



# **LGBTQ+ Back-To-Basics**

***Rights and Responsibilities: An LGBTQ+  
School Policy Review***

Proudly presented by OSSE and facilitated by Diana Bruce, Advocate  
for Thriving Students.



## Hello, I'm Diana.

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Diana Bruce (she/her) is a nationally recognized leader who works at the intersection of health and education equity. She advises schools and youth-serving organizations on coronavirus (COVID-19), transgender accommodations, bias reduction, sex education and school-based health care, and brings her clients 25+ years experience and expertise in the field. Proud parent of two young adults who graduated from DC Public Schools (DCPS) and a DC public charter school.

# Group Agreements

Be present.

Provide grace and space to yourself and others.

Practice active listening.

Ensure full confidentiality.

Ask, that is how we all learn.

# Session Evaluation

Please complete the Session Evaluation at the end of the course.  
- via QR code or the link in the chat.

Session Evaluation is required to receive certificate of completion  
for this session.

# Learning Objectives

- Differentiate between bullying, discrimination and harassment.
- Analyze federal and District laws and policies that guarantee LGBTQ+ rights in schools.
- Discuss the school's role in preventing LGBTQ+ bullying, harassment and discrimination and the responsibilities of individual educators to include LGTBTQ+ issues in the curriculum, the classroom and throughout the school.
- Describe school-level changes that advance the implementation of the rights and policies.

# Agenda

- Bullying, Harassment and Discrimination
- Federal and District Laws that Support LGBTQ+ Youth
- School Policies that Support LGBTQ+ Students
- Privacy, Support and Advocacy
- Session Evaluation

## Think About...

When you think about policies, what comes to mind? What is a particular policy in your school that can support LGBTQ+ students?



# Bullying, Harassment and Discrimination



# What is the Difference Between Bullying, Harassment and Discrimination?

- Bullying: unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
- Harassment (sometimes called Discriminatory Harassment): unwelcome conduct based on a protected class (including sexual orientation, gender identity and gender expression) that is severe, pervasive, or persistent and creates a hostile environment.
- Discrimination: treating a person or group differently (usually negatively) as compared to other people or groups. Harassment is a form of discrimination.

[www.stopbullying.gov/bullying/other-types-of-aggressive-behavior](http://www.stopbullying.gov/bullying/other-types-of-aggressive-behavior)

[www.stopbullying.gov/resources/laws/federal](http://www.stopbullying.gov/resources/laws/federal)

# When Bullying Bleeds into Harassment

- No federal law directly addresses bullying.
- DC law requires schools to have bullying prevention policies.
- Bullying may overlap with discriminatory harassment when it is based on legally protected identities/traits, including sexual orientation, gender identity and gender expression.
- Federally funded schools and all DC schools have an obligation to resolve harassment on these bases.

[www.ohr.dc.gov/page/bullyingprevention](http://www.ohr.dc.gov/page/bullyingprevention)

[www.stopbullying.gov/resources/laws/federal](http://www.stopbullying.gov/resources/laws/federal)

# Examples of Bullying Behavior That May Be Harassment

- Repeatedly misgendering a student
- Refusing to use a student's chosen name
- Making disparaging remarks about someone's sexual orientation, gender identity or gender expression
- Refusing to let a student wear clothing or accessory that is allowable by the dress code, but may differ from a societal gender norm

Gender-based harassment can be considered sexual harassment.

[www.ohr.dc.gov/page/bullyingprevention](http://www.ohr.dc.gov/page/bullyingprevention) [www.stopbullying.gov/resources/laws/federal](http://www.stopbullying.gov/resources/laws/federal)

# Think About...

What are ways in which your school prevents bullying and discriminatory harassment?

[www.ohr.dc.gov/page/bullyingprevention](http://www.ohr.dc.gov/page/bullyingprevention)

[www.stopbullying.gov/resources/laws/federal](http://www.stopbullying.gov/resources/laws/federal)





# What Does the Law Say?

*What do our students need?*

# What Laws Prohibit LGBTQ+ Discrimination/Harassment?

- Federal: Title IX
  - Resolution agreements with Office of Civil Rights and school districts
  - Gender identity, gender expression and sexual orientation were specifically added by Executive Order in 2021
- DC Human Rights Act
  - Gender identity, gender expression and sexual orientation were specifically added in 2006
- DC Youth Bullying Prevention Act
  - Prohibits bullying based on traits, including gender identity, gender expression and sexual orientation

# Where are LGBTQ+ Protections in School-Level Policies?

- Non-discrimination policy
- Sexual harassment policy
- Bullying prevention policy
- Behavior and discipline policy
  - Staff
  - Students

[www.StopBullying.gov](http://www.StopBullying.gov)

## Where Else are LGBTQ+ Protections Extended?

- Family Educational Rights and Privacy Act (FERPA)
  - Allows corrections to educational records that are inaccurate, misleading or violate a student's privacy
- Court cases
  - *Bostock vs. Clayton County* extended protections to employment and interpreted to include Title IX protections
  - Federal courts have required school districts to extend rights to students



## Think About...

What laws/policies did you already know about? What was something new?



# The School's Role

*Improving LGBTQ+ Inclusion Through Policy*

# What Do LGBTQ+ Inclusive Policies Include?

- School Climate Survey
  - OSSE will soon release a District-wide school climate survey to ask about student experiences in school
  - Consider including LGBTQ+ demographic questions in surveys for analysis (protect privacy with low response numbers)
- Names/Pronouns
  - Students have the right to use and be called by their preferred gender, name and pronouns at school.
  - Parents/guardians and students 18+ have the right to request that education records reflect preferred gender, names and pronouns (even post-graduation)
- Restrooms and Locker Rooms
  - Students have a right to use a restroom/locker room that corresponds to their gender identity.

# What Do LGBTQ+ Inclusive Policies Include? (continued)

- Dress codes must:
  - Be gender neutral.
  - Not discriminate against a specific gender identity, gender expression or sexual orientation.
  - Not impose different consequences, based on gender identity, gender expression or sexual orientation.
  - Apply to every day and special days (graduation/prom)
- Clubs and Affinity Groups
  - Students have the right to form Gender and Sexuality Alliances (GSAs) and meet on campus

# What Do LGBTQ+ Inclusive Policies Include? (continued)

- Gender-Based Activities
  - Students have the right to participate in activities that align with their gender identity.
  - Students cannot be forced to participate in a gender-specific activity.
  - Transgender student athletes may participate on sports teams that align with their gender, with a letter from their parent/guardian.

# What Do LGBTQ+ Inclusive Policies Include? (continued)

- Discipline
  - Interrupt bullying and discriminatory harassment when you see it.
  - Must not provide harsher consequences based on gender identity, gender expression or sexual orientation.

# What Do LGBTQ+ Inclusive Policies Include? (continued)

- Privacy/Confidentiality
  - Information about a student's gender, pronouns and sexual orientation must be maintained as confidential.
  - Must not disclose that someone is transgender without their permission.
  - Prepare for substitutes (teacher notes to fill in what is not in the student information system).
  - Prepare for PARCC.



# School Level Changes

*How to Advance Implementation of Policies and Laws*



# How Does A Local Education Agency (LEA) Create More Inclusive Policies?

## Research and Review

- Research and review
  - Staff and student policies
  - Laws and policies
  - Best practices and resources
  - Current student policies
  - Current staff policies

# How Does an LEA Create More Inclusive Policies?

## Form a Team

- Include students!
- School leaders
- Title IX coordinator
- Teacher leads
- Discipline leads, etc.

# How Does An LEA Create More Inclusive Policies?

## Make a Plan

- Do not reinvent the wheel
  - Borrow from other LEAs
  - Use model policies
  - Shop your draft revisions with decision makers
- Revise your policy!

# How Does An LEA Create More Inclusive Policies? Communication Is Key

- Announce changes to community
  - Newsletter
- Inform students
  - Use student leaders/clubs as messengers
- Train educators on changes
  - Train new educators
- Engage families
  - Principal breakfasts
  - PTA meetings

# Resources

- **Federal Title IX Office** [www.tinyurl.com/yu9em7bk](http://www.tinyurl.com/yu9em7bk)
- **DC Office of Human Rights** [www.ohr.dc.gov/](http://www.ohr.dc.gov/)
- **DC State Athletic Association** [www.dcsaasports.org/](http://www.dcsaasports.org/)
- **GSA Network** [www.gsanetwork.org/](http://www.gsanetwork.org/)
- **GLSEN Educator Resources** [www.glsen.org/resources/educator-resources](http://www.glsen.org/resources/educator-resources)
- **GLSEN Model Policies and Best Practices** [www.glsen.org/district-policy](http://www.glsen.org/district-policy)

# LEA Resources

- **DC Public Schools** [www.dcps.dc.gov/page/lgbtq-support-inclusion](http://www.dcps.dc.gov/page/lgbtq-support-inclusion)
- **DC Public Charter School Board** [www.dcpcsb.org/lgbtqia-resources](http://www.dcpcsb.org/lgbtqia-resources)

# Think About ...

What is the easiest policy or practice change that you can implement over the next month? What policy or practice change might be the hardest to implement?

# In Closing

- All DC schools must have nondiscrimination and bullying prevention policies in place that protect LGBTQ+ students.
- Bullying can sometimes be a type of discriminatory harassment.
- LGBTQ+ students in DC have federal and local laws that extend rights in school.
- Schools play a big role in protecting the rights of LGBTQ+ students at school and are responsible for implementing policies and practices that prevent discrimination, bullying and harassment.
- There are school-level policies and changes that advance LGBTQ+ inclusion, and resources exist to help LEAs develop and implement supportive policies.





Questions?

**Join us for the upcoming trainings in this series:**



**Sept. 21  
at 3:30 p.m.**

# Session Evaluation

Please complete the Session Evaluation via QR code or the link in the chat.

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See you next session!





Thank you!

## FIND US

### ADDRESS:

1050 First St. NE,  
Washington, DC 20002

### PHONE:

(202) 257-8476

### EMAIL:

Etaylor.Doctor1@dc.gov

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