

VIRGINIA PUBLIC SCHOOLS

411 SOUTH 5TH AVENUE

VIRGINIA, MN 55792

Adopted:

Revised:

534 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 Virginia Public Schools that is safe, supportive, and fully inclusive for all students, regardless of gender identity or gender expression.

II. GENERAL STATEMENT OF POLICY

Virginia Public Schools shall act to improve the social and educational integration of transgender and gender nonconforming students, maintain the privacy of these students, and foster cultural competence and education for school employees and the broader community on transgender and gender nonconforming issues. Furthermore, the school will support healthy communication among school employees, students, and parents/guardians to encourage the successful development and wellbeing of students.

III. 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 but not limited to school employees, students, parents/guardians, volunteers, and agents of the school.

IV. DEFINITIONS

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

Assigned Sex: The biological, genetic, and anatomical makeup of a body. In the United States, individuals are typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish biological male from female).

Gender Identity: An individual's deeply held sense of being male, female, both or neither; an internal construct not necessarily visible to others. All people have a gender identity, but the age at which individuals come to understand and express their gender identity will vary based on social development. Although many people have a gender identity that matches their assigned biological gender, one's gender identity can be different from the biological sex and gender at birth.

There can be a tendency to confuse gender identity and sexual orientation, yet the two are very different. Gender identity refers to how individuals perceive themselves. In contrast, sexual orientation refers to the sex of those to whom one is romantically and/or sexually attracted.

Transgender: Describes individuals whose gender identity is different from what is generally considered typical for their biological sex at birth.

Gender Expression: The manner in which an individual chooses to express one's gender identity to others through behavior, clothing, hairstyle, body language, and mannerisms. An individual's gender expression may change over time and may or may not conform to one's gender identity.

Gender Nonconforming: Describes individuals whose gender expression is different than what is generally considered typical for their sex and gender assigned by others at birth.

Gender Transition: A process through which individuals begin to outwardly manifest their authentic experience of gender rather than the one generally considered typical for their sex and gender assigned by others at birth. The ultimate goal in transitioning is to be seen, known, and related to in accord with one's deeply held sense of self. Individuals who transition each do so in their own way and in their own time.

V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Any such incident is to be taken seriously, given immediate attention, and handled in the same manner as other bullying, harassment, and discrimination. The school and all employees are responsible for ensuring that every student, including transgender and gender nonconforming students, has a safe and supportive school environment at Virginia. Education

and training regarding the issues addressed in this gender inclusion policy shall be provided for employees, students, and the broader school community.

VI. GENDER TRANSITIONS AT SCHOOL

Students who transition at school have a right to a safe and supportive environment. School administration and staff shall work with any such students and their parents/guardians to identify which steps will create the necessary conditions to make the transition experience as positive as possible. Based on this work, the school, student, and parents/guardians will create a tailored gender transition plan that ensures the school environment remains both safe and supportive of the student.

VII. 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.

VIII. DRESS CODE

Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes specified in the Student-Parent Handbook. School staff shall not enforce the school's dress code more strictly toward transgender and gender nonconforming students than other students.

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

Virginia 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 and other activities. Sleeping, changing, restroom, and showering arrangements will be determined on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity. In all cases, the school has an obligation to maintain the student's privacy and cannot disclose or require the disclosure of the student's transgender status to the other students or their parents/guardians.

X. 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 consistently asserted at school.

XI. 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 consistently asserted at school. 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.

XII. PRIVACY

All students have a right to privacy. 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 by others at birth may also constitute private and 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) and the Minnesota Government Data Practices Act.

Virginia Public Schools shall keep private all personal information relating to transgender and gender nonconforming students in accordance with applicable privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, including parents and other school staff, unless legally required to do so or when written permission has been given by the student.

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 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 other private information about the student.

XIII. OFFICIAL RECORDS

Virginia Public Schools shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. The school shall use the name and gender preferred by the student, except where the student's legal name and gender are required. For example, school identification cards are not legal documents and should use the student's preferred name.

In situations where school employees 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 employees shall adopt practices to avoid the inadvertent disclosure of such private information. Moreover, the school shall change a student's official record to reflect a change in legal name or gender upon receipt of official documentation that such a change has been made pursuant to a court order, or through proper amendment of state or federally issued identification.

XIV. MEDIA AND COMMUNITY COMMUNICATION

Only the Superintendent or his or her designee may communicate to the media or community about issues related to gender identity. Rather than directly commenting on the issue, school employees will direct parents and the media to the designated spokesperson. Disclosing private information is a violation of this policy and may be a further violation of applicable privacy laws.

XV. IMPLEMENTATION

Administration shall develop procedures for determining accommodations for any student who requires support related to gender expression and/or gender identity as well as all other practices and processes needed to implement this policy.

XVI. PUBLICATION

This policy shall be included in Virginia Public Schools's Student-Parent Handbook and posted on the school's website.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 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)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

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