

Questions About AASD's Bathroom And Changing Room Policies



Jessica Menn Anderson <admin@allthingsappleton.com>

3/13/2022 10:03 PM



To: AASD Superintendent; HARTJES, GREG; KOPPLINGER, CLARAMARIE

Hi Superintendent Baseman and Mr. Hartjes,

I have seen some of the discussions happening online regarding transgender students using restrooms and changing facilities at AASD. I also read the "Legal Protections For Transgender Students" that Mr. Hartjes provided to Andrea Klitzke. I have a few questions.

1. I was expecting something that looked more like a policy document and not a legal article. When does AASD plan to craft a policy document clearly delineating its procedures and expectations related to the issues in the "Legal Protections For Transgender Students" document--particularly as they relate to students utilizing bathrooms/changing facilities that are intended for members of the opposite sex and in regards to sports teams?
2. The document that was provided states, "It should be noted that the concerns that are often expressed in opposition to providing transgender people access to facilities consistent with their gender identity are ungrounded. The two primary objections are that such access 'might lead to sexual assaults in bathrooms,' and 'that a non-transgender boy could come to the school in a dress and demand to use the girls' restroom.'" Does AASD share the belief that those concerns are ungrounded?
3. What are AASD's protocols to, while staying within the bounds of federal law, maintain the privacy and safety of female students when a male is using their restrooms and changing facilities?
4. What is AASD's protocol for informing parents that their children may potentially have to share bathrooms and changing facilities with a member or members of the opposite sex?
5. I understand that for privacy reasons you probably can't give me hard numbers, but could you please provide a ratio of the number of females utilizing male restroom and/or changing facilities as compared to the number of males utilizing female spaces at AASD?

Thanks,

Jessica Anderson
All Things Appleton

Questions About AASD's Bathroom And Changing Room Policies



Jessica Menn Anderson <admin@allthingsappleton.com>

3/18/2022 10:28 AM



To: AASD Superintendent; HARTJES, GREG; KOPPLINGER, CLARAMARIE

Hi Superintendent Baseman and Mr. Hartjes,

I just wanted to touch base with you about my email to you earlier this week. I am still waiting for some clarification regarding the mixed-sex use of bathrooms and changing facilities at AASD.

I've attached my previous email below.

Thanks,

Jessica Anderson
All Things Appleton

Re: Questions About AASD's Bathroom And Changing Room Policies



HARTJES, GREG <HARTJESGREG@aasd.k12.wi.us>

3/18/2022 11:02 AM



To: Jessica Menn Anderson Cc: AASD Superintendent; KOPPLINGER, CLARAMARIE

Ms. Anderson,

We will have a response to you by Monday.

Greg Hartjes

RE: Questions About AASD's Bathroom And Changing Room Policies



HARTJES, GREG <HARTJESGREG@aasd.k12.wi.us>

3/20/2022 1:52 PM



To: 'Jessica Menn Anderson'; AASD Superintendent; KOPPLINGER, CLARAMARIE

Good afternoon Ms. Anderson,

Below is our response to your questions.

In all Appleton Area School District schools, we respect the rights of every student in our district and work hard to ensure that the safety and individual needs of our students are met every day. While it is part of our mission, providing safe, welcoming, and respectful schools is also our legal responsibility.

While the District has not adopted a policy regarding transgender students specifically, the District does have, and has had for many years, policies in place which serve to protect all students from discrimination and harassment. Our District and School policies can be found here:

http://www.aasd.k12.wi.us/district/board_of_education/school_policies

We also follow all federal policies relating to Title IX. The two federal agencies charged with enforcing Title IX (the Department of Education's Office for Civil Rights and the Justice Department) have both concluded that transgender discrimination in the education context is sex discrimination that violates Title IX.

The AASD, the Board of Education, and our staff are committed to a culture of nondiscrimination. We are also committed to providing a safe and positive learning environment for all students and we recognize the importance of privacy for students using restrooms and locker rooms in our schools.

All of our secondary locker rooms have private changing rooms/areas that can be used by any student without question.

We expect that any individual using a restroom or locker room will respect the privacy of everyone else using that space and will conduct themselves in an appropriate manner. If not, they will be held accountable according to AASD discipline policy.

We continue to proactively focus on meeting the individual needs of each student while making every effort to protect the student's privacy, safety, and dignity. This privacy is protected by our policies and federal law, and that remains in the forefront of our minds when working with individual students and families.

Greg Hartjes
Chief Financial Officer
Appleton Area School District
(920) 997-1399 ext. 2029

RE: Questions About AASD's Bathroom And Changing Room Policies



Jessica Anderson <admin@allthingsappleton.com>

3/20/2022 5:11 PM



To: HARTJES, GREG; AASD Superintendent; KOPPLINGER, CLARAMARIE

Hi Mr. Hartjes,

Thank you for that.

Have you informed parents and guardians of AASD students that their children may have to share private, formerly sex-segregated spaces with people of the opposite sex? And have you provided them with information regarding the steps their students can take to maintain their privacy and safety under the sex-integrated policies implemented by the federal government?

I am aware from private discussions that girls can be quite shocked when a male walks into their bathroom, and those girls may not know what options are available to them. My impression is that it would be beneficial for families to be informed and for it to be clearly laid out what resources females have on school grounds to maintain their privacy and safety so that parents can talk about it with their children ahead of time and make sure they have a full understanding of what their options are. Does the District have any plans to send out a letter and clearly delineate how bathroom and changing facilities are laid out and where females have to go to maintain their privacy?

Finally, you noted that you do not have a policy regarding transgender students specifically. When does the district plan to create one?

Thanks,

Jessica Anderson
All Things Appleton

RE: Questions About AASD's Bathroom And Changing Room Policies



Jessica Anderson <admin@allthingsappleton.com>

3/24/2022 5:57 PM



To: HARTJES, GREG; AASD Superintendent; KOPPLINGER, CLARAMARIE

Hi Superintendent Baseman And Mr. Hartjes,

I was just following up on the email I sent on 03/20/2022.

I understand that AASD has to follow federal law and the fact that school bathrooms and changing facilities are mixed sex is a policy that did not originate with AASD. Having said that, I would like to know if you have informed parents and guardians of AASD students that their children may have to share private, formerly sex-segregated spaces with people of the opposite sex? And have you provided them with information regarding the steps their students can take to maintain their privacy and safety under the sex-integrated policies implemented by the federal government?

I am aware from private discussions that girls can be quite shocked when a male walks into their bathroom, and those girls may not know what options are available to them. My impression is that it would be beneficial for families to be informed and for it to be clearly laid out what resources females have on school grounds to maintain their privacy and safety so that parents can talk about it with their children ahead of time and make sure they have a full understanding of what their options are. Does the District have any plans to send out a letter and clearly delineate how bathroom and changing facilities are laid out and where females have to go to maintain their privacy?

Finally, Mr. Hartjes noted that AASD does not have a policy regarding transgender students and issues related to transgender students specifically. When does the district plan to create one?

Thanks,

Jessica Anderson
All Things Appleton

RE: Questions About AASD's Bathroom And Changing Room Policies



AASD Superintendent <superintendent@asd.k12.wi.us>

3/25/2022 7:35 AM



To: 'Jessica Anderson' Cc: HARTJES, GREG; KOPPLINGER, CLARAMARIE

Good Morning Jessica,

I am working on preparing a response for you and will have something for you either later today or Monday.

Thanks.

Judy

Judith M. Baseman Ph D
Superintendent of Schools
Appleton Area School District
920-832-6126

Questions About AASD's Bathroom And Changing Room Policies



AASD Superintendent <superintendent@aasd.k12.wi.us>

3/25/2022 11:25 AM



To: 'Jessica Anderson'

Dear Ms. Anderson:

I wanted to respond to your email of March 20 to bring closure to our dialogue with you on this issue. If students or parents of students attending Appleton Area School District (AASD) schools or programs have concerns or questions on this topic, they should contact their principal directly.

The Appleton Area School District follows the law. The federal courts in our jurisdiction have concluded that Title IX applies to transgender students and, therefore, transgender students have rights under federal law. A school district can lose its federal funding if it fails to comply with Title IX. Therefore, we do not grant rights to transgender students, we must comply with laws that already do so.

We take steps to ensure that all students' interests in privacy are respected. All students can choose to change privately if they wish in locker rooms and changing areas. As a general matter, our courts have stated that transgender students can use the restroom of the gender with which they identify. However, policy making in this area is inadvisable at present because this area of the law is changing so rapidly, and because we continue to treat every student--including transgender students--as unique individuals whose individual plan should be developed with administration and parents whenever possible.

I trust that this is responsive to your inquiry.

Thank you.

Judy

Judith M. Baseman, PhD
Superintendent of Schools
Appleton Area School District
920 – 832 – 6126

Re: Questions About AASD's Bathroom And Changing Room Policies



Jessica Menn Anderson <admin@allthingsappleton.com>

3/27/2022 11:52 PM



To: AASD Superintendent; HARTJES, GREG; KOPPLINGER, CLARAMARIE

Hi Superintendent Baseman,

Thank you for that response. My understanding, based on your email, is that AASD leadership has no plans to proactively inform parents that the bathrooms and changing facilities in the schools are now mixed-sex. Is that understanding correct?

I recognize that these policies are set by the federal government and not the school district and that you have an obligation to follow the law. My questions have been regarding how you interpret federal requirements and whether the district intends to make clear to the public how you plan to carry out the federal rules.

I have some more questions that I had expected would be answered by an AASD specific policy document related to these issues; however, because you have indicated that the district does not have any plans to create such a policy document I will just ask you those questions directly.

The document Mr. Hartjes provided regarding legal protections for transgender students seems to indicate that school officials are not allowed to confirm or verify a student's gender and must simply allow students to access whatever bathroom and changing facilities they want regardless of their sex or gender, which, in addition to allowing transgender students to utilize the facilities of their choice, would effectively give non-transgender students open access to whatever facilities they want to enter. Does AASD interpret the federal rules in the way I have interpreted them or do you interpret them differently?

You have indicated that there are private areas within changing rooms where students can dress and shower alone, but it sounds like students might still potentially come in contact with members of the opposite sex outside that private area but within the larger changing room. Likewise, in bathrooms, stalls obviously provide some degree of privacy, but they're not totally contained, and some students might not be comfortable going to the bathroom in a stall next to a member of the opposite sex.

The document Mr. Hartjes provided states that if a student complains about sharing facilities with a student of the opposite sex, "school officials could offer the complaining student an alternative restroom." Do all AASD school buildings have alternative restrooms and changing rooms available for students who are uncomfortable sharing a bathroom or a larger changing room with members of the opposite sex?

Finally, what sort of guidance and training has AASD staff received regarding how to respond to students who are uncomfortable sharing private spaces with members of the opposite sex? Have staff members been instructed to be accepting and validating of a student's desire for privacy in these types of situations?

Thanks,

Jessica Anderson
All Things Appleton

From: Jessica Anderson

Sent: Tuesday, April 5, 2022 8:55 AM

To: TORREYDAVID@aasd.k12.wi.us

Subject: Questions Regarding Legal Protection For Transgender Students

note: the body of this email was sent to the 3 high school principals and 4 middle school principals

Hi Mr. Torrey,

I am trying to get a better understanding of how AASD schools have implemented the Legal Protections For Transgender Students policy and was told by Superintendent Baseman that principals should be contacted directly regarding the matter.

I do have a few questions regarding the implementation of the policy and was hoping you could answer them.

Firstly, have staff at your school received training regarding legal protections for transgender students?

I also wanted to get a better idea of how these protections work out in practice.

The document entitled Legal Protections For Transgender Students seems to indicate that school officials are not allowed to confirm or verify a student's gender and must simply allow students access to whatever bathroom and changing facilities the students want regardless of their sex or gender, which in addition to allowing transgender students to utilize the facilities of their choice, would effectively give non-transgender students open access to whatever facilities they want to enter. Does AASD interpret the federal rules in the way I have interpreted them or do you interpret them differently?

If a student started using a bathroom or changing facility that did not align with their sex, would you inform the parents of the other students that their children are sharing that space with a member of the opposite sex?

I have been told that there are private areas within changing rooms where students can dress and shower alone, but it sounds like students might still potentially come in contact with members of the opposite sex outside that private area but within the larger changing room. Likewise, in bathrooms, stalls obviously provide some degree of privacy, but they're not totally contained, and some students might not be comfortable going to the bathroom in a stall next to a member of the opposite sex. The legal protections for transgender students document states that if a student complains about sharing facilities with a student of the opposite sex, "school officials could offer the complaining student an alternative restroom." Does your school building have alternative restrooms and changing rooms available for students who are uncomfortable sharing a bathroom or a larger changing room with members of the opposite sex?

Finally, what sort of guidance and training has the staff at your school received regarding how to respond to students who are uncomfortable sharing private spaces with members of the opposite sex? Have staff members been instructed to be accepting and validating of a student who expresses a desire to not share bathroom and changing facilities with a member of the opposite sex?

Thanks,

Jessica Anderson
All Things Appleton

Re: Questions About AASD's Bathroom And Changing Room Policies



KOPPLINGER, CLARAMARIE <KOPPLINGERCLAR@aasd.k12.wi.us>

4/8/2022 5:30 PM

To: 'admin@allthingsappleton.com' Cc: AASD Superintendent; KOPPLINGER, CLARAMARIE



All Things Appleton Response R...
384.24 KB

The attached communication is being sent on behalf of Superintendent Judy Baseman.

Clara Kopplinger

Appleton Area School District

Executive Assistant to the Superintendent & School Board

Scullen Leadership Center

(920) 832-6126



131 E. Washington Street, Suite 1A
Appleton, WI 54911
Phone: (920) 832-6126
www.aasd.k12.wi.us

VIA EMAIL

April 8, 2022

Jessica Anderson
All Things Appleton

RE: Restroom Use

Dear Jessica Anderson:

I am writing to respond to your correspondence regarding the use of restrooms in our schools.

As an initial matter, I am informed that you are directing questions on these issues to building administrators and offices within the Appleton Area School District. Building administration does not address issues of District policy. Consequently, building administration is being advised that I will be responding for the District and that they need not duplicate those efforts.

The Appleton Area School District properly treats this as a legal issue, as well as a matter of serious concern for student welfare. The District understands that public opinion in this area is far from settled, but the District is duty-bound to be above partisanship by following the law and supporting all our students, including those who are transgender or are questioning their gender identity. Consequently, it is important that we provide our constituents with the basis for our decisions.

The District has a duty to follow the law. Not coincidentally, our District teaches students the importance of being law-abiding citizens. To do otherwise would be to teach our children that they have no responsibilities to our community or society as a whole, and that everyone can do whatever they want. Law-abiding citizens follow the law, including laws they do not necessarily agree with.

School bathrooms and their operations are influenced or directed by a variety of authorities, including the US Department of Education-Office of Civil Rights, Title IX, the Americans with Disabilities Act, the Wisconsin Department of Public Instruction, state statutes, and privacy laws, to name a few.

In addition, the Court of Appeals for the 7th Circuit has ruled that transgender students have a civil right under federal law to use the restroom of the gender with which they identify. *Whitaker v. Kenosha Unified School Dist.*, 858 F.3d 1034 (7th Cir. 2017). This is settled federal law. Consequently, defying the law to appease a single constituency is a recipe for liability exposure, endless lawsuits, and the unlimited monetary losses that go with not only violating the law, but willfully violating it. We think a significant majority of our citizens would agree that this is not a wise course for us to chart for our District.

The District addresses these mandates and student needs to ensure legal compliance, and to support essential student needs. We allow students to use the restroom of the gender that they identify with in those circumstances required by our courts; however, we also make certain that any students that want access to a private restroom or privacy in group restrooms have that alternative available to them. We also make sure that any student that wishes to change clothes privately can do so, regardless of any issues related to gender or gender identity. Our goal is—and clearly must be—to address the needs and concerns of all students in a diverse student body, and to balance individual students' rights and obligations through a policy that follows the law, but respects the concerns of all students and parents.

State law requires that the District have a pupil discrimination policy. The Board of Education has implemented Board Policy 411.2 to meet this requirement and to reflect the District's commitment to fairness and equity. The "Student Nondiscrimination" policy states:

The Appleton Area School District does not discriminate against students on the basis of sex, race, color, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, cognitive, emotional or learning disability in its education programs or activities.

Our District's traditions value hard work, and a commitment to academic excellence. Accordingly, our policy makes clear that our students will be supported for who they are and celebrated *for their efforts* in academics, career and life skills, and co-curricular activities. Our commitment to equity aligns with our commitment to excellence.

In closing, we also should note that this is a serious, potentially dangerous situation for students. Students with a gender identity that is different from their gender assigned at birth have very high rates of suicide and depression. This danger is only amplified by individuals who insist on treating students struggling with gender identity as though they are somehow diseased or inferior.

Each transgender student attending our schools is someone's child, a person deserving of dignity, respect, and the best education we can give them. We have a responsibility to every single child and their parents. That starts with accepting children for who they are and supporting them so that they feel safe at school and can participate in the wonderful courses, programs, and activities we have to offer. In the end, federal law, Board policy, and basic human decency all share a common imperative: be fair, caring, and supportive with each and every one of our children. That is our mandate but also our policy determination.

Thank you for your attention to this information.

Sincerely,

A handwritten signature in cursive script that reads "Judy Baseman".

Judith Baseman
Superintendent

Re: Questions About AASD's Bathroom And Changing Room Policies



Jessica Menn Anderson <admin@allthingsappleton.com>

4/17/2022 9:01 PM



To: KOPPLINGER, CLARAMARIE Cc: AASD Superintendent

Hi Superintendent Baseman,

I wanted to give you another opportunity to answer a question which I have asked several times and which has not yet been answered.

The document entitled Legal Protections For Transgender Students seems to indicate that school officials are not allowed to confirm or verify a student's gender and must simply allow students access to whatever bathroom and changing facilities the students want regardless of their sex or gender, which in addition to allowing transgender students to utilize the facilities of their choice, would effectively give non-transgender students open access to whatever facilities they want to enter. Does AASD interpret the federal rules in the way I have interpreted them or do you interpret them differently?

I would appreciate a clear answer on this question.

Thank you,

Jessica Anderson
All Things Appleton