

Equal Educational Opportunity Policy – Guidance

Anoka-Hennepin Schools have a growing number of students who identify as transgender or gender non-conforming. The District is committed to providing a safe and respectful learning environment and to providing an education that respects all students and families. Students of all gender identities are valued and welcome in the District. Many questions have arisen regarding how best to support our transgender students with respect to the use of names or pronouns, rest room/locker rooms, and record keeping.

Names and Pronouns: The issue of the name and pronoun use in referring to a transgender student is one of the first that schools must resolve to create an environment in which a student feels safe and supported. Transgender students often choose to change the name assigned to them at birth to a name that is associated with their gender identity. Students have a right to be addressed by a name and pronoun that corresponds to their gender identity. After conferring with parents and the student, school employees should use the pronoun and name with which the student identifies.

However, the School District’s official student records should include the student’s legal name and legal gender (generally the sex assigned at birth). A student’s official record should be changed only upon receipt of documentation that such change has been made pursuant to applicable state law.¹ Because the District maintains permanent student records that include the student’s legal name and legal gender, official documents like diplomas or transcripts do not change unless the student’s name is changed legally. However, where the legal name is not required, upon the request of transgender students and their parents, the student’s preferred name should be used for district-related purposes, such as class rosters, club activities, student ID’s, and in the yearbook.

Rest Rooms and Locker Rooms: The District will provide all students with access to use all facilities consistent with the students’ gender identity. We will strive to have rest rooms and locker rooms with private enclosed changing areas, shower areas, and toilets for all students.

All students, including transgender and gender non-conforming students, shall be permitted to use any and all facilities consistent with their gender identity. Upon their voluntary request, any student who desires increased privacy shall be provided with a reasonable alternative changing area (e.g., a nearby rest room stall with a door, an area separated by a privacy partition

¹The Minnesota Department of Health requires one of two requirements to change gender in a birth record: either medical documentation or a court order. The Minnesota court system relies on the Minnesota Department of Health processes to change the sex of a person on a state document and recommends to judges that if a person comes to court with the same documentation, a request for a court order changing the person’s sex should be granted.

changing area (e.g., a nearby rest room stall with a door, an area separated by a privacy partition or a curtain, a PE instructor's office in the locker room or a nearby health office rest room) 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.

Gendered Activities: Gender is often used as a classification for dividing classes into parts or as a prerequisite for participation. Such activities can be difficult for transgender or gender non-conforming students, especially if they are forced to participate in a group that does not correspond to their gender identity. As such, avoid using gender as a characteristic for divisions whenever possible. When groups are separated by gender, allow students to self-select the group they would feel more comfortable in.

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".

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. In some circumstances, transgender students do not want their parents to know about their transgender status or that they are expressing their affirmed gender at school. The need to balance support of the students with parental rights to access the information about their students poses unique challenges.

Parents or guardians have a right of access to the data unless a court order provides otherwise or the student requests that the data be withheld and the school determines that that is in the best interest of the student. The school may require students to submit a signed, written request that the data be withheld and to explain the reason for denying parental access. Upon receiving such a request, the school shall determine whether denying parental access is in the student's best interest by considering the potential for physical or emotional harm.

- Whether the student is of sufficient age and maturity to be able to explain the reasons for and to understand the consequences of the request to deny access;
- Whether the personal situation of the student is such that denying parental access may protect the student from physical or emotional harm;
- Whether there is ground for believing that the student's reasons for precluding parental access are reasonably accurate; and
- Whether the data in question is of such a nature that disclosure of it to the parent could lead to physical or emotional harm to the student.

In most situations, these factors weigh in favor of parental access.

It is the District's policy to provide equal educational opportunity for all students. No student shall be discriminated against on the basis of any protected characteristic, including sex/gender. The District does not deny any student access to the benefits and opportunities of its educational programs.² The District provides for a student complaint and appeal process if a student claims the District denied them an equal educational opportunity or violated the student's rights under this Guidance. 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.

This document serves as a resource for schools in working with transgender and gender non-conforming students. This guidance will be re-evaluated as needed. Contact Assistant Director of Student Services, Denise Collins at 763-506-1120 or at denise.collins@ahschools.us for additional information.

² Equal Educational Opportunity Policy 102.0