

560 STUDENT 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 that is safe, supportive, and fully inclusive for all students regardless of gender identity or gender expression.

II. POLICY STATEMENT

Intermediate School District 917 shall act to ensure that students who are transgender and gender non-conforming are included in all school activities like their peers.

DEFINITIONS

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

- a. **Assigned Gender** – An individual’s gender assigned at birth, which correlates to the biological, genetic, and anatomical makeup of a body.
- b. **Gender Expression** – The manner in which an individual expresses their gender.
- c. **Gender Identity** – An individual’s sense of being male, female, or otherwise on a continuum of gender.
- d. **Gender Dysphoria** – A conflict between an individual’s physical or assigned gender and the gender with which they identify.
- e. **Gender Non-Conformity** – Behaviors and interests that fit outside of stereotypical behaviors and interests for an individual’s assigned sex.
- f. **Transgender** – An individual whose gender is different from the gender assigned to them at birth.

III. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Intermediate District 917 and all employees are responsible for ensuring that every student, including transgender and gender nonconforming students, has a safe and supportive school environment. Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Intermediate School District 917 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 as outlined in all applicable existing District 917 policies, including but not limited to Policy 102 (Equal Educational

Opportunity), Policy 526 (Hazing Prohibition), Policy 514 (Bullying Prohibition), Policy 521 (Student Disability Nondiscrimination), Policy 522 (Student Sex Nondiscrimination), Policy 529 (Violent Behavior by Students), Policy 515 (Protection and Privacy of Pupil Records) apply to all students regardless of their gender identity or gender expression. Education and training regarding the issues addressed in this gender inclusion policy will be provided for employees, students and the broader school community.

IV. GENDER TRANSITION AT SCHOOL

Students who transition socially or physically at school have a right to a safe and supportive environment. Steps taken to support students during this time will be carried out in collaboration with the student first, then the parent/guardian, with careful consideration given to student data privacy and consent. If appropriate, school administration and staff shall work with any such students and their parents/guardians (based on the student's individual needs) to identify which steps will create the conditions necessary to make the transition experience as positive as possible. Based on this work, Intermediate District 917, the student, and parents/guardians will create a tailored gender transition plan that ensures the school environment remains both safe and supportive of the student. Because each possible plan will be highly individualized, the plan will be developed in collaboration with the student, parent/guardian, school principal, Executive Director of Student Services and/or additional appropriate school staff.

V. NAMES AND PRONOUNS USAGE

Students have the right to be addressed by a preferred name and by a pronoun corresponding to their gender identity. A court-ordered name or gender change is not required, and a student need not change official records in order to have this right 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.

VI. DRESS CODE

Students have the right to dress and must be in accordance with their gender identity, within the constraints of the dress code specified in the Student handbook or policy. School staff will not enforce the school's dress code more strictly toward transgender and gender nonconforming students than other students. Intermediate School District 917 will not require gender stereotypical fashion or dress. Intermediate School District 917 will avoid the use of gender pronouns when describing dress in its dress code.

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

Intermediate School District 917 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 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 transgender status to the other students or the parents/guardians of other students.

VIII. PHYSICAL EDUCATION CLASSES

All students have the right to participate in physical education classes in a manner that aligns with their gender identity.

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, but no student shall be required to use such a facility.

X. PRIVACY

All students have a right to privacy. A student's transgender or gender nonconforming status is private information. Related information, such as the student's legal name, may also constitute private information. Information regarding a student's transgender or gender nonconforming status may also be confidential medical information. Disclosing this information to other students, other students' parents/guardians, or other third parties may violate privacy provisions in certain laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act. Disclosure of this information to school employees is also limited to those employees who have a legitimate educational reason for obtaining the information. Other disclosure may occur as allowed by exceptions to FERPA or the Minnesota Government Data Practices Act.

Intermediate School District 917 shall keep private all personal information relating to transgender and gender nonconforming students in accordance with Board Policy 515 and applicable laws. School staff is prohibited from disclosing information that may reveal a student's transgender status to others, including other students' parents/guardians and other school staff, unless legally required to do so or when written permission has been given by the parent(s)/guardian(s) or the student who is over 18 years of age.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and gender expression openly and to decide when, with whom, and 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 private information about the student.

Legal Reference:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)

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. § 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) *Montgomery v. ISD No. 709*, 109
F.Supp. 2d 1081, 1093 (D. Minn. 2000).

Cross References:

Policy 102 (Equal Educational Opportunity)
Policy 103 (Bullying Prohibition Policy)
Policy 108 (Hazing Prohibition)
Policy 113 (Bullying Prohibition)
Policy 505 (Student Disability Nondiscrimination)
Policy 506 (Student Sex Nondiscrimination)
Policy 541 (Student Behavior)
Policy 581 (Protection and Privacy of Pupil Records)
Minnesota State High School League Official Handbook 300.00 Bylaws: Administration of
Student Eligibility