

Procedure: Gender-Inclusive Schools

If a student enrolls in an ESD Program and requests a change of gender expression or identity, the Program Director or designated ESD 112 administrator will meet with the student 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 ESD 112 will provide according to Policy 3211 and this procedure and under state and federal law;
- develop a shared understanding of the student's day-to-day routine within the ESD 112 program so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance in the program; and
- discuss the student's parents understanding and involvement in decisions and actions that are taken related to the student's gender expression or identity.

ESD 112 will not require the student to attend a meeting as 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.

Key Definitions/Terms

- **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.

Communication and Use of Names and Pronouns

The Program Director or designated ESD administrator 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 ESD employees of the name and pronoun by which to address the student. The

student's legal name should only be accessible by necessary employees—it should not be visible to others who have access to the electronic records system.

When appropriate or necessary, information will be communicated directly to employees 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, ESD 112 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.

Official Records

The standardized high school transcript is the only official record that requires a student's legal name. ESD 112 does not issue or maintain high school transcripts. ESD 112 will change a student's official records that ESD 112 is responsible for to reflect a change in legal name upon receipt of:

1. Documentation that the student's legal name 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.

If appropriate and allowed (ESD may not have the same legal authority as a school district), ESD 112 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>. ESD 112's process will not be overly cumbersome, and ESD 112 will not require verification from a physician.

ESD 112 will use the name and gender by which the student identifies on all other records, including but not limited to ESD 112 identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, directory information.

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 Policy 3230, Searches of Students and Student Privacy, 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 confidential student information to other students, 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). Parents have the right under FERPA to request their student's educational records. If requested, ESD 112 will provide the student's educational records to the parent. To ensure the safety and well-being of the student, ESD 112 employees should not disclose a student's transgender or gender-expansive status to others, including other ESD 112 employees, students, or the parents of other students, unless ESD 112 is (1) legally required to do so or (2) the student has authorized such disclosure.

Restroom Accessibility

Students will be allowed to use the restroom that corresponds to the gender identity they assert at the ESD 112 program. 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. ESD 112 will not require a student to use an alternative restroom solely because of their transgender or gender-expansive status.

Dress Codes

ESD 112 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 in their ESD 112 program and within the constraints of the ESD 112 guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). ESD 112 dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. ESD 112 will take an approach that conforms with OSPI 's guidelines.

Other School Activities

In any ESD 112 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 the ESD 112 program. ESD 112 employees will make every effort to separate students based on factors other than gender where practicable.

Training and Professional Development

ESD 112 has designated the Civil Rights Compliance Officer, Title IX Coordinator and General Inclusive Program Coordinator as primary contacts for questions or complaints related to transgender or gender expansive students. ESD 112 designated contacts will participate in at least one mandatory training offered by OSPI. When possible, ESD 112 will conduct employee training and ongoing professional development in an effort to build the skills of all employees 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;
- ESD 112's and our employee's responsibilities under applicable laws and ESD 112 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 ESD 112. It is the responsibility of each program, ESD 112, and all employees to ensure that all students, including transgender and gender-expansive students, have a safe environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to one of the designated contacts.

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 ESD 112's Sex Discrimination and Sex-Based Grievance Procedure 3205P.

ESD 112 will share this policy and procedure with students, parents/guardians, employees, and volunteers.