

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating our students to reach their full potential

Series Number 503.9AR Adopted August 2021 Revised October 2022

Title Gender Inclusion

1. **PURPOSE** – All students need a safe and supportive school environment in which to learn. The purpose of this regulation is to foster an educational environment that is safe, supportive and free from discrimination for all students, regardless of gender identity or gender expression, and to facilitate compliance with local, state, and federal laws concerning nondiscrimination.
2. **DEFINITIONS** - The following definitions are provided to assist in understanding this regulation. The definitions provided below are not intended to label or limit individual identities or experiences. Students may or may not use these terms to describe themselves and terminology may differ between cultures.
 - 2.1 "Gender identity" means a person's internal, deeply felt sense of being female, male, a blend of both or neither. The term refers to how individuals perceive themselves and what they call themselves and it can be the same as or different from their sex assigned at birth.
 - 2.2 "Gender expression" means the external appearance of one's gender identity, usually expressed through behavior, clothing, hair or voice, which may or may not conform to socially defined behaviors and characteristics typically associated with being either feminine or masculine.
 - 2.3 "Transgender" is an umbrella term for individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.
 - 2.4 "Cisgender" means a person whose gender identity aligns with the sex assigned to them at birth.
 - 2.5 "Non-Binary" means a person who does not identify exclusively as female or male.
 - 2.6 "Gender Expansive" means individuals that broaden commonly held definitions of gender, including expectations for its expression, identities, roles, and/or other perceived gender norms. Gender-expansive individuals include those with transgender and non-binary identities, as well as others whose gender expression does not conform to socially defined behaviors and characteristics typically associated with being either feminine or masculine.
3. **SCOPE** - This regulation covers conduct that takes place in the school, on school property, at school-sponsored activities and events, during school video conferencing, on school buses or vehicles and at bus stops and school parking areas. This includes conduct carried out through the use of electronic technology and electronic communication. This regulation applies to the entire school community, including educators, school district staff, students, parents, and volunteers.

4. **BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION** - Discrimination, bullying, and harassment on the basis of gender identity or expression are prohibited within the school district. Each school and all staff are responsible to ensure that all students, including transgender and gender expansive students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, bullying, or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints and consistent with applicable school district policies and regulations pertaining to discrimination, bullying and harassment. A family and/or student may request that school officials identify one or more District 196 staff members that the student can access if they require additional support during the school day.

5. **PRIVACY**
 - 5.1 All students have a right to privacy, and this includes the right to keep one's transgender status private at school. The school district will maintain the privacy of information relating to transgender and gender expansive students in accordance with applicable local, state, and federal privacy laws. School staff shall not disclose information that reveals a student's transgender status to others unless legally required to do so or when written permission has been given. School staff access to this information is on a strict, need-to-know basis consistent with district regulations regarding the privacy of student records.

 - 5.2 Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other private information about the student.

6. **NAMES, PRONOUNS AND RECORDS** - Every student may request to be addressed by a name and pronoun that corresponds to the student's gender identity. The school shall maintain a mandatory permanent student record that includes a student's legal name and legal gender, however, to the extent that the school is not legally required to use a student's legal name and gender on other unofficial school records or documents, the school shall use the name and gender provided by the student. Upon written request of the student and their parent(s) or guardian(s), the student name and gender will be changed on the school district's digital student information system and on unofficial school records and documents to the extent possible to align with their gender identity, while still maintaining the legal name and gender for required purposes. Parent request is not required for an 18-year-old student who wishes to change their name and/or gender on the school district's digital student information system and on unofficial school records and documents. Medical documentation or legal verification of a student's name or gender change is not required. The school will change a current student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally issued identification.

7. **ACCESS TO FACILITIES, INCLUDING RESTROOMS, LOCKER ROOMS AND CHANGING AREAS** - With respect to facilities, including all restrooms, locker rooms or changing facilities, students will have access that corresponds to their gender identity. Schools may maintain separate restroom, locker room, and changing facilities for male and female students. For any gender-segregated facility, any student, of any gender identity who is uncomfortable using a shared facility may request to be provided with a reasonable alternative.

8. **PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS** - All students shall be permitted to fully participate in physical education classes and intramural athletics in a manner consistent with their gender identity. All students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity as permitted by the Minnesota State High School League.

9. **OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES** – While some activities will continue to be gender-based (e.g., athletics, choir), as a general matter, schools should evaluate all gender-based activities, rules, policies, and practices including, but not limited to, classroom activities, school ceremonies, and school photos. To the extent practicable, students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

All students, regardless of their gender identity, have the right to participate fully in overnight trips and other activities. Student accommodations on overnight trips shall be consistent with their gender identity.

10. **DRESS CODE** - Schools may enforce dress codes, however, students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender expansive students than other students.

11. **PUBLICATION** - This regulation will be referenced in the annual Overview of Student Rights and Responsibilities and posted on the school district website. School district employees will receive notice of this regulation to ensure they understand their responsibilities under the regulation.

References:

- Minnesota Statute § 121A.04 (Athletic Programs; Sex Discrimination)
- Minnesota Statute Ch. 363A (Minnesota Human Rights Act)
- 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972); 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
- 503.4AR, Harassment, Discrimination, Violence or Hazing
- 503.8AR, Bullying Prohibition