

## Applicable law regarding rights of LGBTQ+ students

### California Law:

- Education Code § 200 provides, in relevant part: “It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, equal rights, and opportunities in the educational institutions of the state.”
- Education Code § 221.5 provides, in relevant part: “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 the pupil’s records.”
- Education Code § 51204.5 provides, in relevant part: “Instruction in social sciences shall include the early history of California and a study of the role and contributions of people of all genders, Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, **LGBTQ+** Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.”
- Education Code § 51933, California Healthy Youth Act, provides that all instruction must align with the following principles:
  - “Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners;”
  - “Instruction and materials shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships.”
  - “Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.”

MDUSD Board Policies and Administrative Regulations implement the above laws as follows:

- BP 0410 (Nondiscrimination In District Programs And Activities): “District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality,

national origin, immigration status, ethnic group identification, ethnicity, age, religion, , pregnancy, childbirth, termination of pregnancy, or location, including related medical conditions and recovery, parental or marital status, reproductive health decision-making, physical or mental disability, medical condition, sex, sex stereotypes, sex characteristic, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a 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.”

- BP 5145.3: “The Board prohibits, at any District school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, of any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; parental, marital, and family, parental, marital and family status, physical or mental disability, medical condition, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.”
- BP 5145.9 (Hate-Motivated Behavior): “The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.”
- BP 6142.1 (Sexual Health And HIV/AIDS Prevention Instruction): “The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.”
- AR 6142.1 (Sexual Health And HIV/AIDS Prevention Instruction): “Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes.”
- BP 6142.7 (Physical Education And Activity): “The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for

all students in grades 1-12 regardless of gender, gender expression, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)”

- BP 6145.2 (Athletic Competition): “The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.”
- AR 6145.2 (Athletic Competition):
  - “Each student shall be allowed to participate in any single-sex athletic program or activity consistent with the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)
  - When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)”
- AR 6161.1 (Selection And Evaluation Of Instructional Materials)
  - “Accurately portraying society's cultural and racial diversity, including: i) The contributions of all genders in all types of roles, including professional, vocational, and executive roles; and ii) The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic groups to the total development of California and the United States”