

PROPOSED PROCEDURE ON STUDENT PRIVACY

Intent: This procedure was drafted by a special Task Force comprising community members, and district principals, superintendent and attorney. Over a period of 18 months, this procedure was deliberately crafted with the following intent:

- 1. Be in compliance with State law, and*
- 2. Recognize safety and privacy concerns of all students.*

The task force has recommended initially that the Colville High School and Colville Junior High restroom and locker rooms be retrofitted/remodeled to provide additional privacy. Recognizing that the procedure cannot anticipate all privacy situations that may arise and that facility revisions may be limited, the intent of the procedure is to allow safety and privacy issues to be addressed as they become known, on a case by case basis, utilizing those reasonable accommodations available for the circumstances.

The privacy of all students is important to the district. Any students requesting additional privacy, regardless of the reason, can request a meeting with the principal to discuss privacy options and non-discriminatory access for students.

Purpose: to let students and families know how the district intends to address issues of privacy and non-discrimination. Questions about this procedure should be directed to Randy Cloke, Title IX officer.

General Rules:

All programs, activities and access to public facilities will be conducted without discrimination based on the requirements of RCW Chapter 28A.642.

Official Records: The District shall change a student's official records to reflect any legal name change or legally changed gender, upon receipt of legal documentation that such changes have occurred in accordance with Washington State Law.

Communication: Although not required, anyone with privacy concerns can request a meeting with administration and/or activity supervisor to ensure that a student's privacy rights are protected. Such a conversation is encouraged to occur in a timely manner, in advance of any anticipated needs (for example, before field trips, off site activities and overnight travel). As noted elsewhere, such conversations may be confidential.

Restroom Accessibility: Each building will have available, a lockable private restroom for any student desiring additional privacy.

Locker Rooms: Once facilities are updated, whenever locker rooms are made available, each locker room will contain "privacy areas" that allow students to opt to change clothes and/or shower outside the view of others.

Overnight Travel: Recognizing that students typically house in large groups or several small groups, district staff responsible for arranging school sponsored overnight travel shall make every reasonable effort to accommodate individual privacy needs.

Confidential information: All students have protections afforded under the Family Educational Rights to Privacy Act (FERPA) and specific Washington State Laws and regulations for confidential student records and other private information obtained or maintained by the District. Examples of such protections include age of consent laws for medical and mental health referrals. Therefore, it may not be appropriate to disclose to any person certain student information, such as health information or transgender status, without the consent of the student, or as required by law to implement an appropriate environment for the student at school. When staff communicate with a student regarding privacy issues, the staff will encourage family participation. Staff should discuss these issues with administration to ensure compliance prior to making any disclosures.

Gender Identity, Expression and Gender Non-Conforming:

Definitions:

1. "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. Gender identity and expression also includes males and females who do not express their gender in stereotypically masculine or feminine ways, such as through their appearance or mannerisms.
2. "Transgender." This term covers a broad range of people who experience and/or express their gender differently from what most people expect. They may express themselves as the gender that does not match the sex listed on their original birth certificate, or they may physically change their sex through medical treatment. This is sometimes called transsexual. The term "transgender" also includes people who are cross-dressers or otherwise gender non-conforming.

A person does not need to have had surgery or otherwise have undergone medical treatment in order to be considered transgendered, or to be protected under the Law Against Discrimination. [Definitions Source: Washington State Human Rights Commission Guide to Sexual Orientation and Gender Identity and The Washington State Law Against Discrimination.]

Although the Privacy protections within this policy apply equally to students regardless of any transgender, gender identity, gender expression or gender non-conforming status, due to the unique privacy issues associated, the following provisions are highlighted to demonstrate how the non-discrimination rules apply.

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity consistently asserted at school.

A student will be allowed access to a restroom, locker room, or overnight accommodation facility that corresponds to the gender identity the student consistently asserts at school. A student will not be forced to use a restroom or locker room or overnight facility designated for a gender inconsistent with the student's gender identity. As noted above, anyone with privacy concerns is encouraged to meet with the activity supervisor or principal to discuss privacy options.

Transgender and gender non-conforming students shall be allowed the opportunity to participate in PE and/or extracurricular activities consistent with their gender identity.

Dress codes shall not be enforced in any way that would prevent a student from wearing the appropriate attire permitted by the dress code for the student's gender identity consistently asserted at school.

In any circumstances where students are separated by gender for school-related activities, students shall be permitted to participate in accordance with their gender identity consistently asserted at school. Such segregations should be avoided whenever possible.

Additional matters: As new or different issues arise, the District will handle those matters on a case-by-case basis to ensure non-discrimination efforts and minimize privacy impacts for all students.

Procedure Amendments: If the administration anticipates amending this procedure for any reason, including due to changes in applicable laws, the administration will present the procedure to the school board for its information at a regular open public meeting of the board of directors, following appropriate disclosure of the anticipated change on the District's website's homepage, and written communication to parents, and a listing of the matter on the published agenda prior to the board meeting.

Student Handbooks:

A reference to Student Privacy Policy and Procedure 3211 will be included in student handbooks.

This procedure is guided by RCW 28A.642, and WA state regulations adopted by the Humans Right Commission under WAC 162-32 and District Policy 3210 prohibiting discrimination based on sex, sexual orientation, gender identity or gender expression.