



November 4, 2016

To the families in the Kiel Area School District and members of the Kiel Community,

Issues regarding the rights of transgender students in the Kiel Area School District have recently garnered a great deal of interest in the District and surrounding community. These issues have been addressed at school board meetings, in letters to the editor, in online petitions, and in the media. In responding to these issues, the Board of Education has spent considerable time listening to community input, discussing issues during open meetings, and keeping abreast of the changing legal landscape through reports from the District's counsel. The purpose of this letter is to provide the families in the District and members of the Kiel community with accurate information regarding District policy as it relates to transgender students. The Board hopes that continuing open communication on these issues will allow the District to succeed in its mission to provide a safe, supportive environment for all students in partnership with the school and greater community.

The District has a legal obligation to serve all of its students and to ensure that they have equal access to the educational programs in the District. In 2014, the Board revised District Policy 2260 to prohibit discrimination against students based upon "sex" and defined "sex" to include, "transgender status, change of sex or gender identity." The policy requires that all students have equal access to current and proposed programs, activities, and facilities and are not segregated on the basis of their transgender status. This policy was not enacted in response to a specific student request. Rather, like most District policies, Policy 2260 was proposed by the contracted vendor for the Board's consideration and enacted to create and maintain an appropriate environment that provides for the education, safety and welfare of all students.

In July 2016, the Board was presented with a request from the parents of a transgender student to accommodate the student at school, including allowing the student to use the restroom of the gender with which the student identifies and a separate locker room. The Board discussed the requests in general and Policy 2260 at an open meeting of the Board on August 3, 2016. At that meeting, there was no objection by any Board member to providing the requested accommodations. Accordingly, Dr. Blankenheim, the District Administrator, took steps to accommodate the student. Since that time, there has been additional discussion at Board meetings as well as extensive public input. At a meeting on September 13, 2016, one Board member made a motion to change Policy 2260. That motion did not receive a second and therefore, the Policy was not revised.

The Board recognizes that the issue of transgender rights is at the forefront of litigation throughout the country, and that federal courts are split on whether a student's transgender status serves as a basis for legal rights and protections. Just recently, the United States Supreme Court announced that it will hear a case involving these issues although a decision is not expected until

sometime in 2017. While there is no definitive legal authority on these issues at this time, the District's implementation of Policy 2260 to date is consistent with the language of the policy, guidance issued by the U.S. Department of Education, a decision issued by the Fourth Circuit Federal Court of Appeals, and a decision recently issued by a Federal District Court in the Eastern District of Wisconsin, where Kiel Area School District is located. To the extent a student's transgender status does serve as a basis for legal rights and protections, the District's response to the student meets legal obligations. In addition, even if not ultimately required by law, the response furthers the Board's commitment to respect and support the unique differences of all students in the District.

In the future, if additional requests are received by the District from transgender students, the District will engage in a meaningful process that protects the rights of the transgender student as well as all other students in the District. A transgender student seeking accommodations, including the use of District facilities based upon the sex with which he or she identifies, must obtain permission from District officials who will consider each request on a case-by-case basis in the context of thoughtful discussion and evaluation. All other individuals will be required to use District facilities which match their biological sex. In accommodating transgender students, the District may consider the use of unisex or regular restrooms and separate or regular locker rooms. Students who seek additional privacy will always have the option of using alternative District facilities.

In considering the relevant issues with respect to the rights of transgender students as well as all other students in the District, the Board has considered at the full Board level as well as at the committee level, several options including remodeling one or more of the current restrooms in the high school into unisex/family restrooms. This idea was discussed as a means of accommodating all students as well as families with young children and elderly individuals whose mobility is limited. The Board recognizes the value in providing separate facilities for both students and visitors. To date, the Board has not authorized any monies for such remodeling, but if authorized the project would be required to go to bid.

The Board would like to thank the families and individuals in the District and the members of the community who have shared both their support and their concerns regarding these issues. Please be assured that the Board continues to be ever mindful of the privacy rights and the personal and religious beliefs of all individuals in the District. The Board also recognizes the important role of parents in helping their children navigate these difficult and sensitive issues. Therefore, it is the Board's hope that the school community can continue to discuss these issues in a manner that respects and values all students and families in the District.