

## **Nondiscrimination: Transgender and Gender Nonconforming Students**

The purpose of this procedure is to advise District staff regarding issues relating to transgender and gender non-conforming 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.

Washington State Law and District policy prohibits 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 nonconforming students may come into question.

### **DEFINITIONS/TERMS**

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

- A. **“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- B. **“Gender identity”** refers to one's deeply felt internal sense of being male or female, regardless of their sex assigned at birth.
- C. **“Gender nonconforming”** is 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 view their gender as fluid.
- D. **“Transgender”** is a general term used to describe a person whose gender identity or expression is different from that traditionally associated with the person's gender assigned at birth.
- E. **“Transitioning”** is the process in which a person changes their gender expression to better reflect their gender identity.

### **GUIDELINES:**

#### **Issues of Privacy:**

All persons, including students, have a right to privacy; this includes keeping a student's transgender identity private. Information about a student's transgender identity, legal name, or gender assigned 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 Educational Rights and Privacy Act (FERPA) (20 U.S.C. s 1232g; 34 C.F.R. Part 99). Therefore, school personnel should not disclose a student's transgender identity to others, including parents, and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

Whenever discussing a particular issue such as conduct, discipline, grades, attendance, or health with a transgender or gender nonconforming student, focus on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived gender identity. When school personnel must contact the parents of a transgender or gender nonconforming student, "best practice" would dictate 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."

**Official Records:**

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil and the pupil's gender. The District will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such 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 gender on school records or documents, the District should use the name and gender by which the student identifies. School IDs, for example, are not legal documents and should use the student's preferred name. In situations where school staff or administrators are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of such confidential information.

**Names/Pronouns:**

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is consistently asserted at school using the name and pronouns of their choice (i.e., "he" and "him" or "she" and "her"). Students are not required to obtain a court ordered name and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

**Restroom Accessibility:**

Schools should allow students to use the restroom that is consistent with their gender identity consistently asserted at school. Any student, transgender or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to an alternative restroom (e.g., staff restroom, health office restroom). This allows students who may feel uncomfortable sharing the facility with the transgender student(s) the option to make use of a separate restroom and have their concerns addressed without stigmatizing any individual student. No student, however, should be required to use an alternative restroom because they are transgender or gender nonconforming.

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 the student and/or parents 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:**

The use of locker rooms by transgender students should be assessed on a case-by-case basis, with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing the stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school.

Any student who has a need or desire for increased privacy and safety, regardless of the underlying reason, should be provided access to a reasonable alternative locker room such as:

- Use of a private area (i.e., a 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 (either utilizing the locker room before or after the other students).

Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender identity private. No student, however, should be required to use a locker room that conflicts with his or her gender identity.

**Physical Education Classes:**

Transgender and gender nonconforming students are to be provided the same opportunities to participate in physical education as are all other students.

**Dress:**

Students must be permitted to dress according to the gender in which they consistently identify. Students shall have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the dress codes adopted at their school site, and consistent with Policy 3224.

**Gender Segregation in Other Areas:**

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity consistently asserted at school. Teachers/school employees should make every effort to separate students based on factors other than gender when possible (e.g., class discussions can be divided by birth month or last name or birth order instead of by gender). 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.

**Date: 7.14, 9.15**