



Adopted: January 24, 2022

523 GENDER INCLUSION

I. PURPOSE

The purpose of this policy is to foster an educational environment that is safe and supportive for all students, regardless of gender identity or gender expression.

II. GENERAL STATEMENT OF POLICY

DaVinci Academy is committed to providing a respectful and inclusive learning environment for all students.

DaVinci Academy will act to improve the educational integration of transgender and gender nonconforming students and foster cultural competence and professional development for school staff on transgender and gender nonconforming issues.

III. DEFINITIONS

The following definitions are provided to assist in understanding this policy. Students may or may 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 expression” refers to the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- C. “Gender identity” refers to a person’s deeply held sense or psychological knowledge of his or her own gender. One’s gender identity can be the same as or

different from the gender assigned at birth.

- D. “Gender nonconforming” means gender expression different from stereotypical expectations. This term includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include “gender diverse,” “gender expansive,” “genderqueer,” and “nonbinary.”
- E. “Sex Assigned at Birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
- F. “Transgender” describes those individuals whose gender identity or expression is different from that traditionally associated with their sex assigned at birth. Transgender identity is not dependent on medical procedures or other physical changes.
- G. “Gender 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.

IV. SCOPE

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to the use of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including school staff, students, parents, and volunteers.

V. BULLYING, HARASSMENT, AND DISCRIMINATION PROHIBITION

Discrimination, bullying, and harassment on the basis of gender identity or expression are prohibited within DaVinci Academy. The school and staff are responsible to ensure that all students, including transgender and gender nonconforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, bullying, or harassment based on a person’s actual or perceived gender identity or expression are handled in the same manner as other discrimination, bullying, or harassment complaints.

VI. PRIVACY/CONFIDENTIALITY

All students have a right to privacy, and this includes the right to keep one’s transgender status private at school. Information about a student’s transgender status, legal name, or

gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA). DaVinci Academy will keep confidential all medical information relating to transgender and gender nonconforming students in accordance with applicable local, state, and federal privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, unless legally required to do so, when written permission has been given, or when other staff have a legitimate educational interest in knowing the information.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. 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 such information about the student.

VII. STUDENT GENDER TRANSITIONS

DaVinci Academy will collaborate with students, and when appropriate, parents/guardians of students who decide to transition at school, which may include a meeting with students and/or parents/guardians to discuss how to positively assist with the student's gender transition at school and to ascertain the desires and concerns relative to the transition. DaVinci Academy will, to the extent practicable, maintain privacy and confidentiality of the student's gender transition and gender identity.

VIII. NAMES AND PRONOUNS

Every student may request to be addressed by a name and pronoun that corresponds to the student's gender identity. Parents/guardians may submit a written request to change a student's name and pronouns in the DaVinci Academy's digital information systems. With the exception of official records, neither legal nor medical documentation is required in order to change a student's name and pronouns in the DaVinci Academy's digital information systems.

IX. EDUCATION RECORDS

DaVinci Academy shall maintain a mandatory permanent student record that includes a student's legal name and gender. DaVinci Academy will change a student's official record to reflect a change in legal name or gender upon receipt of documentation of a legal name change or a legal change in the sex assigned at birth on the student's birth certificate. In situations where DaVinci Academy staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent

disclosure of such confidential information.

To the extent that DaVinci Academy is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student.

X. ACCESS TO GENDER-SEGREGATED ACTIVITIES AND AREAS

With respect to DaVinci Academy restrooms, locker rooms and changing facilities, all students regardless of gender will have access to facilities consistent with their gender identity as well as access to individual-user facilities.

Choruses or choirs may make requirements and assignments based on vocal range or quality, regardless of a student's gender.

XI. PHYSICAL EDUCATION CLASSES AND INTRAMURAL AND INTERSCHOLASTIC ATHLETICS

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. DaVinci Academy will follow the guidelines established by the Minnesota State High School League, local community leagues, and MYSA to guide participation in co-curricular and extracurricular activities that are based on gender identity while ensuring students' safety is not compromised.

XII. OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES, AND PRACTICES

DaVinci Academy will evaluate all gender-based activities, 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. To the extent practicable, students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity. DaVinci Academy staff will not divide students by gender unless necessary to perform a required function, for a sound pedagogical purpose, or as required by law. In the event students must be divided by gender students will have the option to participate with the group that aligns with their gender identity.

XIII. DRESS CODE

Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the DaVinci Academy. School staff shall not enforce the DaVinci Academy's dress code more strictly against transgender and gender

nonconforming students than other students.

XIV. TRAINING AND PROFESSIONAL DEVELOPMENT

DaVinci Academy shall conduct training for staff members, including teachers, administrators, counselors, social workers, and health staff, on their responsibilities under applicable laws and this policy. Information regarding this policy shall be incorporated into training for new school employees.

DaVinci Academy shall implement ongoing professional development to build the skills of all staff members to improve the educational integration of transgender and gender nonconforming students.

XV. PUBLICATION

This policy will be posted on the school website. In addition, this policy or a summary of this policy will be referenced in the Student and Staff Handbook.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. §§ 363A.03, subd.44, § 363A.13 (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)
Dear Colleague Letter, U.S. Dept. of Justice and U.S. Dept. of Education (May 13, 2016)

Cross References: Policy 102 (Equal Educational Opportunity)
Policy 413 (Harassment and Violence)
Policy 504 (Student Dress and Appearance)
Policy 514 (Bullying Prohibition Policy)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 522 (Student Sex Nondiscrimination)
Policy 526 (Hazing Prohibition)
Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)