San José Unified School District

SAN JOSÉ UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

RESOLUTION 2027-08-20-02

RESOLUTION SUPPORTING THE RIGHTS, FREEDOMS, AND EQUALITY OF THOSE WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ+)

WHEREAS members of the San José Unified School District Board of Education support the rights, freedoms, and equality of those who are lesbian, gay, bisexual, transgender, and queer (LGBTQ+); and

WHEREAS those who took a stand for human rights and dignity at the Stonewall Inn in New York City on June 28, 1969, are among the pioneers within this movement; and

WHEREAS, in December of 1973, the board of the American Psychiatric Association voted to remove homosexuality from its list of mental illnesses; and

WHEREAS Silicon Valley Pride, a celebration of LGBTQ+ communities and allies, can trace its roots to 1975 as a gay rights rally that evolved into the San José Pride festival in 1976; and

WHEREAS, in October of 1979, 75,000 people participated in the National March on Washington for Lesbian and Gay Rights to demand equal civil rights; and

WHEREAS, on April 8, 2003, the federal Ninth Circuit Court of Appeals ruled, in a case brought by local Santa Clara County students (*Flores v. Morgan Hill Unified School District*, 324 F.3d 1130 [9th Cir. 2003]), that school officials have a responsibility to respond to known student harassment and to enforce district anti-harassment and nondiscrimination policies equitably, including by providing students equal protection from peer harassment regardless of sexual orientation; and

WHEREAS, on October 28, 2009, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law, expanding federal hate-crime protections to include certain crimes motivated by a person's actual or perceived gender, sexual orientation, gender identity, or disability; and

WHEREAS, the FAIR Education Act, SB 48 (Leno), was signed into law on July 14, 2011, and went into effect on January 1, 2012, amending the California Education Code to require instruction in social sciences to include a study of the role and contributions of people with disabilities and lesbian, gay, bisexual, and transgender Americans; and

WHEREAS, on July 15, 2015, the United States Equal Employment Opportunity Commission determined in *Baldwin v. Foxx* that discrimination based on sexual orientation constitutes discrimination because of sex under Title VII of the Civil Rights Act of 1964; and

WHEREAS, on June 15, 2020, the United States Supreme Court held in *Bostock v. Clayton County*, 590 U.S. 644 (2020), that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sexual orientation or transgender status; and

WHEREAS, in 2023, California enacted Assembly Bill 5, the Safe and Supportive Schools Act, which amended California Education Code Section 218.3 to require, beginning with the 2025–2026 school year and continuing through the 2029–2030 school year, local educational agencies serving students in grades

7 through 12 to provide and require at least one hour annually of LGBTQ+ cultural competency training for teachers and other certificated employees serving those students; and

WHEREAS, 2021–2023 California Healthy Kids Survey data reported by the County of Santa Clara demonstrate continuing disparities in the well-being of LGBTQ+ youth, including among Latino LGBTQ+ high school students, 59% of whom reported experiencing sadness or hopelessness and 33% of whom reported seriously considering suicide, compared with 26% and 8%, respectively, of straight and/or cisgender students; and

WHEREAS, on July 15, 2024, Governor Gavin Newsom signed Assembly Bill 1955, the Support Academic Futures and Equality for Today's Youth (SAFETY) Act, which prohibits school districts from adopting or enforcing policies requiring employees or contractors to disclose information related to a student's sexual orientation, gender identity, or gender expression without the student's consent, unless otherwise required by state or federal law, and which must be implemented consistent with applicable federal constitutional requirements, federal law, and controlling court orders; and

WHEREAS, LGBTQ+ students deserve a safe educational space, and schools are responsible for creating an educational environment that promotes a sense of belonging for all students, including LGBTQ+ students; and

WHEREAS the San José Unified School District Board of Education condemns the homophobia and transphobia that exists in our nation and in our community and work to ensure that the rights enshrined in federal, state, and local law are upheld throughout the district so that all students, staff, and community members know they are safe and welcome.

NOW THEREFORE BE IT RESOLVED that the San José Unified School District will continue to foster safe, welcoming, inclusive, and nondiscriminatory learning and working environments for all students and staff by assessing, strengthening, and monitoring school climate on an ongoing basis; maintaining and implementing clear and consistent nondiscrimination, anti-bullying, and harassment prevention policies and practices; providing inclusive curriculum and instructional materials consistent with applicable state standards and legal requirements; ensuring professional development and resources are available to all staff to support safe and inclusive learning environments; and providing students, staff, and families with resources that support safe, respectful, inclusive, and nondiscriminatory learning environments in which everyone feels safe and welcome.

PASSED AND ADOPTED by the Governing Board of the San José Unified School District, San José, California on this 20th day of August 2026.

AYES: ABSTENTIONS:

NOES: ABSENT:

ATTEST:

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Nancy Albarrán	José Magaña
Secretary to the Governing Board	President of the Governing Board
San José Unified School District	San José Unified School District