

Gender-Inclusive Programs

The program administrator—or an appropriate, designated program employee—is encouraged to request a meeting with a transgender or gender-expansive student upon the student’s enrollment in the ESD 123 program or in response to a currently enrolled student’s change of gender expression or identity.

The goals of the meeting are to:

- develop an understanding of the student’s individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that ESD 123 will provide according to Policy 3211 and this procedure and under state and federal law; and
- develop a shared understanding of the student’s day-to-day routine within the program so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance.

The program 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 3211, this procedure, and state and federal law regarding gender expression or identity.

Key Definitions/Terms

1. **Assigned sex at birth:** The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
2. **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).
3. **Gender Expansive:** A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.
4. **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.
5. **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.
6. **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.
7. **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

An appropriate program employee will privately ask known transgender or gender-expansive students how they would like to be addressed in class, in correspondence at 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 teachers and staff of the name and pronoun by which to address the student. However, the student’s legal name should be accessible by only necessary staff

members—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, program 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. Before communicating with parents of transgender or gender-expansive students, it is important to ask the student how program employees should refer to the student when talking with their parents and guardians. ESD 123 will not condone the intentional or persistent refusal to respect a student's gender identity or gender expression, or the unlawful release of information regarding a student's transgender or gender-expansive status.

Official Records

The standardized high school transcript is the only official record that requires a student's legal name. Program staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender-expansive status. ESD 123 will change a student's official records 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 his/her name for all intents and purposes and that the change has not been made for fraudulent reasons.

ESD 123 programs may change a student's official gender designation upon the direction of the sponsoring ESD 123 district, based 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>

The process should not be overly cumbersome, and ESD 123 may not require verification from a physician.

The program must use the name and gender by which the student identifies on all other records, including but not limited to program identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, and 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. 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 123 employees should not disclose a student's transgender or gender-expansive status to others, including the student's parents and/or other ESD 123 personnel, unless ESD 123 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 ESD 123. 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, programs may not require a student to use an alternative restroom because of their transgender or gender-expansive status.

Dress Codes

ESD 123 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 program site and within the constraints of ESD 123 guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). Program dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender. ESD 123 will take an approach that conforms with OSPI's guidelines.

Other Program Activities

In any program-sponsored activity or other circumstance involving separation by gender (e.g., class discussions, field trips), students will be permitted to participate in accordance with the gender identity they assert at the program. Teachers and other ESD 123 employees should make every effort to separate students based on factors other than gender where practicable.

Training and Professional Development

When possible, ESD 123 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:

1. terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
2. appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
3. strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying;
4. ESD 123 and staff responsibilities under applicable laws and ESD 123 policies regarding harassment, discrimination, gender identity, and gender expression issues.

Discrimination and Harassment Complaints

Discrimination and harassment on the basis of sex, gender identity, or gender expression are prohibited within ESD 123. It is the responsibility of each program, ESD 123, and all staff to ensure that all students, including transgender and gender-expansive students, have a safe educational 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 ESD 123's Title IX/Civil Rights Compliance Officer.

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 123's Nondiscrimination Procedure 3210P.

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