

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
01.52 Preemptive Effect of the U.S. Constitution and Federal law and Protecting Transgender Discrimination NEW - No KSBA Sample Language	• Not included	Pages 1-4 • U.S. Constitution and federal law preempt state law • Board believes SB 150 violates Equal Protection Clause • Board believes SB 150 violates Title IX • Argument to support that belief
08.13531 Human Sexuality AMENDMENT - KSBA Sample Language as Base	Pages 1-2 • Addressed curriculum and instruction regarding human sexuality and parent/guardian notification • Similar to previous version reviewed by committee • Largely KSBA language, <u>except</u>: 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 2. Deletes 2008 language in KRS 158.1415 included by KSBA but not amended by SB 150 relating to abstinence education	Pages 5-6 • Same as Version #1

Policy	Version #1	Version #2
09.141 Student Right to Physical Privacy and Safety NEW - KSBA Sample Language as Base	Pages 3-4 • Adds “Statement of Concern Regarding the Provisions of SB 150” • Requires use of bathrooms based on biological sex, as reported by student’s parent/guardian • Otherwise, similar to previous version reviewed by committee, largely aligned with KSBA Sample Language	Pages 7-8 • Adds language regarding federal preemption of state law • Allows continuation of previous school-level decision-making regarding determination use of facilities for transgender students • Otherwise, similar to previous version reviewed by committee
09.22 Student Health & Safety AMENDMENT – No KSBA Sample Language • KSBA offered no suggested language because SB 150 does not require a policy. • JCPS staff determined a policy is needed to provide clarity and guidance to JCPS staff	Pages 5-8 • Requires parent/guardian notification and consent for health and mental health services relating to human sexuality • Discusses the prohibition of a policy that has the intent of keeping any student information confidential from a parent	Pages 9-12 • Same as Version #1
09.22 AP.2 Parent-Student Discussion of Health and Mental Health Issues NEW - No KSBA Sample Language • KSBA offered no suggested language because SB 150 not require a policy. • JCPS staff determined a policy is needed to provide clarity and guidance to JCPS staff	Page 9 • Allows appropriately trained employees to encourage a student to discuss issues with a parent/guardian and facilitate such a discussion.	Page 13 • Same as Version #1

Policy	Version #1	Version #2
09.13 Equal Educational Opportunities AMENDMENT – No KSBA Sample Language	Pages 10-13 • Adds “Statement of Concern Regarding the Provisions of SB 150” • 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 • Adds a statement that misgendering students <u>may constitute</u> “disrupting the educational process” prohibited by Board policy.	Page 14-17 • Adds language regarding federal preemption of state law • 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 • Adds a statement that misgendering students <u>constitutes</u> “disrupting the educational process” prohibited by Board policy.
09.13 AP.1 Research Regarding Gender-Affirming Practice and Environment NEW - No KSBA Sample Language	Page 14 • Same as version previously reviewed • Requires annual distribution to all employees of research regarding the benefits of gender-affirming environments for transgender children	Page 18 • Same as Version #1
09.14 Student Records AMENDMENT – No KSBA Sample Language	Page 15-19 • Same as version previously reviewed • States that there is no legitimate educational interest, required under FERPA, in knowing a child’s biological sex • Limits access to that information to employees with registrar rights in IC to comply with state or federal law • Prohibits an employee to ask for proof of a child’s biological sex, except as permitted under law	Pages 19-23 • Same as Version #1