

# SHAWNEE MISSION SCHOOL DISTRICT

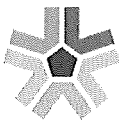
December 19, 2023

Mr. Kobach,

I write in response to your inquiry regarding how the public school districts of Kansas, and specifically the Shawnee Mission School District, navigate the legally complex and politicized issue of working with transgender families and ensuring that transgender students have equal access in the educational environment. This challenge is not unique to Kansas school districts, but is a challenge for school districts across the nation given the charged political climate around this issue, the lack of specific regulations or guidance about the scope of transgender students' rights under Title IX, and the lack of settled legal authority on conflict between transgender students' rights under Title IX and rights afforded to individuals under other laws.

When developing practices, SMSD leadership does its best to act in a measured and nonpartisan manner, to educate ourselves about the current legal landscape, to comply with the law, and to best serve our students and families. At the heart of this issue are students who want to feel welcome, comfortable, respected, and valued as individuals within their school environment. Parents certainly want this same thing for their children. Regardless of the parenting decisions that an individual parent/guardian of a transgender child makes, one of their highest priorities is that their child is able to be successful in school. These fundamental goals of the student and the parent/guardian, along with applicable legal requirements, have been the primary considerations of myself and SMSD leadership as we have developed practices to meet the requests and needs of transgender families.

Your letter appears to be primarily informed by misinformation from inconspicuously partisan sources, as well as by incorrect assumptions about our administrator guidance for working with transgender families. The answer to your inquiry is that, regardless of whether a request for supports and accommodations is initiated by a transgender student or by their parent/guardian, building administration works to assemble an appropriate team to develop a plan for the student, with both the parent/guardian and the student on the team.



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The Shawnee Mission School District's Board of Education has adopted a non-discrimination, non-harassment policy, Board of Education Policy AC, which affirms that the District will respect and afford students their rights under Title IX and will maintain an educational environment that is free from discrimination or harassment on any basis, including gender identity. The District does not have a policy specific to transgender students, nor a policy on "disclosing" requests by transgender students for supports and accommodations, to their parent/guardian. Each transgender student is a unique individual with unique needs. School administrators work with transgender students on a case-by-case basis using an approach that is appropriate for the unique circumstances.

In an effort to support our administrators as they work with transgender families, District-level administration drafted the guidance document that you refer to in your letter. The guidance document is informed by the most current guidance available from the U.S. Department of Education regarding rights and protections for transgender students under Title IX, by applicable Kansas law, and by the Family Educational Rights and Privacy Act (FERPA). We have updated the guidance document over time to reflect new or updated practices or to add guidance as new questions arise. The most current version of the guidance document is enclosed with this letter.

A review of that document shows that any plan for a transgender student would be developed through discussion and conversation with the student and their parents/guardians. Ensuring that a transgender student has equal access can require a multi-component plan developed with the family, appropriate school staff, and appropriate outside professionals that can be revised on an as-needed basis. As to names and pronouns specifically, the guidance document outlines a process for updating the information within our student information system to ensure that a transgender student can have interactions with their teachers and peers that respect their gender identity. Again, this process would occur with parent/guardian knowledge and input.

While discussion of hypothetical scenarios is not useful in fact-intensive matters such as accommodating transgender students, I want to note that the scenarios presented in your letter are not the types of real-world scenarios that building administrators have to work through. It is rarely the case that a transgender student requests supports and accommodations and their parent/guardian is entirely opposed to the requests. Most commonly, a transgender student and/or



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their parent approaches school staff with uncertainty and questions, and we do what we always do - we work to answer those questions and to meet the individual needs of the student in cooperation with their parents/guardians. In the event that a student and parent were not on the same page, a building leader and school staff would work with the family, allow reasonable time and space for the family to give consideration to the issues, provide resources, and strive to reach a plan that would be mutually agreeable to the student and the parent/guardian.

Without citing any incident of a SMSD parent allegedly having their legal rights violated, you attack our Board members and our administrative leadership with the statement that "USD 512 has apparently surrendered to woke gender ideology." Use of the political "woke" labeling as an insult is disappointing to see from our State's Attorney General. Our Board is made up of diverse individuals who were publicly elected by our community. Our administration is likewise composed of diverse individuals, who have devoted their professional careers to bettering and advancing public education for Kansas children. We are not caricatures from the polarized media, but rather real people who work very hard in the face of intense pressure on public schools to serve our students and our families every day in compliance with applicable law.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Hubbard".

Michelle Hubbard  
Superintendent  
Shawnee Mission School District