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Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

k12.wa.us

February 26, 2025

*Sent by email to:* [peter.rosenkranz@lacenterschools.org](mailto:peter.rosenkranz@lacenterschools.org)

Peter Rosenkranz  
Superintendent  
La Center Public Schools  
725 NE Highland Road  
La Center, WA 98629

Re: **La Center School District**  
OSPI Discrimination Complaint No. 23-005

Dear Superintendent Rosenkranz:

The Equity and Civil Rights Office (ECR) at the Office of Superintendent of Public Instruction (OSPI) has concluded its investigation of the above-referenced complaint regarding La Center School District (District). On April 7, 2023, OSPI opened this investigation into Minna Thayer's (Complainant), allegation that the District discriminated against District students and staff based on gender identity. Specifically, OSPI opened the following allegation, Allegation 1, for investigation:

1. The District discriminates against students and staff based on gender identity (all non-cisgender identities) by expressly prohibiting District staff from asking any student their gender pronouns.

In the course of reviewing the complaint, OSPI also opened an inquiry into the District's newly adopted Gender-Inclusive Schools Policy (Policy 3211) and Procedure (Procedure 3211P). Specifically, OSPI opened the following inquiry, Allegation 2, for investigation:

2. Whether the District's Gender-Inclusive Schools policy and procedure complies with Revised Code of Washington (RCW) [28A.642.080](#) and OSPI's rules and guidelines to eliminate discrimination in Washington public schools on the basis of gender identity and expression.<sup>1</sup>

ECR is responsible for ensuring that public school districts in Washington comply with state and federal nondiscrimination laws, regulations, and guidelines. This specifically includes, but is not limited to, chapters [28A.642 RCW](#) and [392-190 of the Washington Administrative Code \(WAC\)](#). ECR has jurisdiction

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<sup>1</sup> In OSPI's April 7, 2023, letter opening this investigation, this allegation was referred to as "Allegation 3" as the former "Allegation 2" was not opened. For discussion in this letter, OSPI updated the numbering to reference the allegations opened for investigation.

over complaints alleging discrimination on the basis of gender identity and gender expression filed against Washington public school districts, including the District.<sup>2</sup>

In reaching a determination regarding the allegations under investigation, OSPI's investigation included the following:

- Review of all records and documents submitted by Complainant;
- Review of correspondence to OSPI related to the District's Gender-Inclusive Schools Policy and Procedure;
- Review of OSPI requested documentation from the District in response to Complainant's allegations, including, but not limited to, the District's investigation response; email correspondence related to Complainant's allegation and the District's adoption of its Gender-Inclusive Schools policy and procedure;
- Interview with Greg Hall, La Center Elementary School Principal;
- Interview with Win Muffet, former La Center School Board member;
- Email correspondence and phone conversations with Complainant; and
- Email correspondence and an in-person meeting with Superintendent Rosenkranz and District legal counsel, Don Austin.

With regard to Allegation 1, OSPI's investigation determined a preponderance of the evidence supports a conclusion that the District violated [RCW 28A.642.010](#) by discriminating on the basis of gender expression and gender identity. With regard to Allegation 2, OSPI concluded that the District's Gender-Inclusive Schools Procedure 3211P does not comply with RCW [28A.642.080](#) or OSPI's rules and guidelines. The basis for these conclusions and the corrective action required pursuant to [RCW 28A.642.050](#) are presented below.

## **I. Findings of Fact**

The La Center School District serves approximately 1,800 students in Clark County, Washington, at three school buildings (one elementary school, one middle school, and one high school) and a home school academy.<sup>3</sup> Gender-expansive students<sup>4</sup> attend each District school building.<sup>5</sup> The District's website and nondiscrimination policy<sup>6</sup> state the District does not discriminate in any programs or activities on the basis of gender identity or gender expression.<sup>7</sup>

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<sup>2</sup> RCW 28A.642.030, RCW 28A.642, WAC 392-190-075.

<sup>3</sup> OSPI, *Washington State Report Card* (2024). Available at: <https://reportcard.ospi.k12.wa.us/>.

<sup>4</sup> In this letter, the term gender-expansive is used to refer to a wider, more flexible range of gender identities or expressions, including transgender and nonbinary students, than those typically associated with the binary gender system.

<sup>5</sup> While likely not representative of all gender-expansive students, at a minimum, according to the 2023–24 OSPI report card data, 14 students formally identify as Gender X in the La Center School District.

<sup>6</sup> La Center School Board, *Policy 3210 Nondiscrimination* (2017). Available at: <https://lacenterschools.org/policy-3210/>.

<sup>7</sup> La Center School District, *Discrimination, Harassment, Intimidation and Bullying Statement*. Available at: <https://lacenterschools.org/nondiscrimination-statement-feb-2018-2/>.

*The District's Adoption of the Model Gender-Inclusive Schools Policy and Procedure*

On July 1, 2019, the Washington State School Directors' Association (WSSDA) released a model Gender-Inclusive Schools policy 3211 and procedure 3211P.<sup>8</sup> WSSDA developed the model policy and procedure in response to a legislative directive, codified in [RCW 28A.642.080](#). The model Gender-Inclusive Schools procedure incorporates school districts' legal responsibilities to eliminate discrimination based on gender identity and expression; addresses the unique challenges and needs faced by transgender students; and clarifies that existing prohibitions on harassment, intimidation, and bullying (HIB) apply for transgender students. Relevant to the issues raised in this complaint, portions of the model procedure anticipate and invite parent involvement, such as when requesting a student's name change or offering a gender support meeting. But before any contact with a student's parents about the student's gender identity, the model procedure states the school should consult with the student about their preferences on family involvement on this issue. Specifically, regarding the disclosure of information about a student's transgender status, the model procedure 3211P states the following:

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. . . .

An appropriate school employee will privately ask known 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. . . . Before communicating with parents of 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. The district 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 transgender or gender expansive status.

The model policy and procedure do not include any requirements or limitations related to instructional materials, curriculum, instruction, or activities related to gender identity or gender-expansive individuals.

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<sup>8</sup> Washington State School Directors' Association, *WSSDA Model Gender-Inclusive Schools Policy 3211* (July 2019); Washington State School Directors' Association, *WSSDA Model Gender-Inclusive Schools Procedure 3211P* (March 2022). The model procedure is comprised of eleven sections, which generally mirror the model policy language: Key Definitions/Terms; Communication and Use of Names and Pronouns; Official Records; Confidential Health or Educational Information; Restroom Accessibility; Locker Room Accessibility; Sports and Physical Education Classes; Dress Code; Other School Activities; Training and Professional Development; and Discrimination and Harassment Complaints. Under each section, the procedure outlines the rights of transgender and gender-expansive students with regard to areas where they may experience discrimination or benefit from clarification to avoid discrimination. For example, for "Other School Activities," the WSSDA model procedure clarifies that, like all students, transgender and gender-expansive students are permitted to participate in class discussions, field trips, and overnight trips consistent with their gender identity.

On April 28, 2020, the District adopted the WSSDA developed model policy 3211 and model procedure 3211P, in full, with the added statement to 3211P, "This procedure is mandated in full by OSPI and the State of Washington."<sup>9</sup>

Directly Prior to the Pronoun Directive

On September 27, 2022, during the "Audience and Board Communication" portion of a regularly scheduled La Center School Board (School Board) meeting, a District parent made the following public comment:

Hello. . . I am choosing to be hopeful this year, but we never know what is around the corner as we know OSPI, the governor, the Washington Education Association and others have made it extremely difficult to enjoy the public school system. And because you have said you are a conservative board and advocate for parent's rights, um, with our children, I am hopeful things will get better and I hope to build a trust with you again. However, I was a bit alarmed that on the first couple days of school my three children were expected to know their "pronouns" in selected classrooms, middle school and high school. This is very troubling to me and completely unacceptable. We don't play the ridiculous pronoun game. That is my opinion. However, this, to me, is a way to trick children and teens to question their identity. Please stick to only the academics: reading, writing, math, and so on. The fact is that there are only two genders: male and female. This is biological science and my children are students here at La Center School District. Please put a policy or a resolution in place to stop teachers from pushing the pronoun garbage. It would be nice for you as a board and district to address this. I know many other parents that are deeply concerned about this as well and I have had many conversations with people about this. Thank you for your time and blessings to each of you to a better year.

On October 11, 2022, the District and the School Board held a "linkage meeting" with an open floor for staff to raise concerns to the School Board. During that meeting, a La Center Middle School staff member responded to the September 27 parent comment by sharing, as recounted by the meeting minutes, that asking students their pronouns, "gave the opportunity for all students to have their preferred pronouns used, not just a few. The worry is that kids could be left out if it is left up to the students to bring this information up. The staff member added that some kids were happy that it was brought up. Statistically LGBTQ kids have a high rate of depression and suicide." The meeting minutes then continue to capture the following statements attributed to Superintendent Rosenkranz:

Mr. Rosenkranz said that he is still processing the pronoun comments. He said that this issue is something to be aware of and that some parents were caught off guard as they think it promotes counter culture or is political in some way. We as educators need to stay in our lane of serving kids. There has to be a middle ground. Kids have the ability to identify themselves. More conversation needs to happen on this subject. He added that the intent was good to try to better serve kids by calling them what they want to be called, but how do we navigate this and make it better for kids. He said that the district needs to have more conversations regarding this subject on how to handle this going forward.

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<sup>9</sup> La Center School Board, *3211P Procedure: Gender Inclusive Schools* (April 28, 2020).

*The Pronoun Directive*

On October 28, 2022, Superintendent Rosenkranz sent out an all staff "School Time" email which, among other topics, included following section titled "Pronouns" (hereinafter "Pronoun Directive"):

Pronouns

The practice of identifying ourselves through a name and pronoun is not new, however, it seems to have become significantly more complex. The well-intentioned "Get to Know You" sheet when asking pronouns changes the focus of our practice from learning in our content areas to something else entirely. The challenge as I see it has to do with the question. By asking for pronouns, you may be inclusive to a small portion of our student population, however, are excluding another population entirely. A simple fix may provide the opportunity for a student to state name changes and/or pronouns by simply asking a different question. We need to provide an inclusive environment for all our students, including those who think differently about the pronoun issue.

To ensure a more inclusive environment for all our learners, we need only to ask the student's name if it is different from what is listed in skyward. This can maintain neutrality in the conversation and support all of our students. Asking for pronouns in a public setting can make some feel included and others feel excluded. By just asking a student's name, verbally or in writing, we give every student an opportunity to identify themselves on how they would like to be referred. Additionally, this practice would allow students to be included, in PK-12. You can use students' preferred pronouns and names if they request. If a student would like to be called something different, they need to let you know.

What I am really struggling with is the idea that we are keeping information from parents. The assumption is that notifying parents will have a negative impact on the child and puts you and the district in an unenviable position to know more about the child than their parents, or worse assume the parents will react negatively to the information.

I firmly believe these conversations belong to the family. We teach vocabulary in health class and give opportunities for families to discuss them as that topic comes up at home. I believe the pronoun conversation, well-intentioned, caught parents off guard and reinforced the feeling that schools are teaching what to think, not how to think.

In response to Superintendent Rosenkranz's email, Complainant, who is a La Center High School teacher and the Gay Straight Alliance (GSA) student group adviser, sent the following questions on October 28, 2022, and on the same day received the responses from Superintendent Rosenkranz included in italics below:

Please clarify on the pronouns. My practice has been that on the first day of class, before I know any of my students, I ask students to write their first and last name (which would include any nickname or other name) and their pronouns.

I want to know if the district is now officially prohibiting me from:

1. Asking students to write their first (name, nickname, or other name) and last name on a seating chart or index card on the first day of school  
*This makes sense to me and I would only add that if the name or nickname is different than what is in skyward. I understand the written form as some folks don't want to call out the name change or pronoun.*
2. Asking students to write their pronouns on a seating chart or index card on the first day of school  
*Yes this is what I'm asking you not to do moving forward. If they have different pronouns and want them used in class they can tell you.*
3. Calling all students they/them unless they request specific pronouns.  
*I do think this is excessive in that assuming students are they/them lends credibility to the argument that we are pushing an agenda. To be more inclusive for all our students and families, regardless of their views, I would call them by the assumed pronoun until corrected.*

I want to be sure to follow the rules but I need to know exactly where the line is being drawn.<sup>10</sup>

On November 10, 2022, Superintendent Rosenkranz again emailed all staff providing the following clarifications on his directive:<sup>11</sup>

1. Can I ask students their names in class?
  - a. Yes, if that name is different from what is in skyward, that is fine.
2. Can I use different pronouns and/or names than are listed in skyward?
  - a. Yes, if a student requests different pronouns or names, please use their preferred names/pronouns.
3. Can I ask students their pronouns?
  - a. No, simply ask for their preferred name if it is different from what is listed in skyward. You can do this in written form or verbally when setting seating charts etc . . .<sup>12</sup>

#### Complainant's Complaint and District's Investigation and Response

On November 22, 2022, Complainant submitted a discrimination complaint to the District based on Superintendent Rosenkranz's Pronoun Directive. Specifically, the complaint alleged the Pronoun Directive, while "an apparently neutral rule," in fact, "creates a systemic barrier towards full inclusivity of LGBTQ students," "prohibits teachers from reaching out to a protected class of students," and, in practice,

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<sup>10</sup> Minna Thayer, *Email to Superintendent Rosenkranz* (October 28, 2022); Superintendent Rosenkranz, *Email to Minna Thayer* (October 28, 2022).

<sup>11</sup> The School Board's January 23, 2024, appeal decision stated that a fourth question was included in this email. However, the evidence reviewed in OSPI's investigation showed the question was suggested by School Board member Craig Whited but was not, in fact, included in the email sent to the school community. The fourth question stated, "4. Should I use the same name and/or pronouns for a child when talking/emailing with parents? a. Yes. Failure to do so can be perceived as hiding information from our parent partners. It's our fervent goal to be transparent and partner with our community families."

<sup>12</sup> Superintendent Rosenkranz, *Email to all District staff* (November 10, 2022).

“affects the LGBTQ, and only the LGBTQ, community.”<sup>13</sup> She further alleged that the Pronoun Directive limits teachers' abilities to provide access to the learning environment for gender-expansive students by removing a tool teachers can use to avoid misgendering a student.<sup>14</sup>

In response to Complainant's complaint, the District initiated an investigation as required under [WAC 392-190-065](#). The District hired third-party investigator, Gene Sementi (Sementi), to complete the investigation. In December 2022, Sementi completed his “Civil Rights Complaint Final Investigation Final Report” (Sementi Report). The Report states, “[t]he scope of the investigation is about the practice of canvassing all students about their pronouns.”<sup>15</sup>

Sementi's investigation included eleven interviews including Superintendent Rosenkranz; Complainant; the Gender-Inclusive Schools Coordinator, Lauri Landerholm; a Forensic Child Psychologist, Kevin McGovern;<sup>16</sup> four District teachers; the elementary school principal; the middle school counselor; and a paraprofessional. Sementi's investigation did not interview or otherwise solicit input from any gender-expansive students or their parents. The investigation concluded that District students have a clear right to be free from being called the incorrect name or pronoun. Sementi's Report also found “no requirement in law or policy that teachers must canvas all of their students regarding pronoun preference.” Nor did he find any legal prohibition on such a practice. As such, Sementi concluded, “[t]his gap in definition is typically addressed through policy and procedure. While Policy 3211 requires an ‘inclusive approach toward transgender and gender expansive students’ it does not specifically require or prohibit teachers from canvassing students about their pronoun preference.”<sup>17</sup> The Sementi Report also noted “Observations Based on Interviews and Document Review” which, in part, included the following:

Several interviewees felt that given the Civil Rights Complaint, the language in Policy 3211 is not specific enough to provide needed guidance, and that it should be refined with a procedure that spells out the specifics about what staff must do, can do, and cannot do. . . .

Virtually everyone interviewed believed that staff should not be required to ask about pronoun preference, while a significant percentage of those interviewed felt that it should be left up to individual teachers to decide.<sup>18</sup>

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<sup>13</sup> Minna Thayer, *Complainant's Initial Complaint to the District* (November 22, 2022).

<sup>14</sup> During OSPI's investigation, Complainant clarified to OSPI that while a student's pronouns are listed in the District's student information system, many students choose not to update their pronouns in Skyward because information in Skyward is viewable to their parents. For this reason, Complainant explained, an optional question on a “Get to Know You” form provides an avenue for staff to ensure they know the correct pronoun by which to acknowledge the student at school without the student needing to approach each staff member.

<sup>15</sup> Gene Sementi, *Civil Rights Complaint Final Investigation Final Report* (December 2022; *Reissued with Addendum January 3, 2023*), page 3.

<sup>16</sup> McGovern's analysis included the following, “Dr. Kevin McGovern, a psychologist consulting with the district, is concerned that regularly asking all students about their pronoun preferences could be psychologically damaging at the time in their lives when they are prone to confusion. This is due to partly passing through puberty and adolescence, and the suggestibility of young pre-adolescent and adolescent children. Dr. McGovern notes that LGBTQ students many of whom are marginalized, not being addressed by their preferred pronouns, even when they haven't made that specific request, could also be psychologically damaging.” Sementi Report, page 11.

<sup>17</sup> Sementi Report, page 12.

<sup>18</sup> *Id.* at page 11.

Sementi's handwritten interview notes document that several staff members discussed the option of inviting students to share their pronouns "not out loud" or asking in a private, optional Google form or on an index card. Sementi's investigation findings addressed "prohibiting teachers from being able to ask a blanket pronoun preference question of all of their students" but did not address whether the District can prohibit a teacher from asking students to privately and optionally share their pronouns.<sup>19</sup>

The Sementi Report did not include information from any District gender-expansive students or their parents about what impact, if any, the Pronoun Directive has had on their ability to participate in and benefit from the District's programs and activities.<sup>20</sup>

On December 21, 2022, Superintendent Rosenkranz issued a decision on Complainant's complaint. In the decision, he adopted the findings of the Sementi Report stating, in part, "Dr. Sementi found that the Pronouns directive was not a violation of the Civil Rights of either LGBTQ students or teachers" and "[Complainant was] not able to cite to any law which the Pronouns directive would allegedly have violated. Dr. Sementi did not find anything in the law or board policy requiring teachers to canvas all of their students regarding pronoun preference. Dr. Sementi did not find that the directive violated law."

#### *Complainant's Appeal and the La Center School Board's Response*

On December 22, 2022, Complainant appealed Superintendent Rosenkranz's decision to the School Board and, in her email, raised several additional questions. Complainant's appeal stated that the "findings misrepresent the complaint" because the complaint is not about a policy requiring teachers to canvas all students regarding their pronouns. Rather, her complaint is about the District prohibiting teachers from inviting students to share their pronouns if they wish to do so. Complainant sought to clarify to what extent Sementi considered Rosenkranz's November 10, 2022, emails prohibiting staff from asking a student their pronouns.<sup>21</sup>

On December 29, 2022, the School Board asked Sementi to answer Complainant's questions. Sementi's responses were added to his investigation report as an addendum. Sementi's responses clarified that he had, in fact, considered this broader prohibition and his conclusions remained the same. Specifically, Sementi stated, "The investigation found that carrying out the Superintendent's directive in the [November 10, 2022, Email] FAQ regarding pronoun usage did not violate any persons' Civil Rights nor did it violate [chapters] RCW 28A.640, RCW 28A.642, or WAC 392-190, nor did it violate any other laws that the investigator is aware of."

On January 10, 2023, the School Board considered Complainant's appeal in an open public meeting and allowed community members not involved in the complaint to address the Board in advance of the Board's deliberation. Additionally, following the School Board meeting, Superintendent Rosenkranz and the School Board received numerous emails expressing support for and opposition to the District's

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<sup>19</sup> Sementi Report, page 12.

<sup>20</sup> Sementi's investigation file included an October 20, 2022, email from Complainant to Denelle Eiesland, which Denelle Eiesland forwarded to Superintendent Rosenkranz, with quotes from GSA students about their experiences related to teachers asking about pronouns at school.

<sup>21</sup> Minna Thayer, *Email to School Board "Civil Rights Complaint - Level Two Appeal"* (December 22, 2022).



Pronoun Directive from those within the District community, as well as from individuals outside the District community.

On January 23, 2023, the School Board issued a decision which affirmed the District's decision, citing the Sementi Report and stating, in part, "Individuals identifying as LGBTQ are not singled out, nor treated differently from the rest of the school population. Everyone would be treated the same. No one would be singled out. Individuals identifying as LGBTQ who desire to be addressed by different pronouns than their one matching their biological sex can do so in a number of ways. For instance, they can meet with their counselor and discuss the matter as contemplated by 3211P. The parent of the child can share the information with the counselor or site administrator."

Further Pronoun Directive Clarification – winter 2023

On January 13, 2023, District staff member, Denelle Eiesland, emailed Superintendent Rosenkranz and the School Board to ask further clarifying questions about the Pronoun Directive. Specifically, she asked whether she could include an optional pronoun question along with other standard "Get to Know You" questions on a confidential Google form sent to students.

On January 17, 2023, Superintendent Rosenkranz emailed the following response:

Thank you for the email and time in working toward a solution. I appreciate the google form and the intent. I also like the question that gives students the opportunity to get to know you a little better.

The question, "Optional: nickname, preferred name, or preferred pronoun" is not necessary. The first question, "Name" is all that is needed. If there is a question about pronouns, please refer to the skyward information, and no need to make an assumption. If a student would like to go by a different pronoun or name, they can share that and you can use the requested new pronouns and/or name.

I keep hearing that the pronoun is a simple question that allows students who identify differently to feel included. The challenge is that when we ask that question we teach. We teach students to ask further questions when they don't understand, therefore prompting pronouns with a seemingly innocent question appears to promote an agenda. (Not saying you are promoting an agenda, I just keep hearing that as a component of the many complaints and emails I have received about this issue) Questioning is a broad strategy that is used to teach and promote thinking. When asked to a student who is not ready, nor prepped by their family, it can lead to more confusion in an already confusing time for kids. That is why I keep pushing this discussion back to the family.

The pronoun question strategy is not an option we use in this district. A google form is a nice tool that completely makes sense. Remove the pronoun question and you are more than welcome to use the form.

*The District's Policy 3211 and Procedure 3211P*

On January 24, 2023, the Board adopted a new Gender-Inclusive Schools policy<sup>22</sup> and procedure<sup>23</sup> with both additions and deletions from the model policy 3211 and model procedure 3211P the District had previously adopted.

OSPI's investigation found the District's Procedure 3211P includes the following language that is not included in the model procedure:

The La Center School District acknowledges that:

- District teachers, school counselors, administrators, school psychologist, and classified employees want safe, high performing schools in the District and what is best for children, particularly the children they work with on a daily basis; The District's cautious approach herein does not call into question the good faith and caring of District employees for the welfare of children;
- The District recognizes the role of schools and school districts to educate children and the role of parents/guardians to make important medical decisions for their children.
- The Parents/guardians are the first teacher of their children and the District partners to provide high quality education.
- The District recognizes the value of the family in supporting their children through a confusing adolescent landscape which requires policy and procedure around gender-inclusive schools.

Regarding disclosure of a student's gender identity without the student's authorization, the District's Procedure 3211P differs from the model procedure. The District removed the model procedure language that states, before communicating with parents of transgender or gender-expansive students, an appropriate school employee will privately ask the student how they would like to be addressed in correspondence to the home or when talking with their parents and guardians (see model language included above on page 3). Instead, the District's Procedure 3211P states:

- "The District will be transparent with parents/guardians and the community about curriculum, instruction, and activities which address gender identity and expression. The school should also be transparent with parents/guardians of children who question their gender identity so that the parents/guardians may provide appropriate support for their children."
- "1. The governing consideration in communicating with parents/guardians concerning a student who asks to be called by a different name or pronoun, indicating a change in gender identity, is the student's safety. A student's fear or concern about their family learning of their gender identity should not be automatically discounted. However, the student's stated preferences are not the sole factor to consider. Decisions about communicating with a parent/guardian about

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<sup>22</sup> La Center School Board, *Policy 3211 Gender Inclusive Schools* (January 24, 2023). Available at: <https://lacenterschools.org/policy-3211/>.

<sup>23</sup> La Center School Board, *3211P Procedure: Gender Inclusive Schools* (January 24, 2023). Available at: <https://lacenterschools.org/3211p/>.

such things should be made holistically based on as many factors as the school is aware (see, WSSDA Policy and Legal News, March 2022)."

- "5. If a student asks a staff person for a name or pronoun change, the staff member will promptly share that information with the principal and the student's counselor."
- "6. The principal and/or counselor will encourage the student to communicate about such name or pronoun changes with their parent/guardian if the student is not already doing so. The principal and/or counselor will also discuss with the student about contacting the parent/guardian about such name and pronoun changes."
- "7. The principal and/or the counselor will contact the parent/guardian regarding such name or pronoun changes."
- "8. The principal, counselor, and staff will cooperate and work with parents/guardians and students in such situations."

The District's 3211P also includes added language not included in the model procedure relating to instructional materials, or as the District refers to "curriculum, instruction, and activities." The District's Procedure 3211P states:

- "Curriculum, instruction, and 'gender affirming'<sup>24</sup> activities may cause gender confusion<sup>25</sup> for children."
- "It is not the proper role of the school to foster curriculum, instruction, or activities which would reasonably be expected to lead children to question their gender identity, when no such questions existed before."
- "'Gender affirming' curriculum, instruction, and/or activities in schools should not be provided where it is not part of the board approved subject matter of a particular class. The District does not provide curriculum, instruction, and/or activities that may lead children who had no gender identity questions to begin with to have such questions."
- "The following [procedure] is to recognize the role of La Center School District concerning matters involving student transgender identity, gender identity, gender transitioning, and possible gender confusion."

In addition to the changes to the model procedure addressed above, the District's Procedure 3211P also includes the following language which is not in the model procedure:

- "Additionally, questioning gender identity and gender transitioning affects the health and welfare of children."

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<sup>24</sup> OSPI requested the District provide a definition of "gender affirming," as used and referred to in quotes throughout the District's Procedure 3211P. The District did not provide a response.

<sup>25</sup> The term "gender confusion" is not used in any OSPI rules or guidance nor in RCW 28A.642.080 or the associated model policy or procedure. OSPI requested the District to provide evidence clarifying their definition of their added term "gender confusion." The District provided a narrative response to OSPI's request stating, "'gender confusion' is a nonclinical term referring to where schools provide lessons relating to gender identity which are controversial (not being based on a substantial body of peer-reviewed literature such that the theories and recommendations for educators derived in such studies are main-stream science) and where what the school is teaching is inconsistent with what the parent is teaching, such that the student may become confused." District Response to OSPI, page 8.

- “While under the law it is the role of the school to avoid and prevent discrimination on the basis of gender identity or expression, it is not the role of the schools to facilitate questioning gender identity or to facilitate gender transitioning.”
- “Social influences may lead some children to question their gender identity when they never had such questions before. Such major social influences affecting some children may include parents, peers, and school.”

In addition to the changes addressed above, the District’s Procedure 3211P also includes the following deletions from the model procedure:

- Key terms, “assigned sex at birth,” “cisgender” and “transitioning.”
- “[t]he district 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 transgender or gender-expansive status.”

#### *The Experience of Gender-Expansive Students in the District*

Since the School Board’s passage of the District’s Policy 3211 and Procedure 3211P, both the District and the School Board received considerable feedback from their community about the Pronoun Directive, Policy 3211 and Procedure 3211P, and particularly the District’s position on disclosing students’ gender identity against their wishes at issue in both. While some of the feedback was supportive of the District’s Pronoun Directive and new policy and procedure, some feedback also raised concern that the Directive and Procedure 3211P “jeopardize[s] student health and safety;”<sup>26</sup> unfairly prohibits staff from creating an inclusive learning environment for all students, including gender-expansive students; and puts up a barrier for teachers to address students by their pronouns.

Additionally, during a March 28, 2023, School Board meeting, a gender-expansive recent District graduate shared that, while in 10<sup>th</sup> grade, a District staff member “forcibly outed” them to their family which resulted in physical abuse by a family member, significant disruption to their education, and a negative impact on their mental health. During OSPI’s investigation, a current District parent also shared with OSPI that following the January 2023 School Board meeting, District gender-expansive students experienced an uptick in online bullying and several students felt unsafe about coming out or being outed to their parents by District staff.

#### *Further Pronoun Directive Clarification - spring 2023*

On February 15, 2023, Complainant emailed the La Center High School Principal, Matt Johnson, with the names of students in her class who informed her they would like to go by a name or pronoun that is different than what is listed in the District student information system. In her email, Complainant asked, “Will all students see phone calls home? It seems odd to call home for Nicholas using the name Nick, but the District’s policy does not differentiate. So I am wondering if we have an internal sorting procedure to figure out which students actually need parent contacts?”

On March 2, 2023, Principal Johnson responded to Complainant’s February 15 email with the following information:

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<sup>26</sup> Washington State LGBTQ Commissioner Abigail Coleman, *Letter to La Center School Board* (undated).

For many of the students listed in your e-mail, who as you suspect are sharing a nickname that does not indicate any change in gender identity, no referral to an administrator or counselor is necessary and a phone call home is not required per policy. If they wish to change their name in the skyward system, you can direct them to touch base with the registrar. But, if any staff member does interpret the student asking to be called by a name or pronoun indicates a change in gender identity, as the collaborative family communication protocol in procedure 3211 states, the teacher, staff member, advisor or coach will promptly share the name of the student with the principal and counselor. The principal and counselor will then follow the protocol in procedure 3211 in working with the student in communicating with families. This process will instruct the principal and counselors to meet with the student, collaborate with the student to communicate with their family, manage the number of contacts home along with making any necessary updates to skyward.

On April 20, 2023, Superintendent Rosenkranz sent a letter to "Parents/Families, Community, and Staff" notifying the community about the District's newly updated gender-inclusive schools policy and procedure and including the following language relevant to the Pronoun Directive:

**LCSD students are not prohibited from changing and using pronouns. The procedure simply states that LCSD will not proactively canvas or ask students what pronouns they utilize.** There has been some confusion and concern expressed by families regarding whether or not students were *required* to provide pronouns and at what age it is appropriate to ask. LCSD opted for the middle of the road related to this issue and proactively asks students to provide their names. If they want a different name or pronoun, they can provide that and we will use it in accordance with the law. [emphasis in original.]

During OSPI's investigation of this complaint, the District has continued to implement and enforce both the Pronoun Directive and Policy 3211 and Procedure 3211P. As recently as September 3, 2024, Superintendent Rosenkranz sent an email to Complainant stating:

Moving forward, please refrain from asking students their pronouns or directing staff to do so. Adhering to our policies is crucial, and any future violations of Policy 3211/P or the Staff Handbook may result in disciplinary action.

## II. Legal Standards

All Washington public school districts are prohibited from discriminating on the basis of gender identity and gender expression in all areas of the school district's programs and activities.<sup>27, 28</sup> A school district's

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<sup>27</sup> RCW 28A.642.010.

<sup>28</sup> This law applies the definitions from the Washington Law Against Discrimination, Chapter 49.60 RCW, which defines "gender expression or identity" as 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. RCW [49.60.040\(27\)](#).

actions can discriminate by treating students differently or by taking action that has a discriminatory purpose and effect. To effectuate this prohibition, [RCW 28A.642.020](#) requires OSPI to develop rules and guidelines to eliminate discrimination prohibited in RCW [28A.642.010](#) and [28A.320.233](#)<sup>29</sup> as it applies to public school employment, counseling and guidance services to students; recreational and athletic activities for students; access to course offerings; and in textbooks, instructional materials, and supplemental instructional materials, and student access to those materials.

OSPI adopted rules implementing chapter [28A.642 RCW](#) at chapter [392-190 WAC](#). [WAC 392-190-005](#) restates the prohibition on discrimination on the basis of gender identity or gender expression. It also states that OSPI's guidelines supplement the rules and "guide [OSPI's] interpretation and administrative enforcement of" chapter [28A.642 RCW](#). OSPI first published the guidelines referenced in this letter in 2012.

Under [WAC 392-190-046](#), school districts "must ensure that no student is denied or limited in their ability to participate in or benefit from its course offerings on the basis of ... gender expression [or] gender identity..." and clarifies that "course offerings include all education programs and activities offered or sponsored by a school district or public charter school, whether those programs or activities take place in a school district's or charter school's facilities or elsewhere."

Where OSPI identifies discrimination by a district on the basis of protected class that the district does not timely address, it may take action to ensure compliance, including referring the school district to appropriate state or federal agencies empowered to order compliance with the law.<sup>30</sup>

#### *Disclosure of a Student's Gender Identity Against Their Wishes*

OSPI's 2012 guidelines clarify the prohibition on treating students differently based on their gender expression or gender identity: "School staff should not disclose information that may reveal a student's transgender status to others, including parents and other school staff, unless legally required to do so or unless the student has authorized such disclosure."<sup>31</sup> OSPI's interpretation is consistent with Washington's Law Against Discrimination (WLAD) and associated rules, which prohibit harassment based on gender identity, including "[i]ntentionally causing distress to an individual by disclosing the individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth against his or her wishes."<sup>32</sup>

#### Discriminatory Harassment

Harassment of students based on their gender identity or gender expression is prohibited in Washington schools. Under [WAC 392-190-0555](#), a school district violates a student's right to be free of discriminatory harassment when:

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<sup>29</sup> RCW 28A.320.233 codifies [Engrossed Substitute House Bill 2331](#) which passed February 22, 2024 and became effective June 6, 2024, during the course of OSPI's investigation.

<sup>30</sup> See WAC 392-190-077(3); see also RCW 49.60.010.

<sup>31</sup> RCW 28A.642.020; WAC 392-190-005; OSPI, *Prohibiting Discrimination Guidelines* (2012).

<sup>32</sup> WAC 162-32-040 (implementing Chapter 49.60 RCW).

- (a) The alleged conduct is based on a student's . . . gender expression [or] gender identity . . . ;
- (b) The alleged conduct is sufficiently severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the school district's . . . offerings, including any educational program or activity (i.e., creates a hostile environment); and
- (c) The school district or public charter school, upon notice, fails to take prompt and appropriate action to investigate or fails to take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

OSPI's guidelines further clarify that "Harassment may be discrimination when it is: (1) [b]ased on . . . gender expression or identity . . . ; (2) [s]ufficiently serious to create a hostile environment; and (3) [e]ncouraged, tolerated, ignored, or not adequately addressed by school employees." <sup>33</sup> Discriminatory harassment does not have to include intent to harm.<sup>34</sup>

A school district's responsibility is to eliminate the hostile environment created by the discriminatory harassment, address its effects, and take steps to ensure that harassment does not recur.<sup>35</sup> These duties are a school district's responsibility regardless of whether a student has complained, asked the school district to take action, or identified the harassment as a form of discrimination.<sup>36</sup> Depending on the extent of the harassment, the school district may also need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond.<sup>37</sup>

For gender-expansive students, both intentional outing or intentional or persistent misgendering may be harassing conduct in violation of [WAC 392-190-0555](#). Such conduct is also unlawful discriminatory harassment under the rules implementing the WLAD, which prohibit harassment based on gender identity in public schools as places of public accommodation.<sup>38</sup> More specifically, both intentional outing, as addressed above, and "[t]he deliberate misuse of an individual's preferred name, form of address, or gender-related pronoun" are listed as prohibited discriminatory harassment.<sup>39</sup>

#### RCW 28A.642.080 Requirements

[RCW 28.642.080\(1\)\(a\)](#) directs each Washington public school district to adopt a transgender students (also referred to as a "Gender-Inclusive Schools") policy and procedure or amend existing policies and

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<sup>33</sup> OSPI, *Prohibiting Discrimination Guidelines* (2012) page 32.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*, page 33.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> WAC 162-32-040.

<sup>39</sup> *Id.*

procedures to, at a minimum, “incorporate all the elements of the model transgender student policy and procedure.”

[RCW 28.642.080\(3\)](#) directs WSSDA and OSPI to collaborate to develop and periodically update the model policy and procedure referenced in subsection (1) of the statute. The law clarifies that WSSDA and OSPI must develop the model transgender student policy and procedure to, at a minimum:

- (1) Incorporate OSPI’s rules and guidelines developed under [RCW 28A.642.020](#) to eliminate discrimination in Washington public schools on the basis of gender identity and expression;
- (2) Address the unique challenges and needs faced by transgender students in public schools; and
- (3) Describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under [RCW 28A.600.477](#), to transgender students.

### Instructional Materials

OSPI’s rules, at [WAC 392-190-055](#), state that, “a school district must not discriminate on the basis of . . . gender identity . . . through the use of any textbooks or instructional materials.” To determine if a school district discriminates through the use of instructional materials, OSPI considers whether the school district removes or prohibits particular materials, ideas, or activities based on a protected class or uses content that includes bias.

OSPI’s rules and guidelines further clarify that “each school district must adopt an instructional materials policy that includes selection criteria designed to eliminate bias based on . . . gender expression [and] gender identity. . . .”<sup>40</sup> The instructional materials policy must establish and use an appropriate screening tool “designed to identify and eliminate bias pertaining . . . gender expression [and] gender identity. . . .”<sup>41</sup>

Additionally, since OSPI opened this investigation, the Legislature passed [HB 2331](#), now codified at [RCW 28A.320.233](#), which prohibits a school district board of directors from “refus[ing] to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class,” such as gender identity.<sup>42</sup> This law also clarifies that a violation of this law would constitute of violation of Washington’s nondiscrimination laws relating to public schools at chapter [28A.642](#) and [28A.640](#) RCW.

### **III. Allegation 1**

In reaching its conclusion that the District violated [RCW 28A.642.020](#) by discriminating on the basis of gender expression and gender identity, OSPI’s investigation established (A) the scope of the Pronoun Directive, as an issue of fact, and then determined that based on the overbroad scope; (B) the Pronoun Directive was based on a discriminatory purpose; and (C) the Pronoun Directive is discriminatory in effect

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<sup>40</sup> WAC 392-190-055.

<sup>41</sup> OSPI, *Prohibiting Discrimination Guidelines* (2012) at page 12.

<sup>42</sup> 28A.320.233(1)(a).



in that it negatively impacts gender-expansive students' ability to participate in or benefit from the District's educational programs or activities.

### **A. The Scope of the District's Pronoun Directive**

The evidence demonstrates the District and Complainant disagreed about the scope of the Pronoun Directive, and specifically whether the Directive relates to staff asking students to share their pronouns in an optional, non-public manner.

The District's investigation report states the scope of the Pronoun Directive as "directing staff not to directly ask entire classrooms of students what their preferred pronouns is/are"<sup>43</sup> or prohibiting teachers from "canvassing" students or "being able to ask a blanket pronoun question of all their students."<sup>44</sup> The District's response to OSPI, dated May 2023, states "There has never been any prohibition of District staff from asking any student their gender pronouns. The prohibition has been of teachers/staff asking students their gender pronouns **publicly** in front of other children and expecting students to answer **publicly** as part of the 'Get to Know You' first day of class activity" (emphasis original).<sup>45</sup> However, the emails reviewed in OSPI's investigation established that at least two staff members, Complainant and Denelle Eiesland, asked Superintendent Rosenkranz about a non-public option to ask students about their pronouns, and Superintendent Rosenkranz responded that the non-public options were not permitted further stating, "[t]he pronoun question strategy is not an option we use in this district."<sup>46, 47</sup>

The District's response to OSPI also stated the District has a process for learning an individual student's pronouns outlined in its Gender-Inclusive Schools Procedure 3211P that is "more in line with OSPI's respecting student privacy in OSPI/WSSDA's Model Procedure 3211P on Gender-Inclusive Schools."<sup>48</sup> However, the process the District outlines in their response to OSPI and in the District's 3211P is that students can inform staff how they would like to be addressed. The District's process does not allow for staff to ask students their pronouns as permitted in the model procedure 3211P.

In light of this evidence, OSPI's investigation determined the Pronoun Directive was, in fact, broader than the District's response to OSPI stated. The District has directed staff that they are prohibited from asking or inviting any student to share their gender pronouns, including when posed as an optional question and when posed in a method that would not result in the response being shared with other students.

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<sup>43</sup> Sementi Report (December 2022) at page 8.

<sup>44</sup> *Id.*

<sup>45</sup> Superintendent Rosenkranz, *District's Response to OSPI* (May 11, 2023), page 3.

<sup>46</sup> OSPI acknowledges that inclusion of the January 17 email and April 20, 2023, letter potentially makes OSPI's investigation broader than the District's investigation which concluded on December 21, 2022. However, the School Board had opportunity to address the broader scope based on Complainant's appeal and the District had the opportunity to address the broader scope in response to OSPI.

<sup>47</sup> For example, see Complainant's November 22, 2022, 6:02pm email response to Superintendent's Rosenkranz November 22, 2022, 4:30pm email where Complainant clarifies to Superintendent Rosenkranz that while the question asking students their pronoun may be made out loud to the whole class, the response is requested in an optional, non-public format, such as on an index card.

<sup>48</sup> *District's Response to OSPI*, page 5.

## **B. The Evidence Establishes the District had a Discriminatory Purpose in Enacting the Pronoun Directive**

To assess whether the District's Pronoun Directive unlawfully discriminates against students based on their gender identity, gender expression, or transgender status, OSPI's investigation considered whether a discriminatory purpose motivated the District's actions or the District acted because of students' gender identity. In other words, OSPI considered whether the purpose of the Directive was motivated by disapproval of or negative perceptions about gender-expansive identities. OSPI reviewed all evidence that established the District's purpose for implementing the Directive. The evidence established Superintendent Rosenkranz was the decisionmaker regarding the Pronoun Directive; he documented a variety of explanations for the Directive; and he issued it shortly after an explicit parent request that the District prohibit teachers from "pushing the pronoun garbage" because of a belief that "there are only two genders: male and female."<sup>49</sup> After a close review of the evidence, OSPI's investigation found sufficient evidence that the Pronoun Directive was discriminatory in purpose and effect, in violation of chapters [28A.642 RCW](#) and [392-190 WAC](#).

OSPI's investigation determined District had three primary reasons for enacting the Pronoun Directive: (1) to respond to students and families who may be offended by a student being asked to share their pronoun; (2) to ensure District staff do not introduce the concept of non-cisgender identities, for various reasons including because non-cisgender identities come from "social science" and are not supported by "biology" and because being introduced to the concept may cause students to question their gender identity; and (3) to prohibit a teacher from asking a student their gender pronoun to the extent it allows the student an opportunity to provide, and be referred to by, a pronoun different than what is known to their parents.<sup>50</sup> Each of these reasons reflect that the directive was rooted in negative, or even hostile, perceptions of gender-expansive identities and the purpose was discriminatory.

The following is a sampling of statements made by the District regarding the motive for the directive:

- "Respecting those who are offended by the pronoun question."<sup>51</sup>
- [Asking students' their pronouns] "appears to promote an agenda."<sup>52,53</sup>
- "Presenting the idea to all children that they should or can be choosing their own pronouns may conflict with parental ideas of how such discussions should happen."<sup>54</sup>
- "The directive supports the **privacy of students** who may not have wanted to state their preferred pronouns for whatever reason."<sup>55</sup>

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<sup>49</sup> La Center School Board Meeting Notes, (September 27, 2022).

<sup>50</sup> Superintendent Rosenkranz also stated to OSPI in a June 11, 2024, meeting that religious objections were not a motive in his decision-making.

<sup>51</sup> Lauri Landerholm, *Email to Minna Thayer* (November 7, 2022).

<sup>52</sup> Superintendent Rosenkranz, *Email Responding to Denelle Eiesland* (January 17, 2023).

<sup>53</sup> Notes from meeting with Complainant and Superintendent Rosenkranz (December 2, 2022).

<sup>54</sup> *District's Response to OSPI*, page 6.

<sup>55</sup> *Id.* (emphasis in original).

- “Presenting the idea to all children that they should or can be choosing their own pronouns may conflict with parental ideas of how such discussions should happen. . . . Some parents will feel blindsided and upset by such actions.”<sup>56</sup>
- “We are trying to focus on the things that families expect of us and that includes reading, writing, math, history, science. Speaking of science, it’s interesting because people say ‘follow the science.’ Well, we nixed social science in favor of biology. As a former biology teacher, I can tell you for a fact that biological science says that there are chromosomes that dictate gender – there’s XX or XY. Of course there are anomalies, called genetic mutations, but in general that’s how it works. There’s a male and a female, and that’s how the species reproduces. Social science, however, that’s where the construct of gender as a continuum is found.”<sup>57</sup>
- “Presenting gender identity option to young children when they have not experienced the need to consider gender identity on their own can **create confusion in children**.”<sup>58</sup>
- “**Schools should tread carefully** with topics where parents, educators, medical providers, psychologists, law makers, and the general public disagree on how children should be guided, especially where the medical consequences to children can be permanent and sometimes regretted later in life.”<sup>59</sup>
- “While we hardly believe everything we read and hear in the media, having read some of what the media have reported about us, the District understands that in recent years the number of children just entering puberty who suddenly become gender dysphoric and want to transition from female to male has skyrocketed; that some psychologists believe this may be the result of peer influence and social media; that the majority of gender dysphoria cases resolve on their own without medical intervention; that some facilities which medically assist children in transitioning are not also providing psychological therapeutic resources to aid in decision making; that ‘gender affirming’ hormone treatment can have permanent side effects; and that what is called ‘gender affirming’ surgery is considered ‘experimental,’ at least in hold harmless agreements patients are required to sign before such surgery. Information such as this makes us very reluctant to do anything which would possibly lead or inadvertently groom children to become gender dysphoric, identifying with a gender other than that to which they were born when they had not already arrived at that thinking on their own. We do not wish to be part of a process which leads children to question their gender identity.”<sup>60</sup>
- “The directive respects the role of parents in raising their children. Presenting the idea to all children that they should or can be choosing their own pronouns may conflict with parental ideas of how such discussions should happen.”<sup>61</sup>

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<sup>56</sup> *Id.*

<sup>57</sup> Statement attributed to Superintendent Rosenkranz in the article “*Discussion surrounding student pronoun policy at La Center schools continues: Superintendent Peter Rosenkranz addresses recent media coverage in letter to families*” by Leah Anaya published in CLARK COUNTY TODAY on April 21, 2023.

<sup>58</sup> *District’s Response to OSPI* at page 6 (emphasis in original).

<sup>59</sup> *Id.* (emphasis in original).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

- “Schools should tread carefully with topics where parents, educators . . . and the general public disagree on how children should be guided, especially where medical consequences to children can be permanent and sometimes regretted later in life.”<sup>62</sup>
- “La Center School District’s philosophy is that **schools and parents work best for children when they work together**. The ‘Get to Know You’ pronoun activity is not working *with* parents where parents have not been consulted ahead of time and not genuinely heard” (emphasis original).<sup>63</sup>

In the District’s response to OSPI, the District provided three additional motives for the Pronoun Directive, although OSPI’s investigation did not find evidence that supported the District’s reliance on these motives. First, the District states the Pronoun Directive (and edits to the Gender-Inclusive Schools Procedure 3211P, as addressed below in Allegation 2) were made as a result of the “District’s attempt to harmonize [the principles of] doing what is best for kids, facilitating parent participation in important issues in their children’s lives, and doing so safely for kids.”<sup>64</sup> However, neither the District’s response to OSPI nor any evidence provided by the District tie the Directive to these principles. In other words, the evidence does not establish that the District’s prohibition of a staff member inviting a student to share their pronouns, or privately and optionally asking a student their pronouns, promotes safety for kids or facilitates parent participation.

Second, the District states that its Pronoun Directive is based on student privacy and an interest in shielding students from harassment. However, the District has failed to provide any basis in student privacy for why the Pronoun Directive prohibits staff from inviting students to share their pronouns, even in a private setting. Regarding harassment, in its response to OSPI, the District cited to regulations implementing the WLAD, specifically, [WAC 162-32-040\(2\)\(a\)](#), which states schools are prohibited from harassment based on gender identity, including asking “unwelcome personal questions about an individual’s sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth against his or her wishes.” However, this rationale lacks a reasonable connection to the Pronoun Directive, where the Directive prohibits staff from offering students the opportunity to share their preferred pronouns in *any* context, including in an optional, private form that is not accessible to other students.<sup>65</sup>

Third, the District stated that the Pronoun Directive was implemented because, “Schools should avoid situations ripe for generating litigation” and “[t]here is currently a growing trend of detransitioning

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *District Response to OSPI* at page 1-2 (emphasis in original).

<sup>65</sup> Additionally, OSPI does not view a general question or invitation to share pronouns as an “unwelcome personal question.” Supporting this, the Washington State Human Rights Commission [Guide to Sexual Orientation and Gender Identity and the Washington Law Against Discrimination](#) (2014), states that when a company needs to make a decision about changing the name and/or sex of a transitioning employee in company records, that, “[f]or all less formal forms of identification, employers should ask a transgender employee what name and sex specific pronoun he or she prefers, and use them consistently.” This type of question, similar to a teacher inviting students to optionally share their pronouns, is differentiated from a question about someone’s sex assigned at birth, transgender status, or an unwelcome personal or medical question.

individuals, parents, and special interest groups filing lawsuits against schools for being perceived as having been actively involved in influencing children to question their gender and transition.” However, OSPI does not consider hypothetical litigation as a justification for discrimination. Moreover, discriminating against students on the basis of gender identity, whether by policy or by an individual school employee, subjects the District to clear risk of liability under the WLAD.<sup>66</sup> Additionally, OSPI found the District’s reliance on these reasons, which were provided later in time and in response to OSPI’s investigation, less convincing than the District’s more contemporaneous reasons stated above. As such, OSPI’s investigation determined that, when considering the broad scope of the Pronoun Directive, discriminatory purposes served as the basis for the District’s Pronoun Directive.

### **C. The Pronoun Directive has an Adverse Impact on Students’ Ability to Participate in or Benefit from La Center’s Education Programs or Activities**

OSPI’s investigation next considered whether the District’s prohibition on asking students their pronouns negatively impacts students’ ability to participate in or benefit from the District’s education programs or activities. Notably, the District’s investigation into Complainant’s complaint regarding the Pronoun Directive did not seek evidence related to the experiences of District gender-expansive students, including whether the Directive adversely impacted them. In light of this, OSPI’s investigation considered the implications of the Pronoun Directive for gender-expansive students as well as narrative evidence received during the course of OSPI’s investigation.

OSPI’s investigation established that, in practice, the Directive negatively impacts gender-expansive students in at least two ways. First, by prohibiting staff from asking or inviting students to share their pronouns, the Directive puts gender-expansive students at risk for misgendering by peers and District staff. Specifically, the Directive forces District staff to either make assumptions about a student’s pronouns or rely on the District’s student information system. As addressed in more detail in the following paragraph, for gender-expansive students, the gender recorded in the student information system may not accurately reflect their gender. For all students, and particularly gender-diverse students, misgendering in the classroom is associated with students having lower motivation and confidence in their ability to learn as well as inhibiting their ability to focus on their studies and diminishing their capacity to develop healthy social lives in a school setting.<sup>67</sup>

Evidence OSPI reviewed showed that both Complainant and the District acknowledged that when a staff member does not know a student’s pronouns, the only way to know their pronoun, without risking misgendering the student, is to ask the student.<sup>68</sup> Yet, the District’s Pronoun Directive prohibits staff from asking or inviting a student to share their pronouns. The District’s broad restriction on staff from inviting

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<sup>66</sup> *Floeting v. Group Health*, 192 Wn.2d 848 (2019).

<sup>67</sup> Nielsen, L. B., Kuo, E., & Zhao, E., *Misgendering, Academic Freedom, the First Amendment, and Trans Students*, 73 Case W. Rsrv. L. Rev. 1177 (2023).

<sup>68</sup> Superintendent Rosenkranz, *Email to Minna Thayer* (October 28, 2022) stating “I would call them by the assumed pronoun until corrected”; See also Superintendent Rosenkranz, *Email Responding to Denelle Eiesland* (January 17, 2023) where Superintendent Rosenkranz acknowledges that without a staff member being permitted to ask a student their pronoun, the directive limits a staff member to use the pronoun associated with the gender in the student information system and wait for the student to correct them.

or asking a student how they would like to be referred to, even in a private or optional manner, unnecessarily removes a staff member's ability to consult with a student as needed to avoid misgendering.

According to both parties, solely relying on the District's student information system is not an accurate method to know a students' gender marker or pronouns, and thus avoid misgendering, specifically for gender-expansive students.<sup>69</sup> Both parties state inaccuracies in the student information system exist because information put into the student information system is automatically shared with students' parent(s) and guardian(s) through the system's family portal, and some gender-expansive students in the District do not feel comfortable or safe having the District share their gender identity with their parent(s) and guardian(s).<sup>70</sup> For these reasons, this risk of being misgendered and being outed against one's wishes falls substantially and disproportionately on gender-expansive students, based on their gender identity.

Second, both Complainant and the District state that the practice of a teacher asking students their pronouns can make the learning environment feel more inclusive for gender-expansive students.<sup>71</sup> The District provided evidence of a training by La Center High School GSA students for District staff wherein the students identify the practice of staff asking students to share their pronouns as a best practice to provide an inclusive learning environment for all students.<sup>72</sup> Research additionally shows that, for gender-diverse students, when teachers demonstrate positivity toward gender diversity (including recognizing the existence of gender-diverse identities), students experienced higher levels of school connection, stronger student/teacher connections, higher academic self-concept, and higher confidence and motivation in learning, while the absence of teacher positivity toward gender diversity exhibited the inverse effects.<sup>73</sup> As such, the District's prohibition on this inclusive practice, together with the knowledge that the District prohibited this practice because members of the community disapprove of or do not acknowledge gender diversity, results in a negative impact on gender-expansive students.

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<sup>69</sup> The Pronoun Directive applies to all staff, including paraeducators, aids, lunchroom staff, coaches, and bus drivers, who, in their roles, may be less able to quickly reference the District's student information system.

<sup>70</sup> *District Response to OSPI*; Minna Thayer, *Complainant's Initial Complaint to the District* (November 22, 2022).

<sup>71</sup> Superintendent Rosenkranz, *School Time 10/28/22 email to all staff* (October 28, 2022); Minna Thayer, *Complainant's Initial Complaint to the District* (November 22, 2022).

<sup>72</sup> La Center High School Gay Straight Alliance, *LGBTQ+ Students: An informative presentation by the members of the LCHS GSA* (undated).

<sup>73</sup> Nielsen, L. B., Kuo, E., & Zhao, E., *Misgendering, Academic Freedom, the First Amendment, and Trans Students*, 73 Case W. Rsv. L. Rev. 1177 (2023); Earnshaw, V. A., Menino, D. D., Sava, L. M., Perrotti, J., Barnes, T. N., Humphrey, D. L., & Reisner, S. L., *LGBTQ Bullying: a qualitative investigation of student and school health professional perspectives*, *Journal of LGBT Youth*, 17(3), 280–297 (2020).

#### **IV. Allegation 2**

OSPI opened Allegation 2 to investigate whether the District's Gender-Inclusive Schools Policy 3211 and Procedure 3211P comply with RCW [28A.642.080](#) and OSPI's rules and guidelines to eliminate discrimination in Washington public schools on the basis of gender identity and expression.<sup>74</sup>

The following section outlines OSPI's investigation findings that the District's Procedure 3211P does not comply with (A) Washington nondiscrimination laws or OSPI's rules and guidelines prohibiting discrimination against gender-expansive students or (B) the statutory requirements in [RCW 28A.642.080](#) regarding adoption of model policies and procedures relating to transgender students.

##### **A. The District's Procedure 3211P does not comply with Washington nondiscrimination laws or OSPI's rules and guidelines.**

OSPI's investigation found the District's Procedure 3211P does not comply with Washington nondiscrimination laws and OSPI's rules and guidelines in (1) its restriction of curriculum, instruction, and activities based gender identity, specifically gender-expansive identities, and (2) its required, unprompted parental notification. Each area of noncompliance is discussed below.

##### **1. The District's Procedure 3211P Discriminates Based on Gender Identity by Explicitly Prohibiting Instructional Materials that Includes Gender-Expansive Identities.**

OSPI's investigation found the District has violated OSPI's rules and guidelines regarding instructional materials because (1) the District's Procedure 3211P restricts content based on gender identity in violation of [RCW 28A.320.233](#), [RCW 28A.642.010](#), and [WAC 392-190-055](#); (2) the District's Procedure 3211P also discriminates on the basis of gender identity by including provisions that demonstrate bias against all non-cisgender identities; and (3) the District does not implement required screening tools and instructional material reviews designed to eliminate bias based on gender identity.

First, a school district discriminates through the use of instructional materials if the school district (a) refuses to approve or prohibits particular instructional materials or other curriculum based on a protected class, as prohibited in [RCW 28A.320.233](#), or (b) uses content that includes bias based on a protected class, as prohibited in [WAC 392-190-055](#).<sup>75</sup> Here, the District's Procedure 3211P prohibits instructional materials that relate to gender identity, and specifically non-cisgender gender identities. More specifically, the following language in the District's Procedure 3211P limits or restricts the use of

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<sup>74</sup> OSPI initiated this investigation because, upon receipt of Complainant's complaint regarding Allegation 1, OSPI was contacted by Complainant as well as other concerned individuals about the new Gender-Inclusive Schools policy (3211) and procedures (3211P) the District adopted on January 24, 2023, during the course of their investigation into Complainant's complaint. Specifically, OSPI received correspondence expressing concern that the District's new Gender-Inclusive Schools procedure required staff to 'out' gender-expansive students, or share information about the student's gender identity without their consent.

<sup>75</sup> 28A.320.233(1)(a); WAC 392-190-055.

instructional materials because they relate to transgender, gender-expansive, or non-cisgender gender identities:

- "It is not the proper role of the school to foster curriculum, instruction, or activities which would reasonably be expected to lead children to question their gender identity, when no such questions existed before."
- "'Gender affirming' curriculum, instruction, and/or activities in schools should not be provided where it is not part of the board approved subject matter of a particular class."
- "The District does not provide curriculum, instruction, and/or activities that may lead children who had no gender identity questions to begin with to have such questions."

Adding context to these restrictions, the District's Procedure 3211P states that "gender affirming curriculum" leads to "gender confusion." The District defines "gender confusion" as "where schools provide lessons relating to gender identity which are controversial"<sup>76</sup> and "where what the school is teaching is inconsistent with what the parent is teaching."<sup>77</sup> La Center Elementary Principal Greg Hall confirmed to OSPI that, based on "school policy," he would not permit a classroom teacher to deliver a lesson or read a book aloud to a class related to a character with a transgender identity or who uses they/them pronouns.<sup>78</sup> As outlined in the statute, the District's violation of [RCW 28A.320.233](#) amounts to a violation of the prohibitions on discrimination in chapter [28A.642 RCW](#).

Second, after reviewing the District's definition of "gender confusion" together with the context of the term in Procedure 3211P, OSPI found use of the term to demonstrate bias and be inconsistent with [WAC 392-190-055](#) and OSPI rules and guidelines regarding instructional materials. Like the above discussion relating to "gender affirming curriculum," use of the term "gender confusion" in the District Procedure 3211P treats inclusion of the concepts of gender identity, non-cisgender identities, or gender-expansive students as topics to be avoided or less preferred for inclusion in instructional materials than cisgender norms and identities. Additionally, the term imports bias in that it invalidates the existence of transgender and gender-expansive students by suggesting they are "confused" rather than expressing their valid, deeply felt sense of gender.<sup>79</sup> Further, the District's definition of the term contains bias in assuming discussion about non-cisgender identities is inherently problematic or inconsistent with what students are taught at home.

Third, OSPI's investigation found the District does not review instructional materials for bias. OSPI requested the District provide all screening tools and instructional material review meeting notes for the consideration or adoption of textbooks or instructional materials over the past three school years. The material the District provided established that while District does conduct instructional material reviews, none of the reviews included use of screening criteria to identify and eliminate bias in textbooks and instructional materials as required in [WAC 392-190-055](#). For example, one of the math adoptions included "bias" as one of the criteria, but the District did not provide any completed forms or other

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<sup>76</sup> La Center School Board, *3211P Procedure: Gender Inclusive Schools* (April 28, 2020).

<sup>77</sup> La Center School Board, *3211P Procedure: Gender Inclusive Schools* (April 28, 2020).

<sup>78</sup> OSPI interview with Greg Hall (September 26, 2024), page 6.

<sup>79</sup> Of note, the WSSDA model procedure references transgender and gender-expansive students, whereas in all of the District's additions to a the District's 3211P such students are referred to as, "children who question their gender identity."



evidence that bias was considered. OSPI's interview with Principal Greg Hall confirmed that the District does not use a screening tool to review material for bias, although he noted that in at least one circumstance the review team had a discussion related to bias based on sex.<sup>80</sup>

Based on the above analysis, OSPI's investigation determined the District's Procedure 3211P does not comply with OSPI rules and guidelines related to eliminating bias and discrimination based on gender identity through instructional materials and that the District does not conduct required instructional material reviews to identify and eliminate bias pertaining to gender expression and gender identity.

2. The District's Procedure 3211P Treats Students Differently Based on Their Gender Identity by Requiring Staff to Out Gender-Expansive Students Against Their Wishes.

OSPI's investigation found the proactive, non-deferential parental notification process outlined in the District's Procedure 3211P, as included in the Facts section above, violates [RCW 28A.642.010](#) and chapter [392-190 WAC](#) because it (a) treats students differently based on their gender identity, (b) limits gender-expansive students' ability to access and participate in school programs and activities on an equal basis by requiring disclosure of the student's gender identity absent student consent or other legal requirement to disclose; and (c) may constitute discriminatory harassment of students by the District, in violation of under [WAC 392-190-0555](#), by requiring staff to intentionally out a student against their wishes.

First, in applying the laws, rules, and guidelines that OSPI enforces, OSPI finds the District's Procedure 3211P treats gender-expansive students differently than their cisgender peers. Specifically, the evidence establishes the District requires school staff to proactively inform a student's parent(s) or guardian(s), or "out" a student, when a student requests to be called by a different name or pronoun that indicates a change in gender identity. The District does not require similar parental notification for cisgender students who request to be called by a different name.<sup>81</sup>

During OSPI's investigation, the District stated that the District's proactive outing of gender-expansive students to their parents is permitted because "parents have the fundamental right to control important aspects of their children's lives and be involved in important decision making affecting their children."<sup>82</sup> The District further stated that "so long as parents adequately care of their children, there is no legal justification for the State to inject itself into parental decision making with those children."<sup>83</sup> OSPI finds these statements are legally deficient, not persuasive, and do not excuse the District's discriminatory policy. A legally compliant policy which does not require schools to proactively out students to their parents does not prevent parents from making decisions regarding their children. On the contrary, it is the District's chosen policy that forces the District into the center of family interactions, without cause.

Second, OSPI's guidelines explain that in order to prevent discriminatory policies that limit students' access to participation in school programs and activities, school districts must not share information

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<sup>80</sup> OSPI interview with Greg Hall (September 26, 2024), page 7.

<sup>81</sup> Matt Johnson, Email to Minna Thayer (March 2, 2023).

<sup>82</sup> Don Austin, Letter from District to OSPI (July 17, 2024), page 1.

<sup>83</sup> Don Austin, Letter from District to OSPI (July 17, 2024), page 1.

about a student's transgender status, except (1) when the student consents to the disclosure, or (2) when there is a legal requirement to do so.<sup>84</sup> Contrary to OSPI's guidelines, the District's Procedure 3211P not only permits but, in fact requires, staff to disclose students' gender identities or transgender status without the student's consent or a legal requirement to do so.

Third, the District's Procedure 3211P requires conduct that could constitute discriminatory harassment of students by the District, in violation of under [WAC 392-190-0555](#), by requiring staff to intentionally out a student against their wishes. Here, the alleged conduct—disclosing a student's gender identity or transgender status against their wishes—is based on a student's gender identity. The evidence establishes that staff are not required to contact student's parents regarding cisgender gender identities.<sup>85</sup> The evidence also shows the District has notice that an undesired disclosure may limit or deny a student's ability to participate in or benefit from the district's programs and activities.

In fact, Procedure 3211P requires staff to inform parents of a student's transgender status in situations where the school does not have the student's consent as well as in situations where a student has expressly informed the District that doing so would cause distress or harm to their mental, emotional, or physical health. In the District's response to OSPI, the District states that staff's obligation to report to Child Protective Services (CPS) when they believe a student is unsafe in the care of their parents serves to mitigate the harm a student may experience from familial rejection, but OSPI does not consider a district's report to CPS as negating the fact that the District would be knowingly causing the distress by outing the student.<sup>86,87</sup> Such conduct constitutes discriminatory harassment where, as here, the conduct is not only "[e]ncouraged, tolerated, ignored, or not adequately addressed by school employees,"<sup>88</sup> but is required by a District procedure.

Overall, OSPI's investigation determined District Procedure 3211P violates chapters 28A.642 RCW and 392-190 WAC as well as OSPI's guidelines because it restricts instructional materials based on gender identity and requires staff to proactively out students to their parents, including against the student's wishes, treats students differently and less favorably based on the gender identity.

### **B. District's Policy 3211 and Procedure 3211P do not comply with RCW 28A.642.080**

Based on its investigation, OSPI concludes the District failed to comply with [RCW 28A.642.080](#), and specifically its obligation in [RCW 28A.642.080\(1\)\(a\)](#) to, "adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure. . . ." The statute requiring school district's to adopt a "transgender policy and procedure" gives school districts two options: (1) adopt the standalone, model transgender student policy and

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<sup>84</sup> OSPI, *Prohibiting Discrimination Guidelines* (2012) page 29.

<sup>85</sup> Minna Thayer, *Email to Matt Johnson* (February 15, 2023); Matt Johnson, *Email to Minna Thayer* (March 2, 2023).

<sup>86</sup> *District Response to OSPI*, page 10.

<sup>87</sup> The intentional distress caused by the District and incurred by gender-expansive students, based on their gender identity, additionally raises concerns of discrimination in a place of public accommodation as prohibited by the Washington Law Against Discrimination at RCW 49.60.215.

<sup>88</sup> OSPI, *Prohibiting Discrimination Guidelines* (2012) page 32.

procedure or, (2) amend several existing policies and procedures to include all the elements of the model transgender student policy and procedure. The law provides flexibility to school districts on where the information is included, but it does not grant school districts flexibility to deviate or remove any of the content in the model policy and procedure. Here, it is undisputed that the District adopted a standalone Gender-Inclusive Schools policy and procedure. However, the District's procedure includes numerous, material<sup>89</sup> additions and deletions from the model procedure and, as such, does not comply [with RCW 28A.642.080](#).

Nothing in the statute or the legislative history of the statute suggests that adoption of the model policy and procedure is optional. Instead, a plain reading of the statute indicates that school districts must adopt all *parts* (elements) of the model policy and procedure, which is described in subsection (3). While *elements* is used in both subsection (1) and (3), the word is referring to different things: subsection (1) refers to all parts of the model policy and procedure, and subsection (3) refers to the criteria that WSSDA and OSPI must include in the model policy and procedure.<sup>90</sup>

Further, even if OSPI used the criteria listed in [RCW 28A.642.080\(3\)\(b\)](#) for determining whether a school district's transgender student policy and procedure comply with [RCW 28A.642.080](#), the District's 3211P would still violate the law. The first criteria is that the policy and procedure must "incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW [28A.642.020](#) to eliminate discrimination in Washington public schools on the basis of gender identity and expression." As addressed in detail above, the District's 3211P does not incorporate or comply with OSPI's rules at chapter [392-190 WAC](#) to eliminate discrimination in Washington public schools on the basis of gender identity and expression or follow the guidelines developed under RCW [28A.642.020](#). The District's Policy 3211 and Procedure 3211P also fail to "address the unique challenges and needs faced by transgender students in public schools" because Procedure 3211P does not take an inclusive approach to addressing the unique challenges and needs faced by transgender students in public schools. For example, the District's Procedure 3211P removes language from the model procedure to protect gender-expansive students as required by Washington law, such as, "[t]he district 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 transgender or gender-expansive status."

OSPI's investigation determined the District's Procedure 3211P does not meet the requirements of [RCW 28A.642.080](#) because the procedure materially deviates from the statute's required model procedure, conflicts with OSPI's rules and guidelines prohibiting discrimination based on gender identity in Washington schools, and does not address the unique challenges and needs faced by transgender students in public schools in a nondiscriminatory manner.

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<sup>89</sup> See Subsection A, above, discussing how the District's Procedure 3211P does not align with OSPI guidelines.

<sup>90</sup> If that were true, Section (1)(a) would not reference the model policy and procedure but would instead require a school district to adopt a policy and procedure that incorporates the elements described in subsection (3).

## **V. CORRECTIVE ACTION**

This section outlines the corrective actions deemed necessary to correct the noncompliance OSPI identified in this investigation and any documentation District must provide to ensure that the corrective action is completed. Consistent with WAC 392-190-077, the District will have thirty calendar days after receipt of this notice of noncompliance to: (a) accept the findings contained in this notification of noncompliance; (b) provide the OSPI with supplemental information that may serve as a basis for amending this notification of noncompliance; or (c) provide any revisions to the below corrective action plan. If the District provides OSPI with supplemental information, OSPI will respond to the District with a final monitoring report within thirty calendar days after receipt of the supplemental information.

If District does not timely address the identified noncompliance with corrective actions, OSPI may undertake actions to ensure the District's compliance. Such actions may include, but are not limited to, referring the District to appropriate state or federal agencies empowered to order compliance with the law, or the initiation of sanctions or corrective measures under WAC 392-190-080.

To remedy the noncompliance identified regarding Allegations 1 and 2 above, the District must complete each of the following corrective actions:

### **Adoption of Gender-Inclusive Schools Policy and Procedure**

1. The District will adopt the model Gender-Inclusive Schools policy and procedure required under RCW 28A.642.080, either in full as standalone policy and procedure, or by incorporating the complete contents of the model policy and procedure into other related policies and procedures.

The District will publish the policy and procedure with other District policies and procedures on its website and disseminate them to District staff.

#### Monitoring

- 1a. Within 45 days of this letter, the District will submit to OSPI for approval the District's proposed Gender-Inclusive Schools policy and procedure or the proposed revisions for each District policy and procedure the District proposes amending.
- 1b. Within 35 days of OSPI approval, the District will submit to OSPI evidence the policy and procedure have been adopted and updated on the District's website, and the District has disseminated information about the policy and procedure to District staff.

### **Notification of Gender-Inclusive Schools Policy and Procedure**

2. The District will publish notice to inform all students, students' parents and guardians, volunteers and employees of the District's Gender-Inclusive schools Policy and Procedure adopted under Paragraph 1.

Monitoring

- 2a. Within 15 days of the District's adoption of a Gender Inclusive-Schools Policy and Procedure the District will submit to OSPI for approval the District's notice to secondary students, parents, guardians, and volunteers and information about how the notice will be published.
- 2a. Within 10 days of OSPI's approval of the notice and publication method as outlined in Paragraph 2, the District will submit evidence to OSPI that the notice has been published.

**Rescind Pronoun Directive**

3. The District will permit staff to invite students to share their gender pronouns in optional, non-public formats. The District will inform all staff of the rescission of the Pronoun Directive as outlined in Superintendent Rosenkranz' October 28, 2022, email and as clarified thereafter. The District will notify OSPI of any directives to staff regarding inviting students to share their pronouns.

Monitoring

- 3a. Within 45 days of this letter, the District will submit to OSPI for approval a copy of the notice the District will send to all staff as outlined in Paragraph 3 above.
- 3b. Within 5 days of OSPI's approval, the District will submit to OSPI evidence that the notice as outlined in Paragraph 3 above has been sent to all District staff.
- 3c. During the course of OSPI's monitoring of the corrective action in this letter, the District will notify OSPI of any directives to staff regarding inviting students to share their pronouns.

**Nondisclosure of Students' Gender Identity**

4. The District will not proactively share information about any students' gender identity without the student's consent or a legal obligation to do so. The District will inform all staff of this policy. The District will notify OSPI of any directives to staff regarding sharing information about a student's gender identity.

Monitoring

- 4a. Within 5 days of this letter, the District will submit to OSPI for approval a copy of the notice the District will send to all staff as outlined in Paragraph 4 above.
- 4b. Within 5 days of OSPI's approval, the District will submit to OSPI evidence that the notice as outlined in Paragraph 4 above has been sent to all District staff.

- 4c. During the course of OSPI's monitoring of the corrective actions in this letter, the District will notify OSPI of any directives to staff regarding sharing information about a student's gender identity.

### **Identifying and Eliminating Bias in Instructional Materials**

5. The District will not discriminate on the basis of gender identity, gender expression, or transgender status in the selection of instructional materials and will not prohibit any materials or lesson based on the inclusion of gender-expansive gender identities. The District will adopt, implement, and train staff on the use of a screening tool designed to identify and eliminate bias based on gender identity and gender expression in all textbooks and instructional materials, including reference materials and audio-visual materials.

#### Monitoring

- 5a. Within 45 days of this letter, the District will submit to OSPI for approval a copy of the screening tool the District will use as outlined in Paragraph 5 above.
- 5b. Within 30 days of OSPI approval of the screening tool, the District will submit to OSPI for approval a proposed plan to train staff on the use of the screening tool that includes (i) the proposed date of the training; (ii) the name(s) and title(s) of who will conduct the training; (iii) the name(s) and title(s) of staff who will attend the training; and (iv) the proposed training materials.
- 5c. Within 45 days of OSPI approval of the training plan, the District will submit to OSPI evidence the training was provided, including (i) who conducted the training, (ii) the training materials, and (iii) a sign-in sheet listing who attended.
- 5d. By July 1, 2025, the District will submit to OSPI a copy of its completed screening tool for all textbooks and instructional materials considered during the 2024–25 school year.
- 5e. By July 1, 2026, the District will submit to OSPI a copy of its completed screening tool for all textbooks and instructional materials considered during the 2025–26 school year.

### **Staff Bias Awareness Training**

6. The District will provide training to all District administrators and all certificated and classroom personnel regarding their responsibilities under state civil rights law and to raise awareness of and eliminate bias based on gender expression and gender identity. The training will specifically include information about gender-inclusive schools, issues of confidentiality relating to a student's gender, and the elimination of bias on the basis of gender identity, gender expression, or transgender status in instructional materials. The training will also review repercussions for staff who do not comply with the nondiscrimination and gender-inclusive schools policies and procedures.

Monitoring

- 6a. Within 45 days of this letter, the District will submit to OSPI for approval a proposed training plan that includes (i) the proposed date of the training; (ii) the name(s) and title(s) of who will conduct the training; (iii) the name(s) and title(s) of staff who will attend the training; and (iv) the proposed training materials. Portions of this item may be waived if the training is provided by OSPI ECR.
- 6b. Within 60 days of OSPI's approval of the training plan described in Item 6a, the District will submit to OSPI evidence the training was provided, including (i) the date of the training, (ii) who conducted the training, (iii) the training materials, and (iv) a sign-in sheet listing who attended. Portions of this item may be waived if the training is provided by OSPI ECR.

Please send this information to Mallory Sullivan, the Program Attorney assigned to this complaint, by email at [mallory.sullivan@k12.wa.us](mailto:mallory.sullivan@k12.wa.us). You may also send it by mail to OSPI Equity and Civil Rights, PO Box 47200, Olympia, WA 98504-7200.

**VI. CONCLUSION**

This letter sets forth OSPI's determination in an individual OSPI case. This letter is not a formal statement of OSPI policy and should not be relied upon, cited, or construed as such. This letter serves as OSPI's final agency determination. Appeal rights are outlined in the box below. Complainant may have the right to file a private suit in court regardless of OSPI's determination.

Thank you for your cooperation during the investigation of this complaint. OSPI is closing the investigation of this complaint as of the date of this letter and is transitioning to monitoring the District's implementation of the above corrective action. If you have any questions, please contact Mallory Sullivan by phone at 360-725-6162 or by email at [mallory.sullivan@k12.wa.us](mailto:mallory.sullivan@k12.wa.us).

Sincerely,

/s/ Sarah Albertson

Sarah Albertson, Managing Attorney  
Equity and Civil Rights

cc: Don Austin, District Legal Counsel  
Minna Thayer, Complainant

**NOTICE**

Appeal

Under [WAC 392-190-079](#), you may appeal this decision by filing a written appeal with the Superintendent of Public Instruction at the address above within 30 calendar days of the date you receive this letter. Appeals under [WAC 392-190-079](#) are decided through a formal adjudicative proceeding conducted by the Washington State Office of Administrative Hearings.

Public Records

Under the Public Records Act, chapter [42.56 RCW](#), OSPI may be required to release this document and related records upon request. In the event that OSPI receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an invasion of privacy under [RCW 42.56.050](#).

Protection Against Retaliation

Please note that the District may not intimidate, threaten, coerce, or discriminate against any individual because they filed a discrimination complaint or participated in the complaint process. Complaints about retaliation can be addressed through the complaint process [in WAC 392-190-065](#) through [392-190-075](#) or to another regulatory agency.