

TRANSGENDER AND GENDER NONCONFORMING STUDENTS POLICY

I. PURPOSE

The purpose of this policy is to provide guidelines for transgender nonconforming students in order to create an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression. In addition, this policy will facilitate compliance with local, state, and federal laws concerning bullying, harassment and discrimination.

II. GENERAL STATEMENT OF POLICY

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. This policy should be interpreted consistent with the goals of reducing the stigmatization of, and improving, the educational integration of transgender and gender nonconforming students, maintaining the privacy of all students, and fostering cultural competence and professional development for school staff. Furthermore, this policy will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.

- A. It is the policy of the New London-Spicer Schools to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.
- B. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity will be handled in accordance with district policy.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. "Gender Identity" is a person's inner sense of being male or female, regardless of their sex assigned at birth.
- B. "Transgender" is a term which describes people whose gender identity or gender expression is different from their assigned sex at birth.
- C. "Gender expression" refers to the way a person expresses gender to others in ways that are socially defined as either masculine or feminine,

such as through behavior, clothing, hairstyles, activities, voice or mannerisms.

- D. "Gender non-conforming" are those whose gender-related identity and/or gender expression do not conform to the social expectations or norms for a person of that sex assigned at birth.
- E. "Transition" is the process in which a person goes from living and identifying as one gender to living and identifying as another.

IV. PRIVACY

- A. Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender status. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need should have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.
- B. Schools should work closely with the student and family if possible in devising an appropriate plan regarding the confidentiality of the student's transgender status that works for both the student and the school. Privacy considerations may also vary with the age of the student.
- C. In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school staff should work closely with the student, families and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts. A list of support organizations for transgender students is listed under resources on page 5.

V. OFFICIAL RECORDS

- A. The district is required to maintain a permanent pupil record of each student, which includes the legal name of the student as well as the student's biological gender. In addition, the district is required to use a student's legal name and gender on standardized tests and reports to the Minnesota Department of Education.
- B. To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school should use the name and gender preferred by the student.

- C. A student's permanent pupil record should be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.
 - 1. The documentation required for a legal change of name is a court order or birth certificate demonstrating the student's new name.
 - 2. For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.
- D. Procedures will be followed if a school in the New London-Spicer School District receives a request to change a student's record to reflect a change in legal name and/or gender according to procedures documented in the Minnesota Automated Reporting Student System (MARSS) report system per the Minnesota Department of Education. In all cases, in order to ensure that records accurately reflect circumstances, and in order to maintain the confidentiality of the student's status to the extent possible, the former name and/or gender will be maintained in archived data in the district central database.
- E. Students should be addressed by school staff by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.
- F. To the extent possible, and consistent with these guidelines, school personnel should make efforts to maintain the confidentiality of the student's transgender status.
- G. Student IDs may be issued in the name that reflects a student's gender identity that is consistently asserted at school.

VI. SPORTS AND PHYSICAL EDUCATION

Transgender and gender nonconforming students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive athletic activities and contact sports will be determined on a case-by-case basis.

VII. RESTROOM AND LOCKER ROOM ACCESSIBILITY

- A. The school district aims to support transgender and gender

nonconforming students while also ensuring the safety and comfort of all students. The use of restrooms and locker rooms by transgender and gender nonconforming students requires schools to consider numerous factors, including, but not limited to: the student's preference; protecting student privacy; maximizing social integration of the student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.

- B. A student who expresses a need or desire for increased privacy should be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall restroom. Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her status confidential.
- C. A student should not be required to use a locker room or restroom that conflicts with the student's gender identity.

VIII. GENDER SEGREGATION IN OTHER AREAS

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students should be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

IX. RESOURCES FOR TRANSGENDER OR TRANSITIONING STUDENTS

- A. Schools have a unique and powerful opportunity to support transgender students, including those going through a gender transition, while providing education to the entire school community. It is not unusual for a child's desire to transition to first surface at school. If school staff believe that a gender identity issue is presenting itself and creating challenges for the student at school or if a student indicates an intention to transition, the school should make every effort to work with the student and the child's parents. Where the student indicates an intention to transition, the school should work with the family to prepare for a formal gender transition at school and put in place measures for supporting the child and creating a sensitive supportive environment at school. Toward that end, schools should:
 - 1. Make resources available to parents who have additional questions or concerns.
 - 2. Develop age-appropriate lessons for students about gender diversity and awareness; and
 - 3. Be especially vigilant for any bullying or harassment issues that may arise for transgender students. Pursuant to district policy, schools must work to prevent bullying and harassment, and

respond promptly when allegations of bullying and harassment arise.

- B. Some transgender and gender nonconforming students do not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and require schools to balance the goal of supporting the student with the goal that parents be kept informed about their children.
- C. An important first resource for the student and school community are the school social workers, counselors, and/or the school based mental health staff. These staff members are sensitive to identity issues and have been trained to be a source of support for students regarding gender identity, gender expression and sexual orientation.

Resources: TransformingfamiliesMN.org – transformingfamiliesmn@gmail.com – (612) 321-8416
RECLAIM - <http://www.reclaim-lgbtyouth.org/> - Mental and integrative health support.
Outfront MN - <https://www.outfront.org/youth> – Delivering programs and services to LGBTQ.
Minnesota Transgender Health Coalition – (612) 823-1152; www.transhealth.com – Dedicated to addressing equity and social justice.
Gender Spectrum – <https://genderspectrum.org> – Helps to create gender sensitive and inclusive environment.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 124D.10 (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: Policy 5021 (Discipline, Suspension, and Dismissal of School District Employees)
Policy 5035 (Employee-Student Relationships)
Policy 5045 (Harassment and Violence)
Policy 6040 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 6029 (Student Discipline)
Policy 6031 (Staff Notification of Violent Behavior by Students)
Policy 6065 (Protection and Privacy of Pupil Records)

Policy 6069 (Student Disability Nondiscrimination)
Policy 6068 (Student Sex Nondiscrimination)
Policy 5046 (Hazing Prohibition)
Policy 6003 (Student Transportation Safety Policy)
Policy 7015 (Internet Acceptable Use and Safety)
Policy 8096 (Video Surveillance)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

Adopted:

New London-Spicer Schools

Name/Gender Change Request Form

Current Student Name: _____
First Middle Last

Date of Birth: _____ Student ID#: _____

Change the following in students record (leave blank if change is not applicable).

Name: _____
First Middle Last

Gender: Female _____ Male _____ Write-In _____

Gender Pronoun: She _____ He _____ Write-In _____

Facilities Access: Women's _____ Men's _____ Family Restroom _____

Co/Extra-Curricular Activities/Athletics:
Women's Activities/Athletics: _____ Men's Activities/Athletics: _____

Email should be changed from _____@nls.k12.mn.us to _____@nls.k12.mn.us

- By submitting this form, I am requesting that NLS Schools change the name and/or gender of the student listed above.
- These changes are being requested because the student **consistently identifies** as the name/gender requested above.
- I understand that this form does not constitute a legal name and/or gender change; rather it only changes the name and/or gender of the student as reflected in NLS Schools student information system.
- I understand that the State of Minnesota presently requires a gender of either "Female" or "Male" for state reporting purposes.
- I understand that the District Alternate Gender and Pronoun will only be used within NLS Schools.
- I understand that the default access to gender-specific facilities and participation in gender-specific co-curricular and extracurricular activities (i.e. sports will be according to the Gender (State) designation, unless stated otherwise.
- I understand that the student's original name/gender/pronoun will be retained in the history of the student records system.
- I authorize the release of the student's original and updated name/gender to other authorized parties within NLS Schools as part of student records requests.

Parent/Guardian Signature(s) (required for students under 18):

Print Parent/Guardian Name(s)

Parent/Guardian Signature(s)

Print Student Name

Student Signature

Requested at all times/Required if 18 years or older.

Return this form to the New London-Spicer District Office.

District Office Use Only	
Building Principal _____	Counselor/Social Worker _____

Name/Gender Change Request Form Information

What is the purpose of this form?

The Name/Gender Change Request Form makes changes to district student records to reflect the name and/or gender a student **consistently identifies with**. This form also provides a record of changes to a student's gender pronoun, access to gender-specific facilities, and participation in gender-specific co/extracurricular activities.

Who may complete the Name/Gender Change Form?

The Name/Gender Change Request Form must be completed by a parent or guardian for a student under the age of 18. Students over the age of 18 may complete the form without a parent or guardian signature.

Where do I submit this form?

This form must be submitted to the New London-Spicer District Office.

What if a parent or guardian is not available to sign and submit this form?

If a parent or guardian is not available to sign and submit this form, a student should contact their school principal, a school counselor, or another New London-Spicer staff member. Students do not have to complete this form for staff to use the name and/or pronoun that they have communicated verbally and/or in writing.

What will happen to my student's New London-Spicer Schools email address/log-in?

The parent/guardian or student over the age of 18 should contact the District Office regarding changes to the student's email address.

How will my school know about the changes requested on this form?

Communication with the school is important to ensure the support students may need. This is very important when changes are requested to the district records and when changing schools. The school principal, a school counselor, or another New London-Spicer staff member may assist in ensuring that the appropriate staff receive this information and request regarding privacy.

What if I do not complete all of the information on the form?

If you do not complete all of the information on the form or do not submit a form, the following assumptions will be made in the district student records:

Gender	District Alternate Gender	Gender Pronoun	Facilities Access	Co/Extra-Curricular Activities
Female	Female	She	Women's	Women's Activities/Athletics
Male	Male	He	Men's	Men's Activities/Athletics

How are these changes made?

The requested changes will be made in the district student records. These changes will be reflected in student records from the point of request and moving forward; past records will not be updated. A record of original name and gender will be maintained in the system.

What will be provided when I or other institutions request student records?

For "non-certified" requests, the student's updated name and gender may be provided. However, when responding to requests for certified records, NLS Schools must provide a student's legal name. If a student or family has concerns about privacy, it is advised that they speak with the building principal to provide clarity and discuss concerns.