

Policy Title	Policy Number	Date Approved/Revised
Gender Inclusion	535	9/24/19

1) General Statement of Policy

The school district will act to improve the educational integration of transgender and gender nonconforming students and strive to maintain the privacy of these students. Furthermore, the school district will support healthy communication between educators, students, and parents or guardians to further the successful educational development and well-being of every student.

2) Definitions

The following definitions are provided to assist in understanding this policy. Students may or may not use these terms to describe themselves.

- A. "Assigned sex at birth" refers to a person's biology when they are born, and is generally categorized as male or female.
- B. "Gender identity" means a person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same as or different from their assigned sex at birth. Most people have a gender identity that matches their assigned sex at birth. For some, however, their gender identity is different from their assigned sex. All people have a gender identity, not just transgender people.
- C. "Gender expression" means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- D. "Transgender" means a gender identity or expression different from that traditionally associated with an assigned sex at birth.
- E. "Transition" means the process in which a person goes from living and identifying as one gender to living and identifying as another.
- F. "Gender nonconforming" means gender expression different from stereotypical expectations. This term includes people who identify outside traditional gender categories.

3) Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to the use of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school district staff and students.

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 for ensuring that all students, including transgender and gender nonconforming 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 is handled in the same manner as other discrimination, bullying, or harassment complaints.

5) Privacy/Confidentiality

All students have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, parents or guardians, or third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MGDPA). The school district will keep confidential all medical information relating to transgender and gender nonconforming students in accordance with applicable local, state, and federal privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, including other parents and school staff, unless the other staff member has a need to know, is legally required to be notified, or when written permission has been given.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when and with whom to share private information, as well as how much private information to share. The fact that a student chooses to disclose their transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. (See "Student Transitions and Support Plans" below.)

6) Official Records

The school shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. The school will change a 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. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of confidential information.

7) Names and Pronouns

Every student may request to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records. A recommended best practice for teachers is to privately ask students who disclose that they identify as transgender or gender nonconforming how they want to be addressed in class. District communication to parents will use the student's legal name, pronouns, and gender as established by their official records, unless otherwise specified by a support plan.

8) Gender-Based Activities, Areas, Rules, Procedures and Practices

To the extent practicable, students shall be permitted to participate in activities or conform to rules, procedures, or practices consistent with their gender identity and the rules, policies, and procedures established by the Minnesota State High School League.

- A. Schools may maintain separate restroom, locker room, and changing facilities for male and female students. It is the general position of the school district that students may use the restroom, locker room, or changing facility that corresponds with their gender identity, rather than their assigned sex; however, students seeking to use facilities that do not correspond to their assigned sex must first notify the school that they will be doing so. With respect to all restrooms, locker rooms, or changing facilities, transgender or gender nonconforming students will have access to facilities that correspond to their gender identity, the required notification shall consist of either meeting with and approval by a licensed school counselor who is sufficiently knowledgeable on gender dysphoria to properly determine whether a student's request to use such facilities accurately reflects that student's gender identity, or a written statement from an appropriate health-care professional, acting within the scope of their licensure, that verifies the existence of the student's consistent and uniform or sincerely held gender identity.
- B. For any gender-segregated facility, any student, of any gender identity, who is uncomfortable using a shared facility, regardless of the reason, may request to be provided with a reasonable alternative.

9) Student Transitions and Support Plans

1. In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school, in consultation with the minor student's parents or guardians, may create a student support plan to ensure student health, well-being, and safety.

10) Training and Professional Development

Information regarding gender identity shall be included in any school district training or professional training related to the prevention of bullying, harassment, or discrimination.

11) Publication

This policy will be included in the student handbook and posted on the school district website.

Rationale: *The purpose of this policy is to foster an educational environment that is safe and free from discrimination for all students, regardless of gender identity or gender expression, and to facilitate compliance with local, state, and federal laws prohibiting discrimination.*

This policy is also designed to support the school district's mission to commit each day to develop and empower lifelong learners who thrive in diverse communities.

Adoption and Revision History	Incorporated Policies
Policy 535 GENDER INCLUSION This Policy Adopted: September 24, 2019	

Administrative Rule, Regulation and Procedure: NA

Legal References:

- Minn. Stat. § 13.32 (Educational Data)
- Minn. Stat. § 121A.031 (School Student Bullying Policy)
- Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- 20 U.S.C. § 1232g (Family Educational and Privacy Rights)
- 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)

Cross References:

- School District Policy 104 (Mission, Values & Beliefs)
- School District Policy 102 (Equal Educational Opportunity)
- School District Policy 413 (Harassment and Violence)
- School District Policy 514 (Bullying Prohibition Policy)
- School District Policy 515 (Protection and Privacy of Pupil Records)
- School District Policy 522 (Student Sex Nondiscrimination)
- School District Policy 526 (Hazing Prohibition)