



THE CLASSICAL ACADEMIES

- ESCONDIDO | VISTA | OCEANSIDE | ONLINE -

Board of Directors Workshop

Monday, August 26, 2019 at 3:30 pm

Coastal Academy K-8
4096 Calle Platino, Oceanside, California 92056

AGENDA

1. Open Public Workshop **3:30 pm**
2. Verify Attendance of Board Members
3. Presentation and Discussion of Draft Policy for Transgender Students
 - Jerry Simmons, our attorney with YMC, will provide insight and analysis of the new state law and requirements for charter public schools to have a transgender policy in place by January 1, 2020.
4. Adjournment

Our next public Board meeting is scheduled for Tuesday, September 10, 2019 at Classical Academy Vista starting at 3:30 pm.

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PROCEDURE: Transgender and Gender Nonconforming Individuals

Purpose

California law and The Classical Academies policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. The Classical Academies has adopted a policy to address these concerns: TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY, which is available on our website or by request.

This procedure is meant to supplement our Title IX Policy and follows guidelines issued by The Federal Government, the California Department of Education, and the California State Superintendent of Public Instruction. Classical Academy employees are expected to follow these procedures to address the needs of transgender and gender nonconforming students. This procedure does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety and healthy development of the transgender or gender nonconforming.

A complete copy of the California Department of Education's guidance is available at <https://www.cde.ca.gov/re/di/eo/faqs.asp>.

Definitions

There are a number of developing terms used to describe transgender characteristics and experiences, which may differ based on region, age, culture, or other factors. Many of these terms are not currently defined by law. However, several common definitions have been used by the courts, the U.S. Department of Education, and the California School Boards Association. Any definitions provided in these materials are not intended to label students but rather to assist in understanding this procedure and to facilitate the process of providing safe and nondiscriminatory learning environments by The Classical team. Students might or might not use these terms to describe themselves.

- “Gender identity” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- “Transgender” describes people whose gender identity is different from their gender assigned at birth.

- “Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- “Gender nonconforming” describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.

The Law

Federal Protection:

Title IX prohibits sexual harassment and discrimination based on gender or sex stereotypes in every jurisdiction. While Title IX does not specifically use the terms “transgender” or “gender identity or expression,” courts have held that harassment and other discrimination against transgender and gender nonconforming people constitutes sex discrimination.

California Law:

It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. (Education Code Section 200.)

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code Section 220.)

Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one’s transgender status or gender nonconforming presentation at school. Information about a student’s transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and express openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. The Classical Academy Team will do its best to not unwillingly out students gender of choice, however, the student will understand that this may happen. Conversation with the school counselor, or other admin, will discuss confidentiality, privacy and disclosure (see Gender Support Plan).

Official Records

The Classical Academies is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, is not required to use a student's legal name and gender on other school records or documents. A student's official record will only change, to reflect a legal name or legal gender change, upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Names/Pronouns

AB 1266 allows a student the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The student can make such request without permission from parents or guardians, and must remain confidential unless student authorizes such disclosure. Every means to maintain confidentiality must be attempted, including mailings home.

Transgender or gender nonconforming students will be invited to a meeting with a school counselor to discuss a gender support plan (document). The counselor will work with school administration and staff to ensure the desired name and pronoun are used.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

Student Information Systems

The Classical Academies has modified its student information system to prevent disclosure of confidential information and ensure, to the best of our abilities, that

school personnel use a student's preferred name and pronouns consistent with the student's gender identity.

Restroom and Changing Area Accessibility

Students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided access to a single stall restroom when available, but no student shall be required to use such a restroom.

The use of changing areas by transgender students shall be assessed on a case-by-case basis with the goals to provide equal opportunity to participate in physical education classes, extracurricular activities (such as sports, drama, etc), ensuring the student's safety and minimizing stigmatization of the student.

Transgender students should have access to the locker room, when available, that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

Field Trips (including Overnights)

Students shall have access to the same rights on and off campus. Students have the right to access all spaces, according to their gender identity, including and not limited to room assignments. Student's gender identity may not be disclosed to others absent parental consent under FERPA and that may be protected by the constitutional right to privacy. If a student's transgender status is known or suspected by other students, staff will honor student request to switch rooms after an assignment has been made to specify a preference for a particular roommate in advance without regard for reason, just as in a request to be assigned to a room with a student of the same birth gender is similarly treated.

Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner

consistent with their gender identity and any participation requirements for the particular activity.

Interscholastic Competitive Sports Teams

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and any participation requirements for the particular sports team, including but not limited to requirements set by the state and/or local chapter of California Interscholastic Federation applicable to the sport.

Gender-Segregated Activities

In rare situations permitted by law, students may be segregated by gender, such as for health education classes. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their consistently asserted gender identity.

Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. The Classical Academy does not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Discrimination/Harassment

It is the responsibility of The Classical Academy to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.