

Policy Committee

Tuesday, March 15, 2022 3:15 PM

Tate Hall Conference Room, 615 Olof Hanson Drive, Faribault, MN 55021

1. **Call to Order**

2. **Meeting Minutes Review**

3. **Policies to Review from MSBA - None**

4. **Policies to Review for a Second Reading - None**

5. **Policies to Review Before Revision**

5.A. 423 - Employee-Student Relationships

5.B. 426 - Nepotism in Employment

5.C. 441- On-Call

6. **Policies to Review Prior to a First Reading -
None**

7. **Policies to Review for Reauthorization - None**

8. **Review of Procedure 5200 (for feedback) Aligned
with Policy 522**

9. **Adjourn**

Minutes of the Policy Committee Meeting Minnesota State Academies Board

A Policy Committee Meeting of the Minnesota State Academies Board was held on Tuesday February 8, 2022, beginning at 2:05PM in the Tate Hall Conference Room (Zoom participation available).

Attendance: Terry Wilding; Superintendent, Nicole Halabi; Board Member, Mary Cashman-Bakken; Board Member, Bridget Flier; HR Director, Anne Grace Donatucci; MSAD Director Kerry Vigesaa; HR Specialist

Absent: Jamers Speier; Board Member, Jody Olson; MSAD Assistant Director

Interpreters: Hannah Breitbach and Nettie Peters

1. Call to Order
The meeting was called to order at 2:05 p.m.
2. Meeting Minutes Review: Approved
3. Policies to Review from MSBA
905 – Advertising: Terry asked the committee if we felt this policy was necessary? Nicole stated this policy is more of an issue for public schools. We will put this on hold, and we can always revisit it if a need comes up in the future. Anne Grace added there are no issues with athletic advertising
4. Policies to Review for a Second Reading: None
5. Policies to Review to be Revised: None
6. Policies to Review Prior to a First Reading: None
7. Policies to Review for Reauthorization
 - A. 603 - Curriculum Development: Terry explained we have read though this one, couple minor changes and online resources were added. The committee all approved this policy. This will go to the MSA Board for reauthorization.
 - B. 606 - Textbooks and Instructional Materials: Terry stated there were minor changes to this policy, however, we haven't changed anything with our resources. Mary asked about the curriculum cycle and if our curriculum is up to date? Anne Grace explained that we have a curriculum cycle, so we review materials often and are trying to transfer materials to online/digital curriculums as appropriate. Yes, all our curriculum is current and meets

state standards. TW: We review standards established by the MDE and make sure our curriculum matches current standards. We are on a 5-year curriculum cycle. This policy was approved to go the MSA Board for reauthorization.

- C. 740 - Special Expense Outstate Travel: This really has no changes. Pretty standard and follows MMB's policy. The committee approved this policy to go to the MSA Board for reauthorization.
- D. 741 - Reimbursement of Activity Expenses: This policy was approved to go to the MSA Board for reauthorization
- E. 742 - Imprest Fund: This is basically our checkbook. No changes, policy stayed the same and it follows MMB policy. This policy was approved to go to the MSA Board for reauthorization.
- F. 743 - Petty Cash: Terry explained there are only a couple changes to this policy. Changed the maximum amount of petty cash from \$20 to \$25. Previously, several supervisors had some petty cash, but now we will have petty cash centrally located within the fiscal services department. Petty cash used rarely as most people choose to use existing accounts with local stores or get reimbursed. Question: Does this change require a full authorization process or is it minor enough to be reauthorized? Mary and Nicole suggested going through the full process with Site Council reviews even though there are minor changes so that everyone is aware of the changes. This policy will be referred to the MSA board for a first reading in February.

8. Adjourn:

The meeting was adjourned at 2:22 p.m.

Policy #: 423
Title: EMPLOYEE-STUDENT RELATIONSHIPS/FRATERNIZATION
Date of Initial Approval: 08-17-2012
Revision/Re-authorization Dates: 11-29-2012; 10-18-2017
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The Minnesota State Academies (MSA) is committed to an educational environment in which all students are treated with respect and dignity. Every MSA employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct. Employees must set appropriate boundaries with students and conduct themselves in a manner that will maintain a professional relationship with students at all times. This policy is designed to protect both staff and students and to assure the safety and well-being of all MSA students and staff. Decisions regarding this policy are subject to the discretion of the Directors and the Superintendent after considering the listed issues below:

1. The student's best interests
2. The school's best interests
3. The employee's safety and liability
4. The school's liability

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all MSA employees at all times, whether on or off duty and on or off of the MSA campuses. Employees are defined as the following:
1. Any individual employed by MSA, including student teachers, substitutes, interns, and practicum students
 2. Any employees, agents, and owners/partners of contractors or agencies
 3. Any volunteers
- B. At all times, students will be treated by teachers and other MSA employees with respect, courtesy, and consideration and in a professional manner. Each MSA employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must remain on a teacher-student basis or an employee-student basis. MSA employees must be mindful of personal conduct in situations where students might be present. MSA employees must also be mindful of FERPA expectations for confidentiality and communication with parents, friends, and family members, especially with social media.
- C. Teachers and administrators must be mindful of their inherent positions of authority and influence over students. Similarly, other MSA employees also may hold positions of authority over students and must be mindful of their authority and influence over students.

- D. Employees are prohibited from engaging in any of the following types of conduct, regardless of whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.
1. Engaging in any romantic, sexual, or intimate relationships between MSA employees and students, without regard to the age of the student, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student had parent permission, and including any activity that gives the perception of such behaviors or relationships.
 2. Fostering, grooming, encouraging, or participating in inappropriate emotionally or socially intimate relationships in which the relationship is outside the boundaries of the reasonable, professional employee-student relationship and in which the relationship could reasonably cause a student to view the employee as more than an employee or any activity that gives the perception of an inappropriate relationship.
 3. Allowing any student/child to visit their home, or visiting a student/child's home, for reasons other than appropriate visits with approval by parents/legal guardians. (Other professional or educational reasons may require specific approval from the MSA Directors and/or the Superintendent)
 4. Initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral, signed, or written communication, telephone and videophone calls, electronic communication (such as texting, instant messaging, e-mail, chat rooms, Facebook, or other social networking sites), webcams, or photographs. Electronic and online communications with students should utilize MSA-established e-mail and other classroom resources that are accessible to supervisors and professional in their content and tone. (The only exceptions to this are emergency situations that may have serious safety ramifications)
 5. Permitting any student or child to reside in their home unless they are parents, relatives, or legal guardians. For unique situations that are in the student's best interests, written permission must be obtained from the Superintendent.
 6. Making presentations of personal gifts, clothing, cash, or meals/snacks to students and/or their families unless through school-sponsored donations and approved by the Director and/or Superintendent. Employees should be cautious about participation in student fundraising, ensuring that they do not favor a particular student when purchasing items during fundraising activities.
 7. Allowing any student to travel in their personal vehicle for school-related or non-school-related matters unless specific approval is given by the Directors or Superintendent to provide for the safety and care of the student.

8. Sharing excessive personal information and or beliefs on non-school related issues (e.g. marriage, dating, sex, mental health, suicide, religion, etc.) Those issues are best handled by professional mental health providers (school counselors, school social workers, personal counselors, psychiatrists, psychologists, and so forth). Staff members may provide support for students in gathering information and resources.
 9. Providing alcohol (regardless of age) or drugs – either prescription or illegal – (except for those provided in accordance with instructions/procedures from the MSA nursing department) to students, including failing to take reasonable steps to prevent such access from occurring. This includes partaking in excessive alcohol consumption and/or illegal drug use when students are present.
 10. Accompanying a student to a non-school-related activity without parent, director, and superintendent approval.
 11. Committing or attempting to induce students to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the Minnesota State Academies.
 12. Participating in excessive informal and social involvement with individual students – this is unprofessional and incompatible with appropriate employee-student relationships.
- E. MSA employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Employees need to be mindful of general standards and boundaries for teaching and working with students. Detailed guidelines have been established in Appendix 423-B to support employees in their work with students. MSA employees who are employed outside of the academies in positions that support students (i.e. Personal Care Attendants, Daycare Providers, or Respite Care Providers) must communicate this with their supervisor so that they may be assigned to different students during their work shifts at MSA. Whenever possible, MSA administrators will establish a rotation of assignments to manage the length of time a staff member is assigned to an individual student.
- [Note: Such safeguards include the following: avoiding or minimizing physical contact; keeping doors open when talking or meeting with students one-on-one; and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]***
- F. MSA employees or board members who have children or relatives attending classes at MSA must develop a plan (refer to Procedure #3100) to address how the employee/board member will interact with the child, the child's teacher(s) and support staff, and supervisors. (Appendix 423-A) Employees who have children or relatives that are students at MSA must be mindful about maintaining professional relationships with their children or relatives while at work and with their co-workers and supervisors, including consideration of the appearance of favoritism.
- G. MSA employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. All MSA employees have a duty to report suspected violations of this policy. Any person with knowledge or suspicion of an improper relationship between employees and a student must immediately report the conduct to their supervisor, the human resources department, or the school social worker. Employees who make a good faith effort to report any suspected fraternization violation, or who cooperate with inquiries or investigations related to the accusation shall be protected from retaliation.

- B. Complaints and/or concerns regarding alleged violations of this policy shall be handled by the MSA Human Resources Department. Results of the investigation will be shared with the employee's supervisor for follow-up action. Suspected criminal activity will be referred to the local police department for investigation. Suspected child abuse must be reported under the directions outlined in MSA Policy #414.

- C. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

IV. MINNESOTA STATE ACADEMIES ACTION

Upon receipt of a report, the Minnesota State Academies will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the appropriate professional licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. MSA actions in response to violations of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA policies.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the Minnesota State Academies are not required to defend and indemnify the employee for damages in Minnesota State Academies-related litigation.

VI. EXCEPTION

If any employee feels there should be an exception to this policy, written permission must be obtained from the Superintendent.

Legal References:

Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Minnesota Board of Teaching)
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)
Minn. Stat. §§ 609.341-609.352 (Defining “intimate parts” and “position of authority” as well as detailing various sex offenses)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)
Minn. Rules Part 8700.7500 (Code of Ethics for Minnesota Teachers)

Cross References:

MSBA/MASA Policy 211 (Criminal or Civil Action against School District, School Board Member, Employee, or Student)
MSBA/MASA Policy 306 (Administrator Code of Ethics)
MSBA/MASA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Policy 413 (Harassment and Violence)
MSBA/MASA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Policy 421 (Gifts to Employees)

Appendixes:

Appendix 423 A – Plan to address Employee-Student Familial Relationship(s)
Appendix 423 B – General Standards and Boundaries for Teaching and Working with Students.

Policy #: 426
Title: NEPOTISM IN EMPLOYMENT
Date of Initial Approval: 10-18-2017
Revision/Re-authorization Dates:
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have or be perceived to have unfair influence over the career development, work assignments, work direction, performance reviews, or compensation of a family member who is also employed by the Minnesota State Academies (MSA). As a public entity, MSA must be held to high standards to deserve the public trust. Nepotism, or the appearance of nepotism, diminishes the integrity of MSA in the public's eye and should be avoided at all times. Employing persons who are close family members, but whose work assignments do not bring them into supervisory work relationships, and whose employment was not influenced by the other does not constitute nepotism. Balancing the ability of MSA to attract and keep the best employees for the purposes of MSA's academic mission with a prohibition against nepotism requires the disclosure of potential conflicts with this policy and actions to prevent and arrange placement of related persons within the academies to avoid valid claims of nepotism.

II. GENERAL STATEMENT OF POLICY

MSA may employ family members of current employees. However:

- A. No individual shall be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, program, location, or school where close family member will have administrative or supervisory responsibility over that individual.
- B. No employee shall be part of the interviewing, hiring, or contracting process for a close family member.
- C. No employee shall influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances of a close family member. If the employee has been granted an exception to have a close family member under their administrative or supervisory responsibility, any transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances for the excepted close family member shall be handled by the supervisor's superior.
- D. Close family members may work in the same department, location, or school as long as the relationship is disclosed and approved by both individuals' supervisors.
- E. Potential employees are required to disclose their relationship to a MSA employee who is a close family member during the application process to ensure that close family members do not participate in the selection process.

- F. Employees shall disclose any potential conflict with this policy due to a proposed reassignment, transfer, promotion or demotion, to their supervisor.
- G. Willful breaches of this policy may result in employee discipline up to, and including reassignment or termination of employment
- H. This policy does not apply generally to situations where students enroll in or are assigned to classes or activities taught or supervised by close family members. In such cases, the employee shall notify the Director of the relationship and the Director may make reassignments. In the event that no reassignment is possible, the employee shall be responsible for making those academic decisions normally incident to their instructional duties. (See Policy #423)

III. DEFINITIONS

A. Close Family Member

A close family member means the employee's parent, spouse, ex-spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives, including stepchild, stepmother, stepfather, step sister, and step brother, in-law relationships including father- and mother-in-law, daughter-and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of the relationship. Half-blood relationships are defined the same as full-blood relationships.

B. Direct or Indirect Supervision

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

IV. APPLICATION TO BOARD MEMBERS

MSA board members are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, board members shall abstain from the action when a close family member is involved or might be affected by the action. This includes situations when grievances may be brought before the board regarding decisions made by the superintendent regarding disciplinary action and/or other employment actions that affects the board member's close family member.

V. EXCEPTIONS: SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by the Superintendent of MSA. Any direct or indirect supervision relationship approved by the Superintendent must be reported to the MSA board. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel. Exceptions involving the Superintendent of MSA and a close family member of the Superintendent must be approved in writing by the MSA board.

VI. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIPS BETWEEN EMPLOYEES

Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy.

VII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of close family members for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by MSA. Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the

MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy

Legal References:

Minn. Stat. § 124E.07, Subd 6 (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act)

Cross References:

MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School Board Members)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 426 (Nepotism in Employment)
Minneapolis Public Schools Policy 3003 (Nepotism)

Appendix:

Appendix 424 A – Plan to address Direct or Indirect Supervisory Responsibility for a Close Family Member

Policy #: 441
Title: ON-CALL COVERAGE
Date of Initial Approval: 05-31-2001
Revision/Re-authorization Dates: 11-21-2013; 05-19-2016; 04-25-2019
Reviewers: MSA Superintendent; MSA Directors

I. PURPOSE

The purpose of this policy is to allow staff members at the Minnesota State Academies (MSA) to access a supervisor at any hour of the day or night. The challenges of operating a statewide agency with a residential component require 24-hour accessibility to supervisors. Emergencies, whether student-related, weather-related, or facilities-related require immediate action and attention. (See Appendix A for appropriate uses of the on-call system.) This on-call policy will address these needs. If there is an emergency or if the support of a supervisor is needed, the on-call number may be used to reach the on-call supervisor.

II. GENERAL PROCEDURES

- A. The on-call phone number will be listed in the “Guide To Emergency Procedures” booklet posted in all areas. Supervisors responsible for the on-call system will include select administrators assigned by the superintendent and the director of health services. A schedule will be developed and shared with the MSA community at the beginning of each school year.
- B. Administrators who serve as on-call supervisors will have access to MSA’s on-call phone, informational packets, and master keys necessary to handle situations on campus. They will also have access to student information systems and resources necessary to respond to parents, emergency responders, and other staff members.
- C. Administrators will receive training/updates at the beginning of each school year to ensure consistency in our responses. The superintendent is responsible for establishing training content and dates in August of each school year.

III. ON-CALL SUPERVISOR RESPONSIBILITIES

- A. The on-call supervisor has responsibility for the overall operation of the agency and for making decisions ordinarily made by supervisors (or in some situations, by the superintendent).
- B. The on-call supervisor manages responses to situations that require assistance of an administrator (situations beyond the capabilities of on-site staff members). If the situation warrants it, it may mean the physical presence of the on-call supervisor on campus or contacting another supervisor to be on campus to manage the situation.

- C. The on-call supervisor is the first point of contact for staff with questions or concerns when the direct supervisor is not on-campus (usually during non-working hours). If the on-call supervisor needs additional support in making a decision, the on-call supervisor contacts the appropriate supervisor for assistance. The superintendent will be made aware if a major incident occurs, i.e., when the police are called, when a student needs to be transported to the hospital, etc.
- D. During weather emergencies, the on-call supervisor will determine school closings in the absence of the superintendent.
 - On student return days:
 - i. Staff members who receive information from parents or schools regarding weather-related absences will contact the on-call supervisor if it is necessary to make staffing changes.
 - ii. The on-call supervisor will contact dormitory staff/supervisors with cancellation information, transportation plans, and updated arrival times.
 - iii. The on-call supervisor will contact MSAB/MSAD kitchens and health clinics with student numbers.

IV. STAFF RESPONSIBILITIES

Staff members have the responsibility to contact the on-call supervisor when supervisory support is necessary. Staff members are expected to follow all instructions given by the on-call supervisor. The on-call supervisor will communicate with the staff member's usual supervisor if overtime hours were required or if assignments changed.

See Appendix A for guidance regarding possible situations that require an on-call contact.

Procedure #5200
Title: SUPPORTING TRANSGENDER AND GENDER-EXPANSIVE STUDENTS
Category: Students
Date of Initial Approval: NEW
Revision/Reauthorization Dates:
Reviewers: MSA Department Supervisors

I. PURPOSE

The purpose of this procedure is to establish expectations and guidelines for the Minnesota State Academies (MSA) to address the needs and concerns of transgender and gender-expansive students to ensure safe, supportive, and healthy school environments where every child can learn. These guidelines are intended to:

- 1) ensure that all students are welcomed, valued, included, and respected;
- 2) to help schools ensure safe learning environments free of discrimination, harassment, and bullying; and
- 3) to promote the educational and social integration of transgender and gender-expansive students.

These Guidelines do 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.

This Procedure is supported by MSA Policies - 102 (Equal Education Opportunity), 110 (Educational Excellence and Equity), 413 (Harassment and Violence), 515 (Bullying Prohibition Policy), 515 (Protection and Privacy of Pupil Records), 522 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process), and 525 (Violence Prevention).

II. DEFINITIONS

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

“Gender Identity” is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex or gender they were assigned at birth. A person's gender identity can be the same or different than the sex or gender assigned at birth.

“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.

“Transgender/Trans” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

“Gender Non-Conforming” describes people whose gender expression differs from social expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous. This phrase also includes people who identify outside traditional gender categories.

“Gender-expansive” describes someone with a more flexible gender identity than might be associated with a typical gender binary.

III. **PRIVACY**

All students have a right to privacy, including the right to keep private one’s transgender or gender expansive status at school. Transgender and gender-expansive students have the right to discuss and express their gender identity and expression openly and to decide when, how, and with whom to share private information, well as to determine what information will be shared.

To ensure the safety and well-being of the student, MSA staff members shall not disclose a student’s gender identity, sex assigned at birth, transgender identity, or information that may reveal a student’s gender identity (e.g., birth name) to anyone, including, but not limited to, other staff members, students, or parents of other students, unless such disclosure has been authorized by the student or their parent(s)/guardian(s). If such a disclosure is necessary, it will be documented in writing and should be discussed with the student in advance.

Information about a student’s transgender or gender-expansive status, legal name, or gender assigned at birth may constitute private data under state and federal law. MSA staff members shall not disclose information that may reveal a student’s transgender or gender-expansive status to others, including parents and other staff members, unless legally required to do so or unless the student has authorized such disclosure.

In some cases, transgender or gender-expansive students may feel more supported and safer if other students are aware that they are transgender or gender-expansive. In such cases, MSA staff should work closely with the student, family, and other staff members on a plan to inform and educate the student’s peers and shall document the plan. In some circumstances, it may also be appropriate to engage external resources to assist with educational efforts.

IV. **OFFICIAL SCHOOL RECORDS**

MSA is required to maintain a mandatory and permanent student record (“official record”) that includes a student’s legal name and gender. MSA is not required to use a student’s legal name and gender on other school records or documents.

MSA 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.

In situations where MSA staff members or administrators are required by law to use or report a transgender or gender-expansive student's legal name or gender, such as for purposes of standardized testing, MSA staff members and administrators shall adopt practices to avoid the inadvertent disclosure of confidential or private information relating to a student's gender identity or gender expression.

V. STUDENT NAMES, PRONOUNS, AND GENDER MARKERS

A student has the right to request that the student be referred to by a name and pronouns that correspond to the student's gender identity by all MSA staff members and fellow students. Parent(s)/Guardian(s) have a right to request that MSA change the student's name and/or gender marker in the school's student information system. A court-ordered name change or official gender change is not required, and the student is likewise not required to change the school's official records in order to be addressed by the name and pronouns that correspond to the student's gender identity.

VI. GENDER-SEGREGATED ACTIVITIES

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender.

VII. GENDER-SEGREGATED FACILITIES

Transgender and gender-expansive 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 state law, students shall have access to the restroom that corresponds to their gender identity asserted at school:

- 1) 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.
- 2) No student shall be required to use a single user restroom because they are transgender or gender-expansive.
- 3) MSA shall work with each gender-expansive student to determine which restrooms are most comfortable for the student.
- 4) In no case shall a transgender or gender-expansive student be required to use a restroom that conflicts with the student's gender identity.

b. Locker Room Accessibility

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 safety and comfort, and minimizing stigmatization of the student.

- 1) 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.
- 2) 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 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 corresponding to gender identity before or after other students).
- 3) Any alternative arrangement should be provided in a manner that protects the student's ability to keep the student's transgender or gender-expansive status confidential.
- 4) MSA shall work with each gender-expansive student to determine which restrooms and locker room facilities are most comfortable for the student.
- 5) In no case shall a transgender or gender-expansive student be required to use a locker room that conflicts with the student's gender identity.

VIII. PHYSICAL EDUCATION, HEALTH EDUCATION CLASSES, AND INTRAMURAL SPORTS

Transgender and gender-expansive students shall be permitted to participate in physical education classes, health education classes, and intramural sports/activities in a manner consistent with their gender identity or in a manner that allows the student to feel the safest, included, and most comfortable.

Students in physical education classes may be grouped by ability, so long as a student's ability is based on objective standards of individual performance. A student's gender identity shall not be considered when assessing ability.

Physical education and health education teachers and staff will make their best efforts not to divide students based on sex assigned at birth or gender identity during any activities or classes.

IX. SCHOOL TRIPS

All students shall be permitted to participate in all school trips in a manner that corresponds with their gender identity or in a manner that allows the student to feel the safest, included, and most comfortable. In planning school trips, staff members are expected to assess the student's need in collaboration with the student and/or

the student's parent(s)/guardian(s) and make reasonable efforts to provide an accommodation that is acceptable to the student. Accommodations will be discussed in advance of the trip on a case-by-case basis and will be documented in writing.

X. DRESS CODES

Transgender and gender-expansive students have the right to dress in a manner consistent with their gender identity or gender expression, including at school-sponsored functions such as dances, after school activities, and graduation. MSA rules regarding clothing will be enforced consistently, regardless of a student's gender identity or expression.

A student whose gender expression is different from expectations based on the student's sex assigned at birth will not be considered disruptive of the educational process or as an interference with the maintenance of a positive teaching/learning climate.

XI. INTERSCHOLASTIC COMPETITIVE SPORTS TEAMS/ACTIVITIES

Transgender and gender-expansive 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).

XII. STAFF TRAINING AND COMPLIANCE

All MSA staff members shall be informed of the existence of this procedure. MSA will provide training on these guidelines and how to support transgender or gender-expansive students at reasonable intervals, to be determined by the campus director.

MSA staff members who refuse to abide by this procedure may be subject to disciplinary actions, up to and including termination, as set forth in the relevant employee discipline policy. This includes a staff member's persistent refusal to respect a student's gender identity, for example by consistently referring to the student by a name or pronoun that does not correspond with the student's gender identity.

XIII. DISCRIMINATION/HARASSMENT/BULLYING

It is the policy of the Minnesota State Academies 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.

Complaints alleging discrimination or harassment based on a student's actual or perceived transgender status or gender non-conformity 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 violation of MSA's policy on harassment and violence and MSA procedures for addressing such complaints, refer

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to the MSA policy on harassment and violence (Policy 413). For information about the types of conduct that constitute violation of MSA's policy on bullying and the MSA procedures for addressing such complaints, refer to MSA's policy on bullying (Policy 514).