



Yakama Nation Tribal School

"Knowledge for Generations to Come"

Policy: 3211P
Section: 3000 - Students

Procedure - Gender-Inclusive Schools

The principal or building administrator—or an appropriate, designated school employee—is encouraged to request a meeting with a two-spirit, transgender or gender-expansive student upon the student's enrollment at YNTS or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement and consider whether safety concerns are present for the student.

The goals of the meeting are to:

- develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that will be provided 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 school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school 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.

Key Definitions/Terms

- **Two-Spirit:** The term "Two Spirit" comes from the Anishinaabe word *niizh manidoowag* from the words *niizh* ("two") and *manidoo* ("spirit"). The term Two Spirits is more of a descriptive term which alludes to Native people whose identities and cultural roles aren't by western colonial standards considered cisgender heteronormative. These identities and cultural roles vary from tribe to tribe, from nation to nation, and from people to people. Two Spirit also addresses the western colonial gender binary system in which there are certain honorable individuals in many Indigenous cultures who have varying degrees of femininity and masculinity, also known as having a feminine and masculine spirit.
- **Assigned sex at birth:** The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).
- **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).
- **Gender Expansive:** A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.
- **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.
- **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.
- **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.
- **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 school employee will privately ask two-spirit, transgender or gender-expansive 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. 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.



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When communicating with two-spirit, transgender or gender expansive 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 or gender expression. Before communicating with parents of two-spirit transgender or gender expansive students, it's important to ask the student how school employees should refer to the student when talking with their parents and guardians. For families who are supportive, using the student's name and pronoun could be affirming for the student. For parents who are not supportive, or who are not aware of the student's transition at school, referring to their name and pronoun could be very dangerous. YNTS 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 two-spirit, transgender or gender-expansive status.

Official Records

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 two-spirit, transgender or gender-expansive status. A student's official records will be changed 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.

YNTS will 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: <https://www.k12.wa.us/sites/default/files/public/cedars/pubdocs/2018-19cedarsreportingguidance.pdf>. The process should not be overly cumbersome, verification from a physician is not required.

The name and gender by which the student identifies will be used on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, 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). Parents have the right under FERPA to request their student's records. Educational record requests will be fulfilled according to 3231/3231P – Student Records. To ensure the safety and well-being of the student, school employees should not disclose a student's two-spirit, transgender or gender-expansive status to others, including other school personnel, other students, or the parents of other students, unless the school 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 school. 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, schools may not require a student to use an alternative restroom because of their two-spirit, transgender or gender-expansive status.

Locker Room Accessibility

Use of locker rooms by two-spirit, transgender or gender-expansive students will be assessed on a case-by-case basis, with the goal of maximizing two-spirit, transgender or gender-expansive student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities and ensuring the student's safety in conformance with OSPI's guidelines. In most cases, students should be provided access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions for any student who wants additional privacy include, but are not limited to:

- Use of a private area (e.g., 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 (i.e., utilizing the locker room before or after the other students).



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The school will provide accommodations needed to allow the student to keep their two-spirit, transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with their gender identity.

Sports and Physical Education Classes

All students, including two-spirit, transgender and gender-expansive students, are provided 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 their 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

Students are allowed 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 as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). School dress codes will be gender-neutral and will not restrict a student's clothing choices on the basis of gender in conformance with OSPI's guidelines.

Other School Activities

In any school activity or other circumstance involving separation by gender (i.e., class discussions, field trips, and overnight 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

One person will be designated to be the primary contact regarding this policy and procedure relating to two-spirit, transgender or gender expansive students. The primary contact must participate in at least one mandatory training opportunity offered by OSPI. When possible, the staff training and ongoing professional development will be conducted 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 bullying and cyber-bullying;
- All staff responsibilities under applicable laws and policies regarding harassment, discrimination, gender identity, gender expression issues.

Discrimination and Harassment Complaints

Discrimination and harassment on the basis of sex, gender identity, or gender expression are prohibited. All YNTS staff are responsible to ensure that all students, including two-spirit, transgender and gender-expansive 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 person designated as the primary contact relating to two-spirit, transgender or gender expansive students. The primary contact will communicate with the Civil Rights Compliance Coordinator.

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 the Nondiscrimination Procedure 3210P.

This policy and procedure and procedure will be shared with all students, parents/guardians, employees, and volunteers. Upon board approval the policy will be mailed to all students, posted on the YNTS website, and included in the student handbook. All employees will be provided with a copy.

Adoption Date:

Classification: **Essential**

Revised Dates: **12.13; 02.14; 06.14; 07/01/2019; 03.22**



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