

Transgender Students: Know Your Rights

Transgender students in Minnesota are entitled to:

Use the same restrooms and locker rooms as other students. Minnesota schools cannot force transgender students to use segregated bathroom and/or locker room facilities.

Use the restrooms, locker rooms, and other facilities that align with their gender identity. Schools must allow transgender students to use facilities that align with their gender identities.

Participate in all school-related activities. Schools should not treat students differently based on their gender, and students should be allowed to participate in school activities in a way that aligns with their identity.

Participate on teams that align with their gender identity. The Minnesota State High School League allows all students, regardless of their gender, to participate in sports and play on teams that align with their gender identity.

Be protected from bullying. The Minnesota Human Rights Act protects all LGBTQ+ students from a hostile school environment.

N.H. v. Anoka-Hennepin Sch. Dist. No. 11, 950 N.W.2d 553 (Minn. Ct. App. 2020); Minn. Stat. § 363A.13, subd. 1; Minn. Const. Art. I § 2. See also Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a). See, e.g. Grimm v. Gloucester County School Board, 972 F.3d 586 (4th Cir. 2020); Whitaker v. Kenosha, 858 F.3d 1034 (7th Cir. 2017).

The Minnesota Human Rights Act states that “[i]t is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby.” Minn. Stat. § 363A.13 subd1.

MSHSL Official Handbook, 300.00 Bylaws: Administration of Student Eligibility, 2020-20201, 300.03. See also Minn. Stat. § 363A.13, subd. 1; Minn. Const. Art. I § 2; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a).

Minn. Stat. § 363A.13, subd. 1. Additionally, the Safe and Supportive Minnesota Schools Act requires schools to adopt policies that prohibit harassment and bullying, including harassment and bullying based on sex, gender identity, gender expression and sexual orientation. Minn. Stat. § 121A.031 subd. 2(g).



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The Minnesota Department of Education further recommends that:

School faculty and staff should respect students' names and pronouns. The Minnesota Department of Education [Safe and Support Schools Toolkit](#) states:

"Schools should not assume a student's name, gender identity or pronoun. School officials should ask the student and use the requested name and pronouns. Students need not provide schools with legal documents to correct their first name or gender within their student records.

When students are referred to by the wrong pronoun by peers or school staff, students may feel intimidated, threatened, harassed or bullied. School staff can ensure a more respectful environment for all students when efforts are made to correct the misuse of pronouns, as well as names, in student records."

Minnesota schools should be aware that pronoun usage impacts a significant number of students. In a 2020 study, The Trevor Project found that 1 in 4 LGBTQ youth use pronouns that fall outside of the binary construction of gender.

This information is intended to serve as a guide for transgender students and their families and advocates, but it is not a substitute for Minnesota or federal law.

A 2020 survey found that 28% of transgender youth whose pronouns are not affirmed attempted suicide in the past year.

That number decreased to 12% for those whose pronouns are affirmed by all or most of the people in their lives.

**The Trevor Project,
Second Annual National
Survey, 2020**

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