

DIVERSITY INCLUSION POLICY

This policy is adapted from and compliant with the language of the US Department of Education and Justice guidance letter of May 13, 2016, to all public schools. It is also responsive to Iowa's civil rights law prohibiting nondiscrimination on the basis of gender identity.

Pledge of Support

Maharishi School of the Age of Enlightenment upholds the dignity and developmental opportunity of every student and faculty member. We accept responsibility for providing a safe and supportive learning environment for every member of our school community.

There are two aspects to meeting this responsibility: policies and program. Maharishi School is establishing the following guidelines for transgender students or faculty. The school also commits to developing, implementing, and assessing a comprehensive program regarding LGBTQ+ orientation for students, faculty, and staff.

General Policy

Maharishi School will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex and person in its educational programs or activities unless authorized to do so under Title IX of the Educational Amendments of 1972 Title IX and its implementing regulations. The school will treat a student's gender identity as the student's sex. We will not treat a transgender student differently from the way we treat other students of the same gender identity.

Identification

When a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistently with the student's gender identity. No medical diagnosis or treatment will be required as a prerequisite to being treated consistently with the student's gender identity.

Maharishi School will provide transgender students and faculty equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the

desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.

1. Safe and Nondiscriminatory Environment

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and is a violation of federal statutes. If sex-based harassment creates a hostile environment, Maharishi School will take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

2. Identification Documents, Names, and Pronouns

Maharishi School will treat students consistent with their gender identity even if their educational records or identification documents indicate a different sex. The school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.

3. Sex-Segregated Activities and Facilities

Title IX regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, and athletic teams, as well as single-sex classes under certain circumstances. Maharishi School provides sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances. When Maharishi School provides such sex-segregated activities and facilities, transgender students will be allowed to participate in such activities and access such facilities consistent with their gender identity.

Restrooms and Locker Rooms

Maharishi School will allow transgender students access to such facilities consistent with their gender identity. We will not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. Maharishi School may, however, make individual-user options available to all students who voluntarily seek additional privacy.

Athletics

The federal Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport. Maharishi School will not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (ie the same gender identity) or others' discomfort with transgender students.

Maharishi School will administer age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the student's participation on the competitive fairness or physical safety of the sport.

Single-Sex Classes

When offering single-sex classes and activities, Maharishi School will allow transgender students to participate consistent with their gender identity.

Housing and Overnight Accommodations

Title IX allows a school to provide separate housing on the basis of sex. Maharishi School will allow transgender students to access housing consistent with their gender identity and will not require transgender students to stay in single occupancy accommodations or to disclose personal information when not required of other students. Maharishi School will honor a student's voluntary request for single-occupancy accommodations if it so chooses.

Other Sex-Specific Activities and Rules

Subject to the above, Maharishi School will not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. We will not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (eg in yearbook photographs, at school dances, or at graduation ceremonies).

4. Privacy and Educational Records

Maharishi School will take reasonable steps to protect students' educational rights, opportunities, and privacy related to their transgender status, including their birth name or sex assigned at birth. Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA). Maharishi School will maintain records with this information, but such records will be kept confidential.

Disclosure of Personally Identifiable Information from Education Records

FERPA generally prevents the nonconsensual disclosure of PII from a student's educational records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information. Even when a student has disclosed the student's transgender status to

some members of the school community, schools may not rely on this FERPA exception to disclose PII from educational resources to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from educational records to the school community may violate FERPA and interfere with transgender student's rights under Title IX to be treated consistent with their gender identity. Maharishi School pledged to seek consensual disclosure of personally identifiable information prior to any release of information.

Amendment or Correction of Educational Records

Maharishi School will respond affirmatively to requests to correct a student's educational records to make them consistent with the student's gender identity. Updating a transgender student's educational records to reflect a student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.

Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student's educational records that is inaccurate, misleading, or in violation of the student's privacy rights. If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.

IOWA CODE 216.9 UNFAIR OR DISCRIMINATORY PRACTICES – EDUCATION

1. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:
 - a. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
 - b. Denial of comparable opportunity in intramural and interscholastic athletic programs;
 - c. Discrimination among persons in employment and the conditions of employment;

- d. On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or regulated conditions dependent upon the physician's diagnosis and certification.
2. For the purpose of this section, "educational institution" includes any preschool, elementary or secondary school, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

Some Board members have asked how the policy will be implemented at Maharishi School with respect to locker rooms and bathrooms. Here is the response of Dr. Beall:

Regarding restroom/locker rooms, we will implement the policy as stated in the original transgender policy proposal, that transgender students can use the restroom of their identified gender. We will also make available a gender-neutral restroom for any students who choose to use it.

Regarding our facility changes, we intend to modify the current "Teachers Restroom" sign to simply say "Restroom" and to paint all Hopson bathrooms (now pink and blue) in a neutral color. In the Media Center we will convert the "Girls Restroom" and "Boys Restroom" signs to just "Restroom".

These elements, open communication within the school community, and other developments will become part of a Gender Support Plan that we will design collaboratively with our faculty, staff, students, and parents. This will clearly state our policies and commitment to a safe and inclusive environment for all students. You can see more about this in the Transgender and Bathroom FAQ.

Additional resources on accommodating transgender students in schools, include the following:

rethinkingschools.org

genderspectrum.org

welcomingschools.org

tolerance.org