

Draft

Toolkit to Ensure Safe and Supportive Schools for Transgender and Gender Nonconforming Students

Introduction

Safe, supportive and welcoming schools play a pivotal role in ensuring students are engaged in learning and nothing hinders their ability to achieve their best in the classroom.

Ensuring that transgender and gender nonconforming students feel safe and supported in school has been an emerging issue throughout the nation and in school districts and charter schools throughout Minnesota. During the last three years, an increasing number of school and school district administrators and staff members as well as students and families have contacted the Minnesota Department of Education School Safety Technical Assistance Center seeking technical assistance on how to ensure safe, supportive and inclusive environments for all students, including transgender and gender nonconforming students. In response, the School Safety Technical Assistance Council, which oversees the center, formed a workgroup to develop this toolkit to help school districts and charter schools create school environments where transgender and gender nonconforming students feel safe, supported, fully included and have equal access to the educational opportunities provided to all students as required by law.

In this toolkit, the workgroup and center staff have compiled best practices that schools can use to create safe, supportive environments where all students—including transgender and gender nonconforming students—have equal access to all educational opportunities. In addition to the evidence-informed best practices, this toolkit also highlights federal and state laws and federal guidance focused on supporting transgender and gender nonconforming students and provides schools with tools, sample policies and other resources to help schools carry out this important work.

The Minnesota Department of Education is committed to ensuring safe and supportive learning environments for all Minnesota students. State laws and federal laws protect students from discrimination at school based on gender expression, gender identity and sexual orientation. Students who feel safe and supported in school are better able to learn, which sets the stage for their success in school and life. Ensuring that transgender and gender nonconforming students are safe and supported is not only critical to their educational success, but crucial to their health and lives.

Research Shows Transgender Students at Heightened Risk

In 2015, a study¹ published in the Journal of Adolescent Health found that transgender students were more likely to report: being diagnosed with depression compared with students who were not transgender (50.6 percent versus 20.6 percent); suffering from anxiety (26.7 percent versus 10 percent); attempting suicide (17.2 percent versus 6.1 percent) and engaging in self-harm with lethal intentions (16.7 percent versus 4.4 percent). The Human Rights Campaign Foundation surveyed 10,000 youth and found that gender nonconforming students are also at heightened risk. The survey, "Growing Up LGBT in America,"² found that 42 percent of gender nonconforming students reported that they were frequently or often being called names, more

than 50 percent of gender nonconforming students reported that they did not participate in school activities because they feared being discriminated against, and 40 percent reported that they were frequently or often excluded.

In Minnesota, the self-report data from transgender and gender nonconforming students are reflective of the national data. Transgender and gender nonconforming students in the ninth and 11th grades reported increased levels of bullying, harassment, suicide attempt, self-harm, anxiety and depression, 2016 Minnesota Student Survey (MSS)³. Specifically, 83.8 percent of transgender and gender nonconforming students in the 11th grade reported they had “seriously considered suicide” in the past year or in their lifetime and 36.5 percent reported having attempted suicide in their lifetime. These students also reported increased levels of parental abuse. In the 2016 survey, when transgender students were asked if a parent “hit, beat or physically hurt you?” Twenty-two percent of transgender students reported “yes”. Further, 31 percent of 11th-grade transgender students reported their “parents regularly swear at you, insult you or put you down”.

In ninth grade, most students are 14 to 15 years old. Eighty-two percent of ninth-grade transgender and gender nonconforming students had “seriously considered suicide” in the past year or in their lifetime, according to the 2016 MSS. Of these same 14- to 15-year-olds, who identify as transgender or gender nonconforming, 38 percent reported in the MSS that they had attempted suicide in their short lifetime.

Schools can play a powerful protective role for transgender children and adolescents at school, in the face of these health risks associated with stigmatization, isolation, violence, family rejection and discrimination.

Terms Used in This Toolkit

Gender identity, assigned sex and sexual orientation are separate identity characteristics, according to the American Psychological Association and National Association of School Psychologists “Resolution on Gender and Sexual Orientation Diversity in Children and Adolescents in Schools.”⁴ Any student, including a transgender student, may be heterosexual, gay, lesbian or bisexual. Gender identity does not correlate with sexual orientation.

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for students. The following terms and definitions used by research, advocacy and government organizations are included in this toolkit to assist school leaders and staff in understanding the information presented in this resource. It’s important to note that terms evolve across time and can be cultural, and not all students and/or families may use these terms. The terms and definitions included below are provided by the American Psychological Association and National Association of School Psychologists Resolution and the Departments of Education and Justice 2016 Dear Colleague Letter on Transgender Students⁵.

Gender refers to the attitudes, feelings and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

Gender Expression refers to an individual's presentation — including physical appearance, clothing choice and accessories — and behavior that communicates aspects of gender or gender role. Gender expression may or may not conform to a person's gender identity.

Gender diversity refers to the extent to which a person's gender identity, role or expression differs from the cultural norms prescribed for people of a particular sex. This term is becoming more popular as a way to describe people without reference to a particular cultural norm, in a manner that is more affirming and potentially less stigmatizing than gender nonconformity

Gender identity refers to one's sense of oneself as male, female or something else. When one's gender identity and biological sex are not congruent, the individual may identify along the transgender spectrum.

Gender non-conforming is an adjective and umbrella term to describe individuals whose gender expression, gender identity, or gender role differs from gender norms associated with their assigned birth sex.

Queer is an umbrella term that individuals may use to describe a sexual orientation, gender identity or gender expression that does not conform to dominant societal norms. Historically, it has been considered a derogatory or pejorative term and the term may continue to be used by some individuals with negative intentions. Still, many LGBT individuals today embrace the label in a neutral or positive manner. Some youth may adopt “queer” as an identity term to avoid limiting themselves to the gender binaries of male and female or to the perceived restrictions imposed by lesbian, gay and bisexual sexual orientations.

Questioning is an identity label for people exploring their sexual orientation or gender identity, and is in a state of moratorium in terms of identity formation.

Sex refers to a person's biological status and is typically categorized as male, female or intersex. There are a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs and external genitalia.

Sex assigned at birth refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sexual orientation refers to the sex of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex (gay men or lesbians), attraction to members of the other sex (heterosexuals), and attraction to members of both sexes (bisexuals).

Transgender is an umbrella term that incorporates differences in gender identity wherein one's assigned biological sex doesn't match their felt identity. This umbrella term includes persons who do not feel they fit into a dichotomous sex structure through which they are identified as male or female. Individuals in this category may feel as if they are in the wrong gender, but this perception may or may not correlate with a desire for surgical or hormonal reassignment.

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. During gender transition, individuals begin to live and identify as the sex consistent with their gender

identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Overview of State and Federal Laws and Guidance

Under Minnesota laws, all students, including transgender and gender nonconforming 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. State laws protect students from discrimination, harassment and bullying based on race, gender expression, gender identity, religion, sex, national origin and sexual orientation.

The Minnesota Human Rights Act prohibits discrimination in education based on perceived or actual sexual orientation, including gender identity. The Safe and Supportive Minnesota Schools Act 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, 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.

Minnesota Human Rights Act states that “[i]t is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of . . . sex [or] sexual orientation”

“Sexual Orientation” is defined under the Minnesota Human Rights Act as “having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness.”

The Safe and Supportive Minnesota Schools Act requires that Minnesota schools have sufficient anti-bullying policies and practices in place and provides local schools the guidance, support and flexibility to adopt and implement such policies to help protect all students from bullying for any reason, including, but not limited to bullying based on a student’s “actual or perceived . . . sex [or] sexual orientation, *including gender identity and gender expression*.”

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. Title IX states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

In 2011, the U.S. Department of Education Office for Civil Rights (OCR) issued a Dear Colleague Letter⁶ concerning student on student violence to clarify a school’s legal responsibility to respond effectively to sexual violence against students in accordance with the requirements of Title IX.

“Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR

accepts such complaints for investigation. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change the school's obligation. Indeed, lesbian, gay, bisexual and transgender youth report high rates of sexual harassment and violence. A school should investigate and resolve allegations of sexual violence regarding LGBT students using the same procedures and standards that it uses in all complaints involving sexual violence. The fact that incidents of sexual violence may be accompanied by anti-gay comments or be partly based on a student's actual or perceived sexual orientation does not relieve a school of its obligations under Title IX to investigate and remedy those instances of sexual violence."

In 2014, the U.S. Department of Education Office for Civil Rights issued guidance to states on Title IX specifying that all students are protected from discrimination based on gender identity, or, "failure to conform to stereotypical notions of masculinity or femininity," including actual or perceived sexual orientation." Read the guidance titled Questions and Answers on Title IX and Sexual Violence.⁷

In 2016, in the Dear Colleague Letter on Transgender Students, the U.S. Departments of Education and Justice issued guidance specifically as it relates to Title IX's requirements and transgender students. While the current presidential administration rescinded this guidance that provided protections to transgender students, Minnesota Governor Mark Dayton and Education Commissioner Brenda Cassellius strongly urge school boards and school districts to adhere to the prior administration's guidance focused on ensuring safe and supportive environments and equal treatment of transgender students.

"Every student, regardless of their race, religion, national origin, gender, gender identity or sexual orientation deserves the opportunity to learn in a safe, supportive and welcoming school," said Commissioner Cassellius.

The Dear Colleague Letter summarized a school's Title IX obligations regarding transgender students. To assist schools with implementing the 2016 guidance, the U.S. Department of Education released Example Policies and Emerging Practices for Supporting Transgender Students.⁸

The Safe and Supportive Minnesota Schools Act and state and federal discrimination laws protect all students. The term 'protected class' is a legal term used when talking about bullying, harassment and discrimination. A protected class is a group of people with a common characteristic who are legally protected from discrimination, bullying and harassment based on that characteristic. Title IX, the Minnesota Human Rights Act and the Safe and Supportive Minnesota Schools Act protect students from bullying and discrimination, including harassment, based on protected class characteristics of actual or perceived race, ethnicity, color, creed, religion, gender identity, gender expression, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, academic status related to student performance, disability, or status with regard to public assistance or age.

Discrimination can be present in a number of ways. Schools must recognize and respond to each type of discrimination.

Discrimination can arise through the following:

- Tangible “adverse actions” against a student that would effectively deny a student the full utilization of benefit of the educational institution.
- Student exposure to a harassing/hostile environment that is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the services, activities or opportunities offered by a school.
- Policies, procedures or practices that have a disparately adverse effect on certain groups of students.

Bullying may also rise to the level of illegal harassment under Title IX or the Minnesota Human Rights Act when it is based on a student’s protected class. There are many factors that are evaluated in determining whether conduct reaches the level of harassment as a form of discrimination, including:

- Age of the victim.
- Age of the harasser.
- Context of the situation.
- Protected class at issue.
- Frequency of conduct.
- Response of the school to the behavior.

School districts and charter schools receiving federal funds are required to designate one employee as the Title IX coordinator to coordinate the district’s efforts to comply with and meet their responsibilities under the law. Under Title IX, the school should:

- Establish policies and procedures to help ensure that the district complies with Title IX.
- Investigate and respond to all complaints involving possible sex discrimination, including harassment, bullying, and sexual violence against transgender and gender nonconforming students.
- Assist the district in addressing school climate concerns, which may include developing a method to survey the school climate.
- Monitor a student’s participation in athletics and across academic fields to ensure that discrimination or school climate issues are not negatively affecting a student’s access to those opportunities.
- Provide training and technical assistance on school policies relating to discrimination on the basis of sex.

Districts have the responsibility to ensure that their Title IX coordinators are appropriately trained and provided with the authority and support necessary to coordinate the district’s

responsibilities. The U.S. Department of Education created a package of [Resources for Title IX Coordinators](#).⁹

School districts and charter schools must make sure that students, parents, employees and the general public clearly know who they can go to with questions, concerns or a complaint of discrimination. For larger districts, it may be prudent to nominate school-level Title IX coordinators who will be more accessible to students and staff, or to designate different employees to coordinate certain Title IX compliance issues. If a district has multiple Title IX coordinators, the district may consider designating one lead coordinator who has ultimate oversight responsibilities.

When students believe that their rights have been violated based on Title IX, they/their parents may contact the [U.S. Department of Education regional office in Chicago](#), (312) 730-1560 or by fax at (312) 730-1576.

Students/parents who are concerned that the student's rights under the Minnesota Human Rights Act have been violated can contact the [Minnesota Department of Human Rights](#), 651-539-1100, (TTY 651-296-1283), 800-657-3704. They can also seek assistance in person at 625 Robert St. N., St. Paul or they can complete the [online complaint inquiry form](#).

School leaders, parents and students who have concerns and questions about student-to-student bullying can seek assistance from the [School Safety Technical Assistance Center](#), 651-582-8364, or by mail at School Safety Technical Assistance Center, Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN 55113. [Find immediate resources to address bullying](#).

Nondiscrimination Notice

Federal nondiscrimination laws – including Title IX – require that school districts publish a nondiscrimination notice stating that the district does not discriminate on the basis of sex. Title IX's protection against sex discrimination includes protection from discrimination on the basis of gender identity and gender expression. Here is one example of a nondiscrimination notice that can be used:

"The district does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability in its programs and activities."

The nondiscrimination notice must include the name and contact information for the school district's Title IX coordinator. The nondiscrimination notice must be continually posted on the school district's or charter school's website. [Find more information on nondiscrimination notices](#).

Names, Pronouns, Student Records and Privacy

When parents or guardians initially enroll students in a school, school staff record information about the student, including the student's name, age and gender. Some students determine that the name and gender contained in their school record does not reflect their gender identity. These students ask school staff to use the name and gender that matches their identity but differs from the student's record. School staff should use the name and gender asserted by the

student or the student's parents or guardians, according to the 2016 Dear Colleague Letter on Transgender Students.

"...when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity."

- 2016 Dear Colleague Letter on Transgender Students

Family Educational Rights and Privacy Act (FERPA) protects the privacy of students. Schools should note that neither a student's gender nor pronouns are considered public or directory information. Casual use of a student's incorrect pronoun or incorrect name may violate FERPA. FERPA also permits families to elect not to disclose directory information about their student.

U.S. Department of Education's Emerging Practices Supporting Transgender Students provides examples from schools across the country on how to support transgender students, including changing first names in student records. It also reminds schools to treat students consistent with their gender identity. Students need not provide schools with legal documents to correct their first name or gender in the records.

Students can provide school administrators, teachers and staff with their preferred name to be used prior to updating their name in the student records systems. As a best practice, it is important for a school administrator or designee to meet with the student and family to discuss how the student's name and gender will be communicated to peers and the school community.

The 2016 Title IX guidance indicates a student's newly-adopted name should be used in all cases where the name will be visible to peers such as in yearbooks, rosters for school activities and school athletics, school announcements and on-line platforms, email addresses, etc. Consistency across these systems is very important to ensuring the student's privacy as well as the student's physical and emotional safety in school. School administrators and staff may find this challenging because most school districts and charter schools use several independent records systems to provide student services. To ensure that a student's former name is no longer used in these systems, a school district or charter school staff should go through all record systems and update the name.

Pronouns

Pronouns (she/her, he/him, they/them) correspond to a student's gender identity. When students are referred to by the wrong pronoun by peers or school staff, students may feel intimidated, threatened, harassed or bullied. School staff can ensure a more respectful environment for all students when efforts are made to correct the misuse of pronouns, as well as names, in student records. It may be helpful for staff to have student pronouns listed in student record systems. Pronouns can be added to a student record system through a customized data field.

Student Records Systems

The Minnesota Automated Reporting Student System (MARSS) is an individual student record system used by schools and the Minnesota Department of Education as the primary reporting system for student data.

The state requires that student names be reported through MARSS. The Minnesota Department of Education does not require a birth certificate or any other legal document as proof of a legal name for student records purposes. Under FERPA, a student or student's family or legal guardian may correct the student's name in the school record system by calling, emailing or submitting the requested change through other communications channels.

A student record is tracked through their school career using their MARSS number. In order to ensure continuity of the student's school records, it is imperative that schools maintain the same MARSS number for the same student when their name has changed.

School district and charter school staff must report a student gender as "male" or "female" in MARSS for state accounting and testing purposes. Some student record systems have an additional field for gender that allows school district or charter school staff to indicate a student's gender beyond only male or female. In St. Paul Public Schools, for example, the district's system includes gender designations that are used to support diverse student identities, but are not reported to the state.

How School Staff Make Changes to Student Records in MARSS

To make changes to a student's MARSS record, the school's MARSS coordinator must correct the name and/or gender in their local data base, extract a new MARSS file and edit it in the usual manner. If the changes are minimal, the demographic information associated with the State Student Identification (SSID) number will be updated. If an error is generated, the MARSS coordinator must go into the Student ID Validation System (a link is automatically provided in the local MARSS Error Report) and select the report problem button. Here, the school MARSS coordinator can describe the circumstances as "record correction" to request a change to the gender or name in the data base. The school will need to submit a problem report through the Student ID Validation System and MDE helpdesk staff can override the error. If you have questions or need assistance with this, [contact Minnesota Department of Education staff](mailto:marss@state.mn.us), (marss@state.mn.us).

Facilities, Restrooms and Locker Rooms

Students use restrooms, locker rooms and other facilities during their school day, for physical education classes, sports and other activities. Many schools provide facilities, such as restrooms, showers and locker rooms that are designated as either "male" or "female." The 2016 Title IX guidance says that schools should support transgender and gender nonconforming students in using the facilities that align with their gender identity.

Many schools have chosen to make single-stall restrooms available to all students. For example, some schools have re-purposed a staff restroom into a single user restroom for all students to use. A student who is uncomfortable using a shared restroom or locker room, for any reason, can be provided with a private space, such as a single-user restroom or locker room. Other options to provide privacy for all students include the addition of a privacy partition

or curtain, development of a separate changing schedule or giving permission to use a staff locker room or nurse's restroom. If any student expresses discomfort with a shared restroom or locker room and requests a private space, the school may provide the student with an alternate space, according to the 2016 Title IX guidance.

Some transgender and gender nonconforming students may prefer a private space while others may wish to use the locker room consistent with their gender identity. The school can work with the student to ensure that the student is able to access needed facilities in a manner that is consistent with their gender identity, safe and does not stigmatize them.

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. Any student who is uncomfortable can be provided a private space. It is a best practice for school administrators, teachers and counseling staff to work with their whole school community including students and parents to address the discomfort and to foster understanding of gender identity and to create a school culture that respects and values all students. In addition, where schools have single-user facilities available, schools may to designate these facilities as accessible to all people regardless of gender and to consider providing gender-neutral changing facilities to everyone. A gender neutral facility benefits all students, not just transgender and gender nonconforming students. Gender neutral facilities also provide a safe space for students who have personal needs for privacy for a variety of reasons beyond gender identity.

"A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students."

- 2016 Dear Colleague Letter on Transgender Students.

Athletics, Activities, Field Trips and Overnights

Schools should not exclude any student from participation in a school-affiliated activity based on a student's gender identity or transgender status. Schools must provide the same opportunities to transgender and gender nonconforming students as it does all students.

The 2016 Title IX guidance and the Minnesota Human Rights Act require that schools provide transgender students with the opportunity to participate in school activities, including athletics, in a manner consistent with their gender identity. Transgender and gender nonconforming students should be given equal opportunities to participate without different treatment as a condition of participation. It is a best practice to not single out transgender students by requiring them to use a different facility than their teammates, but instead provide all students with the option to use a facility with additional privacy. In this scenario, a burden would not be placed on a transgender student that is not required of all other students.

Under the Minnesota Human Rights Act and the 2016 Dear Colleague Letter and Title IX guidance, a school should not exclude transgender and gender nonconforming students from school-affiliated activities. All students must be given the same opportunities that schools

provide. Schools should not treat students differently on the basis of sex, including gender identity, in any school activities or the application of any school rule.

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations. The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.

–The 2016 Dear Colleague Letter on Transgender Students

Schools often hold activities or programs where students are divided based on two genders such as girls and boys. Such activities include overnight field trips, theater performances, homecoming royalty and prom. Transgender or gender nonconforming students should be able to participate in these activities and be able to do so in a manner that is consistent with their gender identity.

It is best practice to review any practice that divides students on the basis of gender and gender identity to ensure the purpose of the division is warranted.

Athletics

Sports provide youth with unique opportunities to improve their physical fitness and develop valuable life skills such as goal setting, perseverance, teamwork and a commitment to fair play. Transgender students should be afforded equal opportunities to play sports in a way that's consistent with who they are. Title IX, the Minnesota Human Rights Act, and the Minnesota State High School League all require that schools provide transgender students with the right to participate in such activities, including athletics, in a manner consistent with their gender identity.

The 2016 Dear Colleague Letter on Transgender Students clarifies the issue and cautions schools against discrimination.

Title IX permits schools to sponsor sex-segregated athletic teams when selection for such teams is based on competitive skill or when the activity involved is a contact sport. A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the difference between transgender students and other students of the same sex (i.e., the same gender identity) or others' discomfort with transgender students.

The school's athletics/activities director is responsible for overseeing the school's athletic programs and ensuring that students are able to participate on sports teams or other extracurricular activities such as speech team, debate team, robotics team and theater productions. It is best practice to allow a student to participate in these activities in a manner consistent with gender identity. The student cannot be required to provide medical or other

documentation that is not required of all students in order to participate, according to 2016 Title IX guidance.

If a student's school does not allow the student to participate on the team consistent with their gender identity or gender expression, a student or the student's family can make an appeal to the Minnesota State High School League (MSHSL). The Eligibility Appeal Procedures for a Transgender Student is outlined in the 300.00 Bylaws: Administration of Student Eligibility section of MSHSL's Official Handbook. For questions and assistance regarding the eligibility appeal procedures, contact the MSHSL at (763) 560-2262.

Overnight Field Trips

Title IX provides that schools meet the needs of all students, including transgender and gender nonconforming students and to ensure they have access to and the opportunity to fully participate in extracurricular activities. Regardless of whether other students know about a student's transgender identity, the school has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's transgender identity to other students. To do so would violate a student's privacy rights under FERPA.

Schools should not single out transgender and gender nonconforming students based on their gender identity. Students cannot be required to stay in separate, single occupancy accommodations because they are transgender or gender nonconforming, according to the 2016 Title IX guidance. The guidance also says that schools must give transgender or gender nonconforming student's access to housing consistent with their gender identity.

If students are to be separated based on gender, it is best practice to allow transgender or gender nonconforming student to room with peers that match the student's gender identity unless the transgender or gender nonconforming student requests otherwise. As with any student, it is best practice to allow the transgender student to select peers they feel comfortable rooming with. At times, a transgender student may have specific needs for privacy based on their comfort level and the school can make arrangements based on that student's wishes. It is considered a best practice for schools to have an array of options available to ensure the inclusion of all students for the field trip.

If showering facilities are shared, it is a best practice for school staff to determine whether the venue students are visiting has a single stall or more private shower facilities that any students may choose to use. Recognizing that a number of students would likely prefer more privacy while showering, the school staff may consider creating a shower schedule to allow those students to use the shower facilities one at a time.

Student Dress Codes

Some schools have dress codes that serve as formal guidelines for what schools deem acceptable attire. "Dress codes that apply the same requirements regardless of gender are the most inclusive for all students and avoid unnecessarily reinforcing sex stereotypes," according to the 2016 Title IX guidance. It is a best practice to allow all students the ability to comply with dress codes in accordance with their gender identity or gender expression.

Students often use clothing to express many facets of their identity. Clothing choices are informed by ethnicity, culture, religious beliefs and other aspects of identity, including gender identity. It's a best practice for schools to consider students' religious and cultural expressions when establishing dress codes and to seek out consultation on these matters. It is a best practice to allow all students, including transgender and gender nonconforming students, the opportunity dress in a manner that reflects their gender identity while following a school's dress code.

For example, if the dress code allows students to wear knee-length skirts, a best practice is to allow any student, including a transgender student, to wear a knee-length skirt. If many students are ignoring the knee-length skirt guideline by wearing mini-skirts, schools should not single out the transgender or gender nonconforming students for a dress code violation. In addition, students of any gender should not be disciplined for wearing clothing that fails to conform to perceptions of gender-based stereotypes, according to 2016 Title IX guidance.

Formal Attire for School Choir Concerts, Performances and Activities

Some schools develop additional formal attire guidelines for specific activities such as choir concerts, school performances and celebratory events. For events where students are expected to dress formally, it is best practice to allow students to dress in formal wear that aligns with their gender identity while adhering to the dress code.

It is a best practice to allow all students to make choices to wear formal attire based on the complete array of choices offered in the school's guidelines. School staff should not pressure or coerce any student into wearing certain attire choices over others that are provided. Under an inclusive policy, a student would not be disciplined for making a clothing choice that is available to other students, even if the choice does not conform to stereotypical notions of gender.

Here is one example of gender inclusive dress guidelines for a school event:

"All students are expected to wear: a) black pants, a white collared shirt and a solid color tie; or b) a knee-length black dress or c) a black skirt that is knee length or longer and a white blouse or c) black dress pants and a white collared shirt or white blouse."

Homecoming, Prom and Other School Traditions

School traditions are important to all students and transgender and gender nonconforming students are no exception. Under Minnesota Human Rights Law, schools must allow transgender and gender nonconforming students to participate fully in all school activities, including traditions that incorporate gender roles categorized as "male" and "female." For example, one tradition of many schools is to have a male homecoming king and a female homecoming queen. In these situations, the school could allow a student to participate according to their gender identity. To increase inclusivity, schools may wish to consider revisiting existing traditions or establishing new traditions. For example, instead of electing a homecoming king and homecoming queen, some schools have chosen to nominate "prom ambassadors," "homecoming court," or "homecoming royalty." At the University of Minnesota, for example, the titles of homecoming king and queen have been replaced with the title "Homecoming Royalty" and the students selected as royalty will now be called "royals."

The Minnesota Human Rights Law requires schools to allow all students, including transgender, gender nonconforming, gay, lesbian and bisexual students to fully participate in school dances and celebration events. An inclusive policy would allow a student to bring a date of the same gender to a dance or event, or if a student or their date is transgender or gender nonconforming, it is best practice to allow them to attend the event and to fully participate. It is best practice to not exclude any student from any activity within the event such as participating in the prom's grand march, dancing together, taking photos together and requesting dedication songs or public displays of affection that do not violate student conduct codes.

Under Minnesota Human Rights Law, schools cannot exclude students from school events because they wear clothing that does not conform to stereotypical notions of gender or how others may perceive their gender identity. For example, under an inclusive policy any student may choose to wear a tie and coat and any student may choose to wear a dress. Gender nonconforming students and transgender students experience elevated rates of bullying and harassment based on gender identity or how they express their gender, which can include how they dress. While school dress codes need to be inclusive, it is equally important that school staff support transgender and gender nonconforming students and take steps to prevent bullying and harassment of these students during the school day and at school events as well.

Gender Transition in School

Gender transition, or simply transition, is the process by which a transgender person shifts from the gender they were assigned at birth to living and expressing their true gender.

Gender transition always includes a social transition and may or may not include a medical transition. During a social transition, a student may change their name and/or their pronouns, clothing, hair, use of make-up and overall personal style. Medical transition may include hormone medication with or without surgical procedures.

There is no standard timeframe or sequence of steps in which a student transitions. It is a best practice to be flexible and responsive to the student and their family during a student's gender transition. Student's needs may evolve during the transition process.

Safe, Welcoming and Affirming Environment during Student Transition

It's important that schools provide a safe, welcoming and affirming environment for all students, including students who are transitioning. While students often feel excited, happy and relieved to have their gender affirmed at school, transition may also be a time of great stress for them. It may also be stressful for their family or guardians. Family may fear that the student will be excluded, isolated, harassed or physically harmed at school. Those stresses may increase for families who experience stress based on other marginalized identities. For instance, a transgender student who is black may experience compounding stress from discrimination based on racial identity and gender identity.

Students and their families make their own decisions about what the student needs during transition. Teachers, administrators and school staff can play an important role in ensuring a safe and supportive environment for the student during the transition. Transitions often include one or more of the following:

- Name and/or pronoun changes.
- Facilities use changes.
- Student Record change.
- Activity participation changes.
- Communication with families of other students.
- Communication with staff about changes.
- Communication with peers about changes.
- Training for school staff on supporting transgender and gender nonconforming students.

Social Transition

To ensure a safe and supportive transition at school, it is a best practice for appropriate school staff to meet directly with the student and/or the student and family. It's important to respect that the student and/or student's family may have already determined the need for the student to transition – a decision often made with the help of healthcare providers. The purpose of the first meeting might be to develop a transition plan that meets the needs of student. After the initial planning meeting, subsequent meetings with teachers, school staff and/or support staff – including a counselor and/or social worker – could be scheduled. Gender Spectrum's Student Gender Transition Plan may be a helpful resource for school staff when planning with the student and family.

No Two Social Transitions in School are Alike

Every student's social transition is unique. The transition experience that one student and family want may be very different than that of another student and family. Racial, cultural, economic, religious or other factors influence the transition experience the student and family chooses. For instance, a student and family may want a very private and slow transition. They may request to move schools or wait until the student enters the next grade level in a new building. In other cases, a student and family may want a very public and immediate transition at their present school, including formal class announcements and/or an optional after school meeting to discuss the transition with families and peers.

Transgender students and their families are racially and culturally diverse. During transition, diverse and unique needs may arise. For example, a transgender student's family who does not speak English will need a translator or interpreter. It is a best practice to select a translator who understands and knows key terminology, so they are able to effectively translate, communicate and support the student and the student's family.

Medical Transition

Medical decisions made by the student and their medical team are private. Schools generally play a very limited role in the medical aspects of a student's transition. Information about a medical transition does not need to be shared with the school. If necessary, a student and their

family may choose to update the student's health information if a student is taking a new medication.

For school-age students, medical transition may be very minimal. Students may have increased healthcare appointments during transition and afterward. School staff support might include working with the student on missed lessons or assignments.

Support after Transition

After a student's gender transition, they will benefit from continued support in school. For instance, when a student enters a new grade level or school, the family or student may want reassurance from the school that the student's needs will be met. Gender Spectrum's Gender Support Plan is a tool that can assist schools with planning ongoing support for the student. Support meetings for the student who is transitioning may include the student, their family, their teacher(s), and a school principal.

Families of Students

Families of transgender and gender nonconforming students play a critical role in their child's well-being and success at school. A family's acceptance and support of their child's gender identity is strongly associated with positive mental health, according to the 2015 Journal of Pediatrics article "Mental Health of Transgender Children Who Are Supported in Their Identities."¹⁰ This family support is so important to a transgender child, that transgender children do better even in the face of rejection or isolation by their peers and community, according to the 2013 Journal of Adolescent Health article "Parental Support and Mental Health among Transgender Adolescents."¹¹

Family involvement is linked to increases in student academic achievement for all students, according to the Current Directions in Psychological Science article "Parental School Involvement and Children's Academic Achievement."¹² This includes transgender students. According to this research, schools and parents should collaborate closely to address the individualized needs of a transgender or gender nonconforming student. School-based mental health professionals can direct families to additional resources for family support and medical and mental health resources for the child or adolescent. Schools can offer parents educational information and professional resources to help families meet the needs of their transgender or gender nonconforming child.

When schools work in partnership with families, the anxiety that families feel about their child is reduced, which results in increased support to the transgender child, according to a study on gender variant children and parenting, "Am I Doing the Right Thing?: Pathways to Parenting a Gender Variant Child."¹³ The study says that when schools work in partnership with families, the anxiety that families feel about their child is reduced which results in increased support to the transgender child.

Non-Accepting Parents

If parents, guardians, siblings and extended family members reject a transgender or gender nonconforming child, their school may be the safest place for them, according to researcher Caitlin Ryan of the Family Acceptance Project. A supportive school will create an affirming and accepting environment for every student, including transgender and gender nonconforming

students and the family's non-acceptance should not override the schools' responsibility – Minnesota law requires school staff to report maltreatment of students. When concerned about a student's well-being and safety at home, it is best practice for school staff such as social workers or counselors should work directly with the student to develop a plan. If school staff determines the student is not safe, the student support team should follow their protocol for reporting child neglect or harm. Research shows that transgender and gender nonconforming students are at high risk for self-harm.

Community and Family Engagement

As part of the school community, students' families interact with one another and form relationships. All students, including transgender and gender nonconforming students, can be impacted by the larger school community, including other students' parents. Sometimes controversy arises when schools take actions to ensure the inclusion and safety of a gender nonconforming or transgender students. A best practice for promoting parent understanding and acceptance is for the school to provide direct, clear, regular and on-going communication with parents on policies and practices, including gender inclusive policies and practices.

Special Education Considerations for Transgender or Gender Nonconforming Students with Disabilities

Gender identity and gender expression are not defined as a disability category under the Individuals with Disabilities Education Act (IDEA)¹⁴ or Section 504 of the Rehabilitation Act (Section 504).¹⁵ Transgender or gender diverse students who otherwise have a disability that impacts their access to education may be receiving or be eligible for special education and/or related services in the school setting under IDEA or Section 504.

The IDEA is a federal law that obligates schools to provide special education, while Section 504 is anti-discrimination law that prohibits schools from discriminating against students with disabilities by providing them with an equal opportunity to access their education.

The IDEA has very specific disability criteria for students to meet before they may receive special education, while Section 504 has very broad criteria that considers any physical or mental impairment that substantially limits a major life activity to be a disability. Both require that school districts provide students with a free appropriate public education – the IDEA through an individualized education program (IEP) that provides special education and related services, and Section 504 through a Section 504 plan that provides appropriate educational services, which may include special education and related services. The procedural safeguards are greater under IDEA than under Section 504.¹⁶

The IDEA is enforced by the Minnesota Department of Education, which has a special education complaint process and facilitates due process hearings,¹ and Section 504 is enforced through the U.S. Department of Education's Office for Civil Rights, sometimes referred to as OCR.¹⁷

If any student develops an emotional, behavioral, or other response that adversely affects their educational performance, schools should consider whether the student is a student with a disability and should follow their child find process. For example, social stigma or lack of support may increase the chance that transgender or gender diverse students will exhibit internal, behaviors, such as depression, anxiety, or problems with mood or feelings of self-worth, or external behaviors such as aggression, hyperactivity or impulsivity. If a student or their parent suspects that the student may have a disability and may be eligible for a Section 504 plan or IEP, the first step is to contact the school district to request information or an evaluation under Section 504 or IDEA.

Although transgender and gender diverse students are not eligible for an IEP or 504 based solely on their gender identity, aspects of gender identity and gender diversity may impact special education evaluation and programming and should be considered when determining a student's needs. It is also important to understand that whenever a Section 504 plan or IEP is developed, the goals developed and the interventions outlined are to target the elements of the disability affecting a student's education and not to change their gender identity or to shame them for whom they are, according to "Schools in Transition – A Guide for Supporting Transgender Students in K-12 Schools."

It's a best practice for educational professionals who are assessing transgender or gender diverse students for accommodations to honor the student's and family's wishes for the student's chosen name, gender identity and declared pronouns throughout the process. Students' affirmed or declared names, gender identities, and pronouns may or may not match those listed in their official school records, cumulative folders or special education files.

When selecting assessment measures, tools, and other methods to answer the guiding questions for the evaluation, some standardized measures may include gender norms against which an individual student's results will be compared. In those instances where combined gender norms are provided for the measure, it may be best to rely on these norms when assessing transgender or gender diverse students. If a measure only provides gender-based norms according to a binary classification system (i.e., girl/boy; female/male), it is best practice to select the norms that coincide with the student's declared or affirmed gender identity, not the sex or gender assigned to them at birth. This practice also coincides with research on gender cognition that has found that transgender students demonstrate patterns of gender thinking consistent with their affirmed identity and not with the sex and/or gender assigned to them at birth, according to the article "Gender Cognition in Transgender Children" in Psychological Science.¹⁸ It is best practice to use combined gender norms or the gender norms consistent with the student's affirmed identity.

When completing evaluation reports and other documents describing a transgender or gender diverse student it is best practice to capture accurately the student's declared name, gender, and pronouns. If the student's affirmed name, gender and pronouns do not match what is in their student records, the writer should be sure to acknowledge the discrepancy at the outset of the narrative of the document and explain how the student will be referred to throughout the report, why and what gender norms, if any, were used to interpret the assessment results.

LGBT-Inclusive Instruction

The state does not mandate the use of LGBT-inclusive curriculum, but lessons and teaching methods that recognize and affirm transgender and gender nonconforming students, as well as the positive contributions of LGBT people to the world, help establish a safe and a welcoming environment for transgender and gender nonconforming students, according to the Gay-Straight Alliance Network and the California Safe Schools Coalition's Safe Schools Research Brief "Lessons That Matter: LGBT TQ Inclusivity and School Safety."¹⁹ When factual information is taught about gender diversity and sexual orientation in health class, all students report increased feelings of safety in school, according to the brief.

LGBT students who experience victimization and discrimination at school have worse educational outcomes and poorer psychological well-being. A hostile school climate affects students' academic success and their mental health, according to findings of the Gay, Lesbian, and Straight Education Network's (GLSEN) 2015 National School Climate Survey.²⁰

"LGBT students who experience victimization and discrimination at school have worse educational outcomes and poorer psychological well-being."

--GLSEN's 2015 National School Climate Survey.

Students who identify as lesbian, gay, bisexual and/or transgender (LGBT) will have better outcomes when they experience inclusive policies, supportive educators, access to student groups like Gay-Straight Alliances and when their school has a LGBT-inclusive curriculum, according to the GLSEN survey.

What Does Inclusion Look Like?

LGBT-inclusive materials and lessons include positive representations of LGBT people, history and events. Representing LGBT people in positive, respectful, affirming and complex ways creates opportunities for all students to gain a more authentic understanding of their peers and the world around them. A LGBT-inclusive curriculum encourages respectful behavior and critical thinking in the school community broadly. LGBT-inclusive educator resources and sample lesson plans.

Data shows that merely mentioning a LGBT person or an event involving LGBT people does not provide the positive benefits to school climate that a LGBT-inclusive curriculum does. In the GLSEN survey, only 22.4 percent of LGBT students said they were taught positive representations about LGBT people, history, or events in their schools while 17.9 percent had been taught negative content about LGBT topics.

The Impact of LGBT-Inclusive Curriculum and Supporting Transgender Students

According to the survey, 75.2 percent of students in schools with an LGBT-inclusive curriculum said that their classmates were somewhat or very accepting of LGBT people, compared with 39.5 percent of those in schools without an inclusive curriculum.

"Many experts in multicultural education believe that a curriculum that is inclusive of diverse groups — including culture, race, ethnicity, gender, and sexual orientation — instills a belief in the intrinsic worth of all individuals and in the value of a diverse society. Including LGBT-related issues in the curriculum in a positive manner may make LGBT students feel more valued as

members of the school community, and it may also promote more positive feelings about LGBT issues and people among their peers, thereby resulting in a more positive school climate.”

-GLSEN's 2015 School Climate Survey

What Classes Can Be LGBT-Inclusive?

Any class at any grade level may be LGBT-inclusive, according to “Lessons That Matter: LGBTQ Inclusivity and School Safety.” Students report that the use of LGBT-inclusive curriculum happens more often in history/social studies classes, language arts classes and health classes, according to the brief.

The Human Rights Campaign Foundation’s Welcoming Schools and St. Paul-based AMAZE are elementary-based programs that are LGBT-inclusive. Curriculum teams and teachers may need encouragement from school leaders, students and families to develop LGBT-inclusive curriculum because previously used resources may not have addressed gender and sexual diversity in an inclusive manner.

LGBT versus Transgender-Inclusive Curriculum

The availability of curriculum resources that specifically include transgender and/or gender nonconforming people lags behind the availability resources that include lesbian and gay people. Curriculum resources specifically inclusive of bisexual people are rare as well. The Transgender Oral History Project, LGBT History Month and the transgender children’s books list are resources that educators may find helpful.

Supporting Teacher Development of LGBT-Inclusive Curriculum

Professional development for teachers about LGBT topics and LGBT students, the training might emphasize the four areas that research says support improved outcomes for students. Those four areas are inclusive policies, supportive educators, access to student-led groups – such as Gay-Straight Alliances– and a LGBT-inclusive curriculum. A best practice is for curriculum committees to evaluate all curriculum for LGBT-inclusion before adopting new materials.

Classroom Practices

Teachers can support inclusion of all students, including transgender and gender nonconforming students, by embracing simple classroom practices that allow for all students to participate in accordance with their gender identity. Classroom practices that recognize and affirm all students, including transgender and gender nonconforming students, are varied and can include how the teacher addresses the classroom and how the teacher separates students into groups. For instance, the practice of addressing students in a classroom as “boys and girls” may not attend to the full range of gender identities of the students in a classroom. Best practice is to use a general address such as “students” or “scholars” are possible alternatives. Similarly, dividing a class into “girls” and “boys” has been a common practice used to quickly separate a class into two similarly-sized groups. A more inclusive alternative is to divide students into groups based on the alphabetical order of their last names. Learn more about what schools are doing to make transgender students comfortable in the classroom on page 10 of Example Policies and Emerging Practices for Supporting Transgender Students.

Gender Segregated Courses

Federal guidance states that gender segregated courses are not permissible under Title IX, except in very specific circumstances as outlined in Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities.

Segregation even in those permissible instances may create an unnecessary barrier for transgender and gender nonconforming students to complete graduation requirements. When segregated courses are offered, schools must allow students to participate in the course that aligns with their asserted gender identity.

Engaging Stakeholders When Developing Inclusion Policies and Practices

As schools/districts develop policies and practices to ensure that transgender and gender nonconforming students are safe and supported in school, research shows that communicating and engaging members of the school community in the process will be important.

Wherever efforts to develop gender inclusion policies and practices begin, a best practice is to engage school or school district leaders – building principals, superintendents, assistant superintendents and school board members – in the work as early as possible. It's also important to provide the leaders with resources and quality training about the needs of transgender and gender nonconforming students as they develop the policies and practices.

It is a best practice to engage a broad and diverse group of stakeholders of the school community in policy development is critical. Stakeholders can include school staff members, students, parents, student groups, family groups, racial and cultural groups as well as representatives from churches, businesses and community organizations.

The school or school district might consider holding small, on-going meetings to specifically listen to the needs of transgender and gender nonconforming students and their families and to gain an understanding of the current environment and needs in the school or district. It is a best practice to include students and families from across racial, cultural, and religious groups in those small meetings.

In addition, holding larger, informational listening sessions with stakeholders early in the process will help build trust and provide schools and school districts with a broader understanding of the concerns and needs of the school community. During such meetings, all stakeholders should have an opportunity to ask questions or raise concerns.

It is a best practice for school leaders to make the focus of the meetings clear. For example, if the meeting focus is on the development of policies and practices to meet the needs of transgender and gender nonconforming students and all students, the focus would not be about the value of or the existence of transgender and gender nonconforming people.

Feedback provided during listening sessions will help school leaders better understand the concerns, questions and needs of students and this will inform their work. What school leaders learn during these sessions will not only help them develop the best policies and practices for their school but it will often help them communicate more effectively with all stakeholders and prepare stakeholders for implementation of new policies and practices.

To foster effective and productive listening sessions, it is a best practice for school leaders to set clear expectations to ensure a respectful, non-discriminatory dialogue. For example, one expectation can be that participants speak and act in kind and respectful way. It is also helpful to set time limits for speaking and remind participants about individual privacy. And, when needed, school leaders should offer clarifying statements about non-discrimination.

Research suggests that developing policies and practices related to transgender and gender nonconforming students or student gender transitions may result in heightened bullying and harassment of transgender and gender nonconforming students and their families. At times, these students and their families can be subjected to hateful and hostile treatment. Schools are uniquely positioned to serve as a buffer to protect students and their families. This means that school leaders and school personnel need to be vigilant in their efforts to prevent and to stop bullying and harassment.

As school leaders develop new policies, they should be aware that the change may be met with negative reactions from some members of the school community. Gender inclusion work, like any school climate improvement work, typically fits within the school or district's already developed mission. School mission statements are often based on community shared values for students and their learning. Strong connections to that mission and the values behind the mission may be helpful in maintaining respect and care during a policy and procedure development process. It's important that school leaders be prepared to quickly respond to questions raised and concerns expressed. Preparing talking points will help school staff effectively communicate about policies and practices while also increasing the public's understanding of transgender and gender nonconforming students. While not naming a specific student or situation, educators, administrators and other school staff can use simple talking points to address questions and concerns raised. Example talking points including the sample below can be found in "Schools in Transition – A Guide for Supporting Transgender Students in K-12 Schools."

- *"I know this is new territory for many of us. Sometimes change is really challenging. Perhaps I can share some information with you about gender identity and transgender people?"*
- *"I can assure you that the safety, well-being and education of all students remain our highest priorities."*
- *"Of course I can't talk about any individual student, just as I would never talk about your child."*
- *"Schools have always worked to support the needs of individual students in a variety of ways. Like we have always done, we are committed to supporting all of our students."*
- *"Imagine if this was another type of student need that other people weren't comfortable with, how would you respond?"*

Translation and/or Interpretation

To communicate with everyone in the school community including those with limited English proficiency, schools and districts often provide translations and/or interpretation at school

listening sessions or meetings. Translations and/or interpretation should be provided for school documents as well. Translation of vocabulary specific to gender diversity may require additional time and expertise.

Meet Students' Needs during Policy Development Process

A best practice is for districts and schools to meet the needs of transgender and gender nonconforming students during policy development and when communicating about policy development. Districts and schools should maintain student privacy during policy development. Developing new policies or procedures may bring extra attention to a transgender or gender nonconforming student. Since transgender and gender nonconforming students are already at heightened risk for harassment, bullying and violence, school staff should take additional care to respect the privacy of the student and to prevent bullying, harassment, or other harm.

While policy and/or procedure development may be connected to meeting the needs of particular students, districts must protect student privacy. A review of the directory information policy may be helpful.

Plan for Implementation

Research shows that creating an implementation plan for carrying out new policies/procedures is critical to the success of the schools gender inclusion work. Gender inclusion policies/or practices may impact staff, students and families across the district. Many departments and school staff may need to make adjustments to how they have done things in the past. Implementation plans should include a timeline so key stakeholders understand what to expect and when. A best practice is for school leaders to provide clear direction about how the school will meet the needs of current transgender and gender nonconforming students in the interim. They should also specify who is responsible for the implementation of the policy and/or procedures. School leaders should do frequent check-ins those implementing the plan and anticipate the need to make adjustments in the early stages of implementation.

School Policies in Minnesota and Throughout the United States

State education agencies and school districts in Minnesota and throughout the United States have developed policies and resources to ensure that schools are safe and supportive environments for transgender and gender nonconforming students. Samples of those policies and resources follow.

Minnesota School Districts

Mounds Park Academy [Guidelines on Transgender and Gender Diverse Students](#)

Minneapolis Public Schools [Policies Supporting All Genders](#)

Minneapolis Public Schools [Permissible Student Grouping Principles \(2014\). policy.mpls.k12.mn.us/uploads/regulation_6135_a.pdf](#)

Saint Paul Public Schools [Gender Inclusion Policy](#)

School Districts throughout the United States

Kansas City 33 School District (MO), [Prohibition Against Discrimination, Harassment and Retaliation Transgender and Gender Nonconforming Employees and Students](#)

Atherton High School, Jefferson County School District (KY), [Policy on School Space](#)

El Rancho Unified School District, [Transgender and Gender Nonconforming Students](#)

Los Angeles Unified School District (CA), [Transgender Students- Ensuring Equity and Nondiscrimination](#)

Maryland State Department of Education, [Providing Safe Spaces for Transgender and Gender Nonconforming Youth Guidelines for Gender Identity Nondiscrimination](#)

Massachusetts Department of Elementary and Secondary Education, [Nondiscrimination on the basis of Gender Identity](#)

Arkansas Matanuska-Susitna Borough School District (AK), [Transgender Student Guidelines \(2015\)](#)

New York State Education Department, [Guidance to Schools on Creating Safe and Supportive School Environments for Transgender and Gender Nonconforming students](#)

Oregon Department of Education, [Guidance to School Districts: Creating Safe and Supportive School Environments for Transgender and Gender Nonconforming Students](#)

Wisconsin Shorewood School District (WI), [Nondiscrimination Guidelines for Transgender Students and Students Nonconforming to Gender Stereotypes](#)

Washington Office of State Superintendent of Public Instruction, [Prohibiting Discrimination in Washington Public Schools \(2012\)](#), [Prohibiting Discrimination in Public Schools](#)

Nevada Washoe County School District (NV), [Gender Identity and Gender Non-Conformity](#)

Select Federal Resources on Transgender Students

U.S. Departments of Education and Justice [Dear Colleague Letter on Transgender Students](#), (May 13, 2016)

U.S. Department of Education Office for Civil Rights, [Resources for Transgender and Gender Non-Conforming Students](#)

U.S. Department of Education Office for Civil Rights, [Publications on Title IX](#)

U.S. Department of Education Office for Civil Rights, [How to File a Discrimination Complaint](#)

[National Center on Safe Supportive Learning Environments](#)

Resources for Families and Students

[Transforming Families](#) is an inclusive, safe space for families with transgender or questioning students to come together as a community which promotes resources and visibility.

Reclaim works to increase access to mental health support. Therapeutic groups for youth, families and individuals is provided. We offer training for practitioners, school staff and community members.

OutFront Minnesota provides school staff training and operates the Minnesota Gender and Sexuality Alliance (GSA) Network, which connects LGBTQA middle and high school student groups around the state and provides youth and educators with support, education and leadership opportunities. OutFront Minnesota also operates an anti-violence program and provides legal services.

Parent Acceptance Project provides films, resources, fact sheets and educational materials.

Professional Code of Ethics on Transgender and Gender Nonconforming Students

School counselors, social workers, licensed teachers, school nurses and other school professionals enact a professional code of ethic that may be above the expectations of the law.

Each of the following professional membership associations below has codes of ethics, position papers, policy statements, or other resources on LGBTQ youth in schools.

American Counseling Association

American Psychological Association

American School Counselor Association

American School Health Association

Association for Lesbian, Gay, Bisexual, and Transgender Issues in Counseling

National Association of School Nurses

National Association of School Psychologists

National Association of Social Workers

National Education Association

What to Do If You Are Discriminated Against

Students who believe that their rights have been violated based on Title IX may contact the U.S. Department of Education Civil Rights Division to seek assistance.

If students have a concern that their rights are violated under the Minnesota Human Rights Act have been violated, they can contact the Minnesota Department of Human Rights by email (info.MDHR@state.mn.us), by phone at 651-539-1100, or in person at 625 Robert St. N., St. Paul. They may also take the first step in filing a complaint through Minnesota Department of Human Rights website

Appendix A: School Professional Associations Resources on Transgender/Gender Nonconforming Students

The following school professional associations provide resources on transgender and gender nonconforming students in schools

[American Psychological Association Resolution on Transgender Children in Schools](#)

[Key Recommendations for School Health Personnel on Transgender Students](#)

[School Counselor Association Position Statement on Transgender Students](#)

[Emerging Protective Factors for Gender Minority and Sexual Minority Youth](#)

Appendix B: Crisis Help Lines

The following are two national resources for immediate support of transgender students or families in crisis:

[The Trevor Project Get Help Now resources include the 24-Hour Trevor Lifeline, a crisis intervention and suicide prevention phone service at 1-866-488-7386.](#)

[Trans Life Line is a national immediate crisis phone hotline at 1-877-565-8860. Trans Lifeline is staffed by transgender people for transgender people in a crisis of any kind.](#)

Appendix C: Creating Gender Inclusive Schools

Resources on school-wide approaches to creating safe and affirming school environment for students of all genders follow.

[Gender Inclusive Assessment Tool for Schools](#)

[Gender Inclusive Schools Toolkit](#)

[District and School Transgender and Gender Diverse Readiness Assessment Form](#)

[Affirming Gender in Elementary School: Social Transitioning](#)

Appendix D: Teaching and Educational Resources

[Family Educational Material](#)

[Inclusive Curriculum Practices](#)

[Teaching Transgender Toolkit](#)

[AMAZE Programs for Racial Diversity and Gender Diversity](#)

[Picture Books on Gender](#)

[Books to help Staff and Adults understand Gender Diversity](#)

[Gender Expansive Stories for Children](#)

[Working with LGBT Students of Color: A Guide for Educators](#)

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Appendix E: Resources for Transgender and Gender Nonconforming Students

Provider Directory of medical and mental health professionals serving transgender and gender non-conforming children, adolescents, adults and families.

Minnesota Transgender Health Coalition provides several programs, support groups, community space and resources for transgender and gender expansive people through education and resources.

OutFront Minnesota is a statewide organization in Minnesota providing education, programming, school trainings and legal consultation.

OutFront Minnesota Trans Justice Project. Contact the project, (612) 822-0127

Amending Immigration Documents for Gender Identity

Name Change Process in Minnesota

Driver's License Changes

Host Home Program provides live-in temporary housing for young people experiencing homelessness.

University of Minnesota Program in Human Sexuality in the Department of Family Medicine and Community Health provides extensive research and education resources on human sexuality. The program's Center for Sexual Health Transgender Health Services provides counseling and comprehensive health services for transgender adults and youth. Contact the center, (612) 625-1500.

Minnesota Transgender Health Coalition of Minneapolis offers health and support services to transgender and gender nonconforming people. Contact the coalition, (612) 823-1152

Trans* Awareness Project at the University of Minnesota is digital media campaign showcasing empowering snapshots of local trans* communities and bringing attention to the challenges that many trans* people face in daily life.

The Trevor Project Get Help Now resources include the 24-Hour Trevor Lifeline, a crisis intervention and suicide prevention phone service at 1-866-488-7386.

Trans Life Line is a national immediate crisis phone hotline at 1-877-565-8860. Trans Lifeline is staffed by transgender people for transgender people in a crisis of any kind.

Transforming Families - Minneapolis/St. Paul is a community where transgender, gender non-conforming, and questioning youth and their families come together to support each other in a safe, welcoming space. For more information, contact Transforming Families, (612) 321-8416

Transgender Law and Policy Institute is a national non-profit supporting law and policy initiatives to improve trans* equality. Contact the institute.

¹ Reisner S.L, Vettes R, Leclerc M, et al. (2015). Mental Health of Transgender Youth in Care at an Adolescent Urban Community Health Center: A Matched Retrospective Cohort Study. *Journal of Adolescent Health*.

² The Human Rights Campaign Foundation surveyed 10,000 youth and found that gender non-conforming students are also at heightened risk. The survey, "Growing up LGBT in America."

³ Minnesota Student Survey (2016)

⁴ American Psychological Association & National Association of School Psychologists. (2015). Resolution On Gender And Sexual Orientation Diversity In Children And Adolescents In Schools. Retrieved from <http://www.apa.org/about/policy/orientation-diversity.aspx>

⁵ Office for Civil Rights and U.S. Department of Justice's Civil Rights Division, Dear Colleague Letter on Transgender Students (May 13, 2016)

⁶ U.S. Department of Education Office for Civil Rights (OCR) Dear Colleague Letter (April 4, 2011)

⁷ U.S. Department of Education Office for Civil Rights (OCR) Questions and Answers on Title IX and Sexual Violence. (2014)

⁸ U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, Examples of Policies and Emerging Practices for Supporting Transgender Students (May 2016).

⁹ U.S. Department of Education, Office for Civil Rights, Title IX Resource Guide (Apr. 2015).

¹⁰ Olson, K. R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2015). Mental Health of Transgender Children Who Are Supported in Their Identities. *PEDIATRICS*, 137(3), e20153223.

¹¹ Simons, L., Schrager, S. M., Clark, L. F., Belzer, M., & Olson, J. (2013). Parental support and mental health among transgender adolescents. *Journal of Adolescent Health*, 53(6), 791–793. <http://doi.org/10.1016/j.jadohealth.2013.07.019>

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¹⁶ Information about IDEA special education conflict resolution may be found on MDE's website at: <http://education.state.mn.us/MDE/dse/sped/conf/>

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