

Charge Accepted

Charge Rejected

Beaudes J. H. [Signature]
Designated Official's Signature

3/24/16
Date

CHARGE OF DISCRIMINATION



City of Saint Paul
Department of Human Rights &
Equal Economic Opportunity
Human Rights Division
15 Kellogg Blvd. W, 240 City Hall
Saint Paul, MN 55102
(651) 266-8966

Date: 03/23/2016
Case#: A-5376

COMPLAINANT (Name, address and zip code):

David and Hannah Edwards
C/O Gender Justice
550 Rice Street
Saint Paul, MN 55103

RESPONDENT (Name, address and zip code):

Nova Classical Academy
C/O [Redacted]
1668 Montreal Ave
Saint Paul, MN 55116

The discrimination was because of (Please check)

- Disability
- Color
- Race
- Religion
- Marital Status
- Public Assistance
- Sexual or Affectional Orientation
- Age
- Creed
- Sex
- Familial Status
- National Origin
- Ancestry

In what area(s) did the Discrimination Occur:

- Employment
- Education
- Real Property
- Public Accommodations
- Public Services
- City Contracts

Optional (Check when appropriate)

- Aiding and abetting, and Obstruction
- Reprisal
 - Association
 - Opposition
- Credit; Sex Discrimination
- Business; Sex Discrimination
- Interference with Pension Rights
- Discrimination regarding Guide Dogs

Set forth in statutory language the violation of Chapter 183 of the Saint Paul Legislative Code and a brief statement setting forth the discriminatory act:

We are filing this charge on behalf of our minor child who was a kindergarten student at the Respondent school, Nova Classical Academy, for part of the 2015-2016 school year. When she began at Nova in September 2015, our child presented as a gender-nonconforming boy – that is, as a boy who preferred clothing and activities often associated with girls. Over the following months, it became apparent that our child actually had a female gender identity. In keeping with that, she underwent a social gender transition everywhere but at Nova, and she now presents as a transgender girl.

We originally chose Nova for her because we thought it would be a good place for her to learn and thrive. Unfortunately, she wasn't able to take full advantage of Nova's educational opportunities because of her gender identity and expression. This violated her rights. More specifically, we believe Nova violated our child's right to equal educational opportunity in two ways: (1) by failing to protect her and other gender-nonconforming or transgender students at Nova from persistent gender-based bullying and hostility, and (2) by denying her the ability to undergo a gender transition at Nova in a safe and timely way. As a result of these violations, we were forced to withdraw her from Nova as of February 29th, 2016.

(1) Nova's failure to protect students from gender-based bullying and hostility

Our child faced gender-based bullying and hostility from her first days at Nova. The response of the school was frustrating and upsetting: while many on the staff were ready to take effective action, the school leadership (particularly

Subscribed and sworn to before me this

24th day of March, 2016
[Signature]
(Notary Public)

I swear or affirm that I have read this charge and that it is true to the best of my knowledge, information and belief. I understand that this entire form may be made public.

X *[Signature]*
X *[Signature]*
(Complainant Signature)

X03-24-2016
X03-24-2016
(Date)

[redacted] and [redacted] repeatedly blocked or delayed those actions. For example: In October, 2015, in response to a number of hostile comments made to our child, the staff prepared to conduct training specific to gender issues as part of the school's anti-bullying week. They chose an age-appropriate book, "My Princess Boy," to support classroom discussions about gender identity and expression. But the school leadership stopped the staff from using the book and ultimately prevented the staff from delivering any effective proactive training. The leadership gave varying and unpersuasive explanations for their actions such as: the book had not been approved by the proper committee, talking about gender identity discriminated against other protected classes, and the school community needed time to weigh in on "controversial" topics.

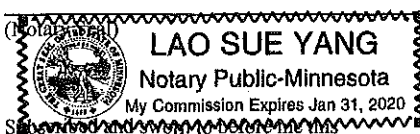
In the face of an increasingly frightening environment, which included a series of public committee meetings and school board meetings filled with discriminatory comments and threats and misstatements of the law, the school leadership continued to appease factions of the community who denied the school's obligation to follow the law. When begged to clarify their communications (e.g., regarding the school's policy on uniforms) and to take a clear position on the rights of gender-nonconforming and transgender students, the leadership refused outright or introduced delay after delay, while the bullying and hostility continued unabated. The leadership also chose actions – such as expressly inviting or even encouraging families to "opt out" of any education about gender and gender equality law – which indicated that the school was at best ambivalent about the rights of gender-nonconforming and transgender students. By its actions, the leadership also forced our family and our minor child to be publicly outed in order to try to participate in decisions that would affect her safety.

(2) Nova's denial of our child's right to undergo a gender transition in a safe and timely way

Throughout the year, we repeatedly asked the school to be ready to support our child through a gender transition, should it become apparent that transition was necessary for her wellbeing. After our child expressed a consistent, persistent, and insistent desire to socially transition from male to female, we notified the school in early February 2016 that the time had come. We agreed to meet with the school principal, the executive director, and the school's attorney several weeks later, on February 25th, 2016, to finalize all materials and information that would be presented to our daughter's classmates. At that February 25th meeting, we came to an absolute consensus on the most pedagogically-effective means of supporting our child's transition. Key components included a letter to be sent home to kindergarten families notifying them of the transition; use of the book "I Am Jazz" in each kindergarten classroom; and communications for any families who asked about opting out of the classroom education, to direct them to equivalent content and to outline behavior expectations.

The next day, Friday, February 26th, we were abruptly informed that the plans we agreed on were canceled. When asked for an explanation, [redacted] emailed to say that all of the decisions were made by him alone. We attempted to be cooperative and conciliatory over the weekend, to no avail. Under the circumstances, we had to keep our child out of school that Monday, February 29th. In a meeting that evening, we were told that the school was not willing to use effective materials like "I Am Jazz"; would not ever conduct gender education, whether proactive or corrective, without first introducing delay and inviting or encouraging families to "opt out"; and would not even – as a bare minimum – simply *inform* our child's classmates of her preferred name and pronouns, without first delaying for days and inviting or encouraging families to "opt out" of this information.

In light of these and other actions, we therefore allege that Respondent Nova Classical Academy discriminated against our child in violation of the City of Saint Paul Human Rights Ordinance Section 183.05 in the area of education, on the basis of her gender identity and expression.



24th day of March, 2016
[Signature]
(Notary Public)

I swear or affirm that I have read this charge and that it is true to the best of my knowledge, information and belief. I understand that this entire form may be made public.

X *[Signature]*
[Signature]
(Complainant's Signature)

X 03-24-2016
X 03-24-2016
(Date)