



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

**MICHIGAN'S STATE BOARD OF EDUCATION RESOLUTION
IN SUPPORT OF MICHIGAN'S LGBTQ+ STUDENTS, STAFF, AND GAY
STRAIGHT ALLIANCES OR LGBTQ+ CLUBS**

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

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;ⁱⁱ

WHEREAS LGBTQ+ students also report higher rates of anxiety and depression;ⁱⁱⁱ

WHEREAS in the case of Rouch World LLC et al v. Michigan Department of Civil Rights et al, the Michigan Supreme Court ruled, that the state's non-discrimination law, which prohibits discrimination on the basis of sex, includes sexual orientation and gender identity;^{iv}

WHEREAS Governor Gretchen Whitmer signed legislation expanding the Elliott-Larsen Civil Rights Act (ELCRA) which reaffirms legal protections for sexual orientation and expands coverage to include gender identity and expression;^v

WHEREAS Title IX rules that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.^{vi}

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;^{vii} (moved this for linear succession of dates)

WHEREAS the U.S. Department of Education in a Notice of Interpretation have recognized that the Supreme Court's reasoning in the Bostock decision applies to Title IX of the Education Amendments of 1972, and that Title IX prohibits discrimination against and harassment of students and school employees based on their gender identity and sexual orientation;^{viii}

STATE BOARD OF EDUCATION

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WHEREAS the National Education Association (NEA) developed a model school board resolution as a result of the Bostock Supreme Court decision. This model policy will help local districts to make meaningful changes at the local level to protect the civil rights of all students;^{ix}

WHEREAS under the federal Equal Access Act (EAA) of 1984, any school that permits non-curriculum related student groups must provide equal access to all student groups, and that includes equal access for Gay Straight Alliances and or LGBTQ+ student clubs;^x

WHEREAS the State Board of Education recognizes and values all Michigan families and students' caregivers, regardless of gender identity, gender expression, or sexual orientation;

WHEREAS the State Board of Education recognizes that there are Michigan Public School employees and educators who are a part of the LGBTQ+ community and all employees are valued members of the school community regardless of their gender identity, gender expression, or sexual orientation.

WHEREAS the State Board of Education has a responsibility to ensure that all students in Michigan Public Schools, regardless of gender identity, gender expression, or sexual orientation, can safely access a free public K-12 education;

WHEREAS creating a welcoming and safe school environment for LGBTQ+ students, staff, families, and caregivers makes Michigan's school communities more open to all;

WHEREAS the State Board of Education supports education policies that celebrate our different identities; integrity in how we treat others; and courage to do what's right by listening to, learning from, and respecting diverse viewpoints;

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

NOW THEREFORE BE IT RESOLVED that the Michigan State Board of Education supports all laws both federal and state that prohibit discrimination against all persons, whether student, family/caregiver of a student, or school 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 Michigan State Board of Education supports all laws and regulations both federal and state that prohibit 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 that Michigan's public schools must be a safe and affirming space for its students, meaning that Michigan's public-school districts are 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 the Board affirms LGBTQ+ student groups including Gay-Straight Alliances, Gender and Sexuality Alliances (“GSAs”) and or any LGBTQ+ Clubs across districts;

BE IT FURTHER RESOLVED that the Board shall recognize October as LGBTQ+ History Month, June as LGBTQ+ Pride Month, March 31st as International Transgender Day of Visibility, and approve students’ participation in the Day of Silence, a demonstration against bullying and harassment of LGBTQ+ students in schools held on a Friday in April every year;

BE IT FURTHER RESOLVED the Board supports that certificated Michigan Public School District employees should 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, when available can discuss the subjects contained in this Resolution;

BE IT FURTHER RESOLVED that this Resolution shall not be construed to conflict with any existing Michigan or federal law.

Adopted on May 9, 2023 on a vote of 6 - 2

ⁱ <https://www.cdc.gov/lgbthealth/youth.htm>

ⁱⁱ <https://youth.gov/youth-topics/lgbtq-youth/school-experiences>

ⁱⁱⁱ <https://www.thetrevorproject.org/survey-2022/>

^{iv} <https://www.courts.michigan.gov/courts/supreme-court/case-information/2021-2022-march-case-information/162482-rouch-world,-llc-v-department-of-civil-rights/>

^v <https://www.michigan.gov/whitmer/news/press-releases/2023/03/16/whitmer-signs-bipartisan-legislation-expanding-rights-and-freedoms-for-lgbtq>

^{vi} <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html#:~:text=Title%20IX%20of%20the%20Education,activity%20receiving%20federal%20financial%20assistance.>

^{vii} https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf

^{viii} <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

^{ix} <https://www.nea.org/sites/default/files/2022-04/Sample%20Board%20Resolution%20for%20LGBTQ%2B.pdf>

^x <https://www.glad.org/wp-content/uploads/2021/02/GSA-Public-Schools.pdf>