

## Equal Educational Opportunity Policy – Gender Inclusion Guidance

- I. **Purpose:** The purpose of Guidance is to support all students regardless of gender identity and to ensure compliance with the Minnesota Human Rights Act and Title IX of the Education Amendments of 1972 and corresponding regulations.
  
- II. **General Statement of Guidance:**
  - A. The District is committed to providing a safe and respectful learning environment and to providing an education that respects all students and families.
  
  - B. Students of all gender identities are valued and welcome in the District.
  
  - C. School administration and staff must act in the best interests of students when accommodating gender identity requests.
  
  - D. School administration and staff must respect the right of parents/guardians in the care, custody, and control of their minor children.<sup>1</sup> Except in exceptional circumstances outlined in this guidance (See § VI), staff must not actively and deliberately withhold information about a student from parents/guardians in a manner that impedes upon parental rights.
  
  - E. School administration and staff will engage in an interactive process with both students and parents/guardians that supports the student when they receive requests to accommodate or support the gender identity of a student.
  
- III. **Names and Pronouns:** Students and their parents/guardians may request a change to their forenames/pronouns that differ from their previously used forename/pronouns or from their forename on their birth certificate.
  - A. **Name of Student in Data Management Systems.** Students and their parents/guardians (in the case of minor students) who want to have school staff address them by a forename or pronoun that differs from their previously used forename/pronoun or from their forename on their birth certificate should contact or will be directed to the appropriate school official who will assist the student and parents/guardians in processing their request. For high school and middle school students the appropriate school official is either the Title IX coordinator or school counselor/social worker. For elementary students the appropriate school official is either the school social worker or the assistant principal. After a name change and planning guide is completed, the student's requested/preferred name will be changed in the District's student data management system (i.e. Synergy or other program in use by the District) as requested. The name of the student listed in the District's student data management system will be utilized in all of the following:
    - Class rosters
    - Student identifications (ID's)

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<sup>1</sup> In the case of divorced or separated parents, only parents who possess or have been assigned legal custody by a proper court are allowed to make educational decisions on behalf of a minor student.

- Extracurricular, co-curricular and other student activities
- Graduation ceremonies (see, below for further information on diplomas)
- Student year books
- Student email

Staff and administration will be expected to utilize the name of the student listed in the District's student management system.

**B. Official Transcripts.** Current and former students who want to change the name on their official District transcript must first obtain proof of a legal name change pursuant to Minn. Stat. § 259.10 or similar statute in a U.S. jurisdiction outside of Minnesota.

**C. School Diplomas.** School diplomas will be printed using the student's name listed in the District's student data management system. Acceptable change of a student's forename used on a diploma will be limited to the following:

- A middle name instead of first name
- An abbreviated name (Rob instead of Robert, Manny instead of Emmanuel)
- An Americanized name (Wendy instead of Haiyan)
- A name which better reflects one's ethnic, racial or gender identity
- A name to which you are in the process of legally changing

**D. Use of Nicknames.** Nothing in District policy or procedure is intended to limit staff and administrations' use of appropriate and respectful nicknames for all students. However, the use of nicknames with students must not be actively and deliberately withheld from parents/guardians of minor students.

**E. Student Surveys.** Instructional staff must not utilize surveys or questionnaires that solicit information about a student's gender identity or pronoun. However, students will be free to state their preferences in broader inquiries. (e.g. "Is there anything else you would like me to know about you to support you or to be successful in this class?")

**IV. Rest Rooms and Locker Rooms:** The District will provide all students with access to use all facilities consistent with the students' gender identity. Reasonable efforts must be made to have restrooms and locker rooms with private enclosed changing areas, shower areas, and toilets for all students. Upon their voluntary request, any student who desires increased privacy shall be provided with a reasonable alternative changing area (e.g., a nearby restroom stall with a door, an area separated by a privacy partition changing area or with a separate changing schedule). Transgender and gender non-conforming students may only be required to use individual-user or otherwise separate facilities if every student is required to do so. The goal should be maximizing students' social integration and equal opportunity to participate in physical education classes and sports, ensuring the students' safety and comfort, and minimizing stigmatization of students.

**V. Gendered Activities:** Gender is often used as a classification for dividing classes into parts or as a prerequisite for participation. Staff and administration should avoid using gender as a characteristic for divisions whenever possible. When groups are separated by gender, students and parents/guardians (in the case of minor students) should be permitted to select their gender grouping. The Minnesota State High School League has also adopted a policy addressing eligibility determination for male-to-female transgender student athletes stating in

general that all students, regardless of their gender identity or expression, should be allowed to participate in athletics in an “environment free from discrimination”.

- VI. Data Privacy Considerations:** Under both state and federal law, information and data regarding one’s transgender status or sex assigned at birth is classified as private educational data. Only employees with a legitimate educational reason to know this information in order to perform their job have the right of access to this data. Transgender and gender non-conforming students may decide to discuss and express their gender identity openly or may decide when, with whom, and how much to share private information. Schools should work closely with the student and family in devising a plan that works for both the student and the school. Privacy considerations may also vary with the age of the student.

Parents/guardians of minor children have a right of access to data on their child unless a court order provides otherwise or in keeping with Minnesota law (Minn. R. 1205.0500) the student makes a written request that particular data be withheld and the Superintendent approves the requests consistent with applicable legal standards. Students making such a request should use the following form. [Minor Student Request to Deny Parent/Guardian Access to Private Data.](#)

**VII. Complaints Regarding Compliance with Guidance.**

Students and parents/guardians (in the case of minor students) can file a complaint for failure to comply with these guidelines or if they otherwise believe that their rights have been violated under Title IX or the Minnesota Human Rights Act. Information on how to file a complaint is contained in Harassment, Violence and Discrimination Policy 413.0 and Harassment, Violence, Discrimination or Bullying Report Form 413.0F. Contact Assistant Director of Student Services, Denise Collins at 763-506-1120 or at [denise.collins@ahschools.us](mailto:denise.collins@ahschools.us) for additional information.

Harassment or discrimination complaints based upon a student’s gender identity can also be filed with:

Minnesota Department of Human Rights  
540 Fairview Ave North, Suite 201  
Saint Paul, MN 55104  
Email: [info.mdhr@state.mn.us](mailto:info.mdhr@state.mn.us)

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Dept. of Education Building  
400 Maryland Ave., SW  
Washington, DC 20202-1100  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

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