

Adopted: 12-20-17

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Revised:

BLUFFVIEW MONTESSORI SCHOOL POLICY 541 GENDER INCLUSION

I. PURPOSE

All students need a safe, supportive school environment to progress academically and developmentally. The purpose of this policy is to facilitate compliance with applicable laws and organizational guidelines as well as to foster an educational environment at Bluffview Montessori School (BMS) that is safe, supportive, and fully inclusive for all students, regardless of gender identity or gender expression.

II. GENERAL STATEMENT OF POLICY

BMS shall act to improve the social and educational integration of transgender and gender nonconforming students, maintain the privacy of these students, and foster cultural competence and education for school employees and the broader community on transgender and gender nonconforming issues. Furthermore, the school will support healthy communication among school employees, students, and parents/guardians to encourage the successful development and wellbeing of students.

III. 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 but not limited to school employees, students, parents/guardians, volunteers, and agents of the school.

IV. DEFINITIONS

The following definitions are provided to assist in understanding this policy:

- A. Assigned Sex:** The biological, genetic, and anatomical makeup of a body. In the United States, individuals are typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish biological male from female) at birth based on physical attributes, and an individual's assigned sex is then used to assign a gender.
- B. Gender Identity:** An individual's deeply held sense of being male, female, both or neither; an internal construct not necessarily visible to others. All people have a gender identity, but the age at which individuals come to

understand and express their gender identity will vary based on social development. Although many people have a gender identity that matches their assigned sex and gender, one's gender identity can be different from the sex and gender assigned by others at birth. There can be a tendency to confuse gender identity and sexual orientation, yet the two are very different. Gender identity refers to how individuals perceive themselves. In contrast, sexual orientation refers to the sex of those to whom one is romantically and/or sexually attracted.

C. Gender Expression: The manner in which an individual chooses to express one's gender identity to others through behavior, clothing, hairstyle, body language, and mannerisms. An individual's gender expression may change over time and may or may not conform to one's gender identity.

D. Gender Nonconforming: Describes individuals whose gender expression is different than what is generally considered typical for their sex and gender assigned by others at birth.

E. Gender Transition: A process through which individuals begin to outwardly manifest their authentic experience of gender rather than the one generally considered typical for their sex and gender assigned by others at birth. The ultimate goal in transitioning is to be seen, known, and related to in accord with one's deeply held sense of self. Individuals who transition each do so in their own way and in their own time.

F. Transgender: Describes individuals whose gender identity is different from what is generally considered typical for their sex assigned by others at birth.

V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Any such incident is to be taken seriously, given immediate attention, and handled in the same manner as other bullying, harassment, and discrimination. The school and all employees are responsible for ensuring that every student, including transgender and gender nonconforming students, has a safe and supportive school environment at BMS. Education and training regarding the issues addressed in this gender inclusion policy will be provided for employees, students, and the broader school community.

VI. SOCIAL GENDER TRANSITION

Students who transition at school have a right to a safe and supportive environment. School administration and staff shall work with any such students and their parents/guardians to identify which steps will create the necessary conditions to make the transition experience as positive as possible. Based on this work, the school, student, and parents/guardians will create a tailored gender transition plan that ensures the school environment remains both safe and supportive of the student. School staff will support and adhere to parent's/ student's timeline for social transition.

VII. NAMES AND PRONOUNS USAGE

Students have the right to be addressed by a preferred name and by a pronoun corresponding to their gender identity. A court-ordered name or gender change is not required, and a student need not change official records in order to have this right honored by all members of the school community.

VIII. DRESS CODE

Students have the right to dress in accordance with their gender identity, within the constraints of the dress codes specified in the Family and Employee Handbooks. School staff will not enforce the school's dress code more strictly toward transgender and gender nonconforming students than other students.

IX. GENDER-SEGREGATED ACTIVITIES, RULES, POLICIES AND PRACTICES

BMS shall evaluate all gender-based activities, curricula, 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. In situations where students are segregated by gender, students have the right to participate in any such activities or conform to any such rule, policy, or practice in a manner that aligns with their gender identity. All students, regardless of their gender identity, have the right to participate fully in overnight trips and other activities. In all cases, the school has an obligation to maintain the privacy of all students and cannot disclose or require the disclosure of the student's transgender status to the other students or the parents/guardians of other students.

X. PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

All students have the right to participate in physical education classes, intramural sports, and interscholastic athletics in a manner that aligns with their gender identity.

XI. ACCESS TO RESTROOMS, LOCKER ROOMS, AND CHANGING AREAS

Each student shall be granted access to restrooms and changing areas that align with the student's gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided access to a reasonable alternative, but no student shall be required to use such a facility.

XII. PRIVACY

All students have a right to privacy. A student's transgender or gender nonconforming status is private information. Related information, such as the student's legal name, may also constitute private information. Information regarding a student's transgender or gender nonconforming status may also be confidential medical information. Disclosing this information to other students, other students' parents, or other third parties may violate privacy provisions in certain laws, such as the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act.

Disclosure of this information to school employees is also limited to those employees who have a legitimate educational reason for obtaining the information. BMS shall keep private all personal information relating to transgender and gender nonconforming students in accordance with all applicable laws. School staff shall not disclose information that may reveal a student's transgender status to others, including other students' parents and other school staff, unless legally required to do so or when written permission has been given by the parent(s)/ guardian(s) or the student who is over 18 years of age. Transgender and gender nonconforming students have the right to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much private information to share. 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 private information about the student.

XIII. OFFICIAL RECORDS

BMS shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. The school shall use the name and gender preferred by the student, except where the student's legal name and gender are required. In situations where school employees 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 employees shall adopt practices to avoid the inadvertent disclosure of such private information. Moreover, the school shall change a student's official record to reflect a change in legal name or gender upon receipt of official documentation that such a change has been made pursuant to a court order, or through proper amendment of state or federally issued identification.

XIV. MEDIA AND COMMUNITY COMMUNICATION

Only the Head of School or his or her designee may communicate on behalf of the school to the media or community about issues related to gender identity. Rather than directly commenting on the issue, school employees will direct parents and the media to the designated spokesperson. Disclosing private information is a violation of this policy and may be a further violation of applicable privacy laws.

XV. IMPLEMENTATION

Administration shall develop procedures for determining accommodations for any student who requires support related to gender expression and/or gender identity as well as all other practices and processes needed to implement this policy.

XVI. PUBLICATION

BMS will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in Family and Employee handbooks.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 363A (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)