

**MINNEAPOLIS PUBLIC SCHOOLS  
RESOLUTION 2024-0022**

**RESOLUTION ADOPTING POLICY 5025**

**WHEREAS**, The Board’s Policy Committee has recommended the proposed new policy.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors, Special School District No. 1 (Minneapolis Public Schools) adopts the changes as follows:

**SECTION 1:**            **ADOPTION** “Policy 5025: Gender Inclusion” of the Minneapolis Public Schools Policies & Regulations is hereby *added* as follows:

**ADOPTION**

Policy 5025: Gender Inclusion(*Added*)

**1. PURPOSE AND GENERAL STATEMENT OF POLICY**

The students and staff of Minneapolis Public Schools (MPS) deserve respectful and inclusive learning environments that value students’ gender identity and gender expression. MPS ("District") ensures that all students have access to programming and facilities in which they feel comfortable, supported, and safe. This policy addresses the inequities some students, including intersex, transgender, two-spirit, gender expansive, non-binary, and gender-questioning students, confront as they navigate a system designed using a gender binary model. This policy does not and cannot anticipate every situation that may occur, as every student is unique. The support for each student must be assessed and addressed individually based upon the student’s specific requests and needs.

**2. DEFINITIONS**

The definitions contained in this policy are not intended to label students, but rather to assist in understanding this policy and the legal obligations of district staff. It is recognized that students might or might not use these terms to describe themselves.

- a. “Gender” refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- b. “Gender Identity” is a person’s deeply held sense or psychological knowledge of their own gender. A person’s gender identity can be the same or different from the sex or gender assigned at birth.
- c. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- d. “Gender Expression” refers to the manner in which a person represents or expresses that person’s gender identity to others, often through behavior, clothing, hairstyles, activities, or mannerisms. Although transgender people

typically seek to make their gender expression match their gender identity, rather than their sex assigned at birth, gender expression may or may not conform to a person's gender identity.

- e. “Gender Expansive” is an umbrella term that is used to describe individuals whose gender expression, gender identity, or gender role is fluid and/or may differ from gender norms associated with their sex assigned at birth. This term also includes people who identify outside of traditional gender categories or identify as both or several genders. Other terms that can have a similar meaning include “gender diverse,” “gender non-conforming,” “genderqueer,” and “nonbinary.”
- f. “Transgender/Trans” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Transgender identity is not dependent on medical procedures or other physical changes.
- g. “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.

### **3. PRIVACY**

- a. The privacy of student data is governed by MPS Policy 5690, which incorporates the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act. Virtually all student data are private, including student gender identity and information relating to a student's transgender or gender expansive status. Private student data are accessible only to 1) the student who is the subject of the data, 2) their parent or guardian, 3) MPS employees, contractors, and volunteers whose work assignment reasonably requires access and who have a legitimate educational interest, and 4) other parties or entities as provided for in section 6 of MPS Policy 5690. The District cannot withhold any private student data requested by the student's parent or caregiver unless there exists a court order which specifically denies access to the data.
- b. It does not violate student data privacy to call a student by their updated name or refer to them by their updated pronouns, either orally or in writing. Nor does it violate student data privacy to share a student's updated name and pronouns with others, including MPS employees, contractors, volunteers, and students, for the purpose of ensuring that the appropriate name and pronouns are used when communicating with or about the student.
- c. A student may choose to openly discuss and express their gender identity and gender expression or they may choose not to do so. In the classroom and other group settings, it is the student's prerogative to broach the subject.
- d. All rights and protections given to parents under MPS Policy 5690 transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an

eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

#### **4. OFFICIAL SCHOOL RECORDS**

- a. The school district is required to maintain a mandatory and permanent student record (“official record”) that includes a student’s legal name and gender. The school district will change a student’s official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order or other official government action.
- b. Pertaining to students of all grades: At the request of a transgender or gender expansive student, and/or their parent/guardian the District will use the student’s requested name, gender identity, and pronouns when referring to the student in education records.

#### **5. STUDENT NAMES, PRONOUNS, AND GENDER MARKERS**

- a. At the student’s and/or parent’s/guardian’s request, a transgender and/or gender expansive student in all grades has the right to be referred to at school by a name and pronouns that align with their gender identity. At the parent’s/guardian’s request, a transgender or gender expansive student in all grades has the right to be referred to at school by a name and pronouns that align with the student’s gender identity.

#### **6. GENDER-SEGREGATED FACILITIES**

All students shall have access to gendered facilities and school-sponsored programs that are consistent with the student’s gender identity. This includes, but is not limited to, multi-stalled gendered restrooms, locker rooms, and school programs, trips, and athletic programs.

##### a. Restroom Accessibility

Pursuant to Minn. Stat. 363A.13, subd. 1 (N.H. v. Anoka-Hennepin Sch. Dist. No. 11, 950 N.W.2d 553 (Minn. Ct. App. 2020)) students shall have access to the restroom that corresponds to their gender identity asserted at school:

- i. Any student who has a need or desire for increased privacy, regardless of the student’s gender identity or expression, and regardless of the underlying reason for the student’s need or desire for increased privacy, should be provided access to a single-user restroom.
- ii. No student shall be required to use a single-user restroom because they are transgender or gender expansive
- iii. The District shall work with each transgender and gender expansive student to determine which restrooms are most comfortable for the student.
- iv. In no case shall any student be required to use a restroom that conflicts with the student’s gender identity

##### b. Locker Room Accessibility

Pursuant to Minn. Stat. 363A.13, subd. 1 (N.H. v. Anoka-Hennepin Sch.

Dist. No. 11, 950 N.W.2d 553 (Minn. Ct. App. 2020)), the use of locker rooms by transgender and gender expansive students shall be assessed on an individualized basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports and other school activities, ensuring the student's comfort, and minimizing stigmatization of the student.

- i. Unless the student requests otherwise, transgender and gender expansive students should have access to the locker room that corresponds to the student's gender identity asserted at school, like all other students.
- ii. Any student who has the need or desire for increased privacy, regardless of the student's gender identity or expression, and regardless of the underlying reason for the student's need or desire for increased privacy, should, if possible, be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a physical education instructor's office in or near the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to gender identity before or after other students).
- iii. Any alternative arrangement should be provided to protect the student's ability to keep the student's transgender or gender expansive status confidential.
- iv. The District shall work with each gender expansive student to determine which restrooms and locker room facilities are most comfortable for the student.
- v. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

## **7. PHYSICAL EDUCATION AND HEALTH EDUCATION CLASSES AND INTRAMURAL SPORTS**

- a. All students shall be permitted to participate in physical education classes, health education classes, and intramural sports and activities in a manner consistent with their gender identity.

## **8. SCHOOL TRIPS**

- a. All students shall be permitted to participate in all school trips in a manner that corresponds with their gender identity. In planning school trips, staff is expected to assess the student's needs in collaboration with the student and/or the student's parent(s)/guardian(s) and make reasonable efforts to provide an acceptable accommodation to the student. Accommodations will be discussed in advance of the trip on a case-by-case basis.

## **9. INTERSCHOLASTIC COMPETITIVE SPORTS TEAMS/ACTIVITIES**

- a. All students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Minnesota State High School League (MSHSL).

## **10. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES AND**

## **PRACTICES**

- a. As a general matter, Minneapolis Public Schools will evaluate, on an ongoing basis, all gender-based activities, rules, policies, and practices, including but not limited to classroom activities, school ceremonies, yearbooks and school photos. Students will be permitted to participate in any such activities or conform to any such rule, guidelines, or practice consistent with their gender identity.

## **11. DISCRIMINATION/HARASSMENT/BULLYING**

- a. It is the policy of the District to maintain a safe and supporting learning and educational environment that is free from harassment, intimidation, violence, and/or bullying and free from discrimination on account of gender, gender identity, and gender expression.
- b. Complaints alleging discrimination or harassment based on a student's actual or perceived transgender status or gender expansive status generally are to be handled in the same manner as sex discrimination, harassment or bullying complaints. For information about the types of conduct that constitute a violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence (MPS Policy 4002). For information about the types of conduct that constitute a violation of the school district's policy on bullying and the school district's procedures for addressing such complaints, refer to the school district's policy on bullying (MPS Policy 5201).

## **12. RESPONSIBILITY**

- a. The Superintendent is authorized to promulgate regulations to implement this policy.
- b. The Superintendent or their designee shall provide regular training to district personnel on this policy.

### **Original Adoption:**

Date

### **Legal References:**

- Minn. Stat ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)
- Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
- Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
- 20 U.S.C. § 1681 et seq. (Title IX)
- 20 U.S.C. § 1701 et seq. (Equal Educational Opportunities)

### **MPS Policy Cross References:**

- Policy 4002 (Harassment And Violence Prohibition Protected Classes)

- [Policy 5000 \(Equal Education Opportunity\)](#)
- [Policy 5201 \(Bullying And Hazing Prohibition\)](#)
- [Policy 5050 \(Title IX Non-Discrimination\)](#)
- [Policy 5051 \(Equal Opportunity In Athletics\)](#)
- [Policy 5690 \(Student Data\)](#)

PASSED AND ADOPTED BY THE MINNEAPOLIS PUBLIC SCHOOLS BOARD OF DIRECTORS \_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Abdi	_____	_____	_____	_____
Beachy	_____	_____	_____	_____
Cerrillo	_____	_____	_____	_____
El-Amin	_____	_____	_____	_____
Ellison	_____	_____	_____	_____
Emerick	_____	_____	_____	_____
Feerayarre	_____	_____	_____	_____
Jourdain	_____	_____	_____	_____
Norvell	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Collin Beachy, Chair, Minneapolis  
Public Schools

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Lori Norvell, Clerk, Minneapolis  
Public Schools