

**GENDER-INCLUSIVE SCHOOLS**

**POLICY:**

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of gender expression, gender identity, or sex. To that end, the Board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom and locker room use and 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 policy is a component of the District's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedures. The Superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the Compliance Officer will be communicated throughout the district. The District's Compliance Officer will participate in at least one mandatory training opportunity offered by the Office of Superintendent of Public Instruction (OSPI).

This policy and its procedures will support that effort by facilitating district compliance with local, state, and federal laws concerning harassment, intimidation, bullying, and discrimination.

## **GENDER-INCLUSIVE SCHOOLS**

### **PROCEDURES:**

The principal or building administrator—or an appropriate, designated school employee—is encouraged to request a meeting with a transgender or gender-expansive student upon the student's enrollment in the district or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement and honor those preferences.

The specific goals of the meeting with the student are 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 No. 5590 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 supportive 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 No. 5590 and this procedure and state and federal law regarding gender expression or identity.

### **Key Definitions/Terms**

- **Assigned sex at birth:** The sex a person is assigned at birth (by another person), usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- **Cisgender:** A term used to describe people whose sense of personal identity and gender corresponds with their birth sex.
- **Coming Out:** For LGBTQ+ people, coming out is the process of self-identifying and self-acceptance that entails the sharing of their identity

with others. It is also sometimes referred to as disclosing. Individuals often recognize a lesbian, gay, bisexual, transgender/gender-expansive, or queer identity within themselves first and then later might choose to reveal it to others. There are many different degrees of being out, and coming out is **can be** a lifelong process.

- **Gender Expansive:** An umbrella term sometimes used to describe people who expand notions of gender expression and identity beyond perceived or expected societal gender norms.
- **Gender Expression:** The external ways in which a person communicates their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities. This communication may be conscious or subconscious and may or may not reflect their gender identity or sexual orientation.
- **Gender Identity:** A person's deeply held core sense of self in relation to gender. Gender identity does not always correspond to biological sex. People become aware of their gender identity at many different stages of life, from as early as 18 months and into adulthood.
- **LGBTQ+:** An acronym that collectively refers to individuals who are lesbian, gay, bisexual, transgender, or queer.
- **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**

The Lake Stevens School District accepts and encourages the use of preferred names and pronouns for students and staff. When a student discloses information to a teacher, counselor, or other staff member about their gender identity, the school counselor will privately ask the student how they want to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. This 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. The student's legal name should be accessible only to counselors and administrators. 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. When communicating with parents of transgender or gender expansive students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practical. Before communicating with parents of transgender or gender expansive students, it's 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. The District will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression or the inappropriate release of information regarding a student's transgender or gender-expansive status.

### **Official Records**

School districts maintain permanent student records that include a student's legal name and legal sex. 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 designated by the student. The standardized high school transcript, Special Services documents, and standardized testing, are the only official records that require a student's legal name. When a student's legal name is required in other places (i.e., health records, special education, and/or special services records) the school will make every effort to also identify the student's preferred name and pronouns.

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 (standardized high school transcript, Special Services documents, and standardized testing) 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 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. Students may choose M, F, or Z as gender markers.

When a former student asks for their official student transcript to be changed to reflect a different name or gender:

- document the transaction (request for the change, proof of identity, certificate, court papers, etc.);
- issue a new record; and
- retain (1) the original record; (2) the newly issued record; and (3) the documentation of the transaction.

The school must use the name and gender designated by the student on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diploma, and directory information. A student's age and grade level should not be used to delay or deny a student's gender expression.

### **Confidential Health or Educational Information**

All persons, including students, have a right to privacy and this includes the right to keep one's gender identity private at school. Information about a student's gender identity, transition process, 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).

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, (2) when necessary to ensure the health and safety of the student, or (3) the student has authorized such disclosure.

School nurses and other licensed health professionals need accurate and reliable information to ensure that the student receives appropriate care and to enable them to coordinate care with other health care providers. A school nurse should use the transgender student's preferred name and identified gender except when necessary to ensure the health and safety of the student.

### **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 and minimizing stigmatization of the student. 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, regardless of the underlying reason, 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); and
- A separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions will be provided in a manner that allows 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, her, or 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 review of their eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth by the Washington Interscholastic Activities Association (WIAA).

### **Student Dress and Gender Expression**

Students have the right to express their gender at school. School dress codes should be gender-neutral and should not restrict a student's clothing choices on the basis of gender.

### **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 its procedures 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; and
- district and staff responsibilities under applicable laws and board policies regarding harassment, discrimination, gender identity, gender expression issues.

### **Discrimination and Harassment Complaints**

Discrimination and harassment on the basis of sex, sexual orientation, 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 Title IX/Civil Rights/HIB Compliance Officer or the Director of Equity, Diversity, and Inclusion.

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 harassment complaints. This includes investigating the incident, taking prompt and effective steps to end the harassment, and taking age and developmentally-appropriate corrective action to prevent its recurrence and remedy its effects. Anyone may file a complaint alleging a violation of this policy using the complaint process outlined in Policy No. 5090: Student Nondiscrimination and its accompanying procedures.

The District will share this policy and its procedures with students, parents/guardians, employees, and volunteers.