



Edwards v. Nova Classical Academy

Summary of Settlement Terms

July 2017

Essential to the agreement between the Edwards family and Nova Classical Academy were a host of changes to the school's policies and commitments by the school to change its practices in ways that would have prevented the situation that harmed their daughter.

Background:

Before the 2015-2016 school year started at Nova Classical Academy, David and Hannah Edwards informed the school that their child was gender non-conforming and offered to work with the school on gender inclusivity policies. Early in the school year, they requested that Nova protect their kindergartner from gender-based harassment, including by clarifying that its uniform policies didn't prohibit their child from wearing any of the approved uniform clothing, rather than just pieces labeled as "boys."

As their child faced ongoing bullying for her gender expression, they formally requested that the school adopt a gender inclusion policy in November 2015. The school board did not agree that there was a need for such a policy until January of 2016, and then created a task force to recommend one for board approval with an uncertain timeline.

By February of 2016, the Edwardses could no longer put off their daughter's need to socially transition at school. When they informed the school that their daughter was ready to socially transition at school, the school still had no gender inclusion policy. The parents and school staff collaborated to create a safe and pedagogically-appropriate transition plan. The school day before the plan was to be carried out, the school's attorney notified the family that the school would not be implementing the plan. The school would not allow their child's teacher to tell her classmates of her name change and that she wished to be referred to as "she" and "her" unless the school first notified her classmates' parents and invited them to opt out of having this information shared with their children.

For their daughter's safety, the Edwardses concluded they had no choice but to move her to a new school. Shortly thereafter, in March of 2016, they filed their charge of discrimination with the City of Saint Paul.

In May of 2016, the school did adopt a Gender Inclusion Policy. As part of this settlement, the school agreed to key changes to several provisions in that policy, particularly regarding how it will support students who socially transition; changed its uniform policies; agreed to ongoing staff training and support for its Gay-Straight Alliance; promised not to adopt certain potentially

harmful policies; and committed not to allow students to “opt out” of respecting other students’ gender identities.

The specific changes and commitments include:

- **Gender Inclusion Policy.**
 - **Policy regarding Social Gender Transitions**

With respect to transitions at school, the Gender Inclusion Policy adopted after the Edwards family withdrew from Nova stated:

VI. GENDER TRANSITIONS AT SCHOOL

Students who transition at school have a right to a safe and supportive environment. School administration and staff shall work with any such students and their parents/guardians to identify which steps will create the necessary conditions to make the transition experience as positive as possible. Based on this work, the school, the student, and parents/guardians will create a tailored transition plan that ensures the school environment remains both safe and supportive of the student.

The school agreed to change the title of this policy section to “Social Gender Transitions,” and to add this key provision to the section: *“School staff will support and adhere to parent’s/student’s timeline for social transition.”*

Further, the school agreed to develop Gender Inclusion Guidelines that will include the following language regarding social transitions:

A student’s social gender transition may include name and/or pronoun changes; shifts in appearance; and differences in associations such as membership in gendered groups or the use of a different gendered bathroom.

School administration and staff are committed to providing a safe, welcoming, and affirming environment for a student, and their family or guardians, as the transition process unfolds. School administration should be sensitive to the stress that may occur during this time for the family and the student.

School staff will support and adhere to the parent’s/student’s timeline for social transition.

The school will communicate clearly and privately to appropriate staff about the changes that a student and their family have requested to their name, pronoun, and/or activities they wish to participate in based on their gender. Initial school

social transition meetings may include the student, their family, and appropriate school staff. The purpose of any meeting is to clarify the student's needs and how the school can support the student during the transition. Tools such as Gender Spectrum's Gender Transition Plan are helpful in planning the actions, changes, and communications that the family requests the school to lead or support.

Each student and family may want a very different transition experience and the school staff should be sensitive to student and family desires. School staff shall not invite families to opt out of any information or instruction necessary to create a safe and affirming school environment during the transition process.

- **Facilities Access to Align with Student's Gender Identity**

The school's Gender Inclusion Policy adopted after the Edwardses' daughter had to withdraw provided access to restrooms, locker room, and changing areas required access to align with the student's gender identity if that identity was "consistently asserted at school."

The school agreed to remove this limitation and to grant full access to facilities that align with the student's gender identity without determining whether the student had "consistently asserted" that gender identity "at school."

- **Gender-segregated Activities, Rules, Policies and Practices to in All Cases Align with Student's Gender Identity**

The school's Gender Inclusion Policy (adopted after the Edwardses' daughter had to withdraw) gave school authorities to determine "[s]leeping, changing, restroom, and showering arrangements on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity."

The school agreed to eliminate case-by-case decision-making and will change the policy to commit to granting students "access to sleeping, changing, restroom, and showering arrangements that align with the student's gender identity."

Nova's administration further committed "not to allow teachers or staff to discriminate against any student in preparation for an overnight field trip."

- **School Will Not Adopt Harmful Policies Suggested in a "Gender Inclusion Policy Implementation" Recommendation That its Board Considered and Tabled in October 2016.**

Nova did not adopt the Gender Inclusion Implementation recommendations reviewed by Nova's board during the 2015-2016 school year and committed not to adopt those recommendations in the future.

Nova will “not provide students an opportunity to request not to share a room with another student; they will only offer the chance to select preferred roommates.”

The family or student will indicate pronouns they wish the student to be called and Nova will support that. Students will be directed to use the chosen pronoun and the chosen name.

➤ **School Uniform Policies Changed to be Gender-Neutral**

Nova agreed to remove descriptions of clothing not allowed that include language regarding “exposing the midriff” and “skimpy tank tops” and to simply bar “any clothing not allowed under Nova’s school uniform guidelines.”

Nova will add a cross-reference to its Gender Inclusion Policy in its Uniform Guidelines.

Nova agreed to eliminate its gendered uniform policies and make all approved uniform items available without regard to students’ gender.

➤ **School Will Not Adopt Any “Opt-Out” From its Gender Inclusion Policy.**

Nova will not adopt any gender policy that allows parents to opt out of the requirements in the NP-601 Gender Inclusion Policy based on religious or conscience objections.

➤ **School Will Not Single Out Gender Inclusion for Additional Notices to Parents Regarding Curricular “Opt-Out” Rights.**

Nova will not call parents’ or guardians’ attention to the policy or law allowing them to opt out of specific instruction regarding gender inclusion.

➤ **School to Follow Minnesota Department of Education’s “Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Non-Conforming Students”**

Nova’s administration will include in its resources for staff the MDE’s “Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Non-Conforming Students” as adopted by the School Safety Technical Assistance Council on July 19, 2017

Further, the school’s Board committed to reviewing its Gender Inclusion Policy during the 2017-2018 school year to ensure that the language in it reflects best practices at that time, as evidenced by the MDE Toolkit.

➤ **School to Provide Ongoing Professional Development for Staff on Bias-based Bullying and Creating Gender-Inclusive Classroom Environments through 2025**

Nova will provide Professional Development for all staff on supporting gender diverse students by Welcoming Schools or another national LGBTQ organization that specializes in providing school-wide training to help staff respond to bias-based bullying and create gender inclusive classroom environments by the close of the 2018-2019 school year, and will ensure that all staff receive such training at least once every three years through 2025.

➤ **School Will Ensure That Board Meetings and Materials Distributed Are Respectful and Non-Discriminatory and Counter Statements That Could Create a Hostile Environment.**

Nova will set clear expectations for a respectful, non-discriminatory dialogue in Board meetings. Participants should speak and act in a kind and respectful way. When needed, school leaders should offer clarifying statements about non-discrimination. If appropriate, school leaders may also wish to remind people of the school's mission statement or the school's climate improvement work. Example of school response: "Here at Nova, all students are welcome and we have a non-discrimination policy about x (gender inclusion, race, etc.)."

Nova has a "Public Comment" segment in its board meeting agendas. Nova will add to the board agenda monthly under "Public Comment" the following: "Under Policy 203, public comment must not be discriminatory in nature. The board chair has the authority to stop any comments that violate Nova's policy or are discriminatory."

➤ **School Will Offer Additional Support to its Gay-Straight Alliance.**

In the 2017-2018 school year, Nova's faculty advisor for the GSA will advise the students in the GSA that OutFront Minnesota is a resource and the advisor will let students know that if they wish, the advisor will invite OutFront to present about its resources. If students want to invite Out Front to meet with the GSA and present information about OutFront's programs supporting GSAs, the students may also seek recommendations for ways that the school could help ensure that the GSA is supported and effective. If the GSA members ask the school to act on any recommendations, their request will be seriously considered by the administration.