

## **Gender And Identity Inclusion**

The Governing Board is committed to addressing the safety needs of all students, including those needs related to a student's actual or perceived gender identity, gender expression, or sexual orientation. The purpose of this Board Policy is to set out guidelines regarding issues related to transgender and gender expansive/gender non-conforming students.

The Board recognizes that a safe and civil school environment is necessary for students to have equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities; and is integral to student success.

The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived sex, sexual orientation, gender, gender identity, or gender expression, race, ancestry, national origin, ethnicity, ethnic group identification, age, religion, color, marital or parental status, physical or mental disability, age or, the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics (42 USC 2000d-2000e-17, 20 USC 1681-1688, Education Code 200, 220, 221.5 (f)).

(cf. 0200 - Goals for the District)

(cf. 0410 - Nondiscrimination In District Programs And Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1265 – Civility Policy)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5131.8 – Anti-Bullying)

(cf. 5142 - Safety)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Board acknowledges its role in providing students with an understanding of and respect for differences in the gender identity and gender expression of others.

This policy sets out guidelines for schools to follow in order to address the needs of transgender and gender expansive/gender non-conforming students. This policy outlines for how schools should respond to the needs of students where questions may arise regarding how to protect the legal rights or safety of students. This policy does not anticipate every situation that might occur and therefore, the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort and healthy development of the transgender or gender expansive/gender non-conforming student while maximizing the student's social integration onto the school setting and minimizing stigmatization of the student.

Transgender and gender expansive/gender non-conforming students need not endure, for any reason, any bullying (including cyber bullying) or harassment which impairs the educational environment of the student's emotional well-being in school. Harassment involves unwelcome comments (written or verbal), or conduct which creates an intimidating, hostile or offensive environment, or which violates an individual's rights.

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 Uniform Complaint Procedures)

The following definitions are not intended to represent all identities, or label students, but rather to assist in the general understanding of this policy, the legal rights of students and the legal obligations of school/district staff. Although students may or may not use these terms to describe themselves, these definitions can be used as functional descriptors. Although often conflated, every person has both a gender identity and a sexual orientation which are described in more detail below.

#### Definitions Related to Gender:

**Gender:** Refers to a person's actual sex or perceived sex, and includes their perceived identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from what is traditionally associated with a person's sex at birth. Given the numerous combinations these factors can create; gender is better understood as a spectrum. (Title 5, California Code of Regulations, §4910(k))

**Gender Identity:** Refers to someone's own personal sense of being male, female, both or neither, regardless of one's assigned sex at birth.

**Gender Expression:** How individuals express themselves, including characteristics and behaviors such as appearance, dress, grooming, mannerisms, movement, speech patterns, and social interactions that are perceived as masculine or feminine.

**Cisgender:** A term for people whose gender identity aligns with the sex they were assigned at birth.

**Gender Expansive/Gender Non-Conforming:** Refers to a wider, more flexible range of gender identities or expressions than those typically associated with the binary (male/female) gender system. Note: Gender non-conforming individuals may or may not identify as transgender or questioning. Their sexual orientation is distinct from their gender identity and they may be heterosexual, gay, bisexual, lesbian, or questioning (see sexual orientation).

**Transgender:** An umbrella term used to describe an individual whose gender identity is different from their assigned sex at birth. Note: This term is an adjective. Using this term as a verb (i.e., transgendered) or noun (i.e., transgenders) is offensive and should be avoided.

**Gender Pronouns:** A word that refers to someone who is being talked about in place of their name (i.e. she, he, them) and which is in alignment with their gender identity.

**Transition:** The process through which people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.

#### Definitions Related to Sexual Orientation:

**Sexual Orientation:** Describes a person's emotional, romantic and/or physical attraction to other people. Individuals may identify as heterosexual, lesbian, gay, bisexual, questioning, or may use other terms.

**Heterosexual:** A person whose emotional, romantic and/or romantic attraction is toward people of a different gender.

Gay: A person whose emotional, romantic and/or physical attraction is toward people of the same gender.

Bisexual: A person whose emotional, romantic and/or physical attraction is toward people of the same and other genders, or towards people regardless of their gender.

Lesbian: A woman whose emotional, romantic and/or physical attraction is toward people of the same gender.

Questioning: A person who is in the process of discovering who they have emotional, romantic and/or physical attraction to. Also refers to a person who is in the process of discovering their gender identity.

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX of the Civil Rights Act of 1964

61010-6107 Age Discrimination Act of 1975

12101-12213 Americans with Disabilities Act

CODE OF REGULATIONS, TITLE 34

99.1-99.67 Family Education Rights and Privacy Act

100.1-100.13 Nondiscrimination in federal programs

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: May 30, 2018 Fresno, California