

Gender Inclusive Bathrooms

August 12, 2019

Agenda

- Current MDE Guidance
- Proposed Solution
- 3 Phases of Work
- TEA Form
- Request

Minnesota Human Right Act :

- Sexual orientation is defined as having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. (363A.03)
- It is unfair and discriminatory practice to deny any person the full and equal enjoyment of the services, facilities, privileges and accommodations of a place of public accommodations because of race, color, sexual orientation or sex. (Statute 363A.11)
- It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color... sexual orientation, or disability. (Statute 363A.13)

Minnesota Supreme Court

- Goins v. West Group (2011) employers are not required to assign facility use based upon biological sex.
- Appellate court in Cruzan v. Special Sch. Dist. #1 (2002) ruled that transgender people's use of restroom does not merit a hostile work environment (not a negative impact on staff)

The US Department of Education and the Department of Justice has declared that transgender people are protected class citizens and are afforded all protection from discrimination under Title IX of the Education Amendments of 1972 and Title IV of the Civil Rights Act.

Current MDE Guidance

- Students need access to facilities that are safe, consistent with their gender identity and does not stigmatize them.
- Privacy objections raised by a student in interacting with a transgender or gender nonconforming student may be addressed by segregating the student raising the objection provided that the action of the school officials does not result in stigmatizing the transgender and gender nonconforming student.

Current MDE Guidance

- Transgender and gender nonconforming students should be afforded the opportunity to use the restroom of their choice.
- Many schools have chosen to make single-stall restrooms available to all students.
- For example, some schools have repurposed a staff restroom into a single user restroom for all students to use.

SPPS: Johnson High School



Cheerleader
Try Out
Friday May 23rd
Tuesday June 1st

TEA Form

How are current bathroom configurations affecting students, visitors and staff in ISD 709?

1. What groups are impacted by the decision and what is the nature of the impact?
2. What are the potential positive, neutral, or harmful impacts on the identified groups?
3. How have representatives from these groups been collaboratively engaged in the decision?
4. How will the decision advance equity, address structural barriers, and reduce or eliminate disparities?

TEA Form

How will the decision advance equity, address structural barriers, and reduce or eliminate disparities?

- Increase safety for students
- Increase class time
- Reducing psychological impact and threat of physical harm of self
- Increased tolerance
- Model best practices
- Increases a safe and welcoming environment for students, staff, and community members

Proposed Solution

Improvements for “single use bathrooms”

- Reasonable distance between single use bathrooms
- All gender signage for single use bathrooms
 - In location of bathroom
 - In locations throughout the building
- Available before and after school
- Available to guests
- District Wide
- Bathrooms not keyed

Proposed Solution

Process for Improvements

- Assessment of facilities at a site
 - Include GSA advisor, students, building admin, facilities
 - Use tool(s) or guiding questions for assessment
- Develop options and costs
- Gain required approval
- Secure funding
- Request work
- Educate
 - students
 - staff
 - community

Proposed Solution

Three Phases:

1. Denfeld Pilot

- a. Assessed in 18-19
- b. Complete Work Summer/Fall 2019
- c. Gather feedback from stakeholders during 19-20
- d. Make adjustments

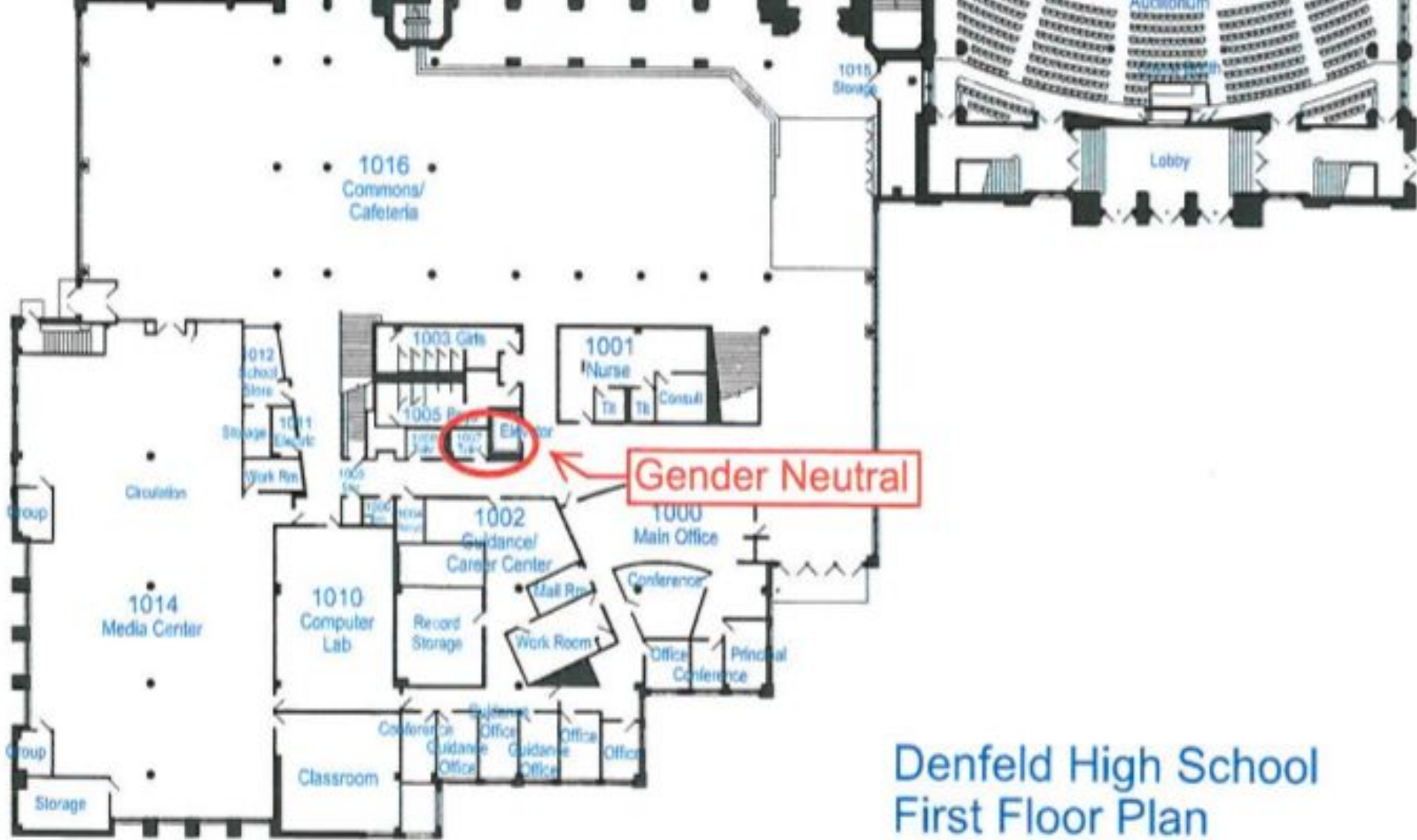
2. Full process at East

- a. Assess Fall 2019
- b. Complete Work Post Assessment
- c. Gather feedback from stakeholders during 19-20
- d. Make adjustments

3. Full process at Middle Schools

- a. Assess 19-20 School Yr
- b. Complete Work in summer of 2020
- c. 20-21 Consider Elementary

Phase I Details

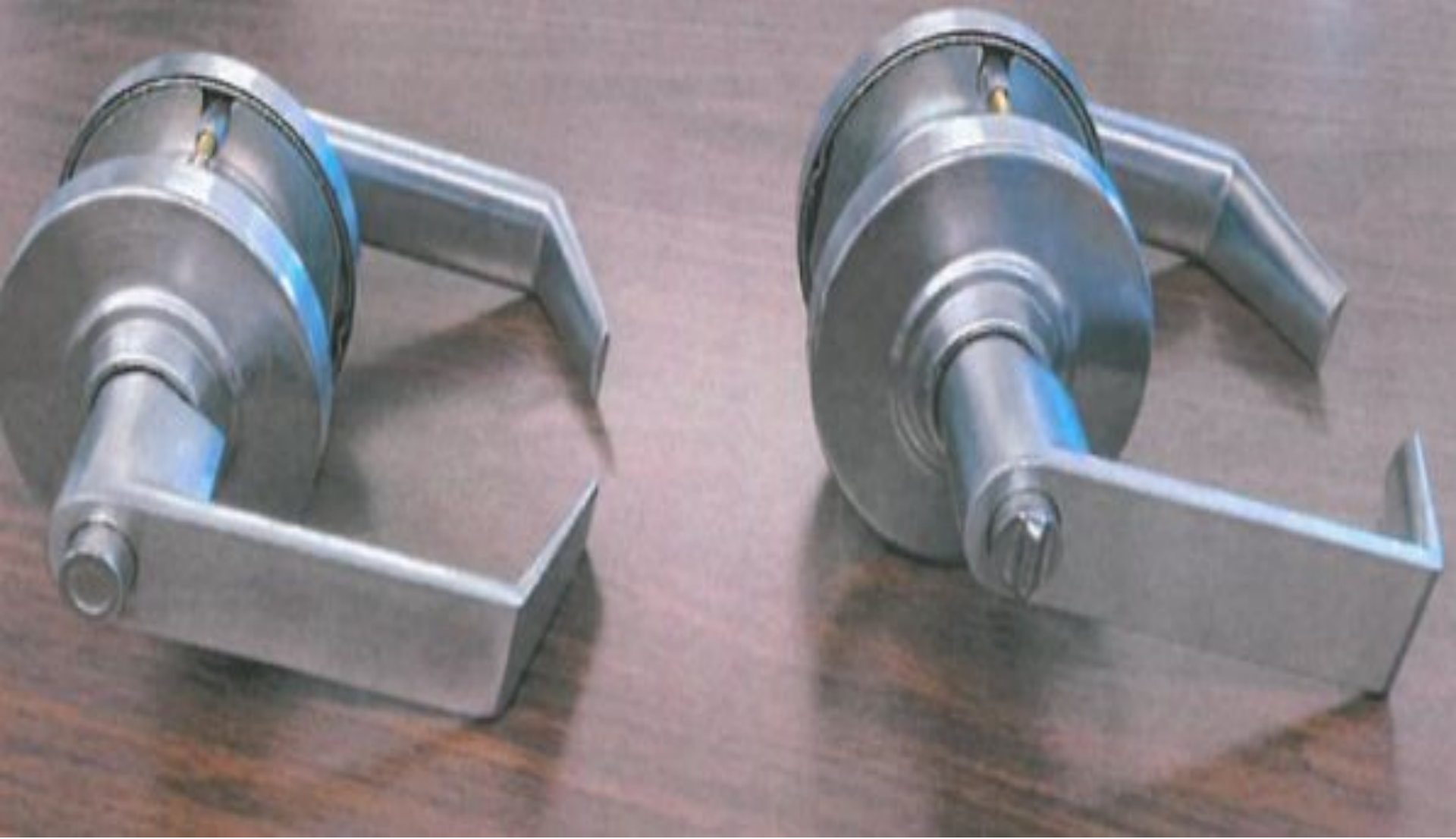


Denfeld High School
First Floor Plan









Request

Seeking ISD 709 School Board feedback and support the proposed solution