBA but not amended by SB 150 relating to abstinence education</li> </ol> </li> </ul>	<p><b>Pages 5-6</b></p> <ul style="list-style-type: none"> <li>• Same as Version #1</li> </ul>

<b>Policy</b>	<b>Version #1</b>	<b>Version #2</b>
<p><b>09.141 Student Right to Physical Privacy and Safety</b></p> <p><b>NEW - KSBA Sample Language as Base</b></p>	<p><b>Pages 3-4</b></p> <ul style="list-style-type: none"> <li>• Adds “Statement of Concern Regarding the Provisions of SB 150”</li> <li>• Otherwise, similar to previous version reviewed by committee, largely aligned with KSBA Sample Language</li> </ul>	<p><b>Pages 7-8</b></p> <ul style="list-style-type: none"> <li>• Adds language regarding federal preemption of state law</li> <li>• Allows continuation of previous school-level decision-making regarding determination use of facilities for transgender students</li> <li>• Otherwise, similar to previous version reviewed by committee</li> </ul>
<p><b>09.22 Student Health &amp; Safety</b></p> <p><b>AMENDMENT – No KSBA Sample Language</b></p> <ul style="list-style-type: none"> <li>• KSBA offered no suggested language because SB 150 does not require a policy.</li> <li>• JCPS staff determined a policy is needed to provide clarity and guidance to JCPS staff</li> </ul>	<p><b>Pages 5-8</b></p> <ul style="list-style-type: none"> <li>• Requires parent/guardian notification and consent for health and mental health services relating to human sexuality</li> <li>• Discusses the prohibition of a policy that has the intent of keeping any student information confidential from a parent</li> </ul>	<p><b>Pages 9-12</b></p> <ul style="list-style-type: none"> <li>• Same as Version #1</li> </ul>
<p><b>09.22 AP.2 Parent-Student Discussion of Health and Mental Health Issues</b></p> <p><b>NEW - No KSBA Sample Language</b></p> <ul style="list-style-type: none"> <li>• KSBA offered no suggested language because SB 150 not require a policy.</li> <li>• JCPS staff determined a policy is needed to provide clarity and guidance to JCPS staff</li> </ul>	<p><b>Page 9</b></p> <ul style="list-style-type: none"> <li>• Allows appropriately trained employees to encourage a student to discuss issues with a parent/guardian and facilitate such a discussion.</li> </ul>	<p><b>Page 13</b></p> <ul style="list-style-type: none"> <li>• Same as Version #1</li> </ul>

<b>Policy</b>	<b>Version #1</b>	<b>Version #2</b>
<p><b>09.13 Equal Educational Opportunities</b></p> <p><b>AMENDMENT – No KSBA Sample Language</b></p>	<p><b>Pages 10-13</b></p> <ul style="list-style-type: none"> <li>• Adds “Statement of Concern Regarding the Provisions of SB 150”</li> <li>• Otherwise, largely the same as version previously reviewed, stating that misgendering students <u>may violate</u> EPSB Code of Ethics and constitute sexual harassment under Title IX</li> <li>• Adds a statement that misgendering students <u>may constitute</u> “disrupting the educational process” prohibited by Board policy.</li> </ul>	<p><b>Page 14-17</b></p> <ul style="list-style-type: none"> <li>• Adds language regarding federal preemption of state law</li> <li>• Other wide largely the same as version previously reviewed, stating that misgendering students <u>violates</u> ESPB Code of Ethics and constitute sexual harassment Title IX</li> <li>• Adds a statement that misgendering students <u>constitutes</u> “disrupting the educational process” prohibited by Board policy.</li> </ul>
<p><b>09.13 AP.1 Research Regarding Gender-Affirming Practice and Environment</b></p> <p><b>NEW - No KSBA Sample Language</b></p>	<p><b>Page 14</b></p> <ul style="list-style-type: none"> <li>• Same as version previously reviewed</li> <li>• Requires annual distribution to all employees of research regarding the benefits of gender-affirming environments for transgender children</li> </ul>	<p><b>Page 18</b></p> <ul style="list-style-type: none"> <li>• Same as Version #1</li> </ul>
<p><b>09.14 Student Records</b></p> <p><b>AMENDMENT – No KSBA Sample Language</b></p>	<p><b>Page 15-19</b></p> <ul style="list-style-type: none"> <li>• Same as version previously reviewed</li> <li>• States that there is no legitimate educational interest, required under FERPA, in knowing a child’s biological sex</li> <li>• Limits access to that information to employees with registrar rights in IC to comply with state or federal law</li> <li>• Prohibits an employee to ask for proof of a child’s biological sex, except as permitted under law</li> </ul>	<p><b>Pages 19-23</b></p> <ul style="list-style-type: none"> <li>• Same as Version #1</li> </ul>