

## Minnesota State High School League Policy Regarding Participation of Transgender Students

The Minnesota State High School League (MSHSL) allows participation for all students regardless of their gender identity or expression. The purpose of this policy is to designate a set of criteria in which student athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination. Fundamental fairness, as well as most local, state and federal rules and regulations, requires schools to provide a transgender student with equal opportunities to participate in athletics. This policy creates a framework for such participation.

For the purpose of this policy, the following definitions will be in place.

- **Transgendered Person:** a person whose gender identity is different from and which does not match the gender assigned at birth.
- **Intersex Person:** a person who is born with a reproductive or sexual anatomy and/or chromosome pattern that doesn't seem to fit the typical definitions of female or male.
- **Gender Identity:** a person's deeply-felt internal sense of being male or female.
- **Gender Expression:** a person's external characteristics and behaviors that are socially defined as either masculine or feminine (ie. dress, speech, mannerisms, social interactions, etc.)

The MSHSL Transgender Policy addresses only transgender students and does not alter existing MSHSL rules. Minnesota State law does not prohibit girls from playing on teams traditionally identified as boys' teams. Specifically, Minn. Stat. § 121A.04, subd. 3(d) states the following:

"If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team."

### Privacy Statement

To the extent provided by law, all discussions and documents at all levels of the process, either by a member school and/or the MSHSL, shall be kept confidential unless otherwise specifically requested, in writing, by the student and family.

### MSHSL Member School Identification Process

The student/student's parent(s)/legal guardian(s) shall contact the school administrator, or athletic/activity director at the high school the student attends notifying them that the student has a gender identity different than assigned at birth and as listed on the student's school registration or birth certificate and that the student wishes to participate in athletic activities in a manner consistent with their gender identity.

In order to determine the gender identity of the student for athletic participation and to ensure the purpose for participation does not create an unfair competitive advantage, the school administrator or athletic/activity director shall collect the following information:

- a. A written statement from the student/student's parent(s)/legal guardian(s) affirming the consistent gender identity and expression to which the student self-relates.
  - b. The gender identity used for school medical and registration records.
  - c. Documentation from medical personnel acting within their scope of licensure regarding the length and duration of hormonal treatments, sexual re-assignment surgery, psychological counseling, medical records, and any other recognizable documentation deemed to be necessary by the school.
  - d. Gender-identity related advantages for the student if participation is approved (information can include the size and skill of the student).
2. When the school administrator or athletic/activity director has collected all of the relevant information, the school administrator or athletic/activity director, acting within their scope of responsibility as assigned by the school board, shall make the initial determination about the gender of the student and shall contact the MSHSL office, in writing, with such determination.

3. Such determination by the member school administrator or athletic/activity director shall be based on the required information collected by the member school and as required in MSHSL Bylaw 305.00, Master Eligibility List.

### **LOCAL LEVEL APPEAL PROCESS**

If the school administrator or athletic/activity director, acting within their scope of responsibility as assigned by the local school board, does not affirm the transgender student's participation, within the gender requested, the student/student's parent(s)/legal guardian(s) may file an appeal, in writing, with the student's school.

The school must have a local appeal policy in place whereby the student, in concert with the student/student's parent(s)/legal guardian(s) are provided an opportunity to address and provide relevant information as identified in the local appeal policy. Any person involved in the initial eligibility determination can provide information, but may not serve as a member of the local appeal process.

Relevant documentation, including subsequent information submitted by the student/student's parent(s)/guardian(s), must be received as determined by the school.

The school administrator, following a complete review of the requested information per the local appeal policy, must send the appeal decision, in writing, to the student/student's parent(s)/guardian(s), and to the Executive Director of the MSHSL within five (5) business days following the hearing at the local school level.

### **League Level Hearing**

1. If the appeal at the local school does not affirm the transgender student's participation, within the gender requested, the student/student's parent(s)/guardian(s) may file an appeal, in writing, to the Executive Director of the MSHSL.
2. Upon receipt of the appeal, the Executive Director of the MSHSL shall review the submitted documents and respond in writing to the member school and the student/student's parent(s)/legal guardian(s) whether the MSHSL agrees or disagrees with the member school's participation determination. The MSHSL may extend the response time in order to confer with a licensed physician experienced with gender identification and acting within the physician's scope of licensure before making a participation ruling.
3. Unless the Executive Director of the MSHSL extends the response time in order to consult with a licensed physician experienced with gender identification and acting within the physician's scope of licensure, the decision of the Executive Director of the MSHSL shall be communicated to the member school, the student/student's parent(s)/legal guardian(s) within ten (10) business days following the initial receipt of the information from the student/student's parent(s)/legal guardian(s).
4. If the Executive Director of the MSHSL does not affirm the transgender student's participation, the student/student's parent(s)/guardian(s) may appeal the decision of the Executive Director to the MSHSL Board of Directors who will identify an Independent Hearing Officer as identified in the appeal procedure published in the most current MSHSL Official Handbook and on the MSHSL web site. (See Fair Hearing Procedure).
5. The Independent Hearing Officer shall conduct a hearing and submit a written decision to the MSHSL Board of Directors regarding the eligibility determination for the transgender athlete in question.
6. The decision of the Independent Hearing Officer shall be final.

### **Areas of Awareness for Member Schools**

- Have a plan in place to address the eligibility and necessary accommodation(s) for any transgender student in your school.
- Use correct names/pronouns according to a student's self-identification.
- Ensure reasonable and appropriate restroom and locker room accessibility for students.
- Educate teachers, counselors, coaches, administrators, parents, students, and others regarding transgender sensitivity relative to students.
- Permit the student to dress according to the student's gender identity.