

Board Adopted: May 28, 2024 [NEW]  
Board Information: April 22, 2024

Contact Person: Assistant Superintendent

## **POLICY 540                      STUDENT-GENDER INCLUSION**

### **I.        PURPOSE**

To facilitate compliance with applicable laws and organizational guidelines as well as to foster an educational environment that is safe, supportive and inclusive for all students.

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

The Bloomington Public School Board recognizes schools must be safe, supportive and inclusive for all students. Bullying, harassment and discrimination on the basis of gender identity or expression are prohibited, as referenced in Policy 413: Harassment and Violence and Policy 514: Bullying Prohibition..

### **III.       DEFINITIONS**

- A. Gender - The socially constructed roles, activities, behaviors and attributes that a given society attaches to femininity and masculinity.
- B. Assigned Gender - An individual's gender assigned at birth, which correlates to the biological, genetic, and anatomical makeup of a body.
- C. Gender Expression - The manner in which an individual realizes and manifests their gender.
- D. Gender Identity - An individual's sense of being male, female, or otherwise on a continuum of gender.
- E. Gender Nonconformity - Behaviors and interests that fit outside of stereotypical behaviors and interests for an individual's assigned sex.
- F. Transgender - An individual whose gender is different from the gender assigned to them at birth.

### **IV.       NAMES & PRONOUN USAGE**

All students have the right to be referred to by their identified name and/or pronoun. Members of the school community should address students by the name and pronoun corresponding to the gender identity that is consistently asserted at school. To the extent possible, and consistent with these guidelines, all members of the school community will make efforts to maintain the confidentiality of the student's gender identity. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a

name or pronoun that does not correspond to the student's gender identity) can constitute harassment and is a violation of this policy.

A court-ordered name or gender change is not required, and a student need not change official records in order to have this request honored by all members of the school community. Official records must identify a student with their legal name and assigned gender, unless the student has legally changed their name.

## V. PRIVACY

- A. All students have a right to privacy. A student's gender status is private information. Related information, such as a student's legal name, may also constitute private information. Information regarding a student's gender status may also be confidential medical information. Intentionally disclosing this information to other students, other students' parents or 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. Other disclosure may occur as allowed by exceptions to FERPA or the Minnesota Government Data Practices Act.
- B. District personnel shall not disclose information that reveals a student's gender status to others unless:
1. By written consent of the parent/legal guardian or student
  2. The information is needed by other school personnel within the District who have a legitimate educational interest in the information in order to perform their duties or provide services to the student
  3. The person is a parent or legal guardian of the student; or a federal or state law compels disclosure (i.e. health emergency, court order or subpoena). Parents/guardians have full access to information regarding their children, except in very limited circumstances where a determination has been made by the superintendent or designee that access is not in the best interest of the child (i.e. to protect from maltreatment). Parents/guardians may not be denied access to any existing educational record unless the student is enrolled full time in a postsecondary institution or has attained the age of 18.
- C. Bloomington Public Schools shall keep private all personal information relating to a student's gender in accordance with board policy and applicable laws.
- D. Students have the right to discuss and express their gender identity and gender expression openly and decide when, with whom, and how much private information to share about themselves. The fact that a student chooses to disclose their gender status to a staff or other students does not authorize school staff to disclose other private information about the student.

## VI. DRESS CODES

Students shall have the right to dress in accordance with their gender identity. The District's rules regarding clothing will be enforced consistently, regardless of a student's gender identity or expression.

## VII. GENDER-SEGREGATED ACTIVITIES, RULES, POLICIES AND PRACTICES

Bloomington Public Schools shall consider all gender-based activities, curricula, rules, policies and practices, including but not limited to classroom activities, school ceremonies and school photos for inclusivity and cultural proficiency.

Students have the right to participate fully in overnight trips and other activities in accordance with Minnesota State High School League guidelines.

## VIII. PHYSICAL EDUCATION CLASSES

All students have the right to participate in physical education classes in a manner that aligns with their gender identity.

## IX. ACCESS TO RESTROOMS, LOCKER ROOMS, AND CHANGING AREAS

Each student shall have access to restrooms, locker rooms and changing areas that align with the student's gender identity asserted consistently at school. 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.