Students

Transgender Students

Definitions/Terms

1. Gender Expression is the manner in which a person represents or expresses gender to others, often through behavior, mannerisms, clothing, hairstyles, voice, and/or activities.
2. Gender Identity is a person's deeply felt internal sense of their own gender, regardless of the sex indicated on their birth certificate.
3. Gender Nonconforming describes any person whose gender expression differs from stereo-typical expectations about how they should look or act based on the sex indicated on their birth certificate. This includes people who identify outside traditional gender categories or identify as both genders.
4. Transgender is a general term used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person's sex indicated on their birth certificate.
5. Transitioning is the process in which a person changes gender expression to better reflect gender identity.

Support Process

All students will have access to a system of support within the district that is designed to address any social, emotional and academic needs with timeliness and purpose. In cases when students are transitioning or considering a transition, the degree to which they consistently assert their gender identity will be assessed and supported as an integral part of the following process:

1. Staff become aware of an issue or concern. (This may be observed by staff, brought forth by the student, or shared by the student's family.)
2. Notification of administrator(s), counselor and family (as permitted or necessary) of an issue or concern.
3. Assessment of the student's needs in the learning environment that includes appropriate staff, the student, and parents (as permitted or necessary).
4. Development and implementation of a support plan that includes appropriate staff, the student and parents (as permitted or necessary).
5. Ongoing contact, engagement and support of the student.

The goals of this process are to maximize the student's social integration and equal opportunity to participate in social, athletic and academic opportunities, ensure the student's safety, modesty and comfort, and minimize stigmatization.

Official Records

The district is required to maintain a permanent student record which includes the student's legal name and the student's sex indicated on their birth certificate. The district will change a student's official records to reflect a change in legal name and/or gender upon receipt of

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.

To the extent that the district is not legally required to use a student's legal name and legal gender on school records or documents, the district shall use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or sex indicated on their birth certificate, such as for standardized testing, the district will facilitate and support staff in the adoption and implementation of practices to avoid the inadvertent disclosure of such confidential information.

Confidential Health or Educational Information

Information about a student's gender status, legal name, or sex indicated on their birth certificate 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, school employees shall not disclose information that may reveal a student's transgender status to others, including parents and/or other school personnel, unless legally required to do so or the student has authorized such disclosure.

Restroom Accessibility

Students will be allowed to use the restroom that corresponds to the gender identity they consistently assert at school. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided access to an alternative restroom (e.g., staff restroom, health office restroom). No student will be required to use an alternative restroom because they are transgender or gender nonconforming. If school administrators have legitimate, immediate and reasonably foreseeable concerns that are not speculative about safety or privacy of students as related to a transgender student's use of restroom, they should bring those concerns to the attention of the district's compliance coordinator.

Locker Room Accessibility

The district will provide students with the option to access the locker room that corresponds to their gender identity. Use of locker rooms by students actively transitioning will be addressed through the support process previously outlined. The goals of this process are to maximize the student's social integration and equal opportunity to participate in physical education classes and athletic opportunities, ensure the student's safety, modesty and comfort, and minimize stigmatization.

Any student—transgender or not—who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a reasonable alternative changing area, including, but not limited to:

1. 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);

2. A separate changing schedule (e.g., utilizing the locker room before or after the other students).
3. Other accommodations designed at individual schools, and approved in advance by a district level administrator, to address the privacy and safety needs of all students.

Any alternative arrangement will be provided in a way that protects the student's ability to keep their transgender status private. No student, however, 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 the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identities.

A student may seek review of their eligibility for participation in interscholastic athletics by working through the Washington Interscholastic Activities Association (WIAA).

Dress Codes and Communications

The district will permit students to dress according to the gender identity with which they consistently identify and shall be addressed and treated using the name and pronouns of their choice. School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. Dress codes will be based on educationally relevant considerations, apply consistently to all students, include consistent discipline for violations, and make reasonable accommodations when students require an exception. Such exceptions may not result in substantial disruption of the educational environment or compromise school health or safety (e.g., prohibition on wearing gang-related apparel).

Training and Professional Development

The district will designate one person to be the primary contact regarding this policy and procedure relating to the transgender or gender expansive students. The primary contact must participate in at least one mandatory training opportunity offered by OSPI. When possible, the district will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, Identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying;
- District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, gender identity, gender expression issues.

Discrimination and Harassment Complaints

Discrimination on the basis of gender identity or expression is prohibited within the district. Complaints alleging discrimination based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in accordance with Procedure 3210P. This includes investigating the incident and taking age and developmentally appropriate corrective action when needed. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the Procedure 3210P. Complaints alleging harassment, intimidation, or bullying (HIB) will be handled using the complaint process outline in Procedure 3207P. Complaints alleging or discovered to involve potential violations of the district's prohibitions of HIB and discrimination must be handled under both 3207P and 3210P.

Cross References: Policy 3210 Nondiscrimination
Policy 3207 Prohibition of Harasssment, Intimidation and Bullying
Policy 3600 Student Records

Legal References: RCW Chapter 28A.642 Discrimination prohibition
RCW Chapter 49.60 Washington Law Against Discrimination
20 U.S.C. §1232g, 34 C.F.R., Part 99 Family Education Rights & Privacy Act

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