

**AUSD SUPERINTENDENT 2007-2010 GOALS:
PATHWAY TO EXCELLENCE & EQUITY**

GOAL 3: Ensure all students will be in educational environments that are safe and conducive to learning.

**Creating Safe Environments
In Alameda Unified School District**

**ADDRESSING ISSUES OF
SEXUAL ORIENTATION
& GENDER IDENTITY**

Board of Education

June 24, 2008

DEFINITIONS

(Developed by the **Gay-Straight Alliance Network**, www.gsanetwork.org)

Sexual Orientation: Sexual orientation is the term that describes who a person is attracted to, whether it be members of the same gender (gay or lesbian), members of another “opposite” gender (heterosexual), or to members of both genders (bisexual). Sexual orientation is a newly protected category in California’s public schools non-discrimination policy.

Gender: Gender covers a wide range of issues relevant to all people. It relates to masculinity and femininity and it includes the following components: *gender identity*—the gender one experiences oneself to be, regardless of one’s biological sex; *gender characteristics*—characteristics such as facial hair or vocal pitch; and *gender expression*—the way a person expresses his or her gender, through gestures, movement, dress, and grooming. *Gender nonconformity* simply means not expressing gender or not having gender characteristics or a gender identity that conforms to others’ expectations. Much of the harassment students experience is related to gender and gender nonconformity. Gender is now a protected category in California public schools.

Transgender: A broad umbrella term referring to people whose gender identity, gender characteristics, or gender expression does not conform to the identity, characteristics, or expression traditionally associated with their sex at birth; transsexuals, cross-dressers, gender queers, drag kings and queens, and other gender nonconforming people may identify as transgender.

Intersex: Intersex people are individuals born with ambiguous sexual anatomy or physiology which mixes male and female characteristics, differing from cultural ideals of male and female. It is estimated that one out of every 2000 children born are intersex. There is a growing community of intersex people fighting to end shame, secrecy and unwanted genital surgeries.

LGBT: LGTB is the string of letters that stands for lesbian, gay, bisexual, and transgender. Some people use LGBTQ to include people who are questioning their sexual orientation or gender identity or prefer the word “queer.”

Queer: An umbrella term used to describe LGBT people; it has been reclaimed by some LGBT people from its derogatory use by others and is used to express pride in being LGBT.

Homophobia: A term that is used to describe a strong negative bias/hatred towards LGBT people. It is not a completely inclusive term, so some people also use biphobia (hatred/fear of bisexual people) or transphobia (hatred/fear of transgender people) as well as homophobia.

Heterosexism: Discrimination that privileges heterosexuals and disadvantages LGBTQ people; the system that creates the expectation of heterosexuality and gender normativity through media, political, and cultural messages.

ALAMEDA UNIFIED SCHOOL DISTRICT

VISION AND VALUES (Excerpt)

The District's core values and beliefs were developed through an extensive strategic planning effort undertaken in the 2002-2003 school year. They include the following:

- We acknowledge, value and respect the diversity—race, ethnicity, gender, and socioeconomic background—of all students, believing each student's unique experiences can be used to leverage and maximize student achievement.

AUSD EDUCATIONAL PHILOSOPHY (Excerpts)

- Development of the whole person—intellectual, emotional, creative, and physical—is an important part of a well-rounded individual
- Education is a shared responsibility of the student, the teacher, the parent and the community
- Embracing diversity contributes to the strength of the community

AUSD SUPERINTENDENT 2007-2010 GOALS: PATHWAY TO EXCELLENCE & EQUITY

GOAL 3: Ensure all students will be in educational environments that are safe and conducive to learning.

Subgoals 2007-2008:

- ✓ Examine and refine current Board policies and develop new policies related to school climate, wellness, and safety

UNDERSTANDING DISTRICT AND PUBLIC POLICY

ALAMEDA UNIFIED SCHOOL DISTRICT BOARD POLICY: BP 5145.3

Nondiscrimination/Harassment

District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The schools shall provide male and female students with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the Superintendent or designee who shall determine which complaint procedure is appropriate.

Policy ALAMEDA UNIFIED SCHOOL DISTRICT
adopted: January 25, 2000 Alameda, California

EDUCATION CODE SECTION 2000

"It is the policy of the State of California to afford all persons in public schools, regardless of their sex, ethnic group identification, race, national origin, religion, mental or physical disability, or regardless of any basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, equal rights and opportunities in the educational institutions of the state."

PENAL CODE SECTION 422.6 (A)

"No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics."

STUDENT SAFETY AND VIOLENCE PREVENTION ACT OF 2000 (AB 537)

AB537 amended the California Education Code's prohibition against discrimination and harassment of students and staff in schools to include sexual orientation and gender identity as legally protected characteristics.

The definitions of "sexual orientation" and "gender" that apply to Penal Code section 422.6(a) are contained in Civil Code Section 51.7:

"'Sexual orientation' means heterosexuality, homosexuality, or bisexuality."

"'Gender' means the victim's actual sex or the defendant's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the victim's sex at birth."

RESPONSIBILITIES

Schools:

- are legally responsible for protecting students and employees
- are prohibited from discriminating on the basis of sexual orientation or gender identity
- must prevent the creation of a hostile environment
- cannot exclude students from interscholastic, intramural, or other school activities on the basis of sexual orientation or gender identity
- must respond to all incidents of discrimination and harassment, immediately and appropriately
- must have someone designated to receive, investigate and address complaints of discrimination and harassment (following the state's "Uniform Complaint Procedure")
- must keep complaints confidential and ensure no retaliation

The AB537 Advisory Task Force Recommends:

- adopting and enforcing clear written policies
- informing and training all school personnel regarding the law's requirements
- providing guidance for students regarding their rights and responsibilities
- supporting students in preventing harassment, violence and discrimination
- developing anti-bias educational programs

Implementing AB537 is not a new responsibility. It is part of what you already do.

- developing and implementing School Safety Plans
- ensuring compliance with Educational Equity requirements
- providing an effective complaint procedure
- informing students and parents about the rules of conduct
- enforcing rules
- providing staff development programs for teachers to learn skills needed to maintain a safe and fair classroom
- preparing students for adult life in a diverse society

✓ **Reminder: greater safety leads to higher achievement and improved test scores!**

ASSESSING RISKS: THE FACTS

It is well documented that sexual minority youth represent a population at risk. Lesbian, gay, bisexual, and transgender (LGBT) students, as well as students perceived to be identified as such, face harassment on a daily basis impacting both their safety at school and, as a result, their academic achievement and, in the extreme, the very ability to receive an education. The following information, compiled from various sources presents key findings that demonstrate the risks facing our youth.

IDENTITY AND FAMILY

- 8-10 million children live in 3 million LGB headed families.
Source: American Bar Association, 1991
- Gay adolescents report becoming aware of a distinct feeling of "being different" between ages 5-7.
Source: Treadway, Leo and Yoakum, John, "Creating a Safer School Environment for Lesbian and Gay Students," in *Journal of School Health*, September, 1992
- Lesbian, gay, and bisexual youth report first becoming aware of their sexual orientation at age 10.
Source: D'Augelli, Anthony R. & Hershberger, Scott L., "Lesbian, Gay, and Bisexual Youth in Community Settings: Personal Challenges and Mental Health Problems," *American Journal of Community Psychology*, Vol. 21, No. 4, 1993
- Between 8.6% and 11.1% of females and 7.9% and 8.7% of males report same-sex attraction after age 15.
Source: Sell, R.L., Wells, J.A., Wypij, D., "The Prevalence of Homosexual Behavior and Attraction in the United States, the United Kingdom, and France: Results of National Population-Based Samples," *Archives of Sexual Behavior*, 24; 235-248, 1995
- Only 53% of youth who have experienced anti-gay harassment agreed or strongly agreed that "My family loves me and gives me help and support when I need it" vs. 82% of non-harassed youth.
Source: Eighty-Three Thousand Youth, The Safe Schools Coalition of Washington, 1999
- 34% of lesbians and 33% of gay men report abuse by family members as a result of their sexual orientation.
Source: Philadelphia Lesbian and Gay Task Force, "Discrimination and Violence toward Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania," 1996
- 42% of homeless youth self-identify as gay/lesbian.
Source: Victim Services/Traveler's Aid, "Streetwork Project," 1991

SCHOOL

- Gay, lesbian, bisexual and transgender students are at disproportionate risk for bullying and harassment. They hear anti-gay slurs such as “homo,” “faggot,” and “sissy” about 26 times a day, or once every 14 minutes. More than 30% of LGBT youth were threatened or injured at school in the last year alone.

Source: National Mental Health Association, 2002

- 91% of California middle and high school students hear their peers use slurs about sexual orientation. 44% hear their teachers making those kinds of negative comments or slurs.

Source: Safe Place to Learn, California Safe Schools Coalition, 2004

- Two out of every three students who identified as LGBT reported being harassed based on actual or perceived sexual orientation.

Source: California Department of Education's California Healthy Kids Survey, 2001-2002, and the Preventing School Harassment survey, 2003

- For every gay, lesbian, bisexual or transgender student who reported being harassed, four straight students said they were harassed for being perceived as gay or lesbian.

Source: National Mental Health Association, 2002

- 39% of LGBT youth surveyed reported that no one ever intervened when homophobic remarks were made in school; 47% of the youth reported that someone intervened only some of the time. Other students were more often reported to intervene than were faculty (82% reported intervention by students compared to 67% reported for faculty).

Source: Gay, Lesbian and Straight Education Network (GLSEN), National School Climate Survey, a study conducted among 496 youth across 32 states accessing community-based services, 1999

- 53% of students report hearing homophobic comments made by school staff.

Source: Making Schools Safe for Gay and Lesbian Youth: Report of the Massachusetts Governor's Commission on Gay and Lesbian Youth, 1993

- 20% of secondary school counselors report that counseling a homosexual student concerning gay issues would not be personally gratifying, and do not consider themselves competent in counseling gay adolescents.

Source: Price, James H. & Telljohann, Susan K., "School Counselors Perceptions of Adolescent Homosexuals," Journal of School Health, vol. 61, No. 10, 493-438, December, 1991

- 41.7% of LGBT youth do not feel safe in their schools because they are gay, lesbian, bisexual or transgender.

Source: Gay, Lesbian and Straight Education Network (GLSEN), National School Climate Survey, a study conducted among 496 youth across 32 states accessing community-based services, 1999

- Students harassed based on actual or perceived sexual orientation are also more likely to have low grades (Cs or below).

Source: California Department of Education's California Healthy Kids Survey, 2001-2002, and the Preventing School Harassment survey, 2003

VIOLENCE

- 69% of LGBT youth report experiencing some form of harassment or violence in school.
Source: Gay, Lesbian and Straight Education Network (GLSEN), National School Climate Survey, a study conducted among 496 youth across 32 states accessing community-based services, 1999
- Students who said they had experienced anti-gay harassment were 4 times as likely as non-harassed youth to say they had been threatened with or injured by someone with a weapon at school in the past 12 months, and 7 times as likely to report having missed at least one day of school in the past month out of fear for their safety.
Source: Eighty-Three Thousand Youth, The Safe Schools Coalition of Washington, 1999
- Students harassed based on actual or perceived sexual orientation are more than three times as likely to carry a weapon to school.
Source: California Department of Education's California Healthy Kids Survey, 2001-2002, and the Preventing School Harassment survey, 2003
- Heterosexual students who had been harassed because someone believed they were gay were 3 times as likely as non-harassed heterosexual peers to report having missed at least one day of school in the past month out of fear for their safety.
Source: Eighty-Three Thousand Youth, The Safe Schools Coalition of Washington, 1999

HEALTH

- 68% of adolescent gay males and 83% of lesbians use alcohol. 44% of gay males and 56% of lesbians use other drugs.
Source: Hunter, Joyce, et.al., unpublished research by the Columbia University HIV Center for Clinical and Behavior Studies, 1992
- Students harassed based on actual or perceived sexual orientation are more than twice as likely to report depression (feeling so sad and hopeless they stopped normal activities for two weeks), to use methamphetamines, or to use inhalants.
Source: California Department of Education's California Healthy Kids Survey, 2001-2002, and the Preventing School Harassment survey, 2003
- LGBT youth are more than three times as likely to seriously consider suicide, to make a plan for attempting suicide or to miss at least one day of school in the last 30 days because they felt unsafe.
Source: California Department of Education's California Healthy Kids Survey, 2001-2002, and the Preventing School Harassment survey, 2003
- One GLB youth attempts suicide every 40 minutes and 1 attempt every 6 hours results in a death. In the language of schooling, 1 GLB student attempts suicide every period and 1 results in a death each day.
Source: The Centers for Disease Control and the Mass. Department of Education, The Mass. Youth Risk Behavior Study, 1995

**ALAMEDA UNIFIED SCHOOL DISTRICT
FREQUENTLY ASKED QUESTIONS REGARDING
Safe Schools' work that addresses Sexual Orientation/Gender Identity**

In an effort to keep our staff and community informed regarding the District's work related to creating safe schools for all students and staff, below is a list of commonly asked questions posed by some of our community members and our responses to those questions.

1. What is the safe school work of the District?

Every district is required to ensure that all students, staff and families feel welcome and safe in our schools. All districts are required to specifically ensure that all gay, lesbian, bisexual, and transgender students, staff, and families also feel safe and welcome in our public schools. Nationwide data (such as a higher suicide rate, higher drop out rate, more likely to be assaulted) and specific school and district data show that harassment and the use of anti-gay and lesbian slurs takes place in our schools daily. In response to this alarming data, the district has provided elementary staff training in October 2007 and developed an elementary curriculum development team to address implementation of addressing inclusiveness, family diversity, and anti-bullying/anti-slurs.

In October 2008, secondary staff will undergo training and the focus will be to refine current courses of study and provide focused support for Gay Straight Alliance (GSA) student organizations.

2. Why are we doing this work?

Our work around creating safe schools is to ensure that all students, regardless of their sexual orientation or the sexual orientation of their family members, feels safe in our schools and that all students have equal access to a quality education. This work is in accordance with legal mandates AB 537 Student Safety & Violence Prevention Act of 2000, Board Policy 5145.3 Nondiscrimination/Harassment, Ed Code Section 2000, and Penal Code Section 422.6(A). These laws and policies mandate that public schools prevent discrimination and harassment based on all legally protected categories. The laws and policies explicitly state that we must protect gay, lesbian, bisexual and transgender students and staff.

3. What are the needs within our district?

There is evidence that homophobic behavior (anti-gay and lesbian harassment and slurs) occurs at each of our school sites, including our elementary schools. An anonymous survey was distributed to elementary teachers in October, 2007. The results of that survey indicated slurs and derogatory comment such as "that's so gay", "you're gay", "you act like a girl/boy", are being used on our elementary campuses daily. Teachers also stated that they needed training and resources to help them specifically address anti-gay/lesbian bullying and harassment.

4. How will we define age appropriate lessons?

As we commonly do when lessons are developed, we bring together teams of grade level teachers to work on the development of the lessons when they are not provided as part of the core curriculum. We also look at what other districts are doing, examine sample lessons, study state recommendations, review published curriculum, and review age appropriate picture books or literature to support the teaching of the lessons. The development of the lessons around creating safe, inclusive schools will follow that process as well.

5. Schools aren't supposed to teach sex education without parental approval. Why are we teaching sex/sex education without getting parent permission?

As stated in the Alameda County Public Health Department 2004 report *A Call to Action*, "there is a

common misperception that a conversation about sexual orientation in schools involves a discussion about sex. A discussion about equity and respect for differences is not a conversation about human sexuality. For example, a discussion about heterosexual families is not a human biology lesson, a discussion about sexually diverse families is not about sexual acts". Senate Bill 71 states that instruction and materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions are not "sex education." Therefore, parent permission is not required. The focus of our work around safe schools is creating learning environments in which all students feel safe including our gay, lesbian, bisexual, transgender students, staff, and families. It is not about sex education.

6. What are the educational principles that these lessons are based on? The principles upon which the lessons will be based are: 1) districts have a professional obligation to respond appropriately to ongoing needs that impact student safety and harassment that impairs student achievement; 2) an educational obligation to respond to a growing body of evidence that highlights the struggles sexual minority students (or students perceived to be in the sexual minority), and students with sexual minority family members, often face at school; 3) a legal obligation to comply with recent changes in California law; and, 4) as stated in Board Policy [if this is true], and as recommended in *A Call to Action*, "school policies must be specific in their language with regard to sexual orientation and gender identity. Slurs, epithets, threats, verbal abuse, and/or derogatory comments based upon sexual orientation or gender identity must be prohibited. Educators must address inappropriate language and confront stereotypes as they occur". It is based upon these principles that age-appropriate lessons will be developed.

7. What would the lesson plan consist of?

Age appropriate lessons will center around themes related to: respect, acceptance, anti-bullying, anti-putdowns, anti discrimination, stereotypes including boy/girl stereotypes, diverse families, community building, etc. More specificity will emerge as the lessons are developed.

8. Why are we taking on this effort right now?

The need to address these issues is present on our campuses today, including our elementary campuses. Many teachers and administrators have been struggling to address these issues and are asking for guidance and resources from the district.

9. What input will family members have in this program?

Before lessons are developed, community regional meetings will be held to seek input during the fall of 2008. Once sample lessons are developed, there will be opportunities for families to preview the lessons at the district office and to provide feedback regarding lesson content.

10. Can parents opt out of this curriculum?

State law requires parental notice concerning instruction on HIV/AIDS prevention, venereal disease, sexually transmitted diseases, sexuality, or family life/sex education and provides that parents be given the opportunity to keep their child from receiving such instruction. Where issues of sexual orientation or gender identity are raised in school programs other than health, family life or sex education instruction, including programs designed to encourage respect and tolerance for diversity, **parents cannot demand their child be exempted from such programs; discussions about LGBT people are not a form of "sex education", California law does not support a broad parental veto regarding the contents of public school instruction.**

11. How do we comply with anti-discrimination laws and still respect the religious and cultural diversity of our students and their families?

Some might claim that efforts to prevent discrimination and harassment on the basis of sexual orientation and gender identity violate students’ and parents’ religious views about homosexuality and gender roles. Addressing issues of violence, name-calling and other harassment, and ensuring all students are treated equally, does not violate any student’s religious beliefs or disrespect any student’s cultural background. Students may hold any beliefs they choose about homosexuality and gender, as long as they do not harass or threaten other students.

12.

Facing Homophobia: What it <u>is</u> about...	Facing Homophobia: What it is <u>not</u> about...
<ul style="list-style-type: none"> • Recognizing that lesbian, gay, bisexual and transgender students, educators and families are part of the school community • Ensuring that all students, educators and families are treated fairly and feel safe in our schools • Separating personal beliefs from our responsibilities as educators, parents/guardians and community members • Making connections among all forms of social injustice 	<ul style="list-style-type: none"> • Advocating or promoting a “lifestyle” • Advocating “special treatment” for lesbian, gay, bisexual or transgender people • Changing personal religious beliefs • Discussing or encouraging sexual behavior • Only of concern to lesbian, gay, bisexual or transgender people • Only a personal counseling issue