

Transgender and Gender Non-Conforming Students

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sex, sexual orientation, gender identity or gender expression. To that end, the Board recognizes the importance of an inclusive approach toward transgender students with regard to official records, confidential health and education information, communication, restroom and locker room accessibility, sports and physical education, dress codes and other school activities, in order to provide these students with an equal opportunity for learning and achievement. This regulation will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying and discrimination.

I. Definitions/Terms

- A. **Biological Sex/Sex** refers to a person's internal and external anatomy, chromosomes, and hormones.
- B. **Gender Expression** is how a person expresses their gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- C. **Gender Identity** refers to one's deeply felt internal sense of being female, or male, or both, or neither, regardless of their sex assigned at birth.
- D. **Gender Nonconforming** describes a person 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, or as gender neutral.
- E. **Parent** means a parent, guardian or person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this regulation may be exercised by the student.
- F. **Transgender** is a general term often used to describe a person whose gender identity and/or expression is different from that traditionally associated with the person's gender assigned at birth.
- G. **Transitioning** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

II. The principal or building administrator is encouraged to request a meeting with a transgender student and their parent upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity, if the student consents and if requesting a meeting with parents will not violate the student's privacy.

A. The goals of the meeting are to:

1. 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 under state and federal law; and
2. 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 or parent to attend a meeting as condition of providing them with the protection to which they are entitled under this regulation and state and federal law regarding gender expression or identity.

III. Official Records

A. The district is required to maintain a permanent student record which includes the student's legal name and the student's gender. The district will change a student's official records to reflect a change in legal name or gender 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. Upon receipt of a written, signed statement explaining that the student has exercised a common-law name change pursuant to Washington law, and has changed their name for all intents and purposes, and that the change has not been made for fraudulent reasons.

B. To the extent that the district is not legally required to use a student's legal name and biological sex on school records or documents, the district will 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 gender, such as for standardized testing, school staff will adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

IV. Confidential Health or Educational Information

Information about a student's gender status, 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 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 will not disclose a student's transgender or gender nonconforming 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.

V. Communication and Use of Names and Pronouns

- A. An appropriate school employee will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. 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.
- B. When communicating with parents of transgender or gender nonconforming students, school employees should avoid the use of gender pronouns and refer to the student by name whenever practicable. The district will not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

VI. Restroom Accessibility

If available, the district will provide access to gender neutral restroom facilities; however, 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 his or her gender identity.

VII. Locker Room Accessibility

- A. Use of locker rooms by transgender or gender nonconforming students will be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety. 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 which may be offered to students for locker room use include, but are 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 (i.e., utilizing the locker room before or after the other students).
- B. Any alternative to locker room conditions will be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, will be required to use a locker room that conflicts with his or her gender identity.

VIII. Sports and Physical Education Classes

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

IX. 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).

X. Other School Activities

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

XI. Discrimination and Harassment Complaints

- A. Discrimination and harassment on the basis of sex, sexual orientation, or gender identity or 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 non-conforming 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 district's Compliance Coordinator.

- B. Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression will be taken seriously and handled in the same manner as other discrimination and/or 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 Regulation 5119.

Legal Reference: RCW 28A.642
20 U.S.C. Sec 1232g, 34 C.F.R, Part 99

Approved: April 14, 2015

VPS