Monument Academy

Board of Directors Governance and Policy

Policy Name:	Gender Transition and Parental Rights Policy
Policy Number:	JRT
Original Date:	
Reviewed:	
Approved:	
Category:	
Author:	Governance Committee
Approval:	MA Board of Directors

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Purpose

The purpose of this policy is to provide a procedure by which students can Transition to a different gender with respect to school records, school policies, and use of school facilities. Monument Academy ("MA") supports the right of a student to Transition to a different gender. MA supports the right of parents to oversee the care, custody, and control of their minor children, including those considering Gender Transitions.

Scope

This policy applies when a student communicates to a staff member the student's desire to Transition to a different gender with respect to school records, school policies, or use of school facilities. Examples of Transition include the use of preferred pronouns, bathroom facilities, or dress code that do not correlate with the student's Biological Sex.

Definitions

1. "Adult Student" means a student 18 years of age or older.
2. "Biological Sex" means an individual's sex assigned at birth.
3. "Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior, per C.R.S. 24-34-301(9).
4. "Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth, per C.R.S. 24-34-301(10).
5. "Minor Student" means a student under the age of 18.
6. "Transition" and "Gender Transition" mean the process of shifting toward a gender role different from that assigned at birth, which can include social transition, such as new

names, pronouns and clothing, and medical transition, such as hormone therapy or surgery.

Background

On June 27, 2023, the MA Board passed the Resolution Regarding the Privacy and Protection of Students as It Relates to Colorado S.B. 08-200 and Colorado H.B. 21-1108 ("Board Resolution"). The Board Resolution directs MA to uphold and support the Constitutional right of parents to oversee the care, custody, and control of a child as defined by the United States Supreme Court ruling known as *Granville*, 530 U.S. 57 (2000).

The Board Resolution supports the right of a student to Transition to a different gender. It mandates that any student under the age of 18 choosing to express or identify as a gender that does not correlate with their Biological Sex must be affirmed by the student's parental, custodial, or legal guardians. For students age 18 or older, an affirmation by the student's parental, custodial, or legal guardians is not required.

The Board Resolution mandates that a student who completes the Transition procedures must further Transition with a change of name and change of gender in official school records and must conform to the dress code of the gender that they now identify or express with no vacillation.

Staff Education

All staff shall receive education on this policy. The Executive Director shall be responsible for administering the staff education, and the Executive Director shall have full discretion to design and implement the content of the staff education.

Procedures

1. Staff Initial Contact With Student
    a. Contact Scenarios. A student could communicate to a staff member in a variety of ways. Perhaps a student could approach a favorite teacher or coach. Perhaps a student could intentionally breach the uniform policy by wearing the clothing of the opposite gender. Other students might try out for a sports team of the opposite gender. All staff should be educated and prepared for these and other contact scenarios.
    b. Contact Demeanor. A staff member should be respectful of and compassionate towards a student who communicates that the student is considering Gender Transition. Coming forward with this communication is not easy for the student. All staff should be educated on how to receive this communication. Staff should avoid any behavior that could be interpreted as creating a hostile environment.

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c. Referral To School Principal. After receiving the initial contact in accordance with the above, a staff member shall refer the student to the school principal. In addition, the staff member needs to communicate the contact with the student to the principal, as well.
d. Follow Up With Student. A staff member should not feel like they need to either increase or reduce contact with a student. Rather, the staff member should continue their existing relationship with the student; however, follow-up with the student on this specific issue will now default to the school principal.

2. School Principal
    a. Initial Meeting With Student. The school principal should meet with the student and receive the student with respect and compassion. In the meeting, the principal shall inquire if the student's parents/guardians are aware of the student's desire to transition genders. If the student is a Minor Student and has not yet had that conversation with parents/guardians, then the principal shall inform the student of the school's commitment to have such decisions affirmed by parents/guardians before proceeding. The principal shall then provide a reasonable time for the student to take the opportunity to discuss the decision with the child's parents/guardians before scheduling a meeting. If the student is an Adult Student, then no parental/guardian notification will be made without permission of the student.
    b. Subsequent Meeting With Student. If the student desires to continue the process and the student is a Minor Student, the school principal shall schedule a meeting with the Minor Student and the Minor Student's parental, custodial, or legal guardians to provide the written list of MA's procedures for the Gender Transition process and to disclose that the process for a Minor Student requires parental, custodial, or legal guardian affirmation. For an Adult Student, the principal is not required to meet with the Adult Student's parental, custodial, or legal guardians. The written list of MA's procedures for the Gender Transition process shall include (i) the steps to complete the process specific to Minor Students and Adult Students, (ii) a list of the official school records that must be changed, (iii) a discussion regarding the use of the gender-specific common bathrooms and/or the gender-specific common locker room of the student's Biological Sex, (iv) the requirement that the student must conform to the dress code of the gender that they now identify or express with no vacillation, and (v) that the appropriate campus community members would receive notification that there may be a student on the campus using the gender-specific common bathrooms and/or the gender-specific common locker room different from the student's Biological Sex. However, the principal shall have the flexibility to provide additional written information that the principal reasonably believes is helpful, based upon the staff education received.
    c. Record Change. The principal shall accept the necessary executed paperwork to effectuate the change of official school records. For a Minor Student, the paperwork shall be executed by the Minor Student and the Minor Student's parental, custodial, or legal guardians.

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d. Community Notice. If the student completes the Transition process and requests to use the gender-specific common bathrooms and/or the gender-specific common locker room different from the student's Biological Sex, in accordance with the Board Resolution, the principal should notify the appropriate campus community members without violating the Family Educational Rights and Privacy Act or other applicable laws. The communication should be carefully tailored to protect the identity and privacy of the student undergoing Transition. The communication should be made through Parent Square (or the communication platform in use) to the narrowest possible audience that there may be a student on the campus using the gender-specific common bathrooms and/or the gender-specific common locker room different from the student's Biological Sex. The purpose of this communication is so that other students who may also be using those common bathrooms and/or locker room may request to use a staff bathroom, a single stall bathroom, or that the common bathrooms and locker room be monitored for vacancy.
e. Support Of Executive Director. The Executive Director shall serve as a resource for the principal as the principal fulfills the duties under this policy.

Legal References

- C.R.S. 24-34-301
- Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
- *Granville*, 530 U.S. 57 (2000)

Cross References

- Board Resolution 6-27-23

Primary Contact

- Board President
- Executive Director
- School Principals

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