

Olathe Public Schools Guidance Regarding Athletics, Facilities and Education Records

Olathe Public Schools (the “District”) is committed to a learning environment that is safe and supportive of all of our students, and that is free from discrimination. Our goals are for all students to feel safe and supported in our schools and to have equal access to educational activities. Like everything we do, partnering with our parents and our students is a core component in helping our students to learn and develop. With these goals in mind, this Guidance Regarding Athletics, Facilities and Education Records (Guidance) reflects recent changes in the law to help our district administrators, teaching staff, counselors, social workers, and nurses maintain strong relationships to support our students.

Applicable Laws: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. and 34 C.F.R. Part 106 (Title IX) requires that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The Family Educational Rights and Privacy Act 20 U.S.C. § 1232g and 34 CFR Part 99 (FERPA) requires parents to have access to the education record of their student who is in attendance at an educational agency, such as the District. Kansas statutes (HB 2238 and SB 244) require participation in athletics and facility use (bathrooms and locker rooms) for boys and girls based on biological sex.

1. Athletics: The District complies with Title IX regarding participation in athletics. Kansas statute (HB 2238) requires the Kansas State High School Activities Association (KSHSAA) to ensure participation in athletics based on the biological sex for boys and girls. The District complies, and shall continue to comply, with these laws regarding participation in athletics for its varsity, competitive and intramural sports in high school.
2. Facilities: The District complies with Title IX regarding facility use. The District maintains and will continue to maintain separate bathrooms, locker rooms and shower rooms for boys and girls and overnight accommodations. Kansas statute (SB Bill 244) requires individuals to use bathrooms and locker rooms based on their biological sex assigned at birth. The District complies, and shall continue to comply, with these laws regarding facility use and overnight accommodations.

In addition, to protect the safety, privacy and disability rights of all students, staff will review any request for bathroom, locker room and shower rooms as well as overnight accommodations to determine whether a student should be provided with access to a separate private bathroom, locker room or shower room or overnight accommodations, where appropriate. The determination for these requests is made generally at the building level by the principal. This determination is to protect the rights of all students, consistent with applicable laws (including, but not limited to, the U.S. Constitution, the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act).

3. Education Record: The District is providing and shall continue to provide parents with access to their student’s education record, consistent with FERPA. The District shall include in its annual orientation training for staff a review of the FERPA requirements regarding the parents’ right to access to their student’s education record, consistent with FERPA.