

## MSHSL Fair Hearing Procedure

### 4. Transgender Eligibility Appeal Procedures for a Male to Female (MTF) Student

**A. Introduction.** In accordance with applicable state and federal laws, rules and regulations, the Minnesota State High School League allows participation for all students regardless of their gender identity or expression in an environment free from discrimination with an equal opportunity for participation in athletics and fine arts.

**B. Transgender Eligibility Appeal Procedures.** The application to appeal a transgender eligibility determination is limited to the following circumstances:

1) The school must have been notified, in writing, by a student and the student's parent(s)/legal guardian(s) that the student has a consistent gender identity or that the gender identity is sincerely held as part of the student's core identity and the gender identity is different from the student's gender identity assigned at birth and that the student wishes to participate in athletics in a manner consistent with the student's gender identity. The information in Section 2) must have been presented to the student's school prior to any determination relative to the appropriate gender team on which the student will participate.

2) The appeal must be submitted to the MSHSL Executive Director or Designee and must include, but is not limited to, the following:

- The student's current transcript, school registration and any additional relevant information.
- The written statement from the student and the student's parent(s)/legal guardian(s) affirming the consistent gender-related identity and expression to which the student self-relates.
- Statements from individuals such as, but not limited to parents, friends, and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent or sincerely held gender-related identification and expression.
- A written statement from an appropriate health-care professional, acting within the scope of his/her licensure that verifies the existence of the student's consistent and uniform gender-related identity or sincerely held gender-related identity.
- Any other evidence that the gender identity is sincerely held as part of the person's core identity as may be required by the school or the MSHSL office relative to the eligibility determination.

- 3) When the MSHSL Executive Director or the Executive Director's Designee has received the required information from the student, the Executive Director or the Executive Director's designee shall contact an Independent Hearing Officer who will review the submitted information.
- 4) In addition to the review of submitted information, the Independent Hearing Officer may:
  - a. communicate with experts, within their scope of licensure, with experience in gender identity health care.
  - b. communicate with the Minnesota Department of Education, Office of Monitoring and Assistance.
  - c. communicate with legislative counsel relative to existing state laws, rules and procedures.
  - d. communicate with representatives of the U.S. Department of Education, Office for Civil Rights regarding Title IX and related laws, rules, guidance and procedures.
  - e. review any other pertinent information as may be necessary in order to render a decision that complies with state and federal laws, rules and regulations.
  - f. waive, for good cause shown, the required statements from a health care professional.
- 5) Following a complete review of the information, the Independent Hearing Officer's recommendation shall be effective until reviewed by the MSHSL Board of Directors at its next regularly scheduled meeting.
- 6) If the Independent Hearing Officer affirms the eligibility of the MTF student, the student will be eligible to participate in MSHSL activities consistent with the student's gender identification for the balance of the student's high school eligibility.
- 7) Any decision of the Hearing Officer shall take into account the exemptions for religious affiliated non-public schools as set out in Minn. Stat. 363A.24, 363A.26, 20 U.S.C. 1681(a)(3) and 34 C.F.R. 106.12(a).

Approved by the MSHSL Board of Directors  
Effective with the 2015-2016 School Year