

Resolution 2223R-011

By Director Gokalgandhi

WHEREAS, Board Governance Policy 1.01, Vision and Mission, states that “[s]chools will be safe, welcoming, well-maintained, and accessible community centers meeting the needs of all”; and

WHEREAS, Administrative Policy 1.04, Nondiscrimination, states that “No person may be denied admission to or participation in the benefits of any public school in the Milwaukee Public Schools ... because of the person’s sex, gender, gender identity, gender expression, [or] gender nonconformity”; and

WHEREAS, In 2020, the U.S. Supreme Court’s decision in *Bostock v. Clayton County* concluded that discrimination based on sexual orientation and discrimination based on gender identity inherently involve treating individuals differently because of their sex; and

WHEREAS, On June 22, 2021, the federal Department of Education issued a formal Interpretation to make clear that “the Department interprets Title IX’s prohibition on sex discrimination to encompass discrimination based on sexual orientation and gender identity”; and

WHEREAS, The City of Milwaukee’s Legislative Reference Bureau stated in a memo dated January 2, 2019 that “[a] 2015 National School Climate Survey showed that nearly two thirds of transgender students avoid school bathrooms because of feeling unsafe or uncomfortable; and

WHEREAS, In the same study, over half of transgender students reported that they were required to use the bathroom of their legal sex rather than the one they felt most comfortable using – an illegal requirement under Title IX”; and

WHEREAS, Many cities, including Milwaukee, Minneapolis, Orlando, and Jersey City, have pursued legislative action to establish gender-inclusive restroom policies in buildings; now, therefore, be it

RESOLVED, That the Board direct the Administration, in collaboration with Office of Board Governance, to review gender-inclusive policies and best practices; and, be it

FURTHER RESOLVED, That the work include

- recommendations for an Administrative Policy regarding gender-inclusive restrooms and other facilities, such as locker rooms; and
- recommendations for the procedures by which the district solicits, collects, and reports pronouns on district documents; and
- recommendations for district-wide training, including, but not limited to, LGBTQ+ and gender inclusion awareness; and, be it

FURTHER RESOLVED, That this review consider input from various community stakeholders; and, be it

FURTHER RESOLVED, That this review and possible recommendations be brought back to the Board no later than the March 2023 Board cycle.

October 27, 2022