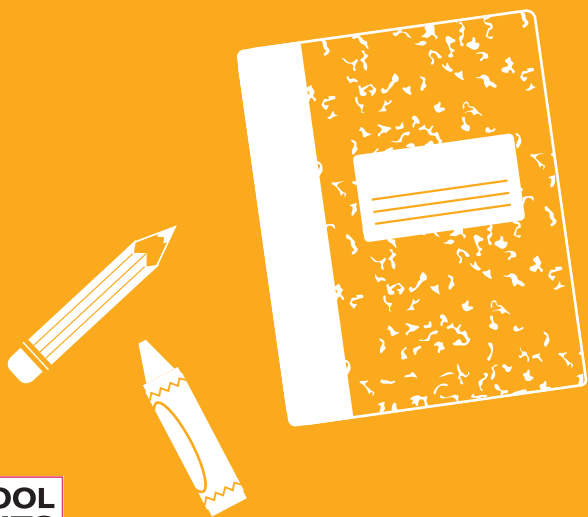


LGBTQ+ STUDENT RIGHTS

A TOOLKIT FOR ADVANCING STUDENT RIGHTS
IN CALIFORNIA PUBLIC SCHOOLS



KNOW YOUR
RIGHTS

MY SCHOOL
MY RIGHTS

TABLE OF CONTENTS

Introduction & How to Use This Toolkit	5
Assess Your District: A Checklist for Making More Welcoming and Inclusive Schools for LGBTQ+ Students	8
Advocate for Your Rights: A Step-by-Step Guide	14
a. Assess	
b. Organize	
c. Identify Your Ask(s)	
d. Make Your Advocacy Plan and Take Action	
e. Reflect	
Additional Resources	23

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ACLU of Southern California
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PRINT GUIDE

Checklists are available on pages 9-13.

Updated August 2024

INTRODUCTION

All students deserve a welcoming, safe, inclusive, and bias-free learning environment where they can be themselves without fear. Yet, many LGBTQ+ students* face a variety of daily barriers that threaten their well-being and leave them feeling unsupported. And while California boasts some of the strongest LGBTQ+ student rights laws in the country, we continue to see a rise in attacks on the rights of trans and gender-expansive students specifically to be themselves in California public schools. By advocating for and on behalf of LGBTQ+ students and implementing policies that are inclusive and supportive of students across the LGBTQ+ spectrum, California schools and school districts can create learning environments where not just LGBTQ+ students, but all students, can thrive and succeed as their authentic selves.

***Note:** This toolkit uses “LGBTQ+” as an inclusive term encompassing lesbian, gay, bisexual, transgender, and queer folks but also individuals across the gender spectrum, including but not limited to non-binary, genderqueer, gender non-conforming, intersex, Two-Spirit, and gender-expansive individuals.

California has enacted several state laws aimed at creating and maintaining welcoming, safe, inclusive, and bias-free schools. These laws include:

- **Seth's Law** Requires schools to proactively protect students from harassment, discrimination, and bullying based on actual or perceived sexual orientation, gender, gender identity, and gender expression.
- **Fair Accurate Inclusive Respectful (FAIR) Education Act** Requires teaching historically accurate curriculum that reflects the diversity of California and prohibits any instruction or programming that is biased against LGBTQ+ students.
- **California Healthy Youth Act** Requires districts to provide comprehensive, LGBTQ-inclusive sexual health education at least once in middle school and once in high school, thus giving all students the information and skills they need to make healthy choices.
- **School Success and Opportunity Act** Allows students to access sex-segregated facilities and activities, like bathrooms and sports, based on gender identity.
- **SB 760 of 2023** Requires most schools teaching any grade K-12 to provide at least one all-gender restroom on campus for student use by July 1, 2026. While SB 760 provides flexibility to school districts in determining how to provide access to an all-gender restroom, it does require that at least one all-gender restroom be easily accessible to students.
- **AB 1078 of 2023** Prohibits school boards from banning books, instructional materials, or curricula that include diverse and inclusive perspectives, including books and materials by and about LGBTQ+ individuals and people of color. AB 1078 also adds additional mechanisms to ensure curriculum compliance with the FAIR Act.
- **AB 5 of 2023** As a pilot program that will be in effect between 2025 and 2030, requires educators in grades 7-12 to complete training created by the California Department of Education (CDE) on strategies and resources for supporting LGBTQ+ students.

HOW TO USE THIS TOOLKIT

We intend this toolkit to serve as a resource for students, parents, and community partners seeking to protect and advance the rights of LGBTQ+ students in California public schools.

This toolkit is not meant to be an exhaustive list of every possible action. Instead, this toolkit is meant to serve as a starting point for identifying ways to rally, organize, engage, and advocate on behalf of LGBTQ+ students that make sense for your situation and community.

KNOW YOUR RIGHTS

Please refer to the LGBTQ+ Student Rights section of the My School, My Rights website for a detailed breakdown of relevant legal protections for students in California's K-12 public schools.

Visit myschoolmyrights.com/rights/lgbtq-student-rights.

ASSESS YOUR DISTRICT

A CHECKLIST FOR MAKING MORE WELCOMING AND INCLUSIVE SCHOOLS FOR LGBTQ+ STUDENTS

If you aren't sure where to start, you can use this checklist to help you think about and evaluate how welcoming, safe, and inclusive your school or school district is for LGBTQ+ students.

WELCOMING AND INCLUSIVE SCHOOLS CHECKLIST

Policies Implementing LGBTQ+ Student Rights Laws

- | YES | NO | |
|-----------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | Does your school or school district have comprehensive board policies to support LGBTQ+ students? |
| <input type="radio"/> | <input type="radio"/> | Do your school's non-discrimination, harassment, and anti-bullying policies explicitly include specific protections for students based on actual or perceived sexual orientation, gender identity, and gender expression? |
| <input type="radio"/> | <input type="radio"/> | Does your school clearly require teachers to intervene if they witness bullying, harassment, or discrimination based on actual or perceived sexual orientation, gender identity, and gender expression? |
| <input type="radio"/> | <input type="radio"/> | Does your school have a comprehensive policy supporting trans students? |
| <input type="radio"/> | <input type="radio"/> | Are your school's policies inclusive enough to cover non-binary students (students whose gender identity is neither strictly male nor strictly female)? |
| <input type="radio"/> | <input type="radio"/> | Do your school's policies use gender-neutral language to be inclusive of students of all gender identities? |



Accurate and Inclusive Curricula

- | YES | NO | |
|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | Does your school have policies concerning LGBTQ+-inclusive and unbiased instruction that are actually implemented? |
| <input type="radio"/> | <input type="radio"/> | Does your school teach LGBTQ+ and gender-inclusive sexual health education (required by the California Healthy Youth Act)? |
| <input type="radio"/> | <input type="radio"/> | Does your school teach LGBTQ+-inclusive history and social science (required by the California FAIR Education Act)? |
| <input type="radio"/> | <input type="radio"/> | Does your school refrain from banning books simply because they are written by LGBTQ+ authors or relate to LGBTQ+ issues? |
| <input type="radio"/> | <input type="radio"/> | Can students access LGBTQ+ resources on school computers? |
| <input type="radio"/> | <input type="radio"/> | Has your school made sure their internet filters are not inappropriately blocking important resource websites for LGBTQ+ students such as LGBTQ+ organizations' websites and LGBTQ+-inclusive health care providers like Planned Parenthood? |
| <input type="radio"/> | <input type="radio"/> | Does your school have library resources and displays that are inclusive of LGBTQ+ people, history, and issues? |
| <input type="radio"/> | <input type="radio"/> | Does your school discourage instruction and activities that perpetuate or rest on gender stereotypes, unnecessary gendered language, and unnecessary gender separation? |
| <input type="radio"/> | <input type="radio"/> | Are there competent and effective resources or materials readily available to students who may have questions or be experiencing issues relevant to sexual orientation, gender identity, or gender expression? |
| <input type="radio"/> | <input type="radio"/> | Are your school's health and healthy relationship resources and referral lists inclusive of LGBTQ+ students? |

Complaints and Complaint Processes

- | YES | NO | |
|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | Are discrimination, harassment, or bullying complaints handled promptly, fairly, and in accordance with school policy? |
| <input type="radio"/> | <input type="radio"/> | Is it clear to students and parents where they should go/what they should do if they experience discrimination or harassment because of their perceived or actual sexual orientation, gender identity, or gender expression? |
| <input type="radio"/> | <input type="radio"/> | Would it be easy for a student or parent to figure out the complaint process and channels and access the Uniform Complaint Procedure forms? |
| <input type="radio"/> | <input type="radio"/> | Are the forms accessible on your school's or district's website? |
| <input type="radio"/> | <input type="radio"/> | Is it clear how, where, and to whom students and parents can appeal? |
| <input type="radio"/> | <input type="radio"/> | Is this information available in all relevant languages? |
| <input type="radio"/> | <input type="radio"/> | Is your school careful not to "out" a student's LGBTQ+ status, including to their parents, without their consent? |
| <input type="radio"/> | <input type="radio"/> | Are there policies and practices in place for working with and protecting the privacy rights of LGBTQ+ students who lack family support? |

Training

- | YES | NO | |
|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | Have teachers, administrators, and staff at your school obtained quality LGBTQ+ and gender 101 instruction that makes them competent and comfortable to address issues related to or teach about sexual orientation, gender identity, and gender expression? |
| <input type="radio"/> | <input type="radio"/> | Does the training include practicing how to intervene to stop anti-LGBTQ+ statements or teasing because of gender nonconformity, and affirmatively address why such behavior is harmful? |

Basic Inclusive Practices

- | YES | NO | |
|-----------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | Do teachers, administrators, and staff actually and effectively intervene when they witness harmful words and conduct directed at LGBTQ+ people, including trans, non-binary, and gender non-conforming students? |
| <input type="radio"/> | <input type="radio"/> | Are your school forms inclusive of same-sex parents and people of all gender identities? |
| <input type="radio"/> | <input type="radio"/> | Does your school have a Gay Straight Alliance or Genders and Sexualities Alliance (GSA) club? |
| <input type="radio"/> | <input type="radio"/> | Are this club and its faculty advisor treated the same and given equal access to the same resources all other non-curricular clubs enjoy? |
| <input type="radio"/> | <input type="radio"/> | Does your school have gender-neutral restrooms and changing areas available for students who seek more privacy? |
| <input type="radio"/> | <input type="radio"/> | Does your school allow students to access facilities consistent with their gender identity? |
| <input type="radio"/> | <input type="radio"/> | Does your school provide students with access to spaces and activities consistent with their gender identity not only at school but also on day and overnight field trips? |
| <input type="radio"/> | <input type="radio"/> | Does your school have school assemblies and/or guest speakers who address issues related to sexual orientation, gender identity, or gender expression in a competent and respectful manner? |
| <input type="radio"/> | <input type="radio"/> | Does your school ask people in the school community what gender pronouns they use and make sure people's pronouns are respected? |
| <input type="radio"/> | <input type="radio"/> | Are your dress codes and policies for dances, yearbooks, and photos gender-neutral? |

YES NO

- ☐ ☐ Does your school have gender-neutral policies for school activities and dances (e.g., gender-neutral alternatives to prom “king” and “queen” or allowing same-sex couples to buy couple’s tickets for dances)?
- ☐ ☐ Do your school’s record systems allow for students’ correct name and pronoun to be used and reflected on documents, class rosters, ID cards, yearbooks, and other important spaces?
- ☐ ☐ Does your school collect data (voluntary and anonymous only) on students’ sexual orientation or gender identity, either through the California Healthy Kids Survey or other school climate data collection instruments?
- ☐ ☐ Does your school then use that data to inform programming and instruction?

Discipline

YES NO

- ☐ ☐ Does your school use restorative justice practices?
- ☐ ☐ If a student engages in bias-based behavior, does your school address the underlying causes rather than immediately resorting to only discipline?
- ☐ ☐ Are there measures in place to ensure that LGBTQ+ students are not punished more harshly than their peers (for behavior such as public displays of affection, dress code violations, defiance, etc.)?
- ☐ ☐ Does your school limit the presence and role of law enforcement?
- ☐ ☐ If law enforcement is present, are they trained and equipped to interact respectfully and fairly with LGBTQ+ students?

ADVOCATE FOR YOUR RIGHTS

A STEP-BY-STEP GUIDE

ASSESS

Identify the Issue

Think about what issues matter to you and what changes you would like to see. If you aren't sure where to start, you can use the checklist above to assess and identify areas of concern in your school district.

However, if the checklist feels overwhelming, another good place to start might be asking broad questions. Here are a few to start:

- “Is my school respecting my rights as an LGBTQ+ student?”
- “Does my school have policies in place to uphold my rights as an LGBTQ+ student?”

Your school may already have supportive policies regarding LGBTQ+ students, but it is important to remember that this does not always mean the policy is being properly implemented. Often, the best way to find out what is actually happening in your school is to meet with other students, teachers, and school staff who also stand with the LGBTQ+ community and want to see your school improve.



ORGANIZE

Once you've assessed your school and identified your concern(s), you are ready for the next step: organizing! While self-advocacy can be powerful on its own, advocacy work is often easier to manage and more impactful when it's shared across a coalition.

- **What is a coalition?** A coalition is a group of like-minded people and/or groups who share a common concern and have agreed to work together on a relevant common goal. A coalition can be as formal or informal as the people in the coalition decide, but it is important to define your group's shared concern. A coalition needs a shared concern/purpose to be successful. It is important to consider that the people in your group may have different attitudes toward the concern you've identified. As such, it will be helpful to create space in your coalition for listening to and understanding all the voices and opinions in your group. Doing so is likely to generate and strengthen unity across the coalition.
- **Who should be a part of your coalition?** Anyone and everyone in support of your goals. The strongest coalitions include a variety of people with different skills, abilities, and levels of influence. It might be helpful to have a mix of students, parents/guardians, and community partners in your coalition, and to involve people with a diverse range of identities. However, in the context of LGBTQ+ student rights advocacy, it is important to keep LGBTQ+ student voices and concerns at the center of your coalition's work.

Please keep in mind: Parents or guardians of LGBTQ+ youth should consider potential privacy implications of their involvement in this type of advocacy. If a student is not already out at school, their parent's advocacy could draw attention to that student. If a parent of an LGBTQ+ student joins your coalition, ALWAYS get permission before sharing that family's story or even sharing that the parent is active in your coalition. Parents who want to be active but reduce the risk of outing their student might want to use a pseudonym and/or not reveal which school their student attends.

- **Where can I find people?** In your community! You might already have a group of friends, be a part of a student group, or know of other students at your school who share a similar concern for LGBTQ+ student rights. Simply asking people you know is a great way to find people and start your group. You might also consider reaching out to teachers, school administrators, and other leaders in your school district or community, whom you don't yet know well but have reason to believe are supportive, to ask them to join your coalition.
- Social media is also a free way to advertise and spread the word about your coalition and your concerns. Creating social media accounts might also allow your coalition to reach a larger group of community partners that you might not have otherwise—but consider whether you have capacity to keep the account active!
- Once your coalition is formed, don't forget to determine your capacity. It is important to assess your group's capacity to meet and organize. Start by asking questions like how often you can meet, how many hours per week can each coalition member spend on coalition tasks, are there any important dates or deadlines the coalition should keep in mind, and who will take the lead on different coalition tasks.

IDENTIFY YOUR ASK(S)

One of the most important steps in forming a coalition is identifying a clear mission or goal. This means identifying what the purpose of the coalition is and what it is you are working toward. For example, your goal might be to ensure your school is teaching inclusive history by the next school year. Other examples might be starting a GSA club at your school or having your school change an outdated gender-specific dress code.

Once you've identified the issue, you should identify what solutions you would like to see and what action you want to see your school leaders take. Talk with other people to come up with possible solutions to your concern. You shouldn't be afraid to think big, but it might be helpful to come up with a few small solutions as well.

You should focus on one or two issues and set specific, measurable, and achievable goals related to solving them. For example, if your objective is to ensure your school is teaching inclusive history by the next school year, two relevant interim goals might be (1) speaking with the social studies teachers and curriculum specialists at your school about including content on the LGBTQ+ rights movement here in California and (2) picking a school board meeting for coalition members to speak at and give public comments in support of accurate and inclusive curricula and the FAIR Education Act.

MAKE YOUR ADVOCACY PLAN AND TAKE ACTION

There are several strategies you can use to organize and advocate on behalf of student rights. You should decide which actions feel doable, align with your goals, and fit within your group's capacity and your own capacity.

You should also select strategies that target those holding the power to create the change you want to see. Identifying the right power-holding person or entity early will prevent you from spinning your wheels with someone who does not have the power to address your specific issue. For example, if you want your school district to ensure inclusive history is being taught in social studies classes, you might decide that starting a district-wide petition and participating in a public comment session at a school board meeting are the best strategies toward your goal. Similarly, if you want your school to change a problematic policy, you likely want to target your principal through strategies like writing a letter to them with quotes from impacted students, and/or requesting a meeting with them to explain your concerns in real time.

Consider the following strategies.

Speaking at a School Board Meeting

WHO	You! Anyone can give a public comment at a school board meeting.
WHY	According to the Brown Act, school boards in California must provide the public with an opportunity to comment on agenda items and other topics of public interest during board meetings. Also, because school boards must hear public comments, giving a public comment ensures your voice is heard by those in power.
WHEN	You should be able to find your school board's calendar of events either on your school district's official website or your school board's official website.
HOW	On the school board website, look for a "Sign up for Public Comment" link or something similar or you may need to plan to attend in person. In some districts, you may not be able to sign up for public comment until 24 hours before the board meeting, or you may have to show up in person before the meeting starts to put your name on a list of people interested in speaking. In some school districts, you might also be able to call in or submit a video to give your public comment virtually. However, this option often might require you to register a few days in advance. Additionally, you should double-check the agenda items for the specific meeting you plan to attend and speak at. Most school board meetings have different times and/or sign-ups for public comments on agenda items and public comments during general comment periods.
WHAT	When giving a public comment at a school board meeting, be sure to speak confidently and clearly. Public comments are often limited to a specific amount of time, typically three minutes or so. Practicing beforehand or writing out your comment may help you speak clearly, get through any nerves, and stay within the time limit. A good rule of thumb is to begin your comment by introducing yourself, stating how you are connected to the school district, and speaking to the board and/or its members directly.

Speaking at a School Board Meeting (continued)

WHAT	You can frame your comment around a personal story, statistics you researched beforehand, or a list of demands you and/or your coalition group came up with. If a group of people are all interested in speaking to the same issue, consider coordinating a shared message and also encouraging each person to personalize it with their own context and examples. Check out the sample public comment in the resources section of this toolkit.
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Writing a Letter to Your School Board/Filing a Complaint

WHO	You! Anyone can write a letter to a superintendent or school board. Additionally, an official complaint can be filed by students, parents and guardians, and school district employees.
WHY	Another way to get in contact with your school board or the superintendent is by writing an advocacy letter or filing an official complaint. Superintendents and school boards must review and respond to official complaints, so filing a complaint may be a good way to ensure your voice is heard.
WHEN	Be sure to check your school district's website and flag any deadlines for filing complaints.
HOW	<p>You can email individual school board members; their contact information should be on your school district's website or the school board's website. You can file a written complaint with your school, school district, or county office of education, depending on your school board's policies and procedures.</p> <p>Regarding matters of discrimination, you can also file a complaint with the CA Department of Education using the Uniform Complaint Procedure. Your school or school district may already have a complaint form for the UCP process. If not, you can use the UCP form provided by the CA Department of Education.</p> <p>Learn more about how to file a complaint with your school at myschoolmyrights.com/rights/file-a-complaint-with-your-school/</p>

Other Advocacy Strategies

Social Media	You may consider making social media pages for your coalition. Following recent trends and posting on popular apps to promote your coalition and highlight your cause might be a good way to engage your community and start conversations around your concerns. You might even consider creating a hashtag for your coalition. Check out sample posts in the resources section of this toolkit.
Start a Petition	Petitions are a great way to show large support for LGBTQ+ student rights and demonstrate the strength of your concern. Sharing your petition via social media might also be a good way to gather a large number of supporters/signatures.
Community Rallies	Rallies can be a great way to engage your community and demonstrate broad support for a cause. When organizing a rally, be sure to plan ahead, consider the space, and figure out any permit requirements.

REFLECT

Make space to reflect and debrief both individually and as a group. Identity-based advocacy work is often heavy work. Remember to take time to acknowledge how much of an impact this work might, and likely will, have on you and your group.

It's possible that your initial mission will run its course and/or participants' capacity will change, and then your coalition will need to talk about revisiting plans and perhaps setting a new goal.

ADDITIONAL RESOURCES

SAMPLE PUBLIC COMMENTS

Forced Outing

Good evening board and community. My name is [name] and I am a [student/parent or guardian/alum/community member] in our school district. I am here to speak about the (proposed) forced outing policy and the steps our district must take to ensure the safety and privacy of the trans and nonbinary students in our school district. Students of all backgrounds deserve to feel safe, supported, and affirmed at school – and trans and nonbinary students are no different. In fact, California education law requires that schools provide students with a safe and welcoming environment where they can learn and be themselves. Policies broadly requiring school staff to out students' gender identity or sexual orientation without their permission have the potential to violate California's anti-discrimination laws and expose students to increased harassment. Such policies also remove opportunities to build trust among students, families, and school personnel, and risk causing serious harm to students whose families prove unsupportive. Rather than outing students against their will, our district should protect and support trans and nonbinary students by [share what supports or resources you think your district should implement instead]. Thank you.

Fair, Accurate, and Inclusive Curriculum

Good evening board and community. My name is [name] and I am a [student/parent or guardian/alum/community member] in our school district. I am here to speak about our students' right to a fair, accurate, and inclusive curriculum. The FAIR Act, which took effect in 2012, requires California schools to teach the roles and contributions of LGBTQ+ Americans throughout history, and AB 1078 of 2023 prohibits school boards from banning books, instructional materials, or curricula that includes diverse and inclusive perspectives, including books and materials by and about LGBTQ+ individuals. Students thrive both academically and socially in schools where the content they are being taught not only reflects, but celebrates, the many identities they and their loved ones hold. [Share why access to an inclusive curriculum matters to you.] The students in our district deserve to learn from a fair, accurate, and inclusive curriculum. Thank you.

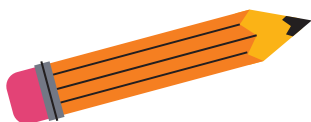
SAMPLE SOCIAL MEDIA CAPTIONS

Forced Outing

Forced outing policies can expose trans and nonbinary students to increased harassment. Help ensure our school district provides ALL of its students with a safe and welcoming environment where they can learn and be themselves!

Fair, Accurate, and Inclusive Curriculum

Students have the right to access fair, accurate, and inclusive curricula. Help ensure our school district complies with the #FAIRAct and #AB1078 by providing our students with curriculum and instructional materials that reflect diverse and inclusive perspectives, highlight the roles and contributions of LGBTQ+ Americans throughout history, and include books by and about LGBTQ+ individuals!



If you have a legal problem and would like to request legal assistance, you can contact the ACLU affiliate in your area at:

ACLU of Northern California

aclunc.org/our-work/get-help or (415)621-2488

ACLU of Southern California

(Kern, Los Angeles, Orange, San Luis Obispo, San Bernardino, Santa Barbara, Riverside, or Ventura County)

socalintake.aclusocal.org or (213)977-5253

ACLU of San Diego and Imperial Counties

aclu-sdic.org/en/request-legal-assistance

Please note that because of limited resources and our focus on trying to make systemic change, we are only able to represent or advise a small fraction of the people who contact us for help.

