

Adopted: 8-21-2017
Revised: 5/18/2023

**ROCHESTER BEACON ACADEMY (RBA)
POLICY No. 524
GENDER INCLUSION POLICY**

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 Rochester Beacon Academy that is safe, supportive, and fully inclusive for all students regardless of gender identity or gender expression.

II. POLICY STATEMENT

Rochester Beacon Academy shall act to ensure that students who are transgender and gender non-conforming are included in all school activities like their peers.

DEFINITIONS

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

- a. Assigned Gender** – An individual’s gender assigned at birth, which correlates to the biological, genetic, and anatomical makeup of a body.
- b. Gender Expression** – The manner in which an individual expresses his or her gender.
- c. Gender Identity** – An individual’s sense of being male, female, or otherwise on a continuum of gender.
- d. Gender Identity Disorder** – A diagnosis given to individuals with persistent gender incongruence.
- e. Gender Non-Conformity** – Behaviors and interests that fit outside of stereotypical behaviors and interests for an individual’s assigned sex.
- f. Transgender** – An individual whose gender identity or gender expression is different from the gender stereotype for that person’s assigned gender.

III. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Bullying, harassment, and discrimination on the basis of gender identity or expression are prohibited. Rochester Beacon Academy will take any such incident seriously, give the incident immediate attention, and handle the incident in the same manner as the school

handles 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 Rochester Beacon Academy. Education and training regarding the issues addressed in this gender inclusion policy will be provided for employees, students, and the broader school community.

IV. GENDER TRANSITION AT SCHOOL

Students who transition socially 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.

V. 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. Official records must identify a student with his or her legal name and assigned gender, unless the student has legally changed his or her name.

VI. DRESS CODE

Students have the right to dress in accordance with their gender identity, within the constraints of the dress code specified in the Rochester Beacon Academy's handbook or policy. School staff will not enforce the school's dress code more strictly toward transgender and gender nonconforming students than other students. Rochester Beacon Academy will not require gender stereotypical fashion or dress. Rochester Beacon Academy will avoid the use of gender pronouns when describing dress in its dress code.

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

Rochester Beacon Academy 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 consistently asserted at school.

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.

VIII. 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.

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

Each student shall be granted access to restrooms, locker rooms, 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.

X. 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.

Rochester Beacon Academy shall keep private all personal information relating to transgender and gender nonconforming students in accordance with its policy 524 & 701 and 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.

Legal Reference:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 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)
Montgomery v. ISD No. 709, 109 F.Supp. 2d 1081, 1093 (D. Minn. 2000).

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination