

- 1) Adopt, implement, and enforce policies protecting students from harassment, violence, and discrimination for any reason including based on their real or perceived sexual orientation, gender identity, and/or gender expression (e.g., enumerated nondiscrimination, anti-bullying, and anti-harassment policies).**⁵

Inclusive school policies and administrative guidelines regarding implementation provide clear guidance for school administrators, teachers, support staff, families, and students to ensure all members of the school community have similar, consistent expectations for what is considered appropriate conduct in school and at school-related activities. Those same protections should also be afforded to LGBT staff to provide a diverse workforce and role models who are supported.

- 2) Provide professional development opportunities on issues affecting LGBTQ students to district staff and board members.** These opportunities should extend beyond teachers, administrators, and school mental health staff, to include anyone who interacts with students (e.g., coaches, bus drivers, cafeteria workers, custodians, and administrative support staff). The MDE conducts introductory and advanced workshops to help educators and other school personnel understand, assess, and improve school safety and climate for all students, including those who are LGBTQ.⁶ Districts should encourage and support staff attendance at these and other role-appropriate professional development opportunities.

- 3) In accordance with the Equal Access Act, support the formation of extracurricular student-led clubs, such as Gay-Straight Alliances or Gender and Sexuality Alliances (GSAs) in middle and high schools.** The GSA should be afforded the same rights and privileges as other student-led extracurricular clubs in all areas, such as appointment of advisors, publicity for events, and inclusion on school websites. These groups have been shown to improve school climate for all students, regardless of sexual orientation, gender identity, or gender expression, and are protective for all students, both members and non-members. They can serve different functions, including supporting potentially isolated and at-risk LGBTQ students and their allies, educating the larger school community, and advocating for a more inclusive school climate.

- 4) Provide appropriate and meaningful family engagement and support.** Parental and family support are key determinants of LGBTQ student health⁷; therefore, student support teams, staff, and community partners should provide resources to help families and students locate information, affirming counseling, and support services. School mental health professionals (school counselors, school social workers, and school psychologists) play an important role in helping students evaluate their academic and family situations, support systems, and resources, and have the necessary training to conduct mental health and substance use assessments, as needed. Schools should provide a welcoming environment for diverse families, including those that are headed by LGBTQ parents,⁸ and are encouraged to educate all families in their community about this SBE Statement and Guidance.

- 5) Encourage respect for the human and civil rights of all people, including those who are LGBTQ.**⁹ Incorporating LGBTQ topics throughout the educational culture of the school fosters an inclusive and safer environment for all students, regardless of sexual orientation or gender identity.

- 6) Provide developmentally-appropriate information about LGBTQ issues in school libraries and in student and faculty resource centers.** School libraries are encouraged to include a selection of LGBTQ books and media. Selection of library materials should be guided by local policies and procedures. Schools are encouraged to review the computer-filtering protocol to ensure that students and other school community members can access

age-appropriate information related to LGBTQ youth, local and national resources, and LGBTQ health information.

- 7) Collect and review data to identify disparities that create barriers to a safe and successful learning experience for LGBTQ students.** LGBTQ students are disproportionately at risk for experiencing bullying, truancy, violence, substance use, unaccompanied homelessness, discipline treatment, and involvement with the juvenile justice system. Districts are encouraged to analyze available attendance, suspension, expulsion, bullying, student risk behavior, and school climate data to promote practices that improve LGBTQ students' attendance and participation in school.¹⁰ The United States Office for Civil Rights (OCR) requires every public school in the nation to report data on key education and civil rights issues, including incidents of bullying based on sexual orientation and sex (which can include gender- or gender identity-based bullying).
- 8) Designate a building-level staff member who is conversant in issues related to sexual orientation, gender identity, and gender expression.** Students report feeling safer at school when they know where to go for information or support regarding LGBTQ issues, or when they have a trusted teacher or school staff person available. This person may assume a leadership role in working with LGBTQ students and their families, educate the school community regarding these topics, serve as the point person for the building, work closely with the district Title IX Coordinator, and be a liaison to MDE.

Guidance to Support Transgender and Gender Nonconforming (GNC) Students

Due to the increased risks facing transgender and GNC students, as well as the unique circumstances that may arise when working with these students and their families, the SBE is providing additional guidance and recommendations to help ensure these students receive the same educational opportunities as their peers.

Districts make important decisions regarding policies and practices to promote student safety and support, with equal access to all programs, services, and facilities provided by school districts. It is the position of the SBE that students should be treated equally and fairly, free from discrimination, harassment, and bullying based on their real or perceived sexual orientation, gender identity, and gender expression. This commitment to equal and fair treatment includes transgender and GNC students, and applies to all district operations, programs, and activities.

The legal basis for the following recommendations is grounded in the U.S. Department of Education (USED) Office for Civil Rights' (OCR) interpretation of Title IX. As a condition of receiving federal funds, schools agree that they will not discriminate on the basis of sex in their educational programs or activities. The USED treats a student's gender identity as the student's sex. This interpretation is consistent with courts' and other agencies' interpretations of federal laws prohibiting sex discrimination.¹¹ In essence, schools must not treat a transgender student differently from the way they treat other students of the same gender identity, regardless of the student's sex assigned at birth.¹²

These recommendations facilitate district compliance with local, state, and federal laws, while furthering the goals of cultivating and sustaining caring, supportive, respectful, and affirming learning environments that provide for the education, safety, and welfare of all students. While this guidance provides important suggestions for school staff, it does not anticipate every situation that might occur. The unique needs and concerns of each student should be addressed on a case-by-case basis, with a student-centered approach that includes the ongoing engagement of the student, the parent(s) (except in situations where educators are aware parental knowledge might threaten the student's safety and/or welfare), and school