

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.

Ensuring Safe Schools In Alameda Unified School District

ADDRESSING ISSUES OF SEXUAL ORIENTATION & GENDER IDENTITY

Community Forums

February 4, 2009 – Otis School

February 5, 2009 – Washington School



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.

2005 National School Climate Survey:

- 75.4% of students heard derogatory remarks such as “faggot” or “dyke” frequently or often at school, and nearly nine out of ten (89.2%) reported hearing “that’s so say” or “you’re so gay” (meaning stupid or worthless) frequently or often.
- Over a third (37.8%) of students experienced physical harassment at school on the basis of sexual orientation and more than a quarter (26.1%) on the basis of their gender expression. Nearly one-fifth (17.6%) of students had been physically assaulted because of their sexual orientation and over a tenth (11.8%) because of their gender expression.
- LGBT students were five times more likely to report having skipped school in the last month because of safety concerns than the general population of students.
- LGBT students who experience more frequent physical harassment were more likely to report they did not plan to go to college. Overall, LGBT students were twice as likely as the general population of students to report they were not planning to pursue any post-secondary education.
- The average GPA for LGBT students who were frequently physically harassed was half a grade lower than that of LGBT students experiencing less harassment (2.6 versus 3.1).
- The presence of supportive staff contributed to a range of positive indicators including greater sense of safety, fewer reports of missing days of school, and a higher incidence of planning to attend college.
- Students in schools with a GSA were less likely to feel unsafe, less likely to miss school, and more likely to feel like they belonged at their school than students in schools with no such clubs.
- Having a comprehensive policy was related to a lower incidence of hearing homophobic remarks and to lower rates of verbal harassment. Students at schools with inclusive policies also reported higher rates of intervention by school staff when homophobic remarks were made.

California Safe Schools Coalition, January, 2004

- 7.5 percent of California students reported being harassed on the basis of actual or perceived sexual orientation.

- Students harassed based on actual or perceived sexual orientation are more than three times as likely to carry a weapon to school, 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.
- 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.
- Students harassed based on actual or perceived sexual orientation are also more likely to have low grades (Cs or below), to be victims of violence, to smoke cigarettes, drink alcohol, binge drink, or use marijuana.
- 91 percent of students reported hearing students make negative comments based on sexual orientation. 44 percent reported hearing teachers make negative comments based on sexual orientation.
- 46 percent of students said their schools were not safe for lesbian, gay, bisexual, and transgender (LGBT) students.
- Two out of every three students who identified as LGBT reported being harassed based on actual or perceived sexual orientation.
- School climates are also unsafe for gender non-conforming students. 53 percent of students said their schools were unsafe for “guys who aren’t as masculine as other guys,” and 34 percent said their schools were unsafe for “girls who aren’t as feminine as other girls.” 27 percent of students reported being harassed for gender non-conformity.

Although the stats below are far older, I think it’s important to include some data that relates to elementary school and families.

- 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

Alameda Unified School District

In October, 2008, 447 AUSD high school students completed a School Climate Survey. What follows are some of the results.

- 71% of students surveyed agree or strongly agree that they feel safe at school and 45% feel their school is safe for LGBT students, teachers, and staff.

- Though 61% of students surveyed said they know of classmates who openly identify as LGBT, not one student self-identified as gay or lesbian on the confidential, anonymous survey.

- 15% of students surveyed disagree or strongly disagree that it's okay for girls to be masculine at school. Twice that number (31%) disagree or strongly disagree that it's okay for boys to be feminine at school.

- 48% of students say they know where at school to go for information and/or support about sexual orientation or gender identity.

- 35% of students surveyed hear anti-LGBT slurs directed at specific students, teachers, or staff at least once to several times a day. Another 26% hear these slurs approximately once each month. This means 61% of our students are regularly exposed to homophobic behavior *specifically* directed at someone.

- 68% of students surveyed hear anti gay slurs *not* specifically directed at an individual at least once to several times each day and 88% of our students hear these comments on a regular basis.

- When anti-LGBT slurs are made, students report that teachers or staff step in only 41% of the time and that 30% of the time staff *never* intervene.

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

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Subgoal:

- ✓ 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.”

The Safe Place to Learn Act

AB394 provides clarification and guidance to school districts and the California Department of Education regarding what steps should be taken to ensure compliance with AB537. This necessary clarification will help to ensure that current school safety standards regarding harassment and discrimination are fully and properly implemented. AB394 became law on January 1, 2008.

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

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

FREQUENTLY ASKED 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. 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.

4. Can parents “opt out” of their children’s participation in school programs that discuss sexual orientation and gender identity?

Parents have a limited and clearly delineated right to require parental notification, parental consent, or have their children opt out of school programs. State law requires parental notice concerning instruction on HIV/AIDS prevention, venereal disease, sexually transmitted diseases, sexuality, or family life and provides that parents be given the opportunity to keep their child from receiving such instruction. In this context, “family life” and “sex education” are interchangeable terms. In addition, state law prohibits mandatory student participation in surveys or evaluations that concern sex, family life, morality, or religion.

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.

5. What if our anti-bias education programs cause controversy in the community?

Because anti-bias education programs are relatively new, there might be misunderstandings about the purpose and content of such programs. Although these misunderstandings can lead to controversy, school districts are still required by law to protect students from harassment and discrimination. Involving and informing parents and community organizations, such as the PTA, at the outset may help stem any controversy before it arises. School officials should be prepared to discuss with parents the school’s obligations under the law, the need for such laws and programs, and the content of the programs. In addition, it is important to communicate to parents that these programs provide accurate, age-appropriate, objective, and up-to-date information that is relevant to subject matter in schools and in accordance with state standards and local school district policies and that the purpose of anti-bias programs is not to “promote sexuality” or “advocate the homosexual lifestyle,” but to promote tolerance, acceptance, and the safety and well-being of all students.

6. 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.

7.

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

(The above information was adapted from “School Safety & Violence Prevention for Lesbian, Gay, Bisexual & Transgender Students: A Question & Answer Guide for California School Officials & Administrators,” a publication of the California Safe Schools Coalition.)

COMMUNITY RESOURCES

- **Ally Action:** (925) 685-5480 www.allyaction.org
- **California Safe Schools Coalition:** (415) 626-1680 www.calisafe.org
- **Gay Lesbian and Straight Education Network (GLSEN):** www.glsen.org
- **Gay-Straight Alliance Network:** (415) 552-4229 www.gsanetwork.org
- **Larkin Street Youth Services:** (415) 673-0911 www.larkinstreetyouth.org
- **Lavender Youth Recreation & Information Center (LYRIC):**
 - (415) 703-6150 www.lyric.org
- **Our Family Coalition:** (510) 332-0496 www.ourfamily.org
- **Pacific Center for Human Growth:** (510) 548-8283 www.pacificcenter.org
- **P-FLAG East Bay:** (510) 562-7692 www.pflag-eastbay.org
- **Respect For All Project (A program of GroundSpark):** (415) 641-4616
www.respectforall.org
- **SMAAC Youth Center:** (510) 834-9578 members.aol.com/smaacyou
- **Teaching Tolerance:** www.teachingtolerance.org