

Decision of School Based Decision Making Appeals Board

The School Based Decision Making (“SBDM”) Appeals Board met on September 25, 2014 at the Van Hoose Education Center, to consider the appeal of Brian Henry, Christy Henry, Zach Henry, et al. (hereafter “Appellants”) of Atherton High School Policy Number 500. Appellants’ previous appeal to Superintendent Donna M. Hargens, Ed.D. was denied by way of her letter dated July 30, 2014. Atherton was represented by its Principal Thomas Aberli. The Appellants were represented by Clinton Elliot. The Appeals Board heard the oral presentations of the parties; considered their written position statements, and reviewed other documents related to the Appeal.

By a vote of five to one, the Appeals Board denied the appeal. The names of those voting for and against the denial of appeal are set forth below. The rationale of those voting to deny the appeal includes the following:


1. The policy appears to be an attempt by the school to accommodate everyone.
2. While the safety of the students is a concern to everyone, it does not seem to be an issue in this case. The school has promised to address any disciplinary issues related to the policy, whether they are related to gender or not.
3. The policy appears to protect the rights of all students. The school appears prepared to exercise care and due diligence in determining the sincerity of a student’s gender identity.
4. Atherton should be given the chance to implement the policy. If the policy cannot be implemented, students and parents have a right to complain and re-visit the propriety of the policy.

5. The policy is sensitive to anyone who wants increased privacy.

6. Superintendent Hargens presumably did a thorough job in research applicable state and federal law. She apparently does not believe that it violates the law or any school board policy.

Dated this 20 day of October, 2014.

VOTING AGAINST THE APPEAL:



Karen D. Cash

Petia A. Eddison

Alan W. Young

Marcia Ensor-Johnson

Heather Wampler

VOTING IN FAVOR OF THE APPEAL:

Daniel Withers

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applicable state and federal law. She apparently does not believe that it violates the law or any school board policy.

Dated this 18 day of October, 2014.

VOTING AGAINST THE APPEAL:

Karen D. Cash



Petia A. Eddison

Alan W. Young

Marcia Ensor-Johnson

Heather Wampler

VOTING IN FAVOR OF THE APPEAL:

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Petia A. Eddison



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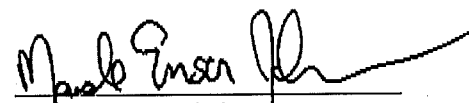
Dated this 17 day of October, 2014.

VOTING AGAINST THE APPEAL:

Karen D. Cash

Petia A. Eddison

Alan W. Young



Marcia Ensor-Johnson

Heather Wampler

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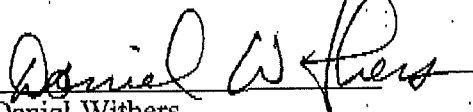
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