

COLOGNE ACADEMY
MANUAL OF SCHOOL POLICIES APPROVED BY THE BOARD

POLICY 560 GENDER INCLUSION

I. PURPOSE

The purpose of this policy is facilitate compliance with applicable laws and organizational guidelines as well as to foster an educational environment that is safe, supportive and inclusive for all students.

II. GENERAL STATEMENT OF POLICY

Cologne Academy is committed to providing a respectful and inclusive learning environment for all students.

The Cologne Academy School Board recognizes schools must be safe, supportive and inclusive for all students. Bullying, harassment and discrimination on the basis of gender identity or expression are prohibited, as referenced in the district’s Harassment and Violence and Bullying Prohibition Policies.

III. DEFINITIONS

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

- A. “Gender” refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- B. “Gender expression” refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- C. “Gender identity” refers to a person’s deeply held sense or psychological knowledge of his or her own gender. One’s gender identity can be the same as or different from the gender assigned at birth.
- D. “Gender nonconforming” means gender expression different from stereotypical expectations. This term includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include “gender diverse,” “gender expansive,” “genderqueer,” and “nonbinary.”

- E. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- F. “Transgender” describes those individuals whose gender identity or expression is different from that traditionally associated with their sex assigned at birth. Transgender identity is not dependent on medical procedures or other physical changes.
- G. “Gender Transition” refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth.

IV. 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 school staff, students, parents, and volunteers.

V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Discrimination, bullying, and harassment on the basis of gender identity or expression are prohibited within Cologne Academy. The school and staff are responsible to ensure 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 are handled in the same manner as other discrimination, bullying, or harassment complaints.

VI. 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, their parents, or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA). Cologne Academy 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, unless legally required to do so, when written permission has been given, or when other staff have a legitimate educational interest in knowing the information.

Transgender and gender nonconforming 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 private information. 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 such information about the student.

VII. STUDENT GENDER TRANSITIONS

Cologne Academy will collaborate with students, and when appropriate, parents/guardians of students who decide to transition at school, which may include a meeting with students and/or parents/guardians to discuss how to positively assist with the student's gender transition at school and to ascertain the desires and concerns relative to the transition. Cologne Academy will, to the extent practicable, maintain privacy and confidentiality of the student's gender transition and gender identity.

VIII. NAMES AND PRONOUNS

All students have the right to be referred to by their identified name and/or pronoun. Members of the school community should address students by the name and pronoun corresponding to the gender identity that is consistently asserted at school. To the extent possible, and consistent with these guidelines, all members of the school community will make efforts to maintain the confidentiality of the student's gender identity. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) can constitute harassment and is a violation of this policy.

A court-ordered name or gender change is not required, and a student need not change official records in order to have this request honored by all members of the school community. Official records must identify a student with their legal name and assigned gender, unless the student has legally changed their name.

IX. EDUCATION RECORDS

Cologne Academy shall maintain a mandatory permanent student record that includes a student's legal name and gender. Cologne Academy will change a student's official record to reflect a change in legal name or gender upon receipt of documentation of a legal name change or a legal change in the sex assigned at birth on the student's birth certificate. In situations where Cologne Academy staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

To the extent that Cologne Academy 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.

X. ACCESS TO GENDER-SEGREGATED ACTIVITIES AND AREAS

With respect to Cologne Academy restrooms, locker rooms and changing facilities, all students regardless of gender will have access to facilities consistent with their gender identity as well as access to individual-user facilities. Any student can be provided a private space such as a single-user restroom. Coaches should consider how they can utilize privacy curtains, restrooms and separate changing schedules to provide for privacy for all students.

XI. PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. Cologne Academy will follow the guidelines established by the Minnesota State High School League to guide participation in co-curricular and extracurricular activities that are based on gender identity while ensuring students' safety is not compromised.

XII. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES, AND PRACTICES

Cologne Academy will evaluate all gender-based activities, 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. 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.

XIII. DRESS CODE

Students shall have the right to dress in accordance with their gender identity and gender expression, within the constraints of the dress codes adopted by the Cologne Academy. School staff shall not enforce the Cologne Academy dress code more strictly against transgender and gender nonconforming students than other students.

XIV. TRAINING AND PROFESSIONAL DEVELOPMENT

Cologne Academy shall conduct training for staff members, including teachers, administrators, counselors, social workers, and health staff, on their responsibilities under applicable laws and this policy. Information regarding this policy shall be incorporated into training for new school employees.

Cologne Academy shall implement ongoing professional development to build the skills of all staff members to improve the educational integration of transgender and gender nonconforming students.

XV. PUBLICATION

This policy will be posted on the school website. In addition, this policy or a summary of this policy will be included in the Student and Staff Handbook.