

# Board Policies Implementing Senate Bill 150

## Comparison of Versions #1 and #2

Jefferson County Board of Education  
July 25, 2023

# Key Provisions of Senate Bill 150

- Requires a District to either:
  1. Eliminate instruction on human sexuality or STDs in grades 1-5 **OR**
  2. Prohibit instruction with the goal or purpose of studying sexual orientation or gender identity.
- Prohibits a student from using a restroom reserved for students of a different biological sex.
- With written consent of a parent or guardian, requires a school to provide the best available restroom accommodation for a transgender student (e.g., providing access to a single-stall restroom or a controlled use faculty restroom).
- Requires parent notification and consent regarding:
  1. Provision or referral of health or mental health services relating human sexuality;
  2. Curriculum and instruction relating to human sexuality; and
  3. Student completion of a well-being survey or health screening for research purposes.
- Requires procedures for employees to encourage and facilitate discussion between a student and a parent/guardian regarding physical and mental health.

# Key Differences Between Versions #1 & #2

## Version #1\*

- Expresses Board concern regarding the negative consequences of SB 150.
- Complies with statutory requirements of SB 150.
- Provides as much protection for transgender students as possible within the requirements of the legislation.

## Version #2\*\*

- Argues that SB 150 violates 14<sup>th</sup> Amendment of U.S. Constitution and Title IX protections against discrimination and sexual harrassment.
- Not based on settled law, but on the “persuasive authority” of federal court rulings not binding on Kentucky, guidance provided by US Department Education, and a draft of forthcoming revisions to regulations to implement Title IX.

*\* Version #1 is recommended by the Superintendent and Legal Counsel.*

*\*\* Version #2 is not recommended by the Superintendent and Legal Counsel. It was prepared by staff at the request of Board Member/Policy Committee Chair. After discussion, Policy Committee members did not have unanimity regarding a preferred version. The committee agreed to provide both versions the Board for review and consideration.*

## Provisions That Are Different Between Versions #1 and Versions #2

### Version #1

- Includes a Statement of Concern regarding the negative consequences of Senate Bill 150
- States that misgendering students may violate Code of Ethics and constitute sexual harassment under Title IX
- Requires use of bathrooms based on biological sex, as reported by a student's parent/guardian, except that accommodations may be provided in the form of a single-use or gender-neutral bathroom.

*Note: Version #1 is recommended by the Superintendent and Legal Counsel.*

### Version #2

- Expresses belief that Senate Bill 150 violates U.S. Constitution and Title IX
- States that misgendering students does violate Code of Ethics and constitutes sexual harassment under Title IX
- Leaves management of bathroom policy to schools, as has previously been the case

*Note: Version #2 is not recommended by the Superintendent and Legal Counsel.*

# FEEDBACK & QUESTIONS