GENDER INCLUSIVE SCHOOLS

Incorporation of Rules and Guidelines Developed by OSPI

As required by law, the district incorporates the rules and guidelines developed by OSPI in this Procedure, including having a Procedure that incorporates the elements of the WSSDA model procedure to prevent discrimination on the basis of, among other things, gender identity or expression with regard to any program or activity conducted by or on behalf of a school district, including but not limited to, recreational and athletic activities, extracurricular activities, preschool, adult education, community education, and vocational-technical program activities.

Students alleging that they are being or have been discriminated against based on their gender identity or expression should follow the complaint process described in Procedure 3210.

Key Definitions/Terms Related to Gender Inclusivity

- Assigned sex at birth: The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- Cisgender: A term used to describe people whose assigned sex matches 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 the binary gender system.
- 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.
- 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.

Official Records

The standardized high school transcript is the only official record that requires 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 official records to reflect a change in legal name upon receipt of:

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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. This 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 records, including, but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, directory information.

When a request is made to change gender designation or name, the principal or designee is encouraged to offer to meet with the requestor to develop understanding of that 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 so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school. The school may not require the student to attend a meeting as a condition of providing them with the protection to which they are entitled under Policy 3211, this procedure, and state and federal law regarding gender expression or identity.

Confidential Health or Educational Information

Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information.

As stated in District Policy 3230 - Student Privacy and Searches, Washington State law provides that at certain ages, students attain the right to decide for themselves what medical records will remain confidential and what activities the student will participate in.

Disclosing this information to their parents, other students, 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). Parents have the right under FERPA to request their student's educational records and if requested, the District will provide the student's educational records to the parent according to 3231/3231P – Student Records. 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 other school personnel, other students, or the parents of other students, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Communication and Use of Names and Pronouns

When a request is made to change gender designation or name, the school will consult with the student about the student's preferences regarding family involvement and consider whether safety concerns are present for the student. Using the student's name and pronoun could be affirming for the student when families are supportive. If using their name and pronoun is a safety concern, an appropriate school employee will privately ask known transgender or gender-expansive students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information 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 and pronoun 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. The school employee will also offer support to the student as outlined in this procedure.

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. 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.

Restroom Accessibility

Students will be allowed to use the restroom that corresponds to the gender identity they assert at school. No student will be required to use a restroom that conflicts with their gender identity. Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom. However, schools may not require a student to use an alternative restroom because of their transgender or gender-expansive status.

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).

The school will provide accommodations needed to allow the student to keep their transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with his or her 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 review of his or her eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth by the Washington Interscholastic Activities Association (WIAA).

Dress Codes

The District will allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress codes adopted at their school site and within the constraints of the District guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. The district will take an approach that conforms with OSPI 's guidelines.

Other School Activities

In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips, and overnight trips), 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.

Training and Professional Development

The district will designate one person to be the primary contact regarding this policy and procedure relating to 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 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. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the person designated as the primary contact relating to transgender or gender expansive students. The primary contact will communicate with the district's Civil Rights Compliance Coordinator.

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. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in the district's Nondiscrimination Procedure 3210P.

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

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