

Book	Policy Manual
Section	200 Pupils
Title	Student Physical Privacy in School Facilities
Code	253
Status	Active
Adopted	August 7, 2023

Purpose

It is the policy of the Eastern Lebanon County School District (District) to maintain a safe and supportive school environment for all students that is free from harassment, intimidation, bullying and discrimination based on actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, biological sex, gender identity, gender expression, sexual orientation, disability, age, marital status, pregnancy, childbirth or related medical conditions.

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The Board recognizes that every student has an individual interest in physical privacy, modesty, and personal space as it relates to the use of school facilities, particularly in spaces where students may be in a state of undress in close proximity to other students. Moreover, the District has an obligation to ensure student safety and maintain school discipline.

This policy is intended to guide District administration, school staff, students, and families regarding their interests and obligations related to the use of restrooms, changing rooms, showers, and other school facilities where students may be in a state of undress in the proximity of other students. When possible, school personnel shall assess the specific needs of individual students on a case-by-case basis. District administrators should discuss the needs and concerns of students with them and their families and apply the provisions of this policy along with their experiences and expertise in addressing student needs in the school environment. However, nothing in this policy shall be construed to modify the District's policies and procedures governing the retention, disclosure and protection of confidential student information. [\[18\]](#)

Authority

This policy shall be in effect while students are on property that is owned, leased or under the control of the District and while attending or engaged in school-sponsored activities.

Any violation of this policy shall be considered an infraction of the Code of Student Conduct, with discipline implemented accordingly. Any violation that is based on a student's sex, race, national origin, sexual orientation, color, religion, age, or disability shall be reported to the building administrator and investigated pursuant to policies prohibiting unlawful harassment. Any behavior that is a violation of the PA Crimes Code will be reported to the appropriate legal authorities.

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Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures and protocols, including appropriate signage, to ensure understanding and compliance with this policy. This policy shall be implemented through the cooperative efforts of the District administration, building administrators, school personnel, parents/guardians, and the District's community.

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy at least every three (3) years or as needed, and recommend necessary

revisions to the Board.

Building principals or designees are responsible for ensuring that school staff and students are familiar with this policy and its requirements.

All school personnel shall be responsible for maintaining an educational environment that respects the physical privacy of all students. Staff members who observe or become aware of an act in violation of this policy shall take immediate, appropriate steps to intervene and to report the conduct to the building principal for further investigation. This investigation may include: interviews with students, parents/guardians, and school staff; review of school records; and any other appropriate means of investigation.

Each student shall be responsible for respecting the privacy of fellow students.

The District expects students and parents/guardians who become aware of an act which violates this policy to report it to a school official (usually the building principal) for further investigation.

Any student who retaliates against another person for reporting violations of this policy shall be subject to disciplinary action.[16][17][19][20]

Definitions

Biological Sex is the sex designation recorded on an infant's birth certificate, if such birth certificate exists.

Consistently asserted is the steady and constant assertion over time of gender identity based upon a student's deeply and sincerely held internalized sense or psychological knowledge of the student's own gender. It is possible that a student's gender identity may change or evolve and, if so, the District will respond accordingly depending upon the circumstances of each specific situation and available information indicating that such assertion is sincerely held. The District will not question the student's assertion of their gender identity except in circumstances where school personnel have a credible basis for believing that the student is making that assertion for some improper purpose. Information that shall be requested to help verify that a student's asserted gender identity is sincerely held may include letters from family members or healthcare providers. Students shall not be required to provide any particular type of diagnosis, proof of medical treatment, or meet an age requirement as a condition to receiving the protections provided for under law.

Changing room refers to a private room designated for the purpose of allowing an individual to change out of and into alternative clothing in privacy. A changing room may include a shower area.

Gender Identity is a person's inner sense of being a man or a woman, some combination of both, or neither. A person's gender identity may or may not be different from that which society generally associates with the person's physiology or assigned sex at birth.

Multi-user facilities refer to restroom facilities, locker areas, and sink areas, accessible by more than one (1) person at a time. Single user facilities refer to changing, restroom or shower facilities comprised of a single shower, toilet, sink designed for use by one (1) person at a time.

State of undress refers to any time when a student, as required by Policy 221, Dress and Grooming, is: (a) missing; or (b) not wearing pieces of clothing on those parts of the body for which they were designed, in connection with toileting, showering and/or changing.[21]

Guidelines

Use of School Facilities

The Superintendent or designee shall ensure that a portion of the facilities in any given school within the District be designated for use by students according to their Biological Sex, and a portion of the facilities in any given school within the District be designated for use by students according to their Gender Identity.

Physical boundaries are to be respected by all students and staff in the context of locker areas, changing rooms, showers or restrooms, both in multi or single-user facilities. Personal space must reflect a level of respect that honors each student's physical privacy interests while using District facilities. Single-user facilities for changing and toileting shall be provided by the District in order to create a comfortable facility for any student, for any reason.

Available Facilities

Locker Areas -

Locker areas are provided by the District for use by students in connection with physical education, athletic team participation, and other school-related activities. Locker areas are equipped with appropriate lockers for storage of student property.[22][23]

Restrooms -

District buildings are equipped with single-user restroom facilities with no more than one (1) toilet and/or urinal, and a locking mechanism controlled by the user. Such single-user restrooms are available to all students, and without the necessity of advance notice, permissions, or explanations.

Showers -

Shower facilities are available for student use in connection with physical education, athletic activities and events. Single-user showers shall be accessible in close proximity to the locker area, and use of such shower rooms, for showering or for changing of clothing, shall not require advance notice, permissions, or explanation.[22][23]

Facility Use

1. Facility-use based on Biological Sex

Facilities designated for use based on Biological Sex shall only be utilized by members of that sex, as determined by the individual's Biological Sex. No person shall enter a facility that is designated for one sex unless s/he is a member of that sex, based on the individual's Biological Sex.

In any facility in a District school that is for use based on Biological Sex, in which a person may be in a state of undress in the presence of others, school personnel shall provide private changing areas designated for use based on the individual's Biological Sex. No person shall enter these private changing areas unless the individual is a member of the designated Biological Sex.

This section shall not apply to a person who enters a facility designated for the opposite Biological Sex:

- a. For custodial or maintenance purposes, when the facility is not occupied by a member of the opposite sex;
- b. To render emergency medical assistance; or
- c. During a natural disaster, emergency, or when necessary to prevent a serious threat to the safety of the school community.

Nothing in this section of the policy shall be construed to prohibit the District from accommodating students with disabilities or young children in need of physical assistance when using facilities.[17][24][25]

2. Facility-use based on Gender Identity

Facilities designated for use based on Gender Identity may be utilized by members of that gender, **based on the individual's Gender Identity as consistently asserted.** No person shall enter a facility that is designated for one gender unless s/he is a member of that gender, based on the individual's Gender Identity as consistently asserted.

In any District facility that is for use based on Gender Identity, **in which a person may be in a state of undress in the presence of others,** school personnel shall provide private changing areas for use if requested. No person shall enter these private changing areas unless the individual is a member of the designated gender, **according to Gender Identity as consistently asserted.**

This section shall not apply to a person who enters a facility designated for the opposite Gender Identity:

- a. For custodial or maintenance purposes, when the facility is not occupied by a member of the opposite sex;
- b. To render emergency medical assistance; or
- c. During a natural disaster, emergency, or when necessary to prevent a serious threat to the safety of the school community.

Nothing in this section of the policy shall be construed to prohibit the District from accommodating students with disabilities or young children in need of physical assistance when using facilities.[17][24][25]

Student Misconduct

The District does not tolerate any misconduct in District facilities including, but not limited to, hazing, bullying, harassment, overt and intentional displays of nudity, or attempts to invade the personal space or privacy of others. Any student who violates the District's expectations of behavior in these facilities will be subject to discipline under both this policy and any other applicable policy including, but not limited to, the unlawful harassment and bullying policies. [16][17][19][20][26][27]

Cellular Telephones and Other Electronic Devices

Cellular telephones and other electronic devices with photographic, video graphic, or audio recording capabilities are not permitted to be used in any changing rooms or shower facilities. Use of such devices within these facilities will result in immediate discipline.[19][20][28]

Right of Access by District Personnel

In order to protect the health, safety, security and welfare of the school population, the District shall maintain master keys to all lockable facilities. The District shall have the right to access any single-user lockable facility, including one currently in use, where building administrators have a reasonable basis to believe that an individual's use of such facility poses an imminent threat to the health, safety, security or welfare of the student or others in the school community.

In the absence of a reasonable belief that an imminent threat exists as set forth above, District personnel shall not enter single-user facilities currently in use without the express permission of the student and/or the student's parents/guardians.

In all other respects, Policies 226 and 705, entitled Searches and Safety respectively, shall be applicable to facilities outlined in this policy.[29][30]

Disciplinary and Other Actions

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[19][20]

1. Counseling with the school.
2. Parent/Guardian conference.
3. Loss of school privileges.
4. Exclusion from school-sponsored activities.
5. Detention.
6. Suspension.
7. Expulsion.
8. Counseling/Therapy outside of school.
9. Referral to law enforcement officials.

New School Construction

To the extent feasible, the District will continue to incorporate single occupancy spaces where practicable into the design of new school buildings or renovations of existing facilities. Any student who wishes additional privacy while changing or using existing facilities will have the ability to use an appropriate single user facility.[31][32]

Legal

- [1. 22 PA Code 12.1](#)
- [2. 22 PA Code 12.4](#)
- [3. 22 PA Code 15.1 et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 24 P.S. 1301](#)
- [6. 24 P.S. 1301-A](#)
- [7. 24 P.S. 1310](#)
- [8. 24 P.S. 1601-C et seq](#)
- [9. 24 P.S. 5004](#)
- [10. 20 U.S.C. 1681 et seq](#)
- [11. 29 U.S.C. 794](#)
- [12. 42 U.S.C. 12101 et seq](#)
- [13. 42 U.S.C. 1981 et seq](#)
- [14. 42 U.S.C. 2000d et seq](#)
- [15. 43 P.S. 951 et seq](#)
16. Pol. 103
17. Pol. 103.1
18. Pol. 216
19. Pol. 218
20. Pol. 233
21. Pol. 221
22. Pol. 122
23. Pol. 123
24. Pol. 113
25. Pol. 805

26. Pol. 247

27. Pol. 249

28. Pol. 237

29. Pol. 226

30. Pol. 705

31. Pol. 701

32. Pol. 707

Pol. 113.1

Pol. 113.4