

Procedure – Gender-Inclusive Schools

The Bellevue School District is committed to ensuring a safe and inclusive learning environment in which all students are provided every opportunity to learn.

The purpose of this procedure is to advise District staff regarding issues relating to transgender and gender-expansive students in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of their educational program.

State and federal law, as well as District policy, prohibit discrimination in public schools based on various protected categories, including a person's sex, sexual orientation, gender expression or gender identity.

This procedure does not anticipate every situation that might occur. It does offer suggested approaches to specific instances when the protections or the safety of transgender and gender-expansive students may come into question.

- The intent of this procedure is to develop understanding of each student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting, or that the district will provide according to Policy 3211 and this procedure and under state and federal law; and
- develop a shared understanding of the student's day-to-day routine within the school to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

Key Definitions/Terms

Note: The following definitions provided are not meant to label a student but are intended as functional descriptors.

- **Assigned sex at birth:** The sex a person was assigned at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- **Cisgender:** A term used to describe people whose assigned sex aligns with their gender identity and/or gender expression (e.g., someone who was assigned female at birth and whose gender identity and/or gender expression is also female.)
- **Gender Expansive:** A wider, more flexible range of gender identities or expressions than those typically associated with binary gender norms.
- **Gender Expression:** The external ways in which a person expresses their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities.
- **Gender Identity:** A person's internal and deeply-felt sense of being female, male, both, non-binary, gender-expansive, or other—regardless of the gender assigned at birth.
- **Gender Nonconforming:** A term for people whose gender expression differs from stereotypical expectations about how they should look or act based on the gender they were

assigned at birth. This includes people who identify outside traditional gender categories or identify as both genders. For example, “feminine boys,” “masculine girls,” and students who are androgynous, or their gender is fluid.

- **Transgender:** A term often used to describe a person whose gender identity or expression, or both, are different from those traditionally associated with their sex assigned at birth.
- **Transitioning:** The process in which a person goes from living and identifying as one gender to living and identifying as another.

Communication and Use of Names and Pronouns

Information related to how students would like to be addressed in class, in correspondence to the home, and at conferences with the student’s parent/guardian, will be included in the electronic student record system along with the student’s legal name in order to inform teachers and staff of the name by which to address the student. However, the student’s legal name should be accessible by only necessary staff members—it should not be visible to teachers or other staff who have access to the electronic records system.

When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender expansive students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student’s actual or perceived gender identity or gender expression. Before communicating with parents of transgender or gender expansive students, it is important to ask the student how school employees should refer to the student when talking with their parents and guardians. For families who are supportive, using the student’s name and pronoun could be affirming for the student. For parents who are not supportive, or who are not aware of the student’s transition at school, referring to their name and pronoun could be very dangerous. When school personnel must contact the parents of a transgender or gender-expansive student, best practice dictates that gender pronouns should be avoided unless the student has been consulted first to determine an appropriate way to reference the student’s gender identity. For example, “I am calling about P.J.’s attendance” rather than, “I am calling about your son’s attendance.”

The district will not condone the intentional or persistent refusal to respect a student’s gender identity or gender expression, or inappropriate release of information regarding a student’s transgender or gender-expansive status.

Official Records

At this time, the standardized high school transcript is the only official record that requires the use of a student’s legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student’s transgender or gender-expansive status. The District will change a student’s high school transcript to reflect a change in legal name upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent or student request pursuant to the Office of the Superintendent of Public Instruction's (OSPI's) process found at: <https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2018-19cedarsreportingguidance.pdf>. The process should not be overly cumbersome, and the district may not require verification from a physician.

The school must use the name and gender by which the student identifies on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, and directory information.

Confidential Health or Educational Information

All persons, including students, have a right to privacy; this includes keeping a student's transgender identity private. Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Therefore, to ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender-expansive status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Restroom Accessibility

Students have the right to use the restroom that is consistent with the gender identity they consistently assert at school. Students who identify as gender-expansive have the right to use the restroom the student determines to best align with their gender identity. Note that all students, regardless of the underlying reason, who need or desire for increased privacy, should be provided access to an alternative restroom (e.g., a staff restroom or health office restroom). Further, the establishment of an all-gender multi-stall restroom is recommended to address student concerns regarding gendered multi-stall restroom use by providing all students access to a restroom that protects their privacy and avoids singling them out as being different.

It is a District goal to establish gender-neutral multi-stall restrooms in all district schools. Gender-neutral multi-stall restrooms provide students with an alternative to gendered restrooms and bolster the safe and welcoming environment the district endeavors to provide in all schools. Gender-neutral restrooms are for all students but are often an important supporting element for transgender and gender-expansive students.

If school administrators have legitimate concerns about the safety or privacy of students as related to a transgender student's use of the restroom, school administrators should bring these concerns to the appropriate Executive Director. Such privacy or safety issues should be immediate and reasonably foreseeable, not speculative. School administrators should meet with students and/or parents/caregivers to determine if there is a need for an alternative facility. Determination to provide an alternative facility for any student should be on a case-by-case basis.

Locker Room Accessibility

Use of locker rooms by transgender or gender-expansive students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender-expansive student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety. The district will take an approach that conforms with OSPI's guidelines. In most cases, the district should provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions for any student who wants additional privacy include, but are not limited to:

- Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom);
- A separate changing schedule (i.e., utilizing the locker room before or after the other students).

For transgender and gender-expansive students, any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with their gender identity.

Sports and Physical Education Classes

The District will provide all students, including transgender and gender-expansive students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

A student may seek eligibility for participation in interscholastic athletics by working through the eligibility procedure set forth by Policy 2151, Policy 3120, and the gender participation rules of the Washington Interscholastic Activities Association (WIAA).

Other School Activities

In any school activity or other circumstance involving separation by gender, students will be permitted to participate in accordance with the gender identity they assert at school. Teachers and other school employees will make every effort to separate students based on factors other than gender where practicable. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns

Variations

Recognizing that the intent of this procedure is to provide for the safety and protection of transgender and gender-expansive students, the rules provided may not be appropriate for every situation. Therefore, for any given situation, the parent/guardian/caregiver of a transgender or gender-expansive student, a transgender or gender-expansive student, and/or school principal may request a procedure variation from the appropriate Executive Director. Upon request for a procedure variation, the Executive Director will consult with district legal counsel and determine whether to grant the variation. A decision to deny a procedure variation may be appealed under Policy 4220.

Training

The district will designate one person to be the compliance officer regarding this policy and procedure relating to transgender or gender expansive students. The compliance officer must participate in at least one mandatory training opportunity offered by OSPI.

Discrimination and Harassment Complaints

Discrimination and harassment on the basis of sex, gender identity, or gender expression are prohibited within the district. It is the responsibility of each school, the District, and all staff to ensure that all students, including transgender and gender-expansive students, have a safe school environment.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination and harassment complaints. This includes investigating the incident and taking age and developmentally-appropriate corrective action when appropriate. Anyone may file a complaint alleging a violation of this policy using the complaint processes outlined in the district procedure 3210P Nondiscrimination and/or 3205P Prohibition of Sexual Harassment – Students.

Complaints pursuant to this procedure maybe filed with Nancy Pham, Civil Rights Compliance Officer, or Jeff Lowell, Title IX Coordinator, through any of the following methods:

- Email: phamn@bsd405.org
- Phone: 425-456-4040
- US Mail: Nancy Pham, Civil Rights Compliance Officer, P.O. Box 90010, Bellevue, WA 98009
- In person at the District's Educational Services Center: 12111 NE 1st St., Bellevue, WA 98005
- Email: lowellj@bsd405.org
- Phone: 425-456-4010 or 425-456-4050
- US Mail: Jeff Lowell, Title IX Coordinator, P.O. Box 90010, Bellevue, WA 98009
- In-person at the District's Educational Service Center: 12111 NE 1st St Bellevue, 98005

The district will share this policy and procedure with students, parents/guardians, employees, and volunteers.

Date: 08.2022