



# Independent School District 152



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## Guidelines for Supporting Student And Employee Gender Identity and Gender Expression

Administrative Procedure: 413.2

Section: 400 Employees/Personnel

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These administrative guidelines set forth Moorhead Area Public Schools (“District”) procedures for schools to address the needs of students and employees, regardless of gender identity and expression, to ensure safe, supportive, and healthy school environments where every child can learn. These Guidelines are intended to:

1. ensure that all individuals are welcomed, valued, included, and respected;
2. to help schools ensure safe learning and working environments free of discrimination, harassment, and bullying; and
3. to promote the educational and social integration of transgender and gender-expansive students.

This procedure does not and cannot anticipate every situation that may occur, as every individual is unique. The support for each individual must be assessed and addressed individually based upon the specific requests and needs. In all cases, the goal is to ensure the safety, comfort, and healthy development of the students while maximizing the students’ social integration and minimizing stigmatization of the students. Similarly, for employees, the goal is to ensure a safe and supportive working environment.

### 1. Definitions

The definitions contained in the policy are not intended to label individuals, but rather to assist in understanding this policy and the legal obligations of district staff. It is recognized that students might or might not use these terms to describe themselves.

“Gender” refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.

“Gender Binary” refers to the social construction of a gender dichotomy between masculinity and femininity. The gender binary often ignores or denigrates alternate gender constructions.

“Gender Identity” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the sex or gender they were assigned at birth. A person’s gender identity can be the same or different than the sex or gender assigned at birth.

“Gender Expression” refers to the manner in which a person represents or expresses that person’s gender identity to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

“Gender Non-Conforming” describes people whose gender expression differs from social expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This phrase also includes people who identify outside traditional gender categories.

“Gender-expansive” describes someone with a more flexible gender identity than might be associated with a typical gender binary.

“Transgender/Trans” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

“Sex” refers to a person’s biology and is generally categorized as male, female, or intersex.

“Intersex” refers to a combination of features that distinguish male and female anatomy.

## 2. Privacy

All individuals have a right to privacy, including the right to keep private one’s gender identity or expression status, at school. Individuals have the right to discuss and express their gender identity and expression openly and to decide when, how, and with whom to share private information, well as to determine what information will be shared. Based on the information, the educator or administrator and student should determine how to proceed through a collaborative, intentional, and ongoing process of how the school can support the student and balance the student’s need to be affirmed at school.

Privacy and confidentiality are critically important for transgender or gender-expansive students and inadvertent disclosures could put the student in potentially dangerous situations. To ensure the safety and well-being of the student, District employees shall not disclose a student's gender identity, sex assigned at birth, transgender identity, or information that may reveal a student's gender identity (e.g., birth name) to anyone, including, but not limited to, other staff members, individuals, or parents of other individuals, unless such disclosure has been authorized by the student or their parent(s)/guardian(s). If such a disclosure is necessary, it will be documented in writing and should be discussed with the student in advance.

Information about a student's transgender or gender-expansive status, legal name, or gender assigned at birth may constitute private data under state and federal law. School district personnel shall not disclose information that may reveal a student's gender identity to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Staff may not withhold information from a parent/guardian of a student who is under the age of 18 if the parent/guardian specifically requests information regarding the student's gender identity, gender expression, or transgender status at school.

In some cases, individuals may feel more supported and safer if other individuals are aware that they are transgender or gender-expansive. In such cases, district staff should work closely with the student, family, and other staff members on a plan to inform and educate the student's peers and shall document the plan. In some circumstances, it may also be appropriate to engage external resources to assist with educational efforts.

Families play a vital role in helping students navigate issues of gender identity. Pursuing relationships, open discussion, removing pressure, and seeking help from trustworthy people can support a safe and supportive environment for your student.

### 3. Student Transition Meeting

The principal or designee shall request a meeting with the transgender or gender nonconforming student and their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity to ensure a collaborative, intentional and ongoing process of support.

The goals of the meeting are to:

1. Develop and understanding of the student's individual needs with respect to their gender expression or gender identity, including any accommodations that the student is requesting or that the District may provide according to district policy and procedure, and/or under state and federal law, and

2. Develop a shared understanding of the students day-to-day routine within the school so as to foster a supportive relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require a student to attend a meeting as a condition of providing them with the protection to which they are entitled under district policy and procedure, and/or state and federal law regarding gender expression or gender identity.

#### 4. Student Official School Records

The school district is required to maintain a mandatory and permanent student record (“official record”) that includes a student’s legal name and gender. The school district is not required to use a student’s legal name and gender on other non-official school records or documents.

The school district will change a student’s “official record” to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order or other official government action.

In situations where school district staff or administrators are required by law to use or report a student’s legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of confidential or private information relating to a student’s gender identity or gender expression.

#### 5. Student Names, Pronouns, and Gender Markers

A student has the right to request that the student be referred to by a name and pronouns that correspond to the student’s gender identity by all school staff and fellow students. Parent(s)/Guardian(s) have a right to request that the District change the student’s name and/or gender marker in the school’s student information system. A court-ordered name change or official gender change is not required, and the student is likewise not required to change the school’s official records in order to be addressed by the name and pronouns that correspond to the student’s gender identity.

A request to change the name, pronoun, or gender marker in the student information system can be made through the school counselor or building administrator. Documentation of the request will be required prior to approval.

The intentional or persistent refusal to respect a person’s gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to

the student's gender identity) is a violation of MAPS Policy 413, Prohibition of Harassment and Violence.

## 6. Gender-Segregated Student Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students should be included in the group that corresponds to their gender identity.

## 7. Gender-Segregated Facilities

Students shall have access to gendered facilities and school-sponsored programs that are consistent with the student's gender identity. This includes but is not limited to, multi-stalled gendered restrooms, locker rooms, school programs, trips, and athletic programs.

### a. Restroom Accessibility

Pursuant to state law, students shall have access to the restroom that corresponds to their gender identity asserted at school:

- i. Any student who has a need or desire for increased privacy, regardless of the student's gender identity or expression, and regardless of the underlying reason for the student's need or desire for increased privacy, should be provided access to a single-user restroom.
- ii. No student shall be required to use a single-user restroom because of their identified gender identity or expression.
- iii. The District shall work with each gender-expansive student to determine which restrooms are most comfortable for the student.
- iv. In no case shall a student be required to use a restroom that conflicts with the student's gender identity or expression.

### b. Locker Room Accessibility

The use of locker rooms by individuals shall be assessed on an individualized basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports and other school activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student.

- i. Unless the student requests otherwise, students should have access to the locker room that corresponds to the student's gender identity or expression asserted at school, like all other students.
- ii. Any student who has the need or desire for increased privacy, regardless of the student's gender identity or expression, and regardless of the underlying reason for the student's need or desire for increased privacy, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a physical education instructor's office in or near the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponding to gender identity before or after other students).
- iii. Any alternative arrangement should be provided in a manner that protects the student's ability to keep the student's status confidential.
- iv. The District shall work with each gender-expansive student to determine which restrooms and locker room facilities are most comfortable for the student.
- v. In no case shall a student be required to use a locker room that conflicts with the student's gender identity.

## 8. Physical Education and Health Education Classes and Intramural Sports

Students shall be permitted to participate in physical education classes, health education classes, and intramural sports and activities in a manner consistent with their gender identity or expression, and in a manner that allows the student to feel the safest, included, and most comfortable.

Students in physical education classes may be grouped by ability, so long as a student's ability is based on objective standards of individual performance. A student's gender identity shall not be considered when assessing ability.

Physical education and health education teachers and staff will make their best efforts not to divide students based on sex assigned at birth or gender identity during any activities or classes.

## 9. School Trips

All students shall be permitted to participate in all school trips in a manner that corresponds with their gender identity or expression, and in a manner that allows the student to feel the safest, included, and most comfortable. In planning school trips, staff is expected to assess the student's need in collaboration with the student and/or the student's parent(s)/guardian(s) and make reasonable efforts to provide an accommodation that is acceptable to the student.

Accommodations will be discussed in advance of the trip on a case-by-case basis and will be documented in writing.

#### 10. Dress Codes

Individuals have the right to dress in a manner consistent with their gender identity or expression, including at school-sponsored functions such as dances, after-school activities, and graduation. District policy regarding clothing will be enforced consistently, regardless of a student's gender identity or expression.

A student whose gender expression is different from expectations based on the student's sex assigned at birth will not be considered disruptive of the educational process or as an interference with the maintenance of a positive teaching/learning climate.

#### 11. Interscholastic Competitive Sports Teams/Activities

Students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and expression, and in compliance with the applicable regulations of the Minnesota State High School League (MSHSL).

#### 12. Specific Guidelines for Employees

##### a. Names, Pronouns, and Gender Markers

i. Employees have the right to be addressed by a name and pronoun that correspond to the employee's gender identity. A court-ordered name or gender change is not required.

ii. An employment record may be changed to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed.

iii. The intentional or persistent refusal to respect a person's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) is a violation of MAPS Policy 413, Prohibition of Harassment and Violence

b. Restrooms

i. Employees shall have access to the restroom corresponding to their gender identity.

ii. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom.

iii. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. That decision should be left to the employee to determine the most appropriate and safest option for them.

c. Dress Code

i. Individuals have the right to dress in a manner consistent with their gender identity or expression, including at school-sponsored functions such as dances, after school activities, and graduation. District policy regarding clothing will be enforced consistently, regardless of a person's gender identity or expression.

### 13. Staff Training and Compliance

All administrative staff shall be informed of the existence of this procedure. The District will provide training regarding this procedure and how to support individuals at reasonable intervals, to be determined by the District.

District employees who refuse to abide by this procedure may be subject to disciplinary actions, up to and including termination, as set forth in the relevant employee discipline policy. The intentional or persistent refusal to respect a person's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of MAPS Policy 413, Prohibition of Harassment and Violence.



#### 14. Discrimination/Harassment/Bullying

It is the policy of the District to maintain a safe and supporting learning and educational environment that is free from harassment, intimidation, violence, and/or bullying and free from discrimination on account of gender, gender identity, and gender expression.

Complaints alleging discrimination or harassment based on an individual's actual or perceived gender identity, non-conformity, or expression generally are to be handled in the same manner as sex discrimination, harassment, or bullying complaints. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (MAPS Policy 413). For information about the types of conduct that constitute violation of the school district's policy on bullying and the school district's procedures for addressing such complaints, refer to the school district's policy on bullying (MAPS Policy 514).