

## Procedure: Transgender Students

In order to develop an understanding of a student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or ESD 112 will provide according to Policy 3211 and this procedure and under state and federal law; and develop a shared understanding of a student's day-to-day routine within the ESD 112 program as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance in an ESD 112 program, ESD 112 staff may request a meeting with a transgender student and their parent/guardian.

ESD 112 may 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.

### Definitions/Terms

- **Gender Expression** is how a person expresses their gender, often through behavior, emotional expression, mannerisms, dress, grooming, interests, and activities.
- **Gender Identity** refers to one's deeply felt internal sense of being female, or male, or both, or neither, regardless of their gender assigned at birth.
- **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.
- **Biological Sex/Sex** refers to a person's internal and external anatomy, chromosomes, and hormones.
- **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.
- **Transitioning** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

### Official Records

ESD 112 maintains records for students who are enrolled in an ESD 112 program. The student records may include the student's legal name and the student's gender. ESD 112 will change a student's 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. 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.

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 <http://www.k12.wa.us/CEDARS/ReportingGuidance.aspx>.

To the extent that ESD 112 is not legally required to use a student's legal name and biological sex on ESD 112 records or documents, ESD 112 may use the name and gender by which the student identifies. In situations where ESD 112 employees are required by law to use or report a student's legal name or gender, such as for standardized testing, ESD 112 staff may adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

### 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, ESD 112 employees should not disclose a student's transgender or gender nonconforming status to others, including the student's parents and/or other ESD 112 personnel, unless ESD 112 is (1) legally required to do so or (2) the student has authorized such disclosure.

### **Communication and Use of Names and Pronouns**

An appropriate ESD 112 employee will privately ask known transgender or gender nonconforming students how they would like to be addressed in the program or 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 other staff of the name and pronoun by which to address the student. 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 nonconforming 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. When communicating with parents of transgender or gender nonconforming students, ESD 112 employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. ESD 112 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.

### **Restroom Accessibility**

Students will be allowed to use the restroom that corresponds to the gender identity they assert at ESD 112. No student will be required to use a restroom that conflicts with his or her gender identity.

### **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 at ESD 112 and within the constraints of ESD 112 guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel).

### **Other ESD 112 Activities**

In any ESD 112 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 an ESD 112 program or class. ESD 112 staff will make every effort to separate students based on factors other than gender where practicable.

### **Training and Professional Development**

When possible, ESD 112 staff 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 may 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 cyber-bullying;
- ESD 112 staff responsibilities under applicable laws and ESD 112 policies regarding harassment, discrimination, and gender identity and expression issues.

### **Discrimination and Harassment Complaints**

Discrimination and harassment on the basis of sex, sexual orientation, or gender identity or expression are prohibited within ESD 112. It is the responsibility of ESD 112 and all ESD 112 staff to ensure that all students, including transgender and gender non-conforming students, have a safe environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate

attention.

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/or harassment complaints.