

_____ **BOARD OF EDUCATION**
RESOLUTION NO. _____

WHEREAS, it is the right of every child, regardless of gender identity, gender expression, or sexual orientation, to access a free public K-12 education and the District welcomes and supports all students;

WHEREAS, the District has a responsibility to ensure that all students who reside within its boundaries, regardless of gender identity, gender expression, or sexual orientation, can safely access a free public K-12 education;

WHEREAS, the District recognizes that there are employees and educators of the highest caliber who are gay, lesbian, and transgender, and that all employees are valued members of the school community regardless of their gender identity, gender expression, or sexual orientation;

WHEREAS, the District recognizes that the families in our community come in many different forms and the District values all our families and students’ caregivers, regardless of gender identity, gender expression, or sexual orientation;

WHEREAS, [state or local law _____] prohibits discrimination, including discrimination based on gender identity, gender expression, and sexual orientation;

WHEREAS, in a landmark opinion *Bostock v. Clayton County* decided on June 15, 2020, the United States Supreme Court recognized that discriminating on the basis of actual or perceived sexual orientation or gender identity is always a form of sex discrimination, and federal law prohibits sex discrimination in employment and education;

WHEREAS, U.S. Department of Education and the U.S. Department of Justice have recognized that the Supreme Court’s reasoning in the *Bostock* decision applies to Title IX of the Education Amendments of 1972 (Title IX), and that Title IX prohibits discrimination against and harassment of students and school employees based on their gender identity and sexual orientation;

WHEREAS, Title IX and other federal civil rights laws prohibiting discrimination on the basis of gender identity and sexual orientation preempt local and state laws that conflict, and failure to comply with the requirements of Title IX may jeopardize the District’s federal funding;

WHEREAS, Lesbian Gay Bisexual Transgender Queer/Questioning (“LGBTQ”) students experience high rates of bullying, victimization, and harassment at school on the basis of their actual or perceived sexual orientation or gender identity, or that of their associates;

WHEREAS, this bullying, victimization, and harassment has led to negative educational outcomes for LGBTQ students, including higher rates of dropping out, higher rates of absenteeism, and lower postsecondary school aspirations;

WHEREAS, LGBTQ students also report higher rates of anxiety and depression;

WHEREAS, school-age years are a critical time for LGBTQ youth as they often “come out” or

disclose their LGBTQ identities to others during that time;

WHEREAS, creating a welcoming and safe school environment for our LGBTQ students, staff, families, and caregivers makes our school community more welcoming and safe to all;

WHEREAS, the District supports education that celebrates our different identities; integrity in how we treat others; and courage to do what's right by listening to, learning from, and respecting diverse viewpoints;

AND WHEREAS, educational personnel are often the primary sources of support, resources, and information to assist and support students and student learning, which includes their social and emotional health;

NOW, THEREFORE, BE IT RESOLVED that the District prohibits discrimination against all persons, whether student, family/caregiver of a student, or District employee, on the basis of actual or perceived sexual orientation, gender identity, or gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates;

BE IT FURTHER RESOLVED, that the District prohibits bullying and harassment against all persons, whether student or District employee, on the basis of actual or perceived sexual orientation, gender identity, or gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates;

BE IT FURTHER RESOLVED, that the Board declares the District to be a Safe Space for its students, meaning that the District is a place for students to learn, to thrive, and to seek assistance, information, and support free from discrimination and bullying;

BE IT FURTHER RESOLVED, that every School within the District shall, within 30 days of the date of this Resolution, take steps to create a safe climate for LGBTQ students, including designating an LGBTQ liaison and providing support for any LGBTQ student groups including Gay-Straight Alliances or Gender and Sexuality Alliances (“GSAs”);

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, create procedures to address anti-LGBTQ bullying and harassment which will include procedures for how students may report bullying and harassment, prohibit retaliation against any student for reporting bullying and harassment, ensure that Title IX coordinators receive appropriate training on LGBTQ issues, and require schools to track and report data on incidents of anti-LGBTQ bullying and harassment;

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, review and modify its antidiscrimination policies to ensure that those policies prohibit LGBTQ discrimination;

BE IT FURTHER RESOLVED, that the District shall, shall within 30 days of the date of this resolution, work with the relevant exclusive bargaining representatives to determine how LGBTQ anti-discrimination policies can best be incorporated in existing or future collective bargaining agreements;

BE IT FURTHER RESOLVED, that the District shall within 30 days of the date of this

Resolution, create a plan for Professional Development related to anti-LGBTQ bullying and harassment, so that all District employees are trained to recognize and respond to anti-LGBTQ bullying and harassment;

BE IT FURTHER RESOLVED, the District shall allow students and staff to use requested names and pronouns without requiring a legal name change or medical diagnosis; provide equal access to all programs and facilities, including access to bathroom and locker room facilities as needed for all students and staff that align with the students' and staff members' gender expression, and provide at least one gender-neutral bathroom; respect the privacy of all staff and students who are in transition; and allow students to participate in all physical education, athletics, and other extracurricular activities according to their gender identity, without requiring legal or medical documentation;

BE IT FURTHER RESOLVED, that any dress code for District employees or students should be gender neutral;

BE IT FURTHER RESOLVED, that the District and schools shall incorporate LGBTQ people and issues in school curricula, including in health and sex education; school libraries shall include materials that portray LGBTQ figures in a positive light; Districts and schools shall ensure that the curricula include diverse perspectives, especially LGBTQ people of color and issues specific to communities of color;

BE IT FURTHER RESOLVED, that Schools shall provide students with access to LGBTQ resources;

BE IT FURTHER RESOLVED, that the District shall designate October as LGBTQ history month and June as LGBTQ Pride Month. [Districts may consider recognizing March 31 as International Transgender Day of Visibility and approving students' participation in the Day of Silence, a demonstration against bullying and harassment of LGBTQ students in schools held on a Friday in April every year.]

BE IT FURTHER RESOLVED, the District shall post this Resolution at every school site and distribute it to District staff, students, and parents using usual means of communication, and that the Resolution will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, the Superintendent shall report back on compliance with this Resolution to the Board at its next meeting;

BE IT FURTHER RESOLVED, the Board affirms that certificated District employees have the academic freedom to discuss this Resolution during class time provided it is age-appropriate; and students are to be made aware that District counselors are available to discuss the subjects contained in this Resolution; and

BE IT FURTHER RESOLVED, after-school providers and other vendors and service providers who contract with the District shall be notified of this Resolution within 30 days and required to abide by it.

[FOLLOWED BY SCHOOL BOARD SIGNATURE PAGE]