

# LGBTQ+ in Education:

Building An Inclusive Public Education through our Unions



## COLORADO EDUCATION ASSOCIATION

The Colorado Education Association is the voice of 39,000 educators, working together in a strong union to ensure all students get the exceptional public schools they deserve in every neighborhood across the state. CEA is a state affiliate of the National Education Association (NEA), America's oldest and largest organization dedicated to advancing the cause of public education.

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### ***Thank you to the following people who contributed to the surveying of our membership and the drafting of this report:***

*Sarah Siegel, CEA Director of Strategic Research and Data Analysis*  
*Joshua Quick, CEA Director of Professional Practice and State Education Policy*  
*Lena Knechtel, CEA Intern*  
*Sarah Knighten, CEA Intern*  
*Sharyn Dryer, CEA Legal Counsel*



*"We know anti-LGBTQ+ oppression is real – and we're proud that our union is a safe place for us to fight together for our values. This report is an important first step to identify the ways CEA can support and advance the rights of queer educators, students and families. We are united in our commitment to explicitly work to advance LGBTQ+ liberation."*

—AMIE BACA-OEHLERT, PRESIDENT

# Introduction

The following report is a compilation of the work done in response to two Colorado Education Association (CEA) Board initiatives passed in April 2020. These initiatives read as follows:

*The Colorado Education Association will conduct at least one listening post or forum per region for the purpose of conducting a state-wide needs assessment of LGBTQ+ education employees and students. In addition, other non-geographic listening posts as may be needed to include the full scope of our membership.*

*CEA will gather and distribute existing contract language concerning the protection of transgender education employees and students in addition to crafting said contract language if it needs to be strengthened.*

We worked to centralize the voices of LGBTQ+ educators in assessing the problems experienced and in crafting solutions to those problems. We began by sending a survey to all CEA members. We then reached out to the LGBTQ+ respondents who volunteered for further conversation and invited them to small group round table discussions to further analyze the issues impacting our LGBTQ+ educators and to identify proposed solutions. In the first half of this report, you will find a synopsis of the data collected through that process.

1,566 members took the survey, 293 of which identified as LGBTQ+. This response rate far exceeded our expectations and emphasized the importance of this work. Many of the survey respondents commented that this was the first time they saw the union engaging on issues impacting the LGBTQ+ community. We hope this report will be the start of ongoing work to build the schools, districts, and unions our communities deserve where everyone is celebrated as their full selves no matter their sexual orientation or gender identity.

Throughout the survey, the round tables, and in this report, we have striven to use the most inclusive language possible and researched the "best" practices for terminology. We will be using "LGBTQ+" to represent anyone who identifies as "LGBTQ+" including, but in no way, limited to folks who are transgender, gay, lesbian, bisexual, identify with a gender beyond the gender binary, queer, pansexual, asexual, and/or two-spirit. We recognize that this is a loose grouping of identities, many of which vary greatly and have very different lived experiences. We are continuing forward with using "LGBTQ+" for consistency throughout, recognizing that it is an imperfect categorization and an incomplete label.

Finally, the 2020 Supreme Court Bostock decision has expanded LGBTQ+ protections from discrimination in the workplace on the basis of sexual orientation and gender identity on a national level. This case opens up an opportunity for us to codify these protections in our contracts and build on this recent expansion of rights.<sup>1</sup>

The model language throughout this report can be bargained to begin addressing many of the issues raised through this report. Locals who are considering introducing this language are encouraged to reach out to the CEA Director of Bargaining to tailor this language to the local's contract and to craft rationale. Additionally, locals should seek the guidance of their CEA zone organizer to ensure that the language in this document is being introduced along with authentic member engagement and input from members of the local.

In Solidarity,

Sara Fitouri, CEA Director of Bargaining and Organizing

<sup>1</sup> See Bostock v. Clayton Cty., 140 S. Ct. 1731 (2020) (available at [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf))

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# Survey and Roundtable Results

In the first few months of 2021, the Colorado Education Association set out to gather information about the experiences of LGBTQ+ member educators in Colorado via survey. This work stemmed from two board resolutions passed in April 2020 by the CEA board of directors. In addition to asking about demographic information and information about their lived experiences, the survey asked if these educators were available for further conversations about LGBTQ+ issues. We then conducted several focus groups, consisting of members who identified as LGBTQ+ and provided their contact information through the survey.

The survey included seven demographic focused questions, where respondents were asked if they were part of the LGBTQ+ community, their sexual orientation, if they were transgender, their gender identity, their age, if they are a person of color, and their racial/ethnic background. Additionally, they were asked four job related questions- their job category, the type of school they're employed at, how many years they've worked in education, and what school district they work in. The survey was then composed of questions about LGBTQ+ related topics in the school environments that were different based on the self-selected identity of the respondents. Some questions were given to all respondents, and some questions were only given to respondents based on their identity as transgender, or based on whether or not they identified as LGBTQ+.

## RESPONDENT CHARACTERISTICS

The survey gathered a total of 1,566 responses, of which, roughly 22% of respondents (293) were LGBTQ+ and .8% of respondents (13) were transgender. Although the number of transgender respondents was low, the percentage of transgender respondents was actually higher than the estimated 0.53% of adults who are transgender adults in Colorado<sup>2</sup> and as such was a higher than expected response. Five percent of respondents identified as gay, 6% as lesbian, and 7% as bisexual – other identities represented included people who identified as asexual, pansexual, and queer. The majority of respondents were women (77%) and identified as white (82%). There was a large degree of representation across age ranges, with the majority of respondents ranging from 30 to 59 years of age. The vast majority of respondents were licensed teaching professionals (95%) with the remaining 5% being education support professionals (classified employees). The respondents were spread fairly evenly across the types of schools at which they worked. Most respondents worked at an elementary school (36%), although nearly one third of respondents worked in a high school (30%). Roughly one third of respondents had worked in education for 20+ years (33%), and most respondents had worked in education for at least five years.

## EXPERIENCES AND VIEWS OF ALL RESPONDENTS

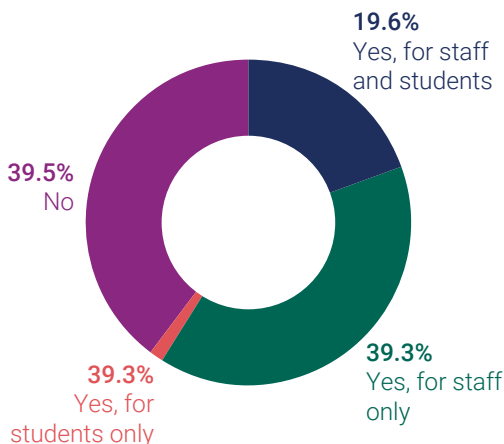
All respondents, including non-LGBTQ+ respondents, were asked a series of questions about their school environment and their own experiences and views.

### Access to Gender Inclusive Bathrooms:

The vast majority of educators reported working in schools where gender neutral bathrooms were not available to both students and staff. (40% reported no access to gender inclusive bathrooms. Another 39% reported access to gender inclusive bathrooms for only adults and not for students.)

Only 20% of educators reported working in a school where both students and staff had access to gender inclusive restrooms.

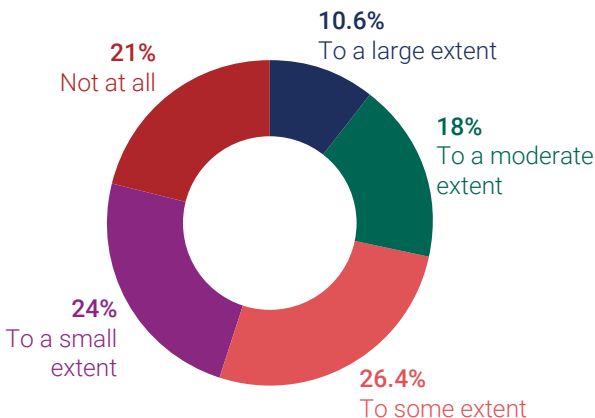
Does your school have openly accessible gender neutral bathrooms?



### Equity Work in Schools:

While more than half of the respondents indicated that their school engages in equity work, 45% of respondents reported that the equity work done by the school does not include, or only minimally includes, LGBTQ+ voices and issues.

To what extent does your school include LGBTQ+ voices and issues in their equity work?



### Witnessing Student Bullying/Discrimination:

40% of all respondents had witnessed or heard about students being discriminated against due to their sexual orientation or gender identity. More concerning, is that when asked about the school's response to such discrimination, many respondents expressed concern that the incidents were not handled appropriately. Respondents noted that practices such as restorative practices, having gender inclusive bathrooms, and a school Gay/Straight alliance were helpful in addressing instances of discrimination. Many educators reported abusive behavior towards transgender students including intentional dead naming of trans students and refusing to use correct pronouns. While many educators reflected that their school had improved in its support for LGBTQ+ students, the responses, both qualitative and anecdotal, reveal that we still have significant work to do to create a safe school environment for our LGBTQ+ students.

40%

*of respondents had witnessed or heard about students being discriminated against due to their sexual orientation or gender identity.*

<sup>2</sup> The Williams Institute, available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Adults-US-Aug-2016.pdf>

## EXPERIENCES AND VIEWS OF LGBTQ+ RESPONDENTS AT SCHOOL<sup>3</sup>

### Being “Out” at School:

The majority of LGBTQ+ respondents are out to some or all of their colleagues at work. However, more than 80% of LGBTQ+ respondents reported they are not out to their supervisor, and nearly 85% reported they are not out to their greater school community. 17% of LGBTQ+ respondents reported they are not out at all at school.

80%  
of LGBTQ+  
Respondents  
are not out to their  
Supervisors.

85%  
of LGBTQ+  
Respondents  
are not out to their  
school communities.

Experiences of being out range from being very positive and affirming to very negative. Many respondents indicate that it's been a fairly neutral experience, although for many of those people, their feelings of safety and comfort are predicated upon only being out to a small number of people. One person said about their experiences:

*"[They've been] mixed. Most people are fine, others are clearly not. Their negative treatment, for the most part, is subtle and microaggressions. Unfortunately the people who claim to be OK and understanding are the same who say inappropriate things or laugh when others do. The majority of my administrative team laughed when I relayed an offensive situation that had happened to me. They thought I was joking or trying to tell a humorous story."*

Even individuals who are out at their workplace and have not experienced discrimination from their administration or their colleagues report concern around being out to families and students. There is a strong fear that if the wrong families or students find out that they're LGBTQ+, there will be backlash and their administrators either will be unable to or unwilling to protect them. One person outlined their experiences and those fears in this way:

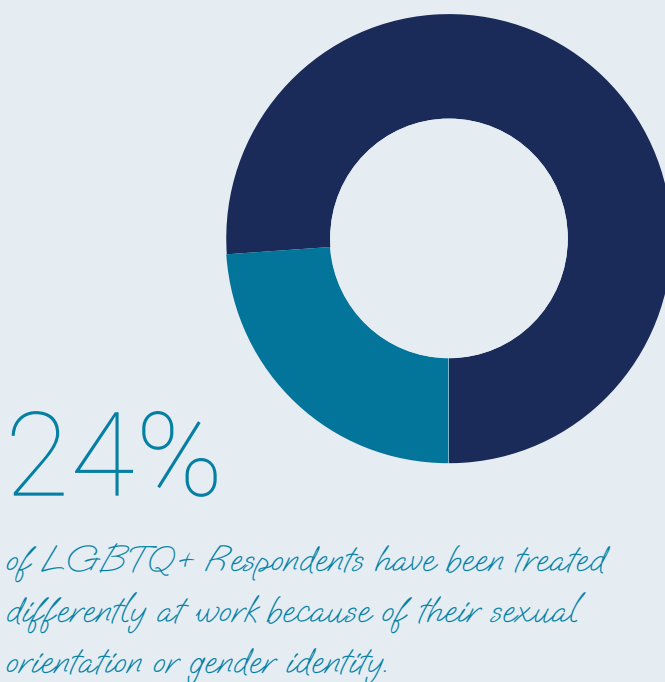
*"My colleagues and admin have been perfectly accepting ... **The people I'm most afraid of are parents.** Most people can make mistakes and no one will notice because it's overlooked. I'm afraid to make a mistake at all because I'm afraid a parent won't like my orientation and will look at me with a more scrutinizing eye. What if I forgot to document one day and the parent figures that out? **I'm worried parents are looking for any way to sue and if I make a mistake, then the district won't have my back.**"*

### Experiencing Discrimination:

Nearly a quarter of respondents (24%) had been treated differently at work because of their sexual orientation or gender identity, and nearly one third of respondents (35%) had witnessed or heard about colleagues being treated differently at work because of their sexual orientation or gender identity.

For individuals who have been discriminated against in their work environment, experiences include microaggressions, like the ones noted above, erasure, misgendering, and blatantly discriminatory acts and statements. Respondents reported being passed over for promotions, excluded from workplace activities, and unfairly criticized for the same level of work that their non-LGBTQ+ colleagues provide. Some respondents indicate that they have faced retribution, even going so far as to be placed on unpaid leave, for their identity.

Supportive administration at both the district level and at the school level play a crucial role in ensuring that the school environment is a welcoming and safe one. Additionally, having visible representation of LGBTQ+ people at the administrative level is noted by respondents as being an extremely affirming, positive experience.



## EXPERIENCES OF LGBTQ+ EDUCATORS IN OUR UNION(S)

The vast majority of LGBTQ+ respondents identified as very active or active members of their union (70%). But concerningly, a full 72% of respondents did not feel that their needs as an LGBTQ+ person are a priority of their union. Based on survey responses, this comes down to one large issue: visibility or representation. Respondents indicate that there is a pervasive lack of visibility on the topic from their union – there have been no surveys about LGBTQ+ issues, there is no visible representation, and nobody speaks about the topic. Respondents noted that even when they have seen their union engaging in issues of equity and anti-oppression, it has not included the voices or experiences of LGBTQ+ people and it is not focused on issues that they face.

The minority of respondents who indicated that their needs are a priority of their union focused on the fact that there are LGBTQ+ leaders in their local, that LGBTQ+ issues and rights are discussed, and that there are committees, events, or LGBTQ+ focused caucuses in their local.

## EXPERIENCES OF TRANSGENDER<sup>4</sup> RESPONDENTS AT SCHOOL

Approximately 19% of transgender respondents had sought or received gender affirming care through their district's healthcare provider, and their individual experiences of that varied significantly. In some cases, it was a mostly positive experience, with staff and administration at the school being supportive. In other cases, it has been an extremely negative experience – one respondent detailed their challenges of trying to receive gender affirming care through their healthcare provider. The process has taken two years, so far, and no surgery date has been set. This is a significant issue, as gender affirming care can be quite literally live-saving for transgender individuals. One third of transgender respondents (33%) indicated that they had changed their name or the pronouns that they use while they have been employed in education. For the most part, respondents found this process to be generally positive – coworkers were respectful, the workplace was generally affirming, and administration and supervisors were helpful in navigating the process. For some individuals, misgendering continues.<sup>5</sup>

*"This is the first time in my 21 year career anyone has asked these questions! We are pretty invisible."*

LGBTQ+ SURVEY RESPONDENT



<sup>4</sup> Respondents were asked if they identified as transgender after being provided the following explanatory clause- "Transgender is an umbrella term that refers to people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Other identities considered to fall under this umbrella can include non-binary, gender fluid, and genderqueer – as well as many more."

<sup>5</sup> It is important to note that the number of transgender respondents in this survey, while proportionally aligned with the number of transgender people in the general population, was relatively small. While these responses are important to consider, continued surveying of our transgender members is needed to get a fully representative understanding of their experiences and needs.



## FOCUS GROUPS & KEY ISSUES

Through a combination of short-answer questions in the survey itself, and focus groups conducted after the survey with individuals who responded to the survey, some key issues were identified.

One of these key issues is non-discrimination and representation. As noted by the survey results, a large proportion of LGBTQ+ educators experience discrimination in their workplace. This can take the form of harassment from students, microaggressions from staff, and work-related aggressions and exclusionary behavior. The participants in the focus groups expanded on this, with educators emphasizing how damaging a lack of visibility and representation is for them when coupled with discrimination – this is, in fact, a theme that underpinned many of the key issues that educators identified. An LGBTQ+ inclusive workplace looks like one where there is visibility of LGBTQ+ identities, communicated through affirming curriculum, literature, hiring practices, and décor.

There are a number of key issues that are directly related to the issue of representation. LGBTQ+ affirming facilities are a necessity – this would include universal access to gender neutral bathrooms and access to pumping and nursing spaces for all genders of nursing parents. To create an LGBTQ+ inclusive workplace, hiring practices must include active recruitment of LGBTQ+ applicants and must include inclusive policies. Professional development

should be focused on not only creating an LGBTQ+ inclusive classroom and school culture but focused on empowering allies and colleagues of LGBTQ+ educators to have challenging conversations and speak up when discrimination or harassment is taking place. This training must explicitly include education about transgender identities, because much of the discrimination that transgender educators report experiencing is coming directly from staff. Additionally, curriculum for students must be inclusive and help students to learn about identities that may differ from their own. School climate and school culture will naturally change and grow more affirming as these practices are adopted, but it was identified as a separate issue that deserves its own focus through active policy changes, as well.

As noted in the survey results, inclusive benefits are also a hugely important issue to LGBTQ+ educators. Benefits must be supportive of all families and all types of relationships, and they must be inclusive of all identities. Furthermore, it is crucial that the union is more inclusive, as well. Active advocacy for LGBTQ+ individuals, active inclusion of LGBTQ+ voices and issues, and active visibility and representation at the union level are necessary steps so that the union will be representative of all members.

# Issues Identified and Next Steps

In this section, we have categorized the main issues identified through the survey and recommended solutions to address many of these issues. The solutions recommended are only a starting point to building an inclusive and welcoming school, district, and union community. We have also included model language that can be bargained into a contract or adopted as school board policy.

## **SUMMARY OF PROPOSED NEXT STEPS**

As an immediate next step to addressing issues of inequity in public education, changes are needed on multiple levels, including at the state level through K-12 policy and the Colorado Department of Education, at the district level through bargaining and adoption of board policy, and within our union. We can best ensure that these rights are upheld if they are codified in a collective bargaining agreement. However, if a local does not bargain, the included model contract provisions can be easily modified into board policies, which a local can push to have adopted by their school board.

We have focused our next steps on school district level changes, but have included changes that could be enacted within the union or at the state level, as well. In identifying the main issues, we found they fit broadly into the following categories:

1. Non-Discrimination and "Right to be Out"
2. Inclusive and Accessible Facilities
3. Inclusive Employment Benefits
4. Intentional Hiring Practices and Representation in the Workplace
5. High Quality Professional Development around LGBTQ+ Identities
6. Intentionally Building Inclusive School Culture

# Non-Discrimination and “Right to be Out” Policies

## OVERVIEW

Despite current laws at the federal and state level, which provide substantive protections for employees experiencing discrimination on the basis of sexual orientation or gender identity, many LGBTQ+, educators were generally unaware of these protections and did not feel protected in the work place. Other educators shared that, even with these legal protections, expressed non-discrimination policies or provisions would make them feel more safe at work.

## PROPOSED SOLUTION(S)

*1. Adopt affirmative policy statements that assert their support for LGBTQ+ faculty, staff and students.*

LGBTQ+ educators repeatedly stated that an affirmative policy in support of LGBTQ+ people by the school district would go a long way in easing many of their concerns. Being “out” at work, reporting discrimination, supporting LGBTQ+ students, and teaching students about LGBTQ+ identities are among the issues concerning to LGBTQ+ educators. A policy, like the sample resolution below, would empower educators to help create a more inclusive school community.

While implementing the full attached resolution would be ideal, a local can also strategically propose only portions of the resolution to the Board of Education, that would fit their needs.

## Sample School Board Resolution<sup>6</sup>

### **\_\_\_\_\_ School Board Resolution on Affirming and Inclusion for Our LGBTQ+ Employees, Students, and Community Members AND Condemning Hate Crimes Targeting LGBTQ+ Employees, Students, and Community Members**

**(Month, 20\_\_)**

WHEREAS, it is the right of every child, regardless of gender identity, gender expression, or sexual orientation, to access a free public K-12 education and the district welcomes and supports all students;

WHEREAS, the district has a responsibility to ensure that all students who reside within its boundaries, regardless of gender identity, gender expression, or sexual orientation, can safely access a free public K-12 education;

WHEREAS, the district recognizes that there are employees and educators of the highest caliber who are gay, lesbian, bisexual, and transgender, and that all employees are valued members of the school community regardless of their gender identity, gender expression, or sexual orientation;

WHEREAS, the district recognizes that there are families in our community of every stripe and the district values all our families, regardless of the family members' gender identity, gender expression, or sexual orientation;

WHEREAS, [state or local law \_\_\_\_\_] prohibits discrimination, including discrimination based on gender identity, gender expression, and sexual orientation;

WHEREAS, U.S. Department of Education has failed to protect LGBTQ students, by rescinding guidance interpreting Title IX to protect students from discrimination on the basis of their gender identity; WHEREAS, the United States Congress has twice failed to pass the Student NonDiscrimination Act, which would prohibit discrimination against public school students on the basis of their actual or perceived sexual orientation or gender identity, or that of their associates;

WHEREAS, in a landmark opinion *Bostock v. Clayton County* decided on June 15, 2020, the United States Supreme Court recognized that discriminating on the basis of actual or perceived sexual orientation or gender identity is always a form of sex discrimination, and federal law prohibits sex discrimination in employment and education;

WHEREAS, Lesbian Gay Bisexual Transgender Queer/Questioning ("LGBTQ") students experience high rates of bullying, victimization, and harassment at school on the basis of their actual or perceived sexual orientation or gender identity, or that of their associates;

WHEREAS, this bullying, victimization, and harassment has led to negative educational outcomes for LGBTQ students, including higher rates of dropping out, higher rates of absenteeism, and lower postsecondary school aspirations; WHEREAS, LGBTQ students also report higher rates of anxiety and depression;

WHEREAS, school-age years are a critical time for LGBTQ youth as they often "come out" or disclose their LGBTQ identities to others during that time;

WHEREAS, creating a welcoming and safe school environment for our LGBTQ students, staff, and families makes our school community more welcoming and safe to all;

AND WHEREAS, educational personnel are often the primary sources of support, resources, and information to assist and support students and student learning, which includes their emotional health;

NOW, THEREFORE, BE IT RESOLVED that the district prohibits discrimination against all persons, whether student, family of a student, or district employee, on the basis of actual or perceived sexual orientation, gender identity, or gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates;

BE IT FURTHER RESOLVED, that the district prohibits bullying and harassment against all persons, whether student or district employee, on the basis of actual or perceived sexual orientation, gender identity, or gender expression, or the actual or perceived sexual orientation, gender identity, or gender expression of their associates;

BE IT FURTHER RESOLVED, that the board declares the district to be a Safe Space for its students, meaning that the district is a place for students to learn, to thrive and to seek assistance, information, and support free from discrimination and bullying;

BE IT FURTHER RESOLVED, that every school within the district shall, within 30 days of the date of this Resolution, take steps to create a safe climate for LGBTQ students, including designating an LGBTQ liaison and providing support for any LGBTQ student groups including Gay-Straight Alliances or Gender and Sexuality Alliances ("GSAs");

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, create procedures to address anti-LGBTQ bullying and harassment which will include procedures for how students may report bullying and harassment, prohibit retaliation against any student for reporting bullying and harassment, and require schools to track and report data on incidents of anti-LGBTQ bullying and harassment;

BE IT FURTHER RESOLVED, that the District shall, within 30 days of the date of this Resolution, review and modify its anti-discrimination policies to ensure that those policies prohibit LGBTQ discrimination;

BE IT FURTHER RESOLVED, that the District shall within 30 days of the date of this resolution, work with the relevant exclusive bargaining representatives to determine how LGBTQ anti-discrimination policies can best be incorporated in existing or future collective bargaining agreements;

BE IT FURTHER RESOLVED, that the District shall within 30 days of the date of this Resolution, create a plan for Professional Development related to anti-LGBTQ bullying and harassment, so that all District employees are trained to recognize and respond to anti-LGBTQ bullying and harassment;

BE IT FURTHER RESOLVED, the District shall allow students and staff to use requested names and pronouns without requiring a legal name change or medical diagnosis; provide equal access to all programs and facilities, including access to bathroom and locker room facilities as needed for all students and staff that align with the students' and staff members' gender expression, and provide at least one gender-neutral bathroom; respect the privacy of all staff and students who are in transition;

BE IT FURTHER RESOLVED, that any dress code for District employees or students should be gender neutral;

BE IT FURTHER RESOLVED, that the District and schools shall incorporate LGBTQ people and issues in school curricula, including in health and sex education; school libraries shall include materials in school libraries that portray LGBTQ figures in a positive light; Districts and schools shall ensure that the curricula include diverse perspectives, especially LGBTQ people of color and issues specific to communities of color;

BE IT FURTHER RESOLVED, that Schools shall provide students with access to LGBTQ resources;

BE IT FURTHER RESOLVED, that the District shall designate October as LGBTQ history month, May 22 as Harvey Milk Day, and November 20 as Transgender Day of Remembrance, in honor of Rita Hester and other victims of transphobic violence.

BE IT FURTHER RESOLVED, the District shall post this Resolution at every school site and distribute it to District staff, students, and parents using usual means of communication, and that the Resolution will be translated into all languages spoken by students at home;

BE IT FURTHER RESOLVED, the Superintendent shall report back on compliance with this Resolution to the Board at its next meeting;

BE IT FURTHER RESOLVED, the Board affirms that certificated District employees have the academic freedom to discuss this Resolution during class time provided it is age-appropriate; and students are to be made aware that District counselors are available to discuss the subjects contained in this Resolution; and

BE IT FURTHER RESOLVED, after-school providers and other vendors and service providers who contract with the District shall be notified of this Resolution within 30 days and required to abide by it.

Affirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
School Board President

\_\_\_\_\_  
School Board Secretary

\_\_\_\_\_  
Superintendent

## 2. Adopt expansive non-discrimination language.<sup>7</sup>

Most of our union contracts already include a standard non-discrimination clause, however, many of these fall short in fully protecting our LGBTQ+ educators. More expansive non-discrimination provisions should be adopted to ensure our LGBTQ+ educators are fully protected.

### Model Non-Discrimination Contract Language

*Agreements that do not yet contain a non-discrimination clause, or agreements without a substantive, well-written non-discrimination clause, should seek to adopt a comprehensive clause such as:*

"The district shall not discharge, demote, nonrenew the contract of, discipline, deny a promotion opportunity to, harass, or discriminate in regard to any term or condition of employment against any employee on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, immigration status, disability, sexual orientation, gender identity, gender expression, gender characteristics, gender non-conformity, genetic information, familial status, status as transgender or transitioning, or participation in any professional educational organization or union.

Further, the district shall comply with all applicable federal, state, and local non-discrimination laws."

*Agreements that do have a non-discrimination clause should be edited to cover all of the categories listed above.*

*"The wording of my school's discrimination policy when I first started didn't explicitly include sexuality as a protected identity. It had sex and gender, but without sexuality, it didn't feel safe until I had tenure to tell people."*

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The following definitions should be added to your agreement in the definitions section in order to be very clear on what is protected under these new terms.

### Model Definitions to Accompany Non-Discrimination Language<sup>8</sup>

X. "Gender Characteristics" means the physical attributes of a person, as they relate to the traditional stereotypes of "man" or "woman" and "male" or "female", and include, but are not limited to, height, body shape, deepness of voice, body hair and biological sex differentiation, hormonal metabolism and genitals."

X. "Gender Expression" means the external presentation or appearance usually expressed through behavior, mannerisms, speech patterns, clothing, hairstyle, or voice, that may or may not conform to socially defined behaviors and characteristics typically associated with the traditional stereotypes of "woman" and "man".

X. "Gender Identity" means the gender a person considers themselves to be, including but not limited to, being a man, a woman, any other gender, genders, or no gender."

X. "Sexual Orientation" means an emotional, romantic or sexual attraction to other people, which can include an attraction to people of the same gender, people of a different gender, people of multiple or all genders, as well as having no emotional, romantic or sexual attraction to other people.

<sup>7</sup> Recently the Supreme Court ruled that LGBTQ+ workers are protected from discrimination at work on the basis of gender identity or sexual orientation. See NEA's guide on the Bostock decision available at: [https://neajustice.org/wp-content/uploads/2020/09/27379-Bostock-and-Educator-Rights-Doc\\_Final.pdf?\\_ga=2.98371295.1326294253.1625681667-1257659018.1593099430](https://neajustice.org/wp-content/uploads/2020/09/27379-Bostock-and-Educator-Rights-Doc_Final.pdf?_ga=2.98371295.1326294253.1625681667-1257659018.1593099430)

<sup>8</sup> These definitions were adapted from Transgender At Work. For more definitions please see <http://www.tgender.net/taw/defn.html#gender-characteristics>

*"I'm self-guarded at work because I am the only black teacher on an all-white teaching staff. I am not openly gay at work because of how I have been treated as a black male teacher in my workplace by my administration and one parent in particular. Only a few trusted colleagues and parents know that I am gay."*

LGBTQ+ SURVEY RESPONDENT

### *3. Establish right to be out at school.*

Beyond a traditional non-discrimination clause, districts should adopt an affirmative right for educators to be out at school and to support out students at school. Even though the law already protects educators who choose to be out at work, many educators expressed that they were unaware of this protection and that it would be helpful to have that right more specifically included in our contracts. By including these rights explicitly in the contract, we create the ability to grieve any violations, which can often be a more expedited and otherwise preferred process to the legal alternative.

In addition to the language provided below, districts should adopt and have easily accessible a comprehensive and easy process through which employees can change their name, pronouns, and personal titles on file with the district.

#### Model "Right to be out" Contract Language:

**"Right to Be Out:** The District shall not subject any employee to discharge, demotion, contract nonrenewal, discipline, denial of a promotion opportunity, harassment, discrimination in regard to any term or condition of employment, or any other adverse employment action because of the employee's disclosure of or communication about the employee's gender expression, gender identity, status as transgender or transitioning, gender non-conformity, or sexual orientation."<sup>9</sup>

**"Right to Be Out About Family:** The District shall not subject any employee to discharge, demotion, contract nonrenewal, discipline, denial of a promotion opportunity, harassment, discrimination in regard to any term or condition of employment, or any other adverse employment action because of the employee's disclosure of or communication about the educator's family, household, or family or household composition."

**"Right to Self Identification:** All employees have the right to determine what names, pronouns and personal titles (ex. Mr.,

Ms., Mx.) are used to refer to them in their employment with the District. Employees have the right to change their names, pronouns, and/or personal titles at any time. Upon notice from an employee of such a change, the School District shall make every effort, without unnecessary delay, to ensure that the name, pronouns and/or personal titles designated by the employee are used to refer to the employee in the employee's employment with the School District."

**"Right to Support Students Out at School:** The District shall not subject any employee to discharge, demotion, contract nonrenewal, discipline, denial of a promotion opportunity, harassment, discrimination in regard to any term or condition of employment, or any other adverse employment action in retaliation for the employee having provided support, assistance or advocacy in the exercise of a student's right to non-discrimination, including but not limited to referring to a student by the student's designated name, pronouns and/or personal title (ex. Mr., Ms., Mx.)."<sup>10</sup>

### *4. Address exclusive and discriminatory dress codes.*

Policies around professional dress and attire must be gender neutral and not limit or prescribe specific dress based on the individual's gender identity, gender expression, or gender characteristics. In general, dress codes can often be particularly targeting to people who are low income, non-white, women, and/or LGBTQ+.<sup>11</sup> We do not encourage anyone to adopt a dress code where one does not already exist for staff or for students. If a dress code is already in place, we want to ensure that it is not used discriminately against transgender and gender non-conforming members of the school community.

#### Model Gender Inclusive Dress Code Contract Language

**"Gender Inclusive Dress Code:** If a school and/or the district maintains a dress code for students and/or employees, such dress code shall be gender neutral and shall not have different requirements based on the gender identity, gender expression, gender characteristics, or gender non-conformity of the student and/or employee."

<sup>9</sup> This is already the law under the Colorado Antidiscrimination Act. 24-34-301, C.R.S. See Sexual Orientation Harassment, Civil Rights Commission, 3 C.C.R 708-86.1 available at <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=8834>)

<sup>10</sup> Many educators identify that they do not feel supported when they honor their students' LGBTQ+ identities at school. This provision is intended to allow educators to honor the gender identity of their transgender and gender non-conforming students, even if the parent or guardian objects to the use of the student's name, pronouns or personal title.

<sup>11</sup> See this NEAToday article for more information available at <https://www.nea.org/advocating-for-change/new-from-nea/when-school-dress-codes-discriminate>

# Inclusive and Accessible Facilities

## OVERVIEW

Most schools do not have gender inclusive bathrooms easily accessible to staff, students, and visitors. Additionally, many schools do not have nursing/pumping stations that can be accessed by birthing parents of all genders.



## PROPOSED SOLUTION(S)

### *1. Establish accessible gender inclusive bathrooms for staff and students.*

Many schools have attempted to address this issue by allowing transgender students special permission to use the faculty bathroom or the nurses bathroom. This is an insufficient solution that requires transgender students to affirmatively advocate for an accommodation in order to be accommodated, and also isolates them from their peers by creating an alternative inequitable restroom.

In order to address the issues around bathroom access, districts are encouraged to create at least one "All Gender" restroom at each school/worksites that is openly accessible to students and staff without special permission or without entering an office. Additionally, contractual language should be negotiated that guarantees all staff and students the right to use the bathroom (either, "Boys/Men", "Girls/Women", or "All Gender") that aligns with their gender identity, regardless of how they are perceived.

#### Model Gender Inclusive Bathroom Language<sup>12</sup>

**"All-Gender Bathroom Access:** By X date, every district building shall have at least one, all-gender bathroom that is accessible at all times to all staff, students, and building visitors. This all-gender bathroom must be ADA compliant, clearly marked, and accessible without extra permission in the same manner as gendered bathrooms.

- a. "All-gender bathroom" shall mean a bathroom that any person is permitted to use, regardless of such person's gender identity, gender characteristics, or gender expression.
- b. A bathroom inside the office of a nurse or other staff member does not meet the requirements for an all-gender bathroom.

**"Gender Bathroom Access:** All staff, students, and visitors shall be permitted to use any gendered bathroom facilities that align with their gender identity."

*"It was great to be able to ask my supervisor to change my name plate to read Mx."*

LGBTQ+ SURVEY RESPONDENT

### *2. Equal access to nursing/pumping stations for birthing parents of all genders.*

While people of all genders are able to give birth, we often center our facilities, when they are available, towards women/mothers. The following contract language should be adopted in order to assure parents of all genders have the space they need to pump, feed, or change the diapers of their children.

#### Model Nursing/Pumping Time and Location Contract Language

**"Access to Private Pumping Locations:** The district shall provide all nursing parents, including students and employees, regardless of the parent's gender identity, expression or characteristics, with a private location (other than a bathroom) in close proximity to their work or class area to express breast milk for their nursing child for up to 2 years after the child's birth."

**"Reasonable Time for Pumping Breast Milk:** The district shall provide all nursing parents, including students and employees, regardless of the parent's gender identity, expression or characteristics, reasonable time during the school day to express breast milk for their nursing child for up to 2 years after the child's birth."

**"Access to baby changing tables for all gender parents:** If the district provides one or more baby changing tables, access to baby changing tables shall be provided equally to all parents regardless of their gender identity, gender expression, or gender characteristics."

### *3. Access to updated name plates/name tags to indicate names, titles/pronouns and non-binary titles/pronouns.*

Honoring pronouns, names, and personal titles extends to the physical space of the school. All students and staff should have their classroom labels, school IDs, name placards, etc. reflect their identities and be able to modify those placards to reflect any changed titles.

The "Right to Self Identification" and "Right to be Out" model language in the "Non-Discrimination and "Right to be Out" policies" section of this report broadly cover the rights of individuals to be correctly identified in their schools. Once bargained, these contractual sections can be enforced to ensure pronouns, names, and personal titles are being honored.

<sup>12</sup>This model language utilizes terms that were defined in the non-discrimination section of this report. If this provision is introduced, make sure to accompany it with the definitions of "gender identity", "gender expression" and "gender characteristics" found in the non-discrimination section.

# Inclusive Employment Benefits

## OVERVIEW

Benefits provided to LGBTQ+ educators are not comprehensive enough. LGBTQ+ respondents indicated insufficient benefits or barriers to accessing family leave, family planning support, and health insurance. Benefits around family leave are not often accessible to all parents (including spouses and partners) for both birth and adoption. Often, definitions of family result in bereavement leaves and sick leaves that do not cover all types of families. Family planning benefits rarely include benefits around adoption - particularly financial support - or fertility treatments (even for individuals who are not living with infertility). Finally, healthcare benefits are not always as affirming and supportive of trans people as they need to be, and healthcare coverage generally is not comprehensive enough or tailored to LGBTQ+ experiences.

## PROPOSED SOLUTION(S)

Educators proposed solutions in a number of areas. LGBTQ+ educators would like to see parental leave for all individuals, including spouses and partners, for both birth and adoption. They would like to see increased family leave time, and bereavement leave for all types of family. Additionally, adoption benefits and coverage of fertility treatments - regardless of whether infertility is the issue - are crucial. Furthermore, healthcare benefits must cover gender affirming surgeries and hormone treatments for trans individuals. Trans individuals must be able to receive leave time for these surgeries, and not have their life-changing and live-saving medical procedures considered elective (and therefore ineligible for medical leave). Healthcare plans should cover things such as PrEP medications, and there should be blanket coverage for mental health screenings and counseling, even in absence of a formal diagnosis.

*"It is frustrating to have such specific requirements in order to get my partner on my insurance. We are committed to one another, live together and unless we are married she can't get on my insurance through work. Whereas heterosexual couples can under common law."*

## 1. Degendering benefits language.

Several of the concerns identified by educators can be addressed by degendering our contractual benefits. Many of our contractual language has gender specifications that are not inclusive to folks with non-binary genders or with non- “traditional” family structures. Replacing the terms below throughout your contract will help assure that no one is inadvertently excluded from definitions and benefits.



## Chart to “Degender” Benefit Contract Language

Use this chart to audit and propose changes to current leave and insurance contractual provisions.

| INSTEAD OF....            | USE THIS!                                             | BECAUSE...                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Husband/Wife              | Spouse                                                | Spouses can be many genders. This also creates more inclusive language for same-gender married couples.                                                                                                                                                                                                                                                                                                          |
| Maternity/Mother          | Parental/Birthing Parent                              | People of many gender identities can birth children!                                                                                                                                                                                                                                                                                                                                                             |
| Paternal/Paternity        | Parental/non-Birthing parent                          | The spouse of the person who gives birth can be many genders. This is more inclusive language for same-gender couples and non cis-gender spouses.                                                                                                                                                                                                                                                                |
| Aunt/Uncle                | Parents' Siblings                                     | Your parents' siblings can be many genders!                                                                                                                                                                                                                                                                                                                                                                      |
| Mother/Father             | Parents and/or legal guardian                         | Parents can identify as many genders. This is more inclusive language for same-gender couples and non cis-gender spouses. Also, sometimes people have a person other than their parents as their legal guardian.                                                                                                                                                                                                 |
| Son/Daughter              | Child -or- Minor and/or Adult Child(ren)              | Children can be many genders! Because “child” can sometimes be interpreted to only include minor children, it can be helpful to specify “and/or adult children” when you use this term!                                                                                                                                                                                                                          |
| Grandmother/Grandfather   | Grandparent                                           | People can be many genders at all ages! This is one we may miss because many of us don't know elders who are not cis-gender. This is also more inclusive of same-gender grandparents, too!                                                                                                                                                                                                                       |
| Brother/Sister            | Sibling                                               | Siblings can be many genders!                                                                                                                                                                                                                                                                                                                                                                                    |
| Niece/Nephew              | Siblings' Child/Children                              | While “Nibling” has become a colloquial gender neutral term for the children of our siblings, “Nibling” may not be common or as easy to understand to folks unfamiliar. We recommend “Sibling's Child” which will be more clear.                                                                                                                                                                                 |
| He/She, Him/Her, His/Hers | They/Them/Their -or- the name or title of the subject | It used to be best practice to put “he/she” or “he or she” in legal writing like contracts, but this excludes folks who don't identify on the gender binary. This change makes sure we are being inclusive throughout with our pronouns. You can also just repeat the subject's title (i.e. “Employee” or the “Principal”) and avoid pronouns altogether. This will make your contract language even more clear. |

## 2. Support for transitioning employees.

In order to assure that transgender employees are supported during their transitions while working for a school district, we encourage the introduction of a provision that allows an employee to request the creation of a transition plan. This plan is intended to support the employee and avoid tensions and uncertainties that could arise without an intentional preemptive conversation.<sup>13</sup>

## Model Transition Plan Contract Language

### Section X. Optional Transition Plans for Transitioning Employees:

If a transgender or transitioning employee makes a request to the district to collaborate on the creation of a written transition plan, the district shall, with no unnecessary delay, enter into good faith discussions with the employee and the employee's designated representative, if any, to develop such a plan.

- a. The discussions and written transition plan shall address the matters and aspects of transitioning and employment that the employee chooses to raise, and the employee shall not be required to discuss or address any other matters or aspects of transitioning and employment raised by the district or anyone else.
- b. The written transition plan shall only address matters and aspects of transitioning and employment that the employee and the district agree to address, including but not limited to: the communications, if any, that will be made by the district to other employees, students and/or students' parents regarding the employee's transition; any absences needed by the employee in connection with the employee's transition; the name, title and pronouns that the employee designates and how the district will insure that such name, title and pronouns are used to refer to the employee in the district; and any training on transgender/transitioning experiences or issues that should be provided to the employee's co-workers and/or students.
- c. The process for the creation of a transition plan may only be initiated at the request of the transitioning employee.
- d. The transitioning employee may at any time, and for any reason, discontinue participating in the discussions and/or discontinue negotiating a transition plan.

## 3. Leave time for gender affirming processes.

It is important to ensure that Employees who are transitioning are able to use their leave time for such processes. The accompanying model language ensures that leave time can be used for the legal name change process as well as for any medical procedures or treatments.

## Model Leave Time Contract Language

**"Leave Time for Name Change Process:** An employee seeking a name change through a legal process shall be permitted to use any sick or personal leave available to such employee in order to meet with an attorney, appear in court, and/or visit court or governmental agencies in order to effectuate such name change. The district shall not deny a request to use available leave for this purpose."<sup>14</sup>

**"Gender Affirming Medical Procedures and Treatment:** An employee shall be permitted to use any sick or personal leave available to such employee for the purpose of gender affirming medical procedures and treatment, including travel to and from and recovery from such procedures and treatment."

## 4. Health insurance for gender affirming processes.

We should fight to make sure the healthcare plans we are selecting cover gender affirming processes for our members. Health Insurance plans that cover gender affirming processes are becoming more commonplace and should, in most circumstances, be attainable. It is possible that communities with fewer medical options, such as our rural communities, may not have many insurance options that are practical for their membership. In the event that the primary coverage does not provide for gender affirming processes, the district should provide supplemental coverage to their employees who are seeking gender affirming care.

## Model Inclusive Health Insurance Benefits Contract Language<sup>15</sup>

**"Inclusive Health Insurance Benefits:** The health insurance offered to employees by the district shall include coverage for all transgender medical needs and treatments, including but not limited to hormone treatment, gender affirming surgeries, preventative care, and other medical treatment and procedures as directed by the employee's medical provider. The district shall not contract with a health care provider or insurer that does not provide the full coverage required by this provision."

**\*\*\*THE FOLLOWING SUB CLAUSE CAN BE PROPOSED IF THE DISTRICT EXPRESSES CONCERN WITH MEETING THE OBLIGATION IN THE SECTION ABOVE!\*\*\***

- a. "If the district is not reasonably able to contract with a provider or insurer to provide both the coverage required by this provision and all other needed types of coverage in one plan, the district shall offer to employees upon request, and at no additional charge, a supplemental insurance plan which provides the full coverage required by this provision."

<sup>13</sup> For more information on this, see <https://transgenderlawcenter.org/wp-content/uploads/2013/12/model-workplace-employment-policy-Updated.pdf>

<sup>14</sup> We recognize that this language is giving special privileges for a name change that are not offered for other legal matters. This is because there is often a medical necessity for transgender folks to change their documents in order to avoid physical harm or mental health repercussions from having mixed identification or identification with their dead name.

<sup>15</sup> DORA has issued guidance which should require insurance plans to meet the inclusive requirements of this language.

**For more information, we encourage you to look here!**

## 5. Definition of family.

Oftentimes, our contractual definitions of family- the definition used for, among other things, sick leave and bereavement leave- conforms to a very limited and “traditional” notion of a family. Expanding our definitions of “family” makes sure that LGBTQ+ educators, and all educators, are able to access their leave time to care for the people in their lives that they are closest with!

### Model Family Definition Contract Language<sup>16</sup>

“Family member” means and includes:

- a. an employee’s immediate family member, which is defined as a person who is related to the employee by blood, marriage, civil union, or adoption,
- b. the employee’s romantic or intimate partner,
- c. a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor,
- d. a person for whom the employee is responsible for providing or arranging health or safety related care,
- e. a person residing in the employee’s household,
- f. a person whose close association with the employee is the equivalent of a family relationship.”

## 6. Family formation benefits.

Many LGBTQ+ educators emphasized the unique and costly barriers many LGBTQ+ families experience when trying to grow their families. In order to address this, we should fight to include expansive Family Formation benefits that help alleviate the out of pocket costs of in vitro fertilization (IVF), adoption, surrogacy, and intrauterine insemination. Many insurance companies cover some of these services but few plans offer comprehensive coverage. Additionally, supplemental insurance companies have been created to help extend these benefits to workers. While including family formation benefits meets a need of our LGBTQ+ educators, all educators can benefit from this expanded coverage.<sup>17</sup>

*“My wife and I are currently undergoing fertility treatments to have a child which is EXTREMELY expensive. This should be covered in health insurance and I should not need to “prove” infertility in order to have this covered.”*

LGBTQ+ SURVEY RESPONDENT



<sup>16</sup> Recently, Colorado enacted the Colorado Healthy Families and Workplace Act (Available at [https://leg.colorado.gov/sites/default/files/2020a\\_205\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_205_signed.pdf)) which requires employers to provide sick leave to workers in order to care for the health needs of themselves or their family members. This act includes a definition of family that goes beyond many of our current contractual definitions. The above definition meets and goes beyond the definition of family required by this act.

<sup>17</sup> Oddly, many resources online about this type of expansive coverage are from management-side and human resource organizations that recognize that covering family planning helps build a more stable and diverse workforce. Check out this article for more information (but note, this is from an Human Resources perspective) available at: <https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/family-forming-benefits-serve-a-diverse-workforce.aspx>

# Intentional Hiring Practices and Representation in the Workplace

## OVERVIEW

Many LGBTQ+ respondents reported having a more positive work environment when there were multiple LGBTQ+ educators at the worksite, however they felt that hiring practices were often exclusionary and lead to fewer LGBTQ+ applicants and fewer LGBTQ+ hires.

## PROPOSED SOLUTION(S)

Districts should review hiring practices to ensure that all application materials include pronoun options and honorifics that affirm all gender identities and should train hiring committees to ensure that correct pronouns and honorifics are used. Additionally, districts could audit their hiring practices with a specific lens on hiring and retaining diverse applicants to ensure that the process is not excluding applicants from certain backgrounds.

*"I am one of the very few LGBTQ+ staff members in my district. I would feel extremely uncomfortable if I mentioned [my] male partner in my classroom."*

LGBTQ+ SURVEY RESPONDENT

*"It has been lonely. I am the only openly queer person at my workplace. For that reason, my school does not see the need for more dialogue to support LGBTQ+ culture."*

LGBTQ+ SURVEY RESPONDENT

# High Quality Professional Development around LGBTQ+ Identities

## OVERVIEW

Oftentimes, our LGBTQ+ educators felt that they were treated as the “experts” on LGBTQ+ identities and became the sole support in a school for the LGBTQ+ students. Others felt that their colleagues’ negative or inappropriate reactions often came from a place of inexperience and lack of education on LGBTQ+ issues. We can use the bargaining process to mandate such trainings in order to improve the work experience of our LGBTQ+ educators, and in doing so, also create a school better prepared to support our LGBTQ+ students.



*"I am misgendered ALL the time. I don't think my admin is well-equipped to be allies."*

LGBTQ+ SURVEY RESPONDENT

## PROPOSED SOLUTION(S)

### *1. Professional development on creating an LGBTQ+ inclusive workplace.*

Respondents proposed that district-led training on supporting LGBTQ+ educators and students would lead to a more affirming work environment. The below language can be bargained in order to implement such training.

#### Model LGBTQ+ Professional Development Contract Language

**"Section X.** In an effort to create and maintain a culture of inclusivity in our schools, The district shall:

1. Offer a training of at least \_\_\_ hours in length on the best practices for creating an inclusive classroom and school environment for LGBTQ+ students and employees. The district shall offer this training at least annually on dates and times that are convenient for most employees to attend, shall make this training available to all employees who want to attend, and shall provide employees with time off from their regular duties if necessary to enable their attendance.
2. Require all newly hired administrators to attend a training on the best practices for creating an inclusive classroom and school environment for LGBTQ+ students and employees within one (1) year of the administrators' hiring by the district and require all currently employed administrators to attend such training within one (1) year of the adoption of this provision.
3. Collect and maintain in a location accessible to all employees a list of LGBTQ+ resources that employees can offer to, or use to support, LGBTQ+ students."



# Intentionally Building Inclusive School Culture

## OVERVIEW

School climate and culture around the state is heavily influenced by a number of factors including geographical location, co-worker and administration attitudes towards LGBTQ+ communities. While many LGBTQ+ respondents have found school communities where they feel safe and supported, many are working or have worked at schools where they do not. Many schools do not have a Gay-Straight Alliance, or similar student club where LGBTQ+ students can find community. This impacts our LGBTQ+ educators as many of them end up providing that support but without designated resources or compensation. Often the mandated or provided curriculum is heteronormative and cisnormative and largely leave out LGBTQ+ experiences and individuals all together.

*"Homophobic coded language and microaggressions are common. It feels like LGBTQ issues are only ever discussed at a surface level, there's no attempt to really make it a part of the curriculum."*

LGBTQ+ SURVEY RESPONDENT

## PROPOSED SOLUTION(S)

1. Dedicate funding for LGBTQ+ student groups.

Educators identified the need for dedicated funding for clubs such as Gay-Straight Alliance at all schools in order to assure that students, and the educators supporting those students, have sufficient resources to hold a space for LGBTQ+ students. Often this work is falling on the backs of our LGBTQ+ educators who are informally creating this space. Further, a dedicated student club would increase LGBTQ+ visibility in the school and create space for LGBTQ+ students to have a role in shaping their own school culture. Assigning designated funds makes it clear that this is a priority for the district/school and makes educators and students feel more comfortable engaging.

2. Adopt LGBTQ+ inclusive curriculum.

Curricula around the state make heteronormative and cisnormative assumptions. For example, math word problems will assume gender along a binary, splitting groups into boys and girls. Our curriculum includes few to no pieces of literature written about or by LGBTQ+ individuals. These heteronormative curricular choices both make it difficult for LGBTQ+ youth to see themselves reflected in their educational materials and make it harder for non-LGBTQ+ students to learn about issues of gender and sexuality. It further isolates our educators who are responsible for delivering content that erases their own experiences and histories. Often our LGBTQ+ educators work to subsidize their own curriculum to become more inclusive, without support or compensation for the extra work they are doing. Districts should review current curriculum through an LGBTQ+ inclusive lens and work to modify or change curriculum to better serve our students in this area.



3. Create an LGBTQ+ working group.

While this report addresses many of the main issues raised by LGBTQ+ respondents, we recognize that some of the solutions in this report may not be the right fit for your district or may not address the primary concerns of our LGBTQ+ members in your local. By establishing a working group, the union and district can collaborate to identify the needs of our LGBTQ+ educators and collaboratively address those needs. **We STRONGLY encourage that the Association appoint all LGBTQ+ educators to this committee** in order to ensure that LGBTQ+ educators are central in identifying and solving such issues. While this report is focused on issues impacting LGBTQ+ students and educators, this working group model can be used to address issues impacting other groups of marginalized people within our schools.

## Model LGBTQ+ Professional Development Contract Language

## "Section X. Creation of LGBTQ+ Working Group

The district and the association shall establish a working group to collaborate, review and propose policies, programs, activities, curriculums, and professional development designed to identify and address issues of inequity impacting LGBTQ+ employees and students. This working group shall be composed of up to five (5) association members appointed by the president of the association and an equal number of members appointed by the superintendent. The working group shall be empowered to seek and obtain outside input to aid in their work, including but not limited to input from students, other members of the district community, and LGBTQ+ advocacy and support organizations."



#### 4. District response to discriminatory incidents.

Many educators expressed concern that they may not be supported by their administration if they experience discrimination or retaliation from other members of the school community. The following language should be adopted to create a clear process for administrative response to discriminatory behavior.

### Model Response to Discriminatory Incidents Contract Language

#### **"Section X. Creation of LGBTQ+ Working Group**

Section X: District Response to Discriminatory Incidents.

If an employee reports to a district administrator that a student, a student's parent or guardian, another employee or a visitor to the district has made one or more comments, whether oral or written, expressing negativity or prejudice based upon sexual orientation, gender identity, gender expression, gender characteristics or status as transgender or transitioning, the district shall promptly respond by:

1. conducting a prompt and appropriate investigation into the allegations.
2. at the conclusion of the investigation, if there is reason to believe that a comment of the nature described above was made, contacting the person who made the comment, informing the person that such a

comment is unacceptable and contrary to the district's nondiscrimination requirements, and warning the person that any future comment of a similar nature will not be tolerated,

3. documenting the report of the comment received by the district and the actions taken by the district in response thereto, and
4. providing documentation to the employee who reported the comment confirming that the district has taken the above-required actions."

Nothing in this section shall be interpreted to limit the application of other disciplinary processes or procedures set out herein enter citation to discipline article in CBA, or in student discipline policies and procedures."

# Changes Within Our Union

## OVERVIEW

In addition to fighting for the above district changes, we also must continue to grow our union and make internal changes that create a more inclusive union community. Roundtable participants were very clear that in addition to the survey and this report, they want to see action by their union. While most LGBTQ+ respondents indicated that they were either active or very active members of the Union, the majority (74%) also feel that the Union does not prioritize the needs of LGBTQ+ educators. In many cases, respondents felt that the Union was silent or absent from conversations around LGBTQ+ educator needs.

During the roundtables, members suggested that they would like to have a way to connect with other LGBTQ+ educators through the union. Through the roundtables, members also emphasized that they want this group to rally members, build community, and take action on issues relevant to LGBTQ+ educators.

## PROPOSED SOLUTION(S)

### 1. Clear Union Support for LGBTQ+ Educators.

We need to ensure that our LGBTQ+ union siblings know their union, including union staff and co-workers, will support them in any issues that arise, such as when teachers are asked to remove PRIDE flags, when pictures of same-gender spouses are displayed, when transitioning, etc. We should include LGBTQ+ rights information in any rights trainings we run or any information we send out. Association Representatives should be trained on LGBTQ+ educator rights, such as the right to be out and the right to support LGBTQ+ students, in their training.

### 2. Create an LGBTQ+ educator group.

Many educators expressed wanting space to connect with other LGBTQ+ educators, both in their district and around the state. During the roundtable discussions, many LGBTQ+ educators expressed that they rarely have the opportunity to speak with other LGBTQ+ educators and that they really valued the experience. This would also help begin addressing the perception that the union is silent on issues that impact LGBTQ+ educators.

### 3. Include issues Relevant to LGBTQ+ Educators at any union events including conferences, training, etc.

Creating opportunities for our LGBTQ+ and Non-LGBTQ+ educators to be trained on these issues will help us all become the best union advocates back in our home district.

*"I feel that my union is supportive of LGBTQ+ members, but there isn't much proactive affirmation or work to increase visibility. We say we value LGBTQ+ identities and voices, but there isn't really much attention."*



[coloradoea.org](http://coloradoea.org)

[nea.org](http://nea.org)

