

Policies

- a. OUSD Policies
- b. State Policies

OUSD Sexual Orientation Board Policy 5171 (excerpt)

The entire policy is available at: www.ousd.k12.ca.us.

- The Governing Board of the Oakland Unified School District is committed to maintaining a discrimination-free learning environment which teaches respect for all people, including those who do not conform to traditional sex role stereotypes.
- The District acknowledges that sexual minority youth, who frequently lack positive role models, experience disproportionately higher rates of suicides and school dropouts.
- Students shall be assured they need not endure any form of harassment based on sexual orientation or gender identity which impairs their education environment or emotional well-being.
- The District acknowledges that a key element in a sound educational program is providing students with an understanding and appreciation of the differences of others.
- The Superintendent or designee shall ensure that students receive age-appropriate information and education related to sexual orientation and gender identity.
- The District has zero tolerance for slurs and harassment related to sexual orientation and gender identity.
- The District prohibits retaliation against any complainant or participant in the complaint process.
- The District will establish staffing for permanent and on-going support services related to sexual orientation and gender identity issues.
- Curricula and materials will be developed and implemented which address the issues of this underserved population. All schools will be provided with training in the use of these curricula and materials.
- The District will adopt personnel policies that are sensitive to sexual orientation and gender identity to ensure employment protection for all staff members. 7/28/04

Oakland Unified School District Board Policies (Excerpts)

To read the policies listed below in their entirety go to: www.ousd.k12.ca.us.

Hate Violence or Hate Motivated Behavior: Board Policy 5145.9

The Governing Board desires to ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

Nondiscrimination/Harassment Policy: BP 5145.3

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, citizenship, age, religion, marital or parental status, physical or mental disability, medical condition, status as a veteran or disabled veteran, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; association with a person or group with one or more of such characteristics; association with a person or group with one or more of these actual or perceived characteristics. See page 19 on how to implement this policy to meet the needs of transgender students.

Bullying: Board Policy 5131.2- Summary

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Bullying is as any severe or pervasive physical or verbal act(s) or conduct, including electronic communications committed by a pupil(s) that has, or can be reasonably predicted to have, the effect of one or more of the following:

- (1) Reasonable of harm to person or property.
- (2) Substantially detrimental effect on physical or mental health.
- (3) Substantial interference with academic performance.
- (4) Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

Positive School Climate: BP 5137

The Board of the Oakland Unified School District aims to provide a learning environment for every student that is safe, orderly, caring, respectful and equitable. A positive school climate is one that builds student attachment to school, a factor shown by research to correlate closely with academic and life success.

California State Assembly Bills (excerpts and summaries)

To read the policies listed below in their entirety go to: www.cde.ca.gov.

CA Student Safety & Violence Prevention Act: Assembly Bill 537

Prohibits discrimination against and harassment of students and staff in schools on the basis of sex, ethnic group identification, race, national origin, religion, color, or mental or physical disability. This law added the provision that all students and staff in public schools have the same right to a safe learning environment, regardless of their sexual orientation or gender identity. (California Department of Education, www.cde.ca.gov/re/lr/sv/)

The Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act State Bill 48

The FAIR Education Act updates California's education guidelines to integrate age-appropriate, factual information about the role and contributions of people with disabilities and lesbian, gay, bisexual and transgender people into social studies and history lessons. These education guidelines already include the contributions of both men and women, people of color, diverse ethnic communities and other historically underrepresented groups. Signed into law on July 14, 2011, these updated guidelines went into effect on January 1, 2012. (GSA Network, gsanetwork.org)

School Success and Opportunity Act: Assembly Bill 1266

AB 1266 updates the Education Code section 221.5 by stating: "A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on a pupil's records. See page 18 for implementation guidelines.

Senate Bill 1234

The legislature has recently defined "gender" for purposes of identifying hate crimes and eliminating unlawful discrimination in public schools in SB 1234, amending Penal Code Section 422.58 as follows: "Gender" means sex, includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the persons' assigned sex at birth. (California Department of Education, www.cde.ca.gov/re/lr/sv/)

Seth's Law: Assembly Bill 9

Requires schools to include in the complaint procedures a method for receiving and investigating discrimination and harassment complaints. Schools would be required to act on discrimination and harassment complaints expeditiously so that investigation and resolution may be reached quickly. Further, faculty and staff working on school campuses would be required to intervene when they witness acts of bullying. (Equality California, www.eqca.org)