

MATH AND SCIENCE ACADEMY

Adopted: February 27, 2023

102.2 Gender Diverse, Nonbinary, Transgender and Sexual Orientation Equity Policy

A. OVERVIEW – STUDENT FOCUSED PROCEDURES

Math and Science Academy is committed to creating a safe and welcoming environment for our students and staff, free of transphobia and homophobia. This policy is meant to identify procedures and provide guidance to Math and Science Academy so that transgender, nonbinary and gender diverse students are fully included in the school community and have the necessary supports to actively participate free of discrimination. When creating a plan of action or making decisions around how best to support a student, within the parameters of this policy, every effort should be made to include the student(s) and families themselves.

This policy furthers Math and Science Academy's commitment to equal opportunity and nondiscrimination in all its educational and employment activities. MSA prohibits discrimination based on race; national or ethnic origin; color; sex; religion; age; sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service.

This policy furthers MSA's Anti-Harassment Policy 413 which prohibits harassment, discrimination, bullying and retaliation based on a person's protected class.

This policy further advances The Minnesota Human Rights Act prohibitions against discrimination and harassment in education based on gender expression, actual or perceived gender identity and actual or perceived sexual orientation. Minnesota law provides that all students have the right to attend school in a safe and supportive environment where they can learn and have equal access to all educational opportunities. Illegal discrimination can occur if a student is expressly denied full utilization of a benefit at school, is indirectly denied full utilization of a benefit at school due to a policy, practice or procedure of the school or if a student is exposed to a hostile environment that interferes with the student's ability to learn or participate in activities at school.

This policy also furthers The Safe and Supportive Minnesota Schools Act which prohibits bullying and harassment of all students, including bullying and harassment of students based on gender expression, actual or perceived gender identity and actual or perceived sexual orientation. Under the Safe and Supportive Minnesota Schools Act, public school districts and charter schools are required to adopt a policy that prohibits bullying and harassment of all students, including bullying and harassment based on sex, gender identity, gender expression and sexual orientation. Bullying may also rise to

the level of a discriminatory hostile educational environment under Title IX or the Minnesota Human Rights Act.

B. DEFINITIONS

The definitions below adopt commonly accepted terminology for important concepts relating to gender expression and identity. As definitions evolve over time, this Policy will be updated as appropriate.

- a. **“LGBTQ2SIA+”** is a term that encompasses multiple gender identities and sexual orientations including Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit, Intersex, and Asexual. The plus sign (“+”) recognizes that there are myriad of ways to describe gender identities and sexual orientations. It is also important to recognize that the challenges and barriers for students who identify as lesbian, gay, bisexual, queer can be different from the challenges and barriers faced by students with diverse and/or expansive gender identities and expressions.
- b. **“Asexual”** is a person who does not experience sexual attraction, but could still experience other forms of attraction (e.g. emotional, intellectual).
- c. **“Agender”** is a person who does not identify with a specific gender or feels neutral when it comes to their gender identity.
- d. **“Bisexual”** is a person who is attracted to more than one gender.
- e. **“Cisgender”** is a person who feels their gender identity and expression align with the sex they were assigned at birth or by society.
- f. **“Gay”** is a person who is attracted to a person of the same gender.
- g. **“Gender diverse”** describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.
- h. **“Gender expression”** is the way a person expresses their gender in ways that make them feel more comfortable and aligned to who they are. Some forms of expression could be clothing, voice, cosmetics, or mannerisms.
- i. **“Gender fluid”** refers to a person whose gender expression and/or identity changes over time across or between different genders or presentations.
- j. **“Gender identity”** is a person’s deeply held knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person’s identity. One’s gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual’s gender identity rests with the individual.
- k. **“Gender nonconforming”** is a person who does not identify with a specific set of traits (behavioral, cultural, community roles) on the male to female spectrum.
- l. **“Gender transitioning”** is the process of changing one's gender expression, physical body, and/or legal documentation to align with their gender identity.
- m. **“Homophobia”**, stigma (negative and unfair beliefs), and discrimination against people based on gender expression actual or perceived, gender identity actual or perceived and sexual orientation actual or perceived which can and does

- negatively affect the health and well-being of this community.
- n. “**Intersex**” is an umbrella term for unique variations in reproductive or sex anatomy. Variations may appear in a person’s chromosomes, genitals, or internal organs like testes or ovaries. Some intersex traits are identified at birth, while others may not be discovered until puberty or later in life.
 - o. “**Lesbian**” is a female-identified person who is attracted to women.
 - p. “**Misgender**” occurs when a person wrongly assumes a student's gender and uses the wrong pronouns and/or inaccurate gendered language such as "ladies, miss, boys, Mr., etc." while referring to a student or group.
 - q. “**Non-binary/genderqueer**” are terms are often used to describe people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.
 - r. “**Pronouns**” or set of pronouns that a person identifies with and would like to be called when their proper name is not being used. Examples include “she/her/hers,” “he/him/his,” “ze/hir/hirs,” and “they/them/theirs.” Some people prefer no pronouns at all, or some combination such as “she/they.”
 - s. “**Queer**” is a person who does not subscribe to dominant social norms to define their sexual orientation, gender identity, or gender expression. While it is used as a neutral, or even a positive term among many LGBTQ2SIA+ people today, historically “queer” has been used as a derogatory slur. It is sometimes still used as a slur by those who do not identify as part of the community.
 - t. “**Sex assigned at birth**” The assignment and classification of people as male, female, intersex, assigned at birth often based on physical anatomy at birth and/or karyotyping.
 - u. “**Sexual orientation**” is a person’s romantic and/or physical attraction to people of the same and/or another gender, such as being straight, gay, bisexual, or asexual. Transgender and gender nonconforming people may have any sexual orientation.
 - v. “**Transgender**” or “**Trans**” describes any person whose gender identity does not correspond with the sex assigned at birth. “Trans” also often is used as an umbrella term for those who do not identify as cisgender, and can include nonbinary people.
 - w. “**Transphobia**” describes someone who has hate, fear, or disgust for transgender people or anyone who does not fit into the male/female gender binary. For example, a transphobic person may express disgust for a "tomboy" or for a masculine-appearing person wearing a dress. Another example would be someone no longer wanting to continue a friendship after finding out their friend is transgender. These are just a few interpersonal examples of transphobia that do not represent the whole scope of the issue.
 - x. “**Two-Spirit**” is used within some Indigenous communities, encompassing cultural, spiritual, sexual and gender identity. The term reflects complex Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in Indigenous cultures. Individual terms and roles for Two-Spirit people are specific to each nation.

C. NAMES AND PRONOUNS

- a. Students of all ages have the right to be addressed by a name and pronouns that correspond to their gender identity. Regardless of whether a transgender or nonbinary student has legally changed their name or gender, students and staff should always use the pronoun and name with which the student identifies or requests. Misgendering can cause severe psychological harm and jeopardize the student's safety at school.
 - i. Staff members and students must use students' desired pronouns. It is not permissible to continue to use the wrong pronoun once someone has been made aware of the student's pronouns. For example, if a student has asked to be referenced by the pronouns "They/Them/Theirs," it is incumbent upon staff and students to honor that request.
 - ii. School student ID cards and all school media should reflect the name the student identifies with.
 - iii. It is very important not to assume any student's pronouns, but rather to ask all students which pronouns they use. Examining your own gendered language is essential to avoid misgendering students.
- b. Math and Science Academy processes requests regarding a transgender or nonbinary student's first name and gender.
- c. Students do not need to have medical recognition or documentation to change their gender or preferred name in the student information system. However, parent/guardian permission to make a change to their legal name and/or gender in the student information system is required. This is true until the student turns 18 or is an emancipated minor, at which point the student makes their own educational decisions.
 - i. If requested by the student and approved by a parent or legal guardian, students may change their first name in the student information system. For students who have legally changed their name, presentation of the name change document will automatically be registered by the school.
 - ii. If the student does not have parent approval, and/or there is a reason why they do not wish to change the legal first name field, then the student may request that their preferred name be entered in the "preferred name" field.
 - iii. If requested by the student and approved by a parent or legal guardian, schools will change a student's gender in the student information system. A written request for the change is considered documentation for this change.
 - iv. If the student has chosen to keep their transgender status confidential from their parents/guardians, or if there is no parent/guardian in agreement with

the student's wishes, the school cannot change the official information located in the registration form or student information system. However, school staff should use the name requested by the student in all other areas and aspects of school day. If parents who share custody disagree, the Executive Director should seek legal advice.

D. Gender Identification Confidentiality

The Family Education Rights Privacy Act (FERPA) applies to all aspects of a student's identity, including gender identity. Under FERPA, generally only those school employees "determined to have legitimate educational interest" may have access to a student's records or the information contained within those records.

- i. The school should work closely with the student and family in devising a plan to maintain confidentiality and inform school staff on a need-to-know basis. Similarly, if the student wishes to have other students be aware that they are transgender and/or that they are transitioning, they should be supported in doing so. In either case, the school should work closely with the student and family, and involve the school counselor if they need assistance in devising such a plan.
- ii. The school should make every effort to restrict access to the records maintained by the school (birth certificates, etc.) in identifying assigned sex, to persons authorized in the plan designed with the student.
- iii. Student information system reports generated by the school, and that could be seen by students and/or staff who do not have a need to know, should not reveal a student's gender. The default for the present student information system reports such as class lists for substitutes does not show gender and should continue not revealing gender. This helps maintain confidentiality.
- iv. Math and Science Academy will process transcripts without listing gender.
- v. In some circumstances, our transgender, nonbinary or gender diverse students do not want their parents to know about their transgender or nonbinary status and that they are expressing their affirmed gender at school. We must balance our goal of supporting the student with the requirement that we keep parents informed when there are safety concerns.

E. Restroom and Locker Room Usage

With regards to restroom and locker room usage, the school has a duty to provide equal access to education, ensure student safety, and maximize social integration while minimizing stigmatization of the student.

Students shall have access to a restroom that corresponds to their gender identity. Prohibiting a student from accessing the restrooms that correspond with a student's gender identity is not allowed.

- i. If there is a need or desire for increased privacy and safety, regardless of the underlying purpose or cause, any student may be provided access to a reasonable alternative such as a single stall restroom.
- ii. The option of a single stall restroom should not be forced upon or presented as the only option to transgender, nonbinary or gender diverse students.
- iii. All-gender, single stall restrooms shall be available off a hallway or corridor, without barriers to use such as time-limited access, required keys, prior approval or long-distances to travel.
- iv. A student will not be required to use a locker room that is incongruent with the student's gender identity. The school should work with the student to ensure the student has privacy, if so desired, within the locker room.
- v. Any student who has a need or desire for increased privacy, regardless of the underlying reasons, should be provided with a reasonable alternative changing area such as the option to use a private area (e.g., a nearby restroom stall with a door, or an area separated by a curtain) or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).
- vi. Alternative changing spaces shall be available without barriers to use such as time-limited access, required keys or long-distances to travel.

F. Overnight School Trips

Students should be allowed use of an overnight facility that corresponds with their gender identity. Transgender, nonbinary and gender diverse students should be consulted early on in the planning process to address any questions or concerns the student might have, including any needs for privacy in terms of dressing, showering, etc. The parent/guardian should be consulted as well, unless there are concerns for student safety in doing so.

- i. Best practice is to make available a gender-inclusive accommodation that is presented as an option for any student, with parent/guardian permission, who feels more comfortable with that option.
- ii. Schools should work with the student, family, and administration in devising a plan based on the particular circumstances of the trip.
- iii. In no case should a transgender, nonbinary or gender diverse student be denied the right to participate in an overnight field trip because of a student's transgender, nonbinary, or gender diverse status.

G. Dress Code

Students have the right to dress in accordance with their gender identity. School staff shall affirm a student's right to dress in accordance with their gender identity.

H. Student Safety

Minnesota Safe and Supportive Schools Act prohibits harassment, intimidation, bullying or cyberbullying. School District employees must report acts of harassment, intimidation, bullying, or cyberbullying. Transgender and nonbinary students are often targeted with physical violence and experience a hostile school environment at a higher rate than their peers. Along with school employees, parents and students should report any incidents to the Human Rights Officer and the Executive Director. Administration should promptly respond with actions that include, but are not limited to:

- i. Intervening to immediately stop the behavior;
- ii. Investigating and documenting the incident; Determining and enforcing appropriate corrective actions within the school's area of responsibility;
- iii. Remediating the effects of such behavior on the targeted student and other students; and
- iv. Monitoring to ensure that the behavior does not recur.

I. Training and Professional Development

In order to ensure that transgender, nonbinary and gender diverse students are included in all school activities and allowed to participate in the full school community, it is imperative that all school staff members participate in annual professional development specific to the needs and rights of transgender, nonbinary and gender diverse students. The content of training and professional development shall include but not be limited to:

- i. Terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- ii. Developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression;
- iii. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- iv. Classroom management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students.

10. Policy Implementation and Review

The school's administration shall support the implementation of this Policy by developing processes and procedures that are aligned with research and best practices, including but not limited to suggestions set forth in "*A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students.*"

The school's Board of Directors and Administration shall confer at least annually to review this Policy and ensure it is enforced; and, to assess whether the policy needs to be modified to further advance the rights of the Protected Class.

Math and Science Academy acknowledges the contribution of the Portland Public Schools Policy 2.10.01-P and that of the Minneapolis Public Schools to the development of this Policy.

Federal Title IX

Minnesota Human Rights Act

Minnesota Safe and Supportive Schools Act

A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students 9-25-2017

MSA Policy 102

Policy 413

Minn. Stat. §363A.13.

Minn. Stat. §121A.031.

Minn. Stat. §121A.031, Subd. 6.

[Preferred Name and/or Gender Change Request Form](#)