



Monument Academy

Board of Directors Governance and Policy

Policy Name:	Parental Rights Policy
Policy Number:	JRT
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Category:	
Author:	Governance Committee
Approval:	MA Board of Directors

Purpose

The purpose of this policy is to provide a procedure that informs and partners with parents of minor students who want to identify or express or transition as a gender or some other form of non-binary status that does not align with their biological sex with respect to school records, school policies, and use of school facilities. Monument Academy (“MA”) supports parental rights and the privacy and protection of all students understanding that a student may seek transitioning to a gender not aligned with their biological sex. MA supports the right of parents to oversee the care, custody, and control of their minor children especially those minor students wanting to transition to a gender not aligned with their biological sex.

Scope

This policy applies when a student communicates or demonstrates 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 may include a student who wants to express or identify as a different gender, a student who insists on the use of preferred pronouns, a student who wants to use bathroom facilities, or follow a dress code or vacillate between bathroom facilities and/or dress code that does not align 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 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 at birth, which can include social transition, such as new names, pronouns and clothing, and medical transition, such as hormone therapy or surgery.
7. "Binary" is a term used to describe the classification of gender into two distinct forms of male and female.
8. "Non-Binary" is a term used to describe genders that don't fall into one of the two categories, male or female.

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 privacy and protection of all students. 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. The Executive Director's administering of the staff education shall align and support the MA Board's resolution and policies.

Procedures

1. Staff Initial Contact With Student
 - a. Voluntary Contact Scenarios. A student could communicate with a staff member in a variety of ways. Perhaps a student could approach a favorite teacher or

coach. Perhaps a student could approach a principal or other administrator. All staff should be educated and prepared for these and other contact scenarios.

- b. Involuntary Contact Scenarios. Perhaps a student intentionally violates the uniform policy by wearing the clothing of the opposite sex. Perhaps a student tries to use a bathroom facility or locker room that does not align with their biological sex. All staff should be educated and prepared for these and other contact scenarios.
 - c. Contact Demeanor. A staff member should be respectful of and compassionate towards a student who either communicates or demonstrates a behavior that the student is considering Gender Transition. Coming forward with this communication or demonstrating a behavior 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. Staff will avoid private or secretive counseling with the student as they are not trained mental health professionals.
 - d. Referral To School Principal. After receiving the initial contact in accordance with the above or witnessing a student demonstrating any of the aforementioned behaviors, a staff member shall refer the student to the school principal. In addition, the staff member will notify the student that the principal will be in contact with the student regarding this matter.
 - e. 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 along with an assistant 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. The principal will further advise the student of the school's commitment to have such decisions affirmed by parents/guardians. The principal will initiate immediate contact with the parents/guardians of said student requesting that the student and parents/guardians have a conversation with their child regarding the student's desire or intent. The principal will advise the parents/guardians and student that any further demonstrations from the student will cease pending subsequent meetings with the principal, assistant principal, student, and parents/guardians. The principal shall initiate follow-up contact with the parents/guardians of the student within 48 hours of the initial principal contact to determine if any subsequent meetings will be required or necessitated. In the event, parents/guardians advise that no follow up or subsequent meetings will be required or necessitated, the student will be advised that any further behaviors or demonstrations will be a violation of school policies and prohibited. 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 parents/guardians and student desire to continue in this process after having the initial conversation, and the student is a Minor Student, the school principal with the assistant principal shall schedule a meeting with the Minor Student and the Minor Student's parental, custodial, or legal guardians as soon as possible 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.
- 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.
- 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) 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.
- e. Privacy and Protection of All Students. Other students who are aware of said transition and/or a student that has transitioned genders through the MA mandated steps for transitioning may request to use a staff bathroom or single stall bathroom, or request a staff member to monitor the vacancy of a sex-specific common bathroom or the vacancy of a sex-specific common locker room to ensure no student is violating the privacy and protection of another student.
- f. 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