

Proposed SAD 17 gender identify policy under community scrutiny

SJ sunjournal.com/2022/10/26/proposed-sad-17-gender-identify-policy-under-community-scrutiny/

By Nicole Carter

October 26, 2022



PARIS — Maine School Administrative District 17 will hold a community forum next week to hear questions and concerns about its draft policy ACAAA for student gender identity following the school board's approval of the first reading during its Oct. 17 meeting.

The forum is scheduled for Tuesday night starting at 6 p.m. at Oxford Hills Comprehensive High School's Forum meeting room and will be run by a third-party moderator.

Response to the policy has been mixed. The majority who have spoken out against it have cited safety concerns for students in restrooms and locker rooms, spaces that are often unsupervised, as well as assertions that it undermines parental rights.

During the Oct. 17 board meeting Waterford Director Judy Green, who chairs the school board's policy committee, said that as part of the committee's work to write the policy it confirmed with each school principal that each building "has facilities for students to have privacy and not be forced into a group situation they are uncomfortable, with, on either side."

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During board discussion about the policy, Director Natalie Fearon of Hebron said she was uncomfortable with Policy ACAAA and Director Robert Jewell of Paris strongly opposed it.

"I have a problem with not notifying parents," she said. "If something is going on with my child I want to know. They are minors, they don't have the right to keep private. I don't want the school keeping things private from me. I have a problem with that. For today, I can't vote for this."

"I can't in good conscience vote this policy and I feel very strongly that we already have three policies in place that covers everything we're trying to cover in this policy," Jewell told board members, referring to district policies regarding bullying, discrimination and harassment. He continued, saying "We have a bullying policy. We have a non-discrimination policy. And we have a harassment and sexual harassment of students. We also have Title 9 that is the law. The law of the federal government that protects all these rights. If we didn't enforce Title 9, which we already are, we will not get Title 9 funded."

"We don't need this policy. This policy in my opinion is an overreach. It takes away the parents' rights. There is so much wrong with this policy I don't see ever being able to vote for it. So my vote is going to be no, based on those facts."

Vice-Chair Jared Cash of Norway countered Jewell's position that a student gender policy is unwarranted.

"It seems like everyone will punt this topic back and forth," he said. "We're the local school board and we've got policy, we've got laws. It's important but it's not answering all the important questions, which is why we've got other interpretations on this very important topic. I am in support of this first reading.

"It's a process where we read it out loud, we hear people's concerns like any other policy. We bring it back. We use legal counsel. We use our own local, best intelligence for what fits this school district. But we don't leave our staff and students stranded without enough policies to lean on."

In response to opposition of the policy, some of which has been based on inaccurate or misleading information, SAD 17 has issued a frequently asked questions document that explains the basis of ACAA and lists the statutes and legal guidance used to write the policy draft. The FAQ is available on the district's website and can be found here: <https://www.msad17.org/article/884451>.

Links to draft of the policy as well as SAD 17's Board Policy BG are also accessible using the same link.

One Paris resident, Armand Norton, was driven to start a petition to recall that town's school board directors who voted in favor of the policy, Sarah Otterson and Julia Lester. Otterson has served on the board since February, 2019 when she was appointed by Paris' Board of Selectmen and then was elected in 2020 to retain her post. Lester was elected to her seat in 2021.

Paris Town Clerk Elizabeth Knox confirmed last Friday that Norton had filed a request with the town to start a recall petition. If 10% of Paris voters sign the petition, Norton will be allowed to present it to the select board, which would trigger a special election 45 days from their receipt. The process, which is outlined in the town ordinance, gives subjects of any recall petition 21 days to request a public hearing to answer to complaints.

Norton told the Advertiser Democrat that he was motivated to take action because Policy ACAA does not require that students undergo any medical evaluation before claiming a different gender identity. He supports gender identity policies that conform to medical assessments and parental knowledge of their children's medical plans.

"Students must take the proper route to formally change their gender identity and use the bathroom of their choice," he said. Hypothetically under the current policy draft, Norton pointed out that any male could tell school officials that he identifies as female and they would have to allow him to use the girls' restrooms without any precedent or plan to support their declaration. "I want to make sure that people go through the proper channel for this."

Otterson and Lester both said they could not comment on the petition because they had not been informed of it, but Otterson emailed a statement about the reasons she voted in favor of the policy's first reading.

"This policy is intended to be interpreted in light of applicable Federal and State laws/regulations as well as other applicable Board policies, procedures, and school rules," she wrote. "In every instance, the speakers/guests at the October 17th board meeting said that students seeking help were encouraged to talk with their parents about identity, if their parents were not already involved. "However, if students are frightened of being harmed or of being thrown out (because of their gender identity), and they ask for confidentiality, that is their right."

Norton also said he had spoken with a lawyer who represents school districts in policy matters and was told that the policy draft could not have been properly vetted by legal counsel, and expressed concerns that the policy had been drafted in secret with no public input.

During the Oct. 17 meeting Superintendent Heather Manchester and Student Services Director Jan Neureuther, who worked with the policy committee on the policy, assured school board directors and members of the public that the group had been working on the draft for more than a year. It was written with the guidance of SAD 17's legal counsel at Drummond Woodsum of Portland going as far back as 2019.

"It's been in the works, I've been taking questions, for three years," Neureuther said then. "Drummond Woodson wrote the first, original in 2019. Last year there were an overwhelming amount of phone calls to me about to do" about preferred pronouns and names and other situations educators and staff needed direction on.

"Our job is to support students in feeling safe It is our job to not put our students in harm's way. If our students or children feel like they can come to us as parents, that is fine. But we need to protect the students that cannot have that. There is a reason for the homelessness, the suicide rates. When you look at one in four transgender students, 56% of them attempt it, and then 25%

successfully commit suicide. This can save a life.”

Manchester confirmed to the Advertiser Democrat Monday that the school board has focused on Policy ACAA even before she was appointed Superintendent. The process the policy committee has followed included convening stakeholder sessions to hear the provisions within the policy and provide their feedback as well as continuous legal guidance. All school board meetings are open to the public.

“We’re basing this policy on our lawyer Drummond Woodsum’s sample policy,” she said. “We attended several professional development sessions with them and had one-on-one consult with our attorneys [there].”

Manchester added that students must display a consistent pattern of gender identification before they are allowed to use preferred pronouns and names are given access to alternative bathroom facilities.

“What this says is that kids who consistently identify at school or present at school as another gender can talk to us to get help figuring out where to go to the bathroom,” Manchester explained. “They can’t decide ‘one day I’m a girl and the next day I’m a boy.’ It [the policy] does not require a medical diagnosis but the student must show they have a gender-related identity.”

The policy reads that students and their parents/guardians can request the school take steps to support a student’s gender identity. It states that the school cannot notify parents/guardians about the student’s gender identity without their approval. But even when a student requests confidentiality, a parent or guardian can request to view their child’s student academic records, which would include details of their gender identity at school.

The policy also allows for school administrators to request documentation from outside providers if it is deemed necessary to develop a plan appropriate for a particular student. All plans must be reviewed and approved by building administrators. If a parent objects to their child’s gender identity plan, the school needs to abide by the wishes of the student.

“This policy is to provide clear guidance for staff and administration on how to support our students,” Manchester said. “Without guidelines, without this policy, it is unfortunately left to administrators and teachers to make their own decisions and we need to give guidance to that so we can support our students equitably.”

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