

SDHSAA Transgender Procedure

Philosophy of Gender Identity Participation:

In accordance with applicable state and federal laws, rules and regulations, the SDHSAA allows participation for all students regardless of their gender identity or expression in an environment free from discrimination. The procedure outlined in this document 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.

Gender Identity Participation:

All students should have the opportunity to participate in SDHSAA activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation by working through the procedure set forth below: Once a student has been granted eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year.

Definitions:

For the purposes of this policy, the following definition applies:

1. Transgender Person: a person whose gender identity does not match the sex assigned to him or her at birth.
2. Gender Identity: a person's deeply-felt internal sense of one's own gender.
3. Gender Expression: a person's external characteristics and behaviors that are socially defined as either masculine or feminine (dress, speech, mannerisms, social interactions, etc.)

Privacy Statement:

To the extent permitted by law, all discussions and documents at all levels of the process either by a member school and/or the SDHSAA shall be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

Approval Procedure:

- 1) Notice to School: The student and parent(s)/legal guardian(s) shall contact the administration at their member school notifying them that the student has a consistent gender identity different than listed on the student's school registration records or birth certificate and that the student desires to participate in activities in a manner consistent with his/her gender identity.
Gender identity of the student must not be for the purpose of "gaining an unfair competitive advantage."
- 2) Necessary Documentation: The member school should assist in collecting the following information.
 - a. Current transcript and gender identity used for school registration records.
 - b. A written statement from the student and the student's parent(s)/legal guardian(s) affirming the consistent gender identity and expression to which the student self-relates.
 - c. Statements from individuals such as, but not limited to parent/legal guardians, friends, and/or teacher, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression. Documentation shall also include accommodations that have been made by the school for the student.
 - d. Gender identity related advantages to the student if participation would be approved.

- e. Written verification from an appropriate health care professional (i.e. doctor, psychiatrist, psychologist), acting within the scope of his/her licensure, that verifies the existence of the student's consistent and uniform gender identification and expression.
 - f. Any other evidence as may be determined appropriate by the school or the SDHSAA office relative to the eligibility determination which may reflect upon whether the gender identity is sincerely held as part of the person's core identity.
- 3) Notice to SDHSAA: The member school is responsible to determine if the necessary documentation has been procured for the SDHSAA Transgender Application (TA). Once this determination is made by the member school, it shall submit the Transgender Application and all materials and documentation to the SDHSAA for review of the student who intends to participate on a team opposite their birth gender. If the required documentation is not submitted, the SDHSAA will neither accept nor consider the TA application.
 - 4) Referral to Independent Hearing Officer (IHO): Upon receipt of the Transgender Application (TA) in the SDHSAA office, the Executive Director will refer the application and all necessary documentation to an Independent Hearing Officer (IHO) selected by the Executive Director who will review the submitted information. The IHO shall be a licensed attorney and a member of the State Bar of South Dakota in good standing.
 - 5) Upon appointment, the IHO shall notify the district and student involved that each may, within ten (10) days, submit any additional information which they urge is relevant to the issues presented with a copy to the other party. No additional information will be accepted after this date.
 - 6) In addition to a review of the submitted information, the IHO may review any other information which he or she in their sole discretion may deem necessary to render a decision.
 - 7) Written notification of the decision of the IHO will be rendered through the Office of the Executive Director within seven (7) days following the IHO's decision.
 - 8) Appeals: If the member school or student making application is aggrieved by the decision of the IHO and desires to appeal such decision, a written notice of appeal may be filed with the Executive Director of the SDHSAA within seven (7) days after receiving notification of the decision of the IHO. All appeals from the IHO will be to the Board of Directors of the SDHSAA. The decision of the Board of Directors shall be final. The Board of Directors will have the authority to investigate the factual situation as per each request and require that additional specified information be submitted. The Board of Directors will hear appeals during their next regularly scheduled meeting. Written notification of the decision of the Board of Directors will be rendered through the office of the Executive Director within seven (7) days following the Board of Directors hearing.
 - 9) No Annual Renewal Required: Once a student's gender eligibility has been determined by the SDHSAA and that student elects to participate, they will participate in that gender category in all sports, for the remainder of their scholastic/eight semester eligibility in grades 9-12. Annual renewal is not necessary.

Once an affirmative decision is made, the student's eligibility will begin and participation will be granted throughout the duration of the student's high school career, regardless of the member school attendance.