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## **599 GENDER INCLUSION**

### **I. PURPOSE**

The purpose of this policy is to foster an educational environment that is safe and free from discrimination for all students, regardless of gender identity or gender expression, and to facilitate compliance with local, state, and federal laws concerning nondiscrimination.

### **II. GENERAL STATEMENT OF POLICY**

Yinghua Academy Policy #102 (Equal Educational Opportunity) ensures equal educational opportunity for all students of Yinghua Academy. Yinghua Academy does not unlawfully discriminate for any reason, including on the basis of sex. Students' gender identity is treated the same as sex for purposes of Title IX and other guidelines and policies prohibiting discrimination. Yinghua Academy is committed to providing a respectful and gender-inclusive learning environment for all students.

Yinghua Academy will act to improve the educational integration of transgender and gender nonconforming students, strive to maintain the privacy of these students, and foster cultural competence and professional development for school staff on transgender and gender nonconforming issues. Furthermore, Yinghua Academy will support healthy communication between educators and parents or guardians to further the successful educational development and well-being of every student.

### **III. DEFINITIONS**

The following definitions are provided to assist in understanding this policy. Students may or may not use these terms to describe themselves.

- A. “Gender” refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- B. “Gender expression” refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- C. “Gender identity” refers to a person’s deeply held sense or psychological knowledge of his or her own gender. One’s gender identity can be the same as or different from the gender assigned at birth.
- D. “Gender nonconforming” means gender expression different from stereotypical expectations. This term includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include “gender diverse” or “gender expansive.”
- E. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- F. “Transgender” describes those individuals whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Transgender identity is not dependent on medical procedures or other physical changes.
- G. “Transgender male” refers to someone who identifies as male but was assigned the sex of female at birth.
- H. “Transgender female” refers to someone who identifies as female but was assigned the sex of male at birth.
- I. “Gender Transition” refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth.

#### **IV. SCOPE**

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to the use of electronic technology and electronic communication that occurs in the school, on 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. This policy applies to the entire school community, including educators, school staff, students, parents, and volunteers.

#### **V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION**

Discrimination, bullying, and harassment on the basis of gender identity or expression are prohibited within Yinghua Academy. The school and staff are responsible to ensure that all students, including transgender and gender nonconforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, bullying, 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.

#### **VI. PRIVACY/CONFIDENTIALITY**

All students have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA). Yinghua Academy will keep confidential all medical information relating to transgender and gender nonconforming students in accordance with applicable local, state, and federal privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others. It will only be shared with staff members that have a legitimate educational interest in that information, and will not be shared with others, including students, other parents and other school staff, unless legally required to do so or when written permission has been given.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and 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.

## **VII. MEDIA AND COMMUNITY COMMUNICATION**

When communicating to the media or community about issues related to gender identity, the Executive Director of Yinghua Academy shall be the single spokesperson to address the issue, unless otherwise directed by the School Board. Rather than directly commenting on the issue, other school staff shall direct parents and the media to the Executive Director. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the Executive Director and all staff, and all medical information shall be kept strictly confidential. Violating confidentiality of this information is a violation of this policy and may be a violation of local, state, or federal privacy laws.

## **VIII. OFFICIAL RECORDS**

Yinghua Academy shall maintain a mandatory permanent student record that includes a student's legal name and gender. However, to the extent that Yinghua Academy is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. Yinghua Academy will change a student's official record to reflect a change in legal name or gender upon receipt of documentation of a legal name change or a legal change in the sex assigned at birth on the student's birth certificate. In situations where Yinghua Academy 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, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

## **IX. NAMES AND PRONOUNS**

Every student may request to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. A strongly recommended best practice for teachers is to privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, and at conferences with the student's guardian.

## **X. ACCESS TO GENDER-SEGREGATED ACTIVITIES AND AREAS**

With respect to Yinghua Academy restrooms, locker rooms and changing facilities, all students regardless of gender will have access to facilities consistent with their gender identity as well as access to individual-user facilities. Yinghua Academy will maintain separate restroom, locker room, and changing facilities for male and female students.

#### **XI. 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. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. Yinghua Academy will follow the guidelines established by the Minnesota State High School League to guide participation in co-curricular and extracurricular activities that are based on gender identity while ensuring students' safety is not compromised.

#### **XII. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND PRACTICES**

As a general matter, Yinghua Academy will evaluate all gender-based activities, rules, policies, and practices — including, but not limited to, classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. To the extent practicable, students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

#### **XIII. OVERNIGHT FIELD TRIPS**

Parents of all students are encouraged to discuss any concerns regarding accommodations for overnight field trips with the Executive Director. Transgender students shall not be required to disclose personal information when not required of other students.

#### **XIV. DRESS CODE**

Yinghua Academy will enforce dress codes pursuant to policy. Students shall have the right to 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 nonconforming students than other students.

## **XV. STUDENT GENDER TRANSITIONS**

In order to maintain privacy and confidentiality regarding their gender 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 gender transition, a family may request a meeting with the Executive Director to ascertain the desires and concerns relative to the transition. If a gender transition plan is created, the timelines for transition, and any relevant legal requirements will only be shared with staff members that have a legitimate educational interest in that information.

## **XVI. TRAINING AND PROFESSIONAL DEVELOPMENT**

Yinghua Academy shall conduct staff training for staff members, including teachers, administrators, counselors, social workers, and health staff, on their responsibilities under applicable laws and this policy. Information regarding this policy shall be incorporated into training for new school employees.

- A. Yinghua Academy shall implement ongoing professional development to build the skills of all staff members to improve the educational integration of transgender and gender nonconforming students. The content of such professional development may include, but not be limited to:
  - (1) terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents; and
  - (2) developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy.

## **XVII. PUBLICATION**

This policy will be included in the Student and Family Handbook or posted on the school website.

***Legal References:*** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363A.03, subd.44; § 363A.13 (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
Dear Colleague Letter, U.S. Dept. of Justice and U.S. Dept. of Education (May 13, 2016)

***Cross References:*** Policy 102 (Equal Educational Opportunity)  
Policy 413 (Harassment and Violence)  
Policy 504 (Student Dress and Appearance)  
Policy 514 (Bullying Prohibition Policy)  
Policy 515 (Protection and Privacy of Pupil Records)  
Policy 522 (Student Sex Nondiscrimination)  
Policy 526 (Hazing Prohibition)  
Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)