

# Superintendent Procedure 3211SP

## **Gender-Inclusive Schools: Transgender and Gender-Expansive Student Rights and Supports**

Approved by: s/Dr. Brent C. Jones Date: 10/27/23  
Dr. Brent C. Jones, Interim Superintendent



This procedure is to advise district staff of the rights and supports Seattle Public Schools extends to transgender and gender-expansive students. The rights and supports listed below and in the associated policy play a vital role in meeting the district's goal to create safe, welcoming, and inclusive learning environments for all students and to ensure that every student has equal access to all components of their educational program.

This procedure does not anticipate every situation that might occur. Rather, it offers suggested approaches to common situations where rights of a transgender or gender-expansive student may be implicated. This procedure's goal is to help ensure the protection and safety of all transgender and gender-expansive students attending the district. For any questions, staff are encouraged to contact the district's primary contact, the Manager of Health Education.

### **PRIMARY CONTACT**

The Manager of Health Education is designated as the district's primary contact regarding this procedure and its associated policy in relation to transgender and gender-expansive students. As primary contact, the Manager of Health Education will receive copies of all informal and formal complaints regarding transgender students. They will also receive training required by RCW 28A.642.080. All questions regarding the application of this procedure should be directed to the Manager of Health Education.

### **DEFINITIONS**

Note: The following definitions provided are not meant to label students, but instead are intended as functional descriptors.

**“Assigned sex at birth”** refers to the sex a person was given at birth, usually based on anatomy or chromosomes (e.g. male, female, intersex, or X).

**“Cisgender”** is a term used to describe people whose assigned sex at birth matches their gender identity and/or gender expression (e.g., a person who was assigned female at birth and whose gender identity and/or gender expression is also female).

**“Gender-Expansive”** refers to a wider, more flexible range of gender identities than those typically associated with the binary (male or female) gender system. People who are gender-expansive may use a variety of terms including nonbinary or others to describe their gender identity. In district records, the gender “X” designation is inclusive of all identities associated with a gender-expansive identity.

**“Gender expression”** refers to the way a person expresses their gender, often through behavior, gestures, emotional expression, movement, dress and grooming.

**“Gender identity”** refers to a person’s internal and deeply felt sense of being female, male, both female and male, or neither. Persons may identify as nonbinary, gender-expansive, or other -- regardless of their assigned sex at birth. The district records the gender identity of students one of three ways: male, female, or X.

**“Transgender”** is a general term used to describe a person whose gender identity or expression is different from that traditionally associated with the person’s assigned sex at birth.

**“Transitioning”** is the process in which a person goes from living and identifying as one gender to living and identifying as another.

## SUMMARY

Washington State law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on sex, sexual orientation, gender expression, or gender identity. Furthermore, as a general rule, all decisions regarding assignment, participation, and use in Seattle Public Schools are determined pursuant to a student’s gender identity and not assigned sex at birth.

District schools will implement Washington State law and Board Policy in the following ways:

- **Names/Pronouns:** Students have the right to be addressed by the name and pronoun they use that corresponds to their gender identity consistently asserted at school. The name a student uses corresponding to their gender identity is sometimes referred to as a preferred name or true name. Students, or their parent/guardian acting on the student’s behalf, may request that the name the student uses be added to their student record at their school’s main office. This will ensure that the student’s name appears on student systems, remote learning platforms, class lists, identification cards, yearbooks, diplomas, and the like.
- **Legal Name on Educational Records:** A parent/guardian or eligible student (18 years of age or older) may request to have the legal name changed on their educational record at Enrollment Services located at John Stanford Center for Educational Excellence (JSCEE). This will ensure that the student’s legal name appears on the student’s entire educational record including official transcripts and standardized testing.
- **Gender on Educational Records:** A student or their parent/guardian acting on the student’s behalf may request school office staff such as the school registrar or school secretary to have the gender changed on their educational record.
- **Restroom Accessibility:** Students have the right to use the restroom that corresponds to the gender identity they consistently assert at school. Gender expansive students have the right to use the restroom the student determines to best align with their gender identity.
- **Locker Rooms:** Students have the right to use the locker room that corresponds to the gender identity they consistently assert at school. Gender expansive students have the right to use the locker room the student determines to best align with their gender identity.
- **Physical Education Courses and Club Sports:** Students have the right to participate in physical education courses and club sports in a manner consistent

with the gender identity they consistently assert at school and/or best aligns with their gender identity as determined by the student.

- Interscholastic Athletic Teams: Students have the right to participate on the interscholastic athletic team consistent with the gender identity they consistently assert at school and/or best aligns with their gender identity as determined by the student.
- Student Dress: Students will not be contacted or disciplined for wearing clothing perceived to be not consistent with their gender identity. All student attire, and the enforcement of student attire, is regulated by Board Policy No. 3224 and its associated Superintendent Procedure.
- Overnight Field Trips: Transgender students have the right to be assigned to the sleeping accommodations of the gender identity they consistently assert at school. Gender-expansive students have the right to be assigned to the sleeping accommodations that the student determines best aligns with their gender identity. Staff will never assign students to shared sleeping accommodations when they are aware of a romantic interest or relationship between the students assigned.
- Gender Segregation in Other Areas: Schools will avoid separating students by gender unless necessary. In circumstances where students are separated by gender in school activities, students have the right to participate in accordance with the gender identity they consistently assert at school and/or best aligns with their gender identity as determined by the student.

## **GUIDELINES**

### **Issues of Privacy:**

All persons have a right to privacy; this includes keeping a student's transgender or gender expansive-identity private. 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 others may violate privacy laws, including the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. s 1232g; 34 C.F.R. Part 99). Therefore, to ensure student safety and well-being, and to provide identity-safe schools for all, staff should not disclose a student's transgender or gender-expansive identity to others unless (1) legally required to do so or (2) the student has authorized disclosure.

Whenever speaking with a transgender or gender-expansive student about a particular issue such as conduct, discipline, grades, attendance, or health, focus on the conduct or particular issue and avoid making assumptions regarding the student's actual or perceived gender identity. Further, when contacting the parents/guardians of a transgender or gender-expansive student and it is unclear whether the student asserts the same gender identity at home, it is best practice to avoid using gender pronouns. For example, one could say, "I am concerned about P.J.'s attendance," rather than, "I am concerned about his attendance."

### **Official Records:**

The district is required to maintain a permanent student education record which includes the legal name of the student and the student's gender. A parent/guardian (or eligible student over 18 years old) may request to change a student's recorded legal

name. A student or their parent/guardian acting on their behalf may request a change to their recorded gender.

- **Legal Name:** The district will change a student's legal name on their education record when a parent/guardian or eligible student (over age 18) provides documentation of a legal name change, such as documentation of a court-ordered name change or an affidavit of name change made pursuant to common law to school office staff such as the school registrar or school secretary. Templates for an affidavit of name change are available from JSCEE Enrollment Services.
- **Gender:** A Seattle Public Schools student has the right to have the gender on their educational record reflect their gender identity consistently asserted at school. For educational purposes, there are no legal requirements surrounding gender. The district will change a student's gender on their education record upon request from the student or their parent/guardian acting on their behalf by contacting school office staff such as the school registrar or school secretary. A parent/guardian may not override their student's request to change their gender designation.

Upon the receipt of all required documentation, the school office staff will ensure that all student systems are updated to reflect changes in name and/or gender, e.g. PowerSchool and The Source.

To the extent that the district is not legally required to use a student's legal name on school records or documents, the district will use the name that a transgender or gender-expansive student uses. In situations where school staff or administrators are required by law to use or report a student's legal name, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of such confidential information.

### **Names/Pronouns:**

Students have the right to be addressed by the name and pronouns corresponding to the gender identity they consistently assert at school. A parent/guardian may not override a student's request to be addressed by the name and pronoun that the student uses.

Students, or their parent/guardian acting on the student's behalf, may request that the name the student uses be added to their student record. This will ensure that the student's name appears on student systems, remote learning platforms, class lists, identification cards, yearbooks, diplomas, and the like. The student's legal name will be used when required by law for documents such as official transcripts or standardized testing.

Upon request of a student or their parent/guardian, school office staff, such as the school registrar or school secretary, will enter the name that the student uses into the PowerSchool "name" field. If the addition of the name the student uses requires a new username to be created, school office staff will create a Service Now ticket to request a username change.

Students are not required to have their name changed in order to be addressed by the name and pronoun that corresponds to their gender identity at school. District staff will

use best efforts to address students by the name and pronoun they use. However, when a student decides against having the name (and/or gender) they use recorded by the district, the name will not appear in student systems, online learning platforms, class lists, and the like. The district acknowledges that initially, inadvertent slips or honest mistakes in the use of names or pronouns might occur but will not condone an intentional and persistent refusal to correctly acknowledge a student's gender identity by school and district staff.

### **Restroom Accessibility:**

Transgender students have the right to use the restroom that is consistent with the gender identity they consistently assert at school. Students who identify as gender-expansive have the right to use the restroom the student determines to best align with their gender identity. Note that all students, regardless of the underlying reason, who need or desire for increased privacy, should be provided access to an alternative restroom (e.g., a staff restroom or health office restroom). Further, when possible, the establishment of an all-gender multi-stall restroom is recommended to address student concerns regarding gendered multi-stall restroom use by providing all students access to a restroom that protects their privacy and avoids singling them out as being different.

It is a district goal to establish all-gender multi-stall restrooms in all district schools. All-gender multi-stall restrooms provide students with an alternative to gendered restrooms and bolster the safe and welcoming environment the district endeavors to provide in all schools. All-gender restrooms are for all students but are often an important supporting element for transgender and gender-expansive students.

If school administrators have legitimate concerns about the safety or privacy of students, as related to a transgender or gender-expansive student's use of the restroom or locker room, school building administrators should bring these concerns to the Manager of Health Education. Such privacy or safety issues should be immediate and reasonably foreseeable, not speculative. School building administrators and/or the Manager of Health Education should meet with the student and/or parents/guardians to determine if there is a need for an alternative facility. The decision to provide an alternative facility for any student will be determined on a case-by-case basis.

### **Locker Room Accessibility:**

All students have the right to use the locker room that corresponds with the gender identity they consistently assert at school. Gender-expansive students will be provided access to the locker room that the student determines to best align with their gender identity. However, if there is a reason or desire for increased privacy and safety, regardless of the underlying reason, any student should be provided access to a reasonable alternative locker room. Reasonable alternative locker rooms include, but are not limited to:

- Use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom).
- A separate changing schedule (either utilizing the locker room before or after the other students).

For transgender and gender-expansive students, any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender or

gender-expansive status private. However, no student should be required to use a locker room that conflicts with his or her gender identity.

### **Physical Education, Club Sports, and Interscholastic Athletics:**

Transgender students have the right to participate in physical education courses and club sports consistent with the gender identity they consistently assert at school. Gender-expansive students have the right to participate in physical education course and club sports that the student determines to best align with their gender identity. Physical education teachers will measure student progress in ways that are independent of gender- or sex-based standards.

Further, subject to the eligibility policies of the Washington Interscholastic Activities Association (WIAA) for high school interscholastic athletics, transgender students have the right to participate on the gendered teams that are consistent with the gender identity they consistently assert at school and gender-expansive students have the right to participate on the gendered teams that best align to their gender identity.

### **Student Dress:**

Providing students an environment where they can express their identity through their attire is a value of the district and important in order to provide identity-safe spaces for students. Board Policy No. 3224, Student Dress, provides that all district students have the right to be treated equitably and dress code enforcement will not be more strictly enforced against students because of their gender identity, gender expression, or gender nonconformity.

### **Overnight Field Trips:**

In situations where students are separated by gender for overnight sleeping accommodations, all students will be assigned to sleeping accommodations in accordance with the gender identity they consistently assert at school (M, F, or X). In situations where there are not overnight accommodations identified for gender-expansive students, the student will determine the gendered overnight sleeping accommodations that best aligns with their gender identity. Transgender or gender-expansive students will not be required to stay in single-occupancy accommodations or disclose personal information when not required of other cisgender students. Further, personal information of a transgender or gender-expansive student will not be disclosed to others. However, this does not prevent a school from honoring any student's request for single-occupancy accommodations.

Note: Staff will never assign students to shared sleeping accommodations when they are aware of a romantic interest or relationship between the students assigned.

### **Gender Segregation in Other Areas:**

Staff will make every effort to separate students based on factors other than gender when possible. Listed below are examples of reasonable alternatives to common situations where students are separated by gender:

- Class Discussions: Students can be divided by birth month or birth order instead of gender.

- Graduations: Students will be asked to select a graduation gown color based on their color preference rather than being assigned a graduation gown color based on their gender.
- Calling for Students' Attention: Instead of using gendered phrases to get students' attention such as "girls and boys," "you guys," and "ladies and gentlemen," it is recommended to use phrases such as "calling all readers," "could all the athletes/scholars/learners come here."

Activities that may involve the need for accommodations to address student privacy concerns should be addressed on a case-by-case basis. In such circumstances, school staff shall make reasonable efforts to provide an accommodation that addresses concerns.

### **Variations:**

Recognizing that this procedure's goal is to provide for the safety and protection of transgender and gender-expansive students, the rules provided may not be appropriate for every situation. Therefore, for any given situation, the parent/guardian of a transgender or gender-expansive student, a transgender or gender-expansive student, and/or school principal may request a procedure variation from the Manager of Health Education. Upon request for a procedure variation, the Manager of Health Education will consult with district legal counsel and determine whether to grant the variation. A decision to deny a procedure variation may be appealed to the Superintendent. The decision of the Superintendent is final.

Approved: December 2012 (as 3210SP.C)

Revised: October 2023; August 2021; March 2020 (typo corrected April 14, 2020); June 2017; December 2016; August 2016; February 2015

Cross Reference: Policy Nos. 0010; 2145; 2185; 3207; 3210; 3211; 3224; Superintendent Procedures 3210SP.A; 3210SP.B; 3224SP

RCW 28A.642, Discrimination prohibition; WAC 392-190 WAC; RCW 49.60 RCW, Washington Law Against Discrimination; Prohibiting Discrimination in Washington Public Schools - OSPI Guidelines for school districts to implement Chapters 28A.640 and RCW 28A.642 and WAC 392-190 (February 2012); 20 U.S.C. 1232g, Family Education Rights and Privacy Act; 34 C.F.R. Part 99; U.S. Department of Education Office for Civil Rights, Dear Colleague Letter: Transgender Students (May 2016).