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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3215

03/16/2016 Authored by Kahn; Johnson, S., and Dehn, R.,
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; codifying the Minnesota State High School League gender
1.3 identity policy; amending Minnesota Statutes 2014, section 128C.02, by adding
1.4 a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 128C.02, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 2a. Gender identity; participation in league activities. (a) For purposes
1.9 of this subdivision, the following terms defined in this paragraph have the meanings
1.10 given them:

1.11 (1) "transgender person" means a person whose gender-related identity is different
1.12 from and does not match the gender assigned at birth;

1.13 (2) "gender-related identity" means a person's deeply felt internal sense of being
1.14 male or female; and

1.15 (3) "gender-related expression" means a person's external characteristics and
1.16 behaviors such as dress, speech, mannerisms, and social interactions that are socially
1.17 defined as either masculine or feminine.

1.18 (b) A student's member school initially determines a student's eligibility to
1.19 participate in league-sponsored interscholastic activities. When a member school receives
1.20 written notice from a student and the student's parent or guardian that the student has a
1.21 consistent and uniform gender-related identity, or that the student's gender-related identity
1.22 is sincerely held as part of the student's core identity and the gender-related identity is
1.23 different from the student's gender described on the student's school registration records or
1.24 birth certificate, and the student wishes to participate in league-sponsored interscholastic

2.1 activities consistent with the student's current gender-related identity, the student's school
2.2 must review the following information before determining the appropriate gender team on
2.3 which to place the student:

2.4 (1) the student's current transcript, school registration, and other relevant information;

2.5 (2) the written notice from the student and the student's parent or guardian affirming
2.6 the student's consistent and uniform or sincerely held gender-related identity and
2.7 expression;

2.8 (3) statements from individuals such as parents, friends, and teachers affirming the
2.9 student's actions, attitudes, dress, and manner that demonstrate the student's consistent and
2.10 uniform or sincerely held gender-related identity or expression; and

2.11 (4) a written statement from an appropriate health care professional, acting within
2.12 the scope of that person's licensure, verifying the existence of the student's consistent and
2.13 uniform or sincerely held gender-related identity.

2.14 (c) Consistent with paragraph (b), after a school receives confirmation of a student's
2.15 consistent and uniform gender-related identity or other evidence that the student's
2.16 gender-related identity is sincerely held as part of the student's core identity, the student
2.17 is eligible to participate in league-sponsored interscholastic activities consistent with
2.18 the student's current gender-related identity for the remaining period of the student's
2.19 high school eligibility.

2.20 (d) If a member school denies a student's request to participate in league-sponsored
2.21 interscholastic activities consistent with the student's current gender-related identity, the
2.22 student's parent or guardian may appeal the school's decision to the league's executive
2.23 director. The executive director or the executive director's designee, under the league's
2.24 fair hearing procedures as periodically amended and published, must then determine the
2.25 student's eligibility to participate in league-sponsored interscholastic activities consistent
2.26 with the student's current gender-related identity. The decision of the executive director or
2.27 the executive director's designee is final.

2.28 (e) Consistent with applicable law, the school and the league must keep the
2.29 information about the student transmitted under this subdivision private unless the student
2.30 and the student's parent or guardian specifically allow the school or league to disclose
2.31 the information.

2.32 (f) Member schools must make a locker room, bathroom, and shower facility
2.33 in a safe, comfortable, and convenient environment accessible to every student who
2.34 participates in a league-sponsored interscholastic activity.

2.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.