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## RICHFIELD PUBLIC SCHOOLS

### GENDER INCLUSION POLICY

#### I. PURPOSE

All students need a safe, supportive school environment to progress academically and developmentally. The purpose of this policy is to facilitate compliance with applicable laws and organizational guidelines as well as to foster an educational environment at Richfield Public Schools that is safe, supportive, and fully inclusive for all students regardless of gender identity or gender expression.

#### II. POLICY STATEMENT

Richfield Public Schools shall act to ensure that all students, regardless of their gender identity or expression are included in all school activities like their peers.

#### DEFINITIONS

The following definitions are provided to assist in understanding this policy.

- a. **Gender Expression** – The way in which an individual presents their gender through actions, dress, and demeanor and how those presentations are interpreted.
- b. **Gender Identity** – An individual’s sense of being a girl/woman, boy/man or otherwise on a continuum of gender.
- c. **Nonbinary** – Describes an individual whose gender identity falls outside of the traditional structure of girl/woman and boy/man. Other terms that are sometimes used are genderqueer and gender fluid.
- d. **Sex Assigned at Birth** – An individual’s sex (female, male, or intersex) assigned at birth, which correlates to the biological, genetic, and anatomical makeup of a body.
- e. **Trans/Transgender** – Describes an individual whose gender identity is different from the gender that traditionally corresponds to the sex assigned to them at birth.

#### III. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Richfield Public Schools will take any such incident seriously, give the incident immediate attention, and handle the incident in the same manner as the school handles other bullying, harassment and discrimination. Staff will take extra care to ensure that no private information about a victim of bullying or harassment (such as a

1 student's transgender or nonbinary identity) is disclosed in the process of  
2 investigating and/or handling an incident of bullying or harassment.

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4 The school and all employees are responsible for ensuring that every  
5 student, regardless of their gender identity or expression, has a safe and  
6 supportive school environment at Richfield Public Schools. Education and  
7 training regarding the issues addressed in this gender inclusion policy will  
8 be provided for employees, students and the broader school community.  
9 Richfield Public Schools will ensure that all District policies, including but  
10 not limited to Policy 102: Equal Educational Opportunity, Policy 103:  
11 Harassment Prohibition, Policy 108: Hazing Prohibition, Policy 113:  
12 Bullying Prohibition, Policy 505: Student Disability Nondiscrimination,  
13 Policy 506: Student Sex Nondiscrimination, Policy 541: Student Behavior  
14 and Policy 581: Protection and Privacy of Pupil Records apply to all  
15 students regardless of their gender identity or gender expression.  
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#### 17 **IV. GENDER TRANSITION AT SCHOOL**

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19 Students who transition socially or physically at school have a right to a  
20 safe and supportive environment. Steps taken to support students during  
21 this time will be done in collaboration with the student first, then the  
22 parent/guardian, with careful consideration given to student data privacy  
23 and consent. If appropriate, school administration and staff shall work with  
24 any such students and their parents/guardians (based on the individual  
25 student needs) to identify which steps will create the necessary conditions  
26 to make the transition experience as positive as possible. Based on this  
27 work, the school, student, and parents/guardians will create a tailored  
28 gender transition plan that ensures the school environment remains both  
29 safe and supportive of the student. As each possible plan will be highly  
30 individualized, the plan will be developed in collaboration with the student,  
31 parent/guardian, school principal, director of student support services, the  
32 lead social worker, and/or additional appropriate school staff. If a student,  
33 due to extraordinary circumstances, cannot reasonably obtain  
34 parent/guardian consent to have a gender transition plan at school and/or  
35 expresses a good faith desire for increased privacy and/or safety, an adult  
36 advocate will be identified with the student to create the gender transition  
37 plan.  
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#### 39 **V. NAMES AND PRONOUNS USAGE**

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41 Students have the right to be addressed by a preferred name and by a  
42 pronoun corresponding to their gender identity. A court-ordered name or  
43 gender change is not required, and a student need not change official  
44 records in order to have this right honored by all members of the school  
45 community. Official school records, including report cards, transcripts,  
46 class lists, course schedules, standardized testing information, health  
47 records and discipline files, etc. must identify a student with their legal  
48 name and sex assigned at birth, unless the student has legally changed  
49 their name or the sex on their birth record.

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**VI. DRESS CODE**

Students have the right to dress in accordance with any form of gender expression, within the constraints of the dress expectations specified in Policy 547: Student Dress and Appearance. School staff will enforce the school’s dress expectations in the same manner regardless of a student’s gender identity or expression. Richfield Public Schools will not require gender stereotypical fashion or dress. Richfield Public Schools will not use gendered language when describing dress in Policy 547: Student Dress and Appearance.

**VII. GENDER-SEGREGATED ACTIVITIES, RULES, POLICIES AND PRACTICES**

Richfield Public Schools shall evaluate all gender-based activities, curricula, rules, policies, and practices – including but not limited to classroom activities, school ceremonies, and school photos – and maintain only those that have a clear and sound pedagogical purpose. In situations where students are segregated by gender, students have the right to participate in any such activities or conform to any such rule, policy, or practice in a manner that aligns with their gender identity consistently asserted at school.

All students, regardless of their gender identity, have the right to participate fully in overnight trips, clubs and other activities. In all cases, the school has an obligation to maintain the privacy of all students and cannot disclose or require the disclosure of the student’s gender identity to the other students or the parents/guardians of other students.

**VIII. PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS**

All students have the right to participate in physical education classes, intramural sports, and interscholastic athletics in a manner that aligns with their gender identity. For participation on interscholastic athletic teams, this policy will not supersede Minnesota State High School League policy related to transgender student eligibility and participation.

**IX. ACCESS TO RESTROOMS, LOCKER ROOMS, AND CHANGING AREAS**

Each student shall be granted access to restrooms, locker rooms, and changing areas that align with the student’s gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided access to a reasonable alternative

1 that is adequately clean and safe, but no student shall be required to use  
2 such a facility.

3 **X. PRIVACY**

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5 All students have a right to privacy. A student's transgender or nonbinary  
6 status is private information. Related information, such as the student's  
7 legal name, may also constitute private information. Information regarding  
8 a student's transgender or nonbinary status may also be confidential  
9 medical information. Disclosing this information to other students, other  
10 students' parents, or other third parties may violate privacy provisions in  
11 certain laws, such as the federal Family Educational Rights and Privacy  
12 Act (FERPA) and the Minnesota Government Data Practices Act.  
13 Disclosure of this information to school employees is also limited to those  
14 employees who have a legitimate educational reason for obtaining the  
15 information.

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17 Richfield Public Schools shall keep private all personal information  
18 relating to transgender and nonbinary students in accordance with Board  
19 Policy 581 and applicable laws. School staff shall not disclose information  
20 that may reveal a student's transgender or nonbinary status to others,  
21 including other students' parents/guardians and other school staff, unless  
22 legally required to do so or when written permission has been given by the  
23 parent/guardian or the student who is over 18 years of age.

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25 All students have the right to discuss their gender identity and express  
26 their gender openly and to decide when, with whom, and how much  
27 private information to share. The fact that a student chooses to disclose  
28 their transgender or nonbinary status to staff or other students does not  
29 authorize school staff to disclose any private information about the  
30 student.

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34 ***Legal Reference:***

- 35 Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
36 Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)  
37 Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and  
38 Violence Policy)  
39 Minn. Stat. § 363A (Minnesota Human Rights Act)  
40 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
41 34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
42 *Montgomery v. ISD No. 709*, 109 F.Supp. 2d 1081, 1093 (D. Minn. 2000).

43

44 ***Cross References:***

- 45 Policy 102: Equal Educational Opportunity  
46 Policy 103: Harassment Prohibition  
47 Policy 108: Hazing Prohibition

- 1 Policy 113: Bullying Prohibition
- 2 Policy 505: Student Disability Nondiscrimination
- 3 Policy 506: Student Sex Nondiscrimination
- 4 Policy 541: Student Behavior
- 5 Policy 547: Student Dress and Appearance
- 6 Policy 581: Protection and Privacy of Pupil Records
- 7 Policy 653: Field Trips
- 8 Minnesota State High School League Official Handbook 300.00 Bylaws:
- 9 Administration of Student Eligibility

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12 RATIFIED BY THE BOARD OF EDUCATION: August 20, 2018

13 REVISED BY THE BOARD OF EDUCATION: October 16, 2023

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