

## **Procedure Gender Non-Discrimination**

### **Purpose**

This procedure guides an inclusive approach towards transgender and gender-expansive students by facilitating a learning environment that is safe and free of discrimination for all students in compliance with RCW 28A.642.080 and in accordance with other state and federal non-discrimination and equal opportunity laws.

### **Scope**

This policy applies to the superintendent, administrators, staff, students, parents, guardians, volunteers and community members in their conduct connected to Nine Mile Falls District schools.

### **Procedure**

1. This procedure is developed in accordance with the requirements of Policy 3211 and RCW 28A.642.080 and is intended to incorporate the mandatory components of the Washington State School Directors' Association (WSSDA) model procedure, which can be found on the Office of the Superintendent of Public Instruction (OSPI) website (<https://www.k12.wa.us/>).
2. Discrimination or harassment, intimidation, or bullying based on gender, gender identity, or gender expression is prohibited in any program or activity conducted by or on behalf of the school district, including educational, recreational, athletic, extracurricular, preschool, adult education, community education, and vocational-technical programs.

### **3. DEFINITIONS**

For purposes of this procedure, the district uses the term "transgender" to be inclusive of gender-expansive, gender transitioning, gender expression, and gender identity, to incorporate the concept that students may not fully connect with the sex assigned to them at birth, while recognizing that the protections herein are available to all students. Additional terms and definitions can be found on the OSPI website.

### **4. STUDENT SUPPORT**

- A. The principal or designee is encouraged to meet with a transgender student upon the student's enrollment in the district or in response to a currently enrolled student's changing gender status to help alleviate apprehensions, and address individual student needs, requested accommodations, and any concerns for day-to-day routines.
- B. The student is not required to attend a meeting as a condition of being provided the protections to which the student is entitled under Policy 3211, this procedure, or state and federal laws regarding gender.

### **5. NAMES AND RECORDS**

- A. An appropriate school employee will privately ask known transgender students how they would like to be addressed in class, in correspondence or communications to the student's home, and at conferences with the student's parents or guardians. To the Nine Mile Falls School District Procedure #3211P1 District Procedure extent practicable, that information will be included in the electronic student record system to inform teachers and staff of the name and pronoun by which to address the student, with legal name(s) available only on a need-to-know basis within the district. The preferred name and pronoun information may also be communicated directly with staff to facilitate the use of proper names and pronouns.
- B. Student(s) are 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. The school must use the name and gender by which the student identifies on all

records where these items are used (except the official transcript), including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, and directory information.

- C. The standardized high school transcript is the only official record that requires a student's legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender-expansive status.
- D. Student(s)' official records regarding legal name or gender designation can be changed upon receipt of any appropriate documentation as mandated by OSPI, which includes court orders, changes shown on state or federally issued identification, or common-law documentation.
- E. The district will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression, or inappropriate release of information regarding a student's transgender or gender-expansive status.

## **6. CONFIDENTIAL INFORMATION**

- A. Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information or otherwise be protected by the regulations of the Washington State Human Rights Commission. Disclosing this information to other students, to the student's parents, staff who do not need to know, 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).

## **7. FACILITY ACCESSIBILITY**

- A. Students will be allowed to use the restroom that corresponds to their gender identity. No student will be required to use a facility that conflicts with their gender identity.
- B. Any student—regardless of gender identity—who requests greater privacy will be given access to an alternative restroom. A student will not be required to use an alternative facility because of their transgender status.
- C. Use of locker rooms will be assessed on a case-by-case basis, considering current facilities and scheduling needs, with the goal of maximizing transgender student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities, and ensuring the student's student safety.
- D. The district will conform to OSPI's guidelines. Reasonable alternatives to locker room conditions for any student who wants additional privacy, regardless of gender, include, but are not limited to:
  - (a) Use of a private area (for example, nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom).
  - (b) A separate changing schedule (i.e., utilizing the locker room before or after the other students).
- E. The school will provide reasonable accommodations necessary to allow 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 or her gender identity.

## **8. CLASSES AND ACTIVITIES**

- A. 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 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).
- B. The district will allow students to dress and participate in school activities that may be separated by gender in a manner that is consistent with their gender identity and/or gender expression and under the same conditions and rules applicable to all students.

## **9. DESIGNATED CONTACT, TRAINING AND PROFESSIONAL DEVELOPMENT**

The district will designate one person, who will participate in one OSPI training when available, to be the primary contact regarding this policy and procedure. The primary contact's information is available on the district's website or by contacting the district Administrative Office at (509) 340-4300. OSPI encourages training of staff members to ensure compliance with this procedure.

## **10. COMPLAINTS**

Anyone believing there has been a violation of this procedure, and students alleging that they are being or have been harassed, intimidated, or bullied on the basis of their gender identity or expression, should use the complaint process described in Procedure 3210P- Nondiscrimination.

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