

K-12 School Agrees to Gender Inclusion Policy With No Notice or 'Opt Out' for Parents

After facing a lawsuit over its treatment of a kindergartener who identifies as transgender, a nationally recognized public charter school in Minnesota has agreed to adopt a far-reaching inclusionary policy.

In the settlement, the school promised to establish a gender inclusion policy that doesn't allow parents to opt out "based on religious or conscience objections," and also "not [to] call parents' or guardians' attention to the policy."

The agreement ends a 16-month legal battle between Nova Classical Academy and David and Hannah Edwards, parents of a child who was born male but presents as a girl.

The Edwardses [filed a complaint](#) against Nova Classical Academy, in St. Paul, Minnesota, claiming the school "failed to protect their child and other gender nonconforming and transgender students at Nova from persistent gender-based bullying and hostility."

They also claimed the school "denied their child the ability to undergo a gender transition at Nova in a safe and timely way."

Their lawsuit, filed March 24, 2016, said the school violated two laws, the Minnesota Human Rights Act and the St. Paul Human Rights Ordinance.

Gender Justice, a nonprofit legal and advocacy organization for LGBT individuals, represented the Edwardses in the suit

against Nova Classical Academy.

The school initially denied the allegations, but Gender Justice [announced](#) Monday that both parties had reached an agreement “through a confidential mediation process.”

In addition to committing to revise its gender inclusion policies to protect and respect lesbian, gay, bisexual, and transgender students, Nova Classical Academy agreed to “pay damages of \$120,000 to Hannah and David Edwards and their minor child, H.E.,” Gender Justice said in a press release.

Nova Classical Academy is a K-12 public charter school that enrolls 920 students. Based on the 2013-14 school year, U.S. News and World Report ranked its upper school as the No. 1 high school in Minnesota and the No. 16 high school in the nation.

The Daily Signal [covered](#) fallout from the case last year, [quoting parents](#) who objected to the proposed gender inclusion policies.

According to Gender Justice, “the policy changes at Nova Classical Academy are already underway.”

The child in question, however, now attends a different school, apparently as a first-grader.

According to the press release, the terms to which Nova Classical Academy agreed [state](#):

Gender-Neutral School Uniforms

- Nova will remove descriptions of disallowed clothing that includes language regarding “exposing the midriff” and “skimpy tank tops” and simply bar “any clothing not allowed under Nova’s school uniform guidelines.”
- Nova will add a cross reference to its gender inclusion policy in the uniform guidelines.
- Nova will eliminate gendered uniform policies and make

all approved uniform items available without regard to gender.

‘Opt Out’ Not Allowed

- Nova will not adopt any gender policy that allows parents to opt out of requirements in the gender inclusion policy because of objections based on religion or conscience.
- Nova will not call parents’ or guardians’ attention to policy or law allowing them to opt out of specific instruction regarding gender inclusion.

Professional Development

- Nova will provide professional development for all staff on supporting gender diverse students, by welcoming schools or another national LGBT organization that specializes in providing schoolwide training to help staff “respond to bias-based bullying and create gender inclusive classroom environments” by the close of the 2018-2019 school year.
- Nova will ensure that all staff receive such training at least once every three years through 2025.

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