

Procedure Nondiscrimination

Discrimination and harassment on the basis of race, religion, creed, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation, gender expression or identity), transgender, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability are prohibited within the district. It is the responsibility of each school, the District and all staff to ensure that all students have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination or harassment is given immediate attention and/or reported to the district's Civil Rights Compliance Coordinator.

Complaints alleging discrimination or harassment are to be taken seriously. 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 below.

Students, and/or parents/guardians, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure will apply to the general conditions of the nondiscrimination policy ([Policy 3210](#)) and more particularly to policies dealing with guidance and counseling ([Policy 2140](#)), co-curricular program ([Policy 2150](#)), service animals in schools ([Policy 2030](#)) and curriculum development and instructional materials ([Policy 2020](#)). As used in this procedure:

- A. **"Grievance"** will mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal anti-discrimination laws; and
- B. **"Complaint"** will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken.

Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer.

A. Level One

A written complaint must be signed by the complainant and set forth the specific acts, conditions or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer shall investigate the allegations set forth within 30 calendar days.

The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board, and will identify where and to whom the appeal must be filed.

The superintendent's written response shall state that the district either:

1. Denies the allegations contained in the written complaint received by the district;
or
2. Shall implement reasonable corrective measures to eliminate any such act, condition, or circumstance within the school district.
3. Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

B. Level Two

If a complainant disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant may appeal to the district board of directors by filing a written notice of appeal with the secretary of the board by the tenth calendar day following:

1. The date upon which the complainant received the superintendent's response; or
2. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision by the tenth calendar day following the termination of the hearing and will provide a copy to the complainant, unless otherwise agreed to by the complainant and the superintendent or for just cause. The response of the board will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed.

C. Level Three

If a complainant disagrees with the decision of the board of directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the board's decision to the Superintendent of Public Instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the 20th day following the date upon which the complainant received written notice of the board of directors' decision.
2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
 - a. A concise statement of the original complaint and the portions of the board of director's decision which is appealed; and
 - b. The relief requested by the complainant.

D. Other

If the complainant remains aggrieved they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the compliance officer for a period of six years.

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

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District 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 their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools 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/CEDARSDDataFormQA.aspx>.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should 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, school employees should not disclose a student's transgender or gender nonconforming status to others, including the student's parents and/or other school personnel, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

Communication and Use of Names and Pronouns

An appropriate school employee will privately ask known transgender or gender nonconforming 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 teachers and 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, school 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, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable. The district 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

No student will be required to use a restroom that conflicts with his or her gender identity.

Locker Room Accessibility

No student will be required to use a locker room that conflicts with his or her gender identity.

Sports and Physical Education Classes

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).

Dress Codes

The District 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 school site and within the constraints of the District guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel).

Other School Activities

In any school 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 school. Teachers and other school employees will make every effort to separate students based on factors other than gender where practicable.

Training and Professional Development

When possible, the District 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:

- 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;
- District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, and gender identity and expression issues.

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