

541R GENDER INCLUSION

STATEMENT OF SUPPORT

The students and staff of Duluth Public Schools deserve respectful and inclusive learning environments that value students' gender identity and gender expression. Duluth Public Schools ensures that all students have access to programming and facilities in which they feel comfortable, supported, and safe.

These guidelines set forth protocols and describe best practices for supporting transgender and gender non-conforming students.

Schools must be proactive in creating a culture and practices that respect and value all students and foster understanding of gender identity and expression within the school community. Creating an inclusive environment will help mitigate the bias, misunderstanding, and/or lack of knowledge about transgender and gender non-conforming student experiences.

Every student is unique and these guidelines do not anticipate every situation that may occur. Schools must assess the needs of each student on an individual basis to ensure that they support all students.

1. Respect all students' gender identity and gender expression by honoring the right of students to be identified and addressed by their preferred name and pronoun.

a. Staff expectations

- i. For students in grades kindergarten through 12, staff must honor the student's preferred name and pronoun usage regardless of whether the district's student information system has been updated. For students in grades Kindergarten through 5th grade, parental consent is required.
- ii. Intentionally referring to a student, verbally or in writing, by a pronoun inconsistent with the student's gender identity or by a name other than the student's ~~chosen~~ preferred name is unacceptable conduct and may constitute disciplinary action.
- iii. Upon written or oral request from a student in grades kindergarten through 12, and regardless of parental consent, a student is to be addressed in classes, announcements, and other school gatherings by the name and/or pronoun requested by the student, unless the student's principal determines that the use of a particular name would be patently offensive. Parental consent will be required for a student in grades Kindergarten through 5th grade.
- iv. Preferred names should be used in places, including but not limited to, yearbooks, diplomas, graduation programs, student emails and news stories. Legal names must be used on transcripts.
- v. Staff must privately ask students in grades Kindergarten through 12 who have identified themselves as transgender or gender variant how they want to be addressed in communications to the student's parent(s)/legal guardian(s). For purposes of this procedure, communications include but are not limited to, materials sent to the student's home and how the student is referred to at conferences with the student's parent(s)/legal guardian(s).
- vi. For communications with a student's parent(s)/legal guardian(s), staff must use the student's name as listed in the District's student information system, unless specifically told otherwise by the student or parent(s)/guardian(s).
- vii. Inadvertent, honest mistakes in the use of a student's preferred name or pronoun may occur and generally will not be considered discriminatory. The intentional and persistent refusal to respect a student's gender identity or

gender expression may be considered discriminatory and is subject to disciplinary measures.

- viii. Staff members are not authorized to share a student's transgender status with other students, other students' parents, or other staff. Transgender status may be shared with other district employees who have a need to know the student's transgender status in order to perform their job duties or with emergency personnel if medically necessary.
- ix. If a student "comes out" to a staff member, that staff member should not offer this information to the parents unless directly asked by the parents or the student gives the staff member permission to do so. Staff members should, if appropriate, encourage the student to communicate with the parents about their gender identity.
- x. Sometimes transgender and gender-expansive students begin their transition at school without a parent's knowledge.
 - 1. School staff must keep in mind that transgender and gender non-conforming youth may experience significant family challenges.
 - 2. Some transgender students have not talked to their parents about their gender identity and/or do not want their parents to know about their transgender status or gender non-conforming identity based on safety concerns or concerns about a lack of acceptance.
 - 3. These situations must be addressed on a case-by-case basis, accounting for the student's age and maturity, and will require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children.
 - 4. If school staff are unsure of the most appropriate course of action, they should contact the assistant superintendent's office.

2. Procedure for Modifying Student Records

- a. A student's name, pronouns, and/or gender, as listed in the district's student information system, must be modified in accordance with a completed Student Record Change Request Form. The form may be obtained from the student's principal or designee. It can also be found online at isd709.org/families/student-forms.
 - i. The form includes the following change options:
 - 1. Student's Name
 - 2. Student's Gender
 - 3. Student's Pronouns
 - 4. The district's acceptance of the form does not constitute a legal name or gender change and only constitutes a request to change the student's name and/or gender in the district's records.
 - ii. The process for submitting a student record change form includes:
 - 1. Sending finished form to your students administrative assistant, which can be found on the district's website under "Contact Us"
 - 2. The administrative assistant is responsible for sending it to admin@isd709.org for processing.

3. The technology assistant is responsible for processing the form and updating the student information system.
 - a. If the student information system is not updated in a timely manner, parents should contact their student's principal for follow up.
- iii. Forms completed by students under 18 must include the parent/guardian's signature.
- iv. Forms completed by students age 18 or older must be signed by the student and may include the parent/guardian's signature.

3. Provide all students access to facilities that best align with students' gender identity.

- a. Transgender and gender non-conforming students must be provided access to facilities (restrooms, locker rooms, or changing rooms) consistent with their gender identity asserted at school. For a student in grades Kindergarten through 5th grade, parental consent is required to use facilities consistent with the student's gender identity.
- b. A transgender or gender non-conforming student may not be required to use an alternative facility (e.g., a single-occupancy restroom instead of the locker room) or a facility that conflicts with the student's gender identity asserted at school, except that, for a student in grades Kindergarten through 5th grade, parental consent is required to use facilities consistent with the student's gender identity.
- c. For students who are gender fluid, the school should work with the student to facilitate restroom and locker room access that affirms their identity. The district generally does not allow students to switch between gendered facilities from day-to-day, and students may be required to choose between gendered facilities.
- d. Schools must provide reasonable alternative arrangements for any student who expresses a need or desire for increased privacy.
- e. Alternative arrangements must be made available to any student who requests them, but must never be forced upon students, nor presented as the only option.

4. Within academic programming, prohibit the separation of students and/or curricular materials based upon gender unless it serves as a compelling pedagogical purpose.

- a. Arbitrary separation of students and/or curricular materials based upon sex and/or gender is prohibited.
 - i. Prohibited separation includes, but is not limited to:
 1. Boys vs. girls competition;
 2. Developing, classifying, or labeling materials, such as book bins, as boy or girl specific; and
 3. Lining up students according to sex and/or gender.
 - ii. Permissible separation includes, but is not limited to:
 1. Sex education classes;
 2. Gender-based affinity groups; and

3. Lining up students by sex and gender to access gender-separated restrooms and/or locker room facilities that are not adjacent to each other.
- b. To determine whether there is a compelling pedagogical purpose justifying separation of students and/or curricular materials, staff will reflect and provide, upon request of building or district administration, the reasoning behind any gender-based separation.
- c. In any permissible separation or grouping by sex and/or gender, individual students must be afforded the opportunity to select the group that best aligns with the student's gender identity or expression.

5. Overnight School Trips

- a. Students must be permitted to participate in all school activities (for example, overnight field trips) in accordance with their gender identity asserted at school.
- b. These situations must be addressed on a case-by-case basis, accounting for the student's age and maturity, and will require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children.
- c. Situations regarding chaperones must also be addressed on a case-by-case basis with the safety and comfort of students in mind.
- d. If school staff are unsure of the most appropriate course of action, they should contact the assistant superintendent's office.

6. Student Support Plan

- a. A Student Support Plan is available to any student who, due to extraordinary circumstances, cannot reasonably obtain parent/guardian consent to modify student records and/or expresses a good-faith desire for increased privacy and/or safety. A student support team consisting of the student, an adult advocate of the student's choice, and the student's principal or the principal's administrative designee will meet to determine a Student Support Plan addressing, among other things, participation in co-curricular and extracurricular activities, and access to facilities, including but not limited to restrooms and locker rooms.
 - i. Restroom Accessibility
 1. Details of the student support plan may include, among other things:
 - a. Use of a gender-neutral restroom;
 - b. Use of a health/nurse/office restroom; and/or
 - c. Any other plan agreeable to the student support team.
 2. Locker Room Accessibility
 - a. Details of the student support plan may include, among other things:
 - i. Use of a private area within the locker room facility (i.e. a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office);
 - ii. A separate changing schedule utilizing the locker room before or after other students;

- iii. Use of a nearby private area such as a nearby restroom or a health/office restroom; or
 - iv. Any other plan agreeable to the student support team.
- b. All student support plan information is private data in accordance with the Minnesota Data Practices Act and the Family Educational Rights and Privacy Act.

Legal References: Minn. Stat ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
20 U.S.C. § 1681 et seq. (Title IX)
20 U.S.C. § 1701 et seq. (Equal Educational Opportunities)

Cross References: 102 Equal Education Opportunity
413 Prohibiting Harassment and Violence
514 Bullying Prohibition
522 Title IX Student Sex Nondiscrimination
526 Hazing Prohibition
MSHSL Handbook MSHSL ByLaws Duluth Public School District ISD #709

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