

FIT Academy

523 GENDER IDENTITY AND INCLUSION

I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex..

II. GENERAL STATEMENT OF POLICY

- A.** The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B.** Every school district employee shall be responsible for complying with this policy.
- C.** The school board hereby designates the Executive Director as its Title IX coordinator. This employee coordinates the school's efforts to comply with and carry out its responsibilities under Title IX.
- D.** Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer

III. DEFINITIONS

These definitions are provided not for the purpose of labeling students but rather to assist in understanding these guidelines. Students may or may not use these terms to describe themselves.

Gender

“Gender” implies the psychological, behavioral, social, and cultural aspects of being male or female. Gender refers to the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for boys and men or for girls and women. While sex is a biological construct, gender is a social construct. As most people's sex and gender align, the two terms are sometimes used interchangeably.

Gender Identity

“Gender identity” refers to a person’s deeply held sense or psychological knowledge of their own gender. One’s gender identity can be the same or different from the gender assigned at birth. While many people have a gender identity that matches their assigned gender at birth, for some, their gender identity is different from their assigned gender. All people have a gender identity, not just transgender people.

Gender Expression

The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms is known as “gender expression.”

Gender Diversity

“Gender diversity” is a term for people whose gender expression differs from stereotypical expectations, such as “feminine” boys, or “masculine” girls. This includes people who identify outside traditional gender categories or identify as both genders.

Sex

The term “sex” refers to a person’s biological characteristics, including chromosomes, hormones, and anatomy.

Transgender

“Transgender” is an adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are “transsexual” and “trans.”

Transition

The process of changing gender expression from that of one gender to another is called “transition.”

Scope

These guidelines cover conduct that takes place in the school, on or off school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. These guidelines also pertain to usage of electronic technology and electronic communication that occurs in the school, on or off 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. These guidelines apply to the entire school community, including educators, staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, gender identity or expression or any other legally protected classification is prohibited by state law and FIT Academy policies. Complaints alleging discrimination or harassment based on a person’s actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

An initial report may be verbal or written and is intended to be non-threatening for the one reporting the incident(s). The administration is responsible for receiving reports of bullying and serve as the primary individuals to address guidelines and procedural matters and will ensure these guidelines and its procedures are fairly and fully implemented. If the complaint involves a director, the complaint shall be made to the chair of the school board. Students who believe that they have been bullied or have witnessed bullying are strongly encouraged to bring their concerns to an administrator but may bring their concerns to any school employee.

Privacy/Confidentiality

All persons, including students, may keep their transgender status private at school, except for information that may be required by school staff for legitimate educational purposes or may be legally required. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information without authorization to other students, their parents, or other third parties may violate privacy laws. FIT Academy will strive to ensure that all medical information relating to transgender and gender diverse students is kept confidential in accordance with applicable state, local, and federal privacy laws. School staff may only disclose information that may reveal a student's transgender status to other school staff when necessary for the student's legitimate educational interests. Otherwise, school staff will 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, unless the student has authorized such disclosure, or in situations where student's well-being is of primary concern.

Transgender and gender diverse students should be able to discuss and express their gender identity and expression openly and generally 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 medical information about the student. When contacting the parent or guardian of a transgender student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

Media and Community Communication

When communicating to the media or community about issues related to gender identity, the school will generally have a single designated spokesperson to address the issue, the Executive Director. Rather than directly commenting on the issue, school staff should direct parents and the media to the school director. Violating confidentiality of a student's gender identity or a student's medical information is a violation of these guidelines and may be a violation of local, state or federal privacy laws.

Official Records

FIT Academy will maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school will use the name and gender preferred by the student. The school 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 through amendment of state or federally-issued identification. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing or to enable communications with the student's medical provider, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such confidential information.

Names and Pronouns

Every student will be addressed by a name and by pronouns that correspond to the student's gender identity. A court-ordered name or gender change is not required, and the students need not change their official records. If teachers are uncertain about how to address a student, it is strongly recommended that teachers privately ask transgender or gender diverse students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's parents or legal guardian.

Access to Gender-Segregated Activities and Areas

With respect to all restrooms, locker rooms or changing facilities, students will have access to facilities that correspond to their affirmed gender, not what appears on their official record. FIT Academy maintains separate restroom or assigned facilities for male and female students and allows students to access them based on their gender identity.

In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, will, upon the student's request be provided with an appropriate alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender diverse student to use a separate, nonintegrated space may publicly identify or marginalize the student as transgender and should not be done unless requested by a student.

Under no circumstances may students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. FIT Academy will follow the policies of the Minnesota State High School League and permit students to participate in interscholastic athletics in a manner consistent with their gender identity.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, FIT Academy will evaluate, on an ongoing basis, all gender-based activities, rules, policies, and practices, including but not limited to classroom activities, school ceremonies, yearbook and school photos. Students will be permitted to participate in any such activities or conform to any such rule, guidelines, or practice consistent with their gender identity, including Health classes, field trips and extended stays, such as out of state travel.

Dress Code

FIT Academy students may dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender diverse students than other students. Students will be permitted to wear special attire or costumes consistent with their affirmed gender identity, in all events and activities.

Student Transitions

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following age-appropriate policies.

Often times, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, school staff should notify the parents or guardians about the difficulties experienced by the child. Together, the family and school can then identify any appropriate steps that may be necessary to support the student.

Prior to notification of any parent or guardian regarding the transition process, school staff will work closely with the student to assess the degree to which, if any, the guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

When a student transitions during the school year, school administrators will hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and concerns. The school will discuss a timeline and plan for the transition in order to create the conditions supporting a safe and accepting environment at the school. The plan will address, among other things, if and when a different name or pronouns should be used and whether and how this should be communicated to other students. Finally, FIT Academy will inform school administrators and any educators that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements or other considerations.

Cross References: FIT Policy 102 (Equal Educational Opportunity)
FIT Policy 413 (Harassment and Violence)
FIT Policy 504 (Student Dress & Appearance)
FIT Policy 514 (Bullying Prohibition)