

**Gender Equity  
and  
Sexual Harassment  
Advisory Committee  
(GESHAC)**

**January 29, 2025**

# Our Mission

Enable and inspire our diverse student body to achieve academic excellence and make positive contributions to our world.

## Superintendent's Gender Equity and Sexual Harassment Advisory Committee (GESHAC)

The Superintendent's Gender Equity and Sexual Harassment Advisory Committee (GESHAC) plays a key role in supporting the district to achieve its mission by providing an open forum for discussing issues related to gender equity that affect students in BUSD. The Committee receives updates on BUSD programs and initiatives, reviews anonymous data on equity issues, and makes annual recommendations to the Superintendent on areas of growth in the district's ongoing efforts to create an equitable learning environment for all students.



# Advisory Committee Purpose, Roles and Responsibilities



Advisory committees serve the Berkeley Unified School District in an **advisory** capacity on matters pertaining to various aspects of the district plans and budgets in collaboration with district staff and other committee members. The scope of which varies depending on committee (see [District Training Committee Resource Website](#))

- ❑ Function as a **thought and accountability partners** to BUSD
- ❑ Focus on **advisement and collaboration** with district staff
- ❑ **Review and monitor implementation** of respective plans, budget and implementation/impact metrics
- ❑ **Provide recommendations** to the Superintendent as appropriate
- ❑ **Liaison and represent** your school communities
  - ❑ Share Information out
  - ❑ Bring Information in

# Agenda

**6:00 - 6:10 Roll Call of Committee Members**

**6:10 - 6:45 Staff Updates**

- **Bright Spots**
- **Title IX**
- **Federal Funding Freeze & Unfreeze**
- **Executive Orders**

**6:45 - 7:15 Supporting our Transgender and Gender Expansive Students**

**7:15 - 7:30 Subcommittee Report-out / Focus**



# Bright Spots

- According to Cal Ed Code § 35292.6 Menstrual Product Dispensers Ordered and Installed in all girls's restrooms and at least one men's restrooms at 9/11 elementary schools, 1/3 middle schools (men's) and 3 at BHS (men's)
  - 135 dispensers
- Welcoming Schools Liaisons K-8 training on January 9, 2025



## Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states:

*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.*

**\*NEW Regulations as of August 1, 2024!\***

**\*VACATED January 9, 2025\***

# What's New in 2024 Title IX Regulations

Vacated  
1/9/25

- Definition of sexual harassment aligned with California law
  - Schools must address sex-based harassment when it impacts a person's ability to attend school (even if it occurs off campus or online!)
- For the first time, the Title IX rules explicitly define sex discrimination to include discrimination based on sexual orientation, gender identity, sex characteristics (including intersex traits), and sex stereotypes.
- Categorical bans on transgender, nonbinary, and intersex students in school sports would be prohibited. - *currently being contested.*
- Schools cannot discriminate against students based on past, current, or potential pregnancy or related condition, which includes lactation, childbirth, termination of pregnancy, or recovery from these conditions. Schools must also address harassment based on pregnancy or related conditions as detailed above in "Sex-Based Harassment."
- Procedure investigating sex-discrimination and sex-based harassment aligned and simplified
  - Adversarial cross-examination is not required to protect due process or fundamental fairness
- Schools must respond to sex-based harassment (and other sex discrimination) by taking "prompt and effective action" - the standard is no longer without deliberate indifference.
- Schools must offer supportive measures (such as counseling, academic accommodations, changes to housing, no-contact orders, and more) to all students who report sex-based harassment (or other sex discrimination), even if they do not want an investigation and even if their complaint is dismissed.

# TITLE IX SEXUAL HARASSMENT

Title IX of the Education Amendments of the Civil Rights Act of 1972 is defined as conduct on the basis of sex that satisfies one of more of the following:

- a. An employee of the District conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (Quid Pro Quo)
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Any allegations of sexual harassment will be analyzed first under Title IX, then under California Education Code. The determination of whether the allegations meet the definition of Title IX Sexual Harassment under Title IX will be made by the district's Title IX Coordinator.



# CAL ED CODE

# SEXUAL HARASSMENT

“Sexual harassment” under California Education Code is defined as **any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature**, made by someone from or in the work or educational setting, under any of the following conditions: (Education Code, § 212.5; 5 CCR § 4916)

- a. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- c. **The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.**
- d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.



- ❖ BP 0410 – Nondiscrimination in District Programs and Activities
- ❖ BP 1312.3 – Uniform Complaint Procedures
- ❖ AR 1312.3 – Uniform Complaint Procedures
- ❖ BP 4030 – Nondiscrimination in Employment
- ❖ AR 4030 – Nondiscrimination in Employment
- ❖ BP 4033 – Lactation Accommodation
- ❖ BP 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment (retitled)
- ❖ AR 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment (retitled)
- ❖ AR/E(1) 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures (retitled)
- ❖ BP 5145.3 – Nondiscrimination/Harassment
- ❖ AR 5145.3 – Nondiscrimination/Harassment
- ❖ BP 5145.7 – Sex Discrimination and Sex-Based Harassment (retitled)
- ❖ AR 5145.7 – Sex Discrimination and Sex-Based Harassment (retitled)
- ❖ AR/E(1) 5145.71 – Sex Discrimination and Sex-Based Harassment Complaint Procedures
- ❖ BP 5146 – Married/Pregnant/Parenting Students

A large red circle containing white text, positioned on the right side of the slide.

**TBD  
UPDATE TO  
DISTRICT  
POLICIES**

# Executive Order Items

Paused 1/28  
Rescinded 1/29




THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

January 27, 2025

M-25-13

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth, Acting Director, Office of Management and Budget 

SUBJECT: Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs

The American people elected Donald J. Trump to be President of the United States and gave him a mandate to increase the impact of every federal taxpayer dollar. In Fiscal Year 2024, of the nearly \$10 trillion that the Federal Government spent, more than \$3 trillion was Federal financial assistance, such as grants and loans. Career and political appointees in the Executive Branch have a duty to align Federal spending and action with the will of the American people as expressed through Presidential priorities. Financial assistance should be dedicated to advancing Administration priorities, focusing taxpayer dollars to advance a stronger and safer America, eliminating the financial burden of inflation for citizens, unleashing American energy and manufacturing, ending “wokeness” and the weaponization of government, promoting efficiency in government, and Making America Healthy Again. The use of Federal resources to advance Marxist equity, transgenderism, and green new deal social engineering policies is a waste of taxpayer dollars that does not improve the day-to-day lives of those we serve.

This memorandum requires Federal agencies to identify and review all Federal financial assistance<sup>1</sup> programs and supporting activities consistent with the President’s policies and requirements.<sup>2</sup> For example, during the initial days of his Administration, President Donald J. Trump issued a series of executive orders to protect the American people and safeguard valuable taxpayer resources, including *Protecting the American People Against Invasion* (Jan. 20, 2025), *Reevaluating and Realigning United States Foreign Aid* (Jan. 20, 2025), *Putting America First in International Environmental Agreements* (Jan. 20, 2025), *Unleashing American Energy* (Jan. 20, 2025), *Ending Radical and Wasteful Government DEI Programs and Preferencing* (Jan. 20,

<sup>1</sup> 2 CFR 200.1 defines Federal financial assistance to mean “[a]ssistance that recipients or subrecipients receive or administer” in various forms, but this term does not include assistance provided directly to individuals. For the purposes of this memorandum, Federal financial assistance includes: (i) all forms of assistance listed in paragraphs (1) and (2) of the definition of this term at 2 CFR 200.1; and (ii) assistance received or administered by recipients or subrecipients of any type except for assistance received directly by individuals.

<sup>2</sup> Nothing in this memo should be construed to impact Medicare or Social Security benefits.

*Ending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* (Jan. 20, 2025), and *Enforcing the Hyde Amendment* (Jan. 24, 2025). Executive orders ensure that Federal funds are used to support hardworking American families.

To implement these orders, each agency must complete a comprehensive analysis of all of their Federal financial assistance programs to identify programs, projects, and activities that may be implicated by any of the President’s executive orders. In the interim, to the extent permissible under applicable law, Federal agencies **must temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.


This temporary pause will provide the Administration time to review agency programs and determine the best uses of the funding for those programs consistent with the law and the President’s priorities. The temporary pause will become effective on January 28, 2025, at 5:00 PM. Even before completing their comprehensive analysis, Federal agencies must immediately identify any legally mandated actions or deadlines for assistance programs arising while the pause remains in effect. Federal agencies must report this information to OMB along with an analysis of the requirement. OMB also directs Federal agencies to pause all activities associated with open NOFOs, such as conducting merit review panels.

No later than February 10, 2025, agencies shall submit to OMB detailed information on any programs, projects or activities subject to this pause. Each agency must pause: (i) issuance of new awards; (ii) disbursement of Federal funds under all open awards; and (iii) other relevant agency actions that may be implicated by the executive orders, to the extent permissible by law, until OMB has reviewed and provided guidance to your agency with respect to the information submitted.

OMB may grant exceptions allowing Federal agencies to issue new awards or take other actions on a case-by-case basis. To the extent required by law, Federal agencies may continue taking certain administrative actions, such as closeout of Federal awards (2 CFR 200.344), or recording obligations expressly required by law.

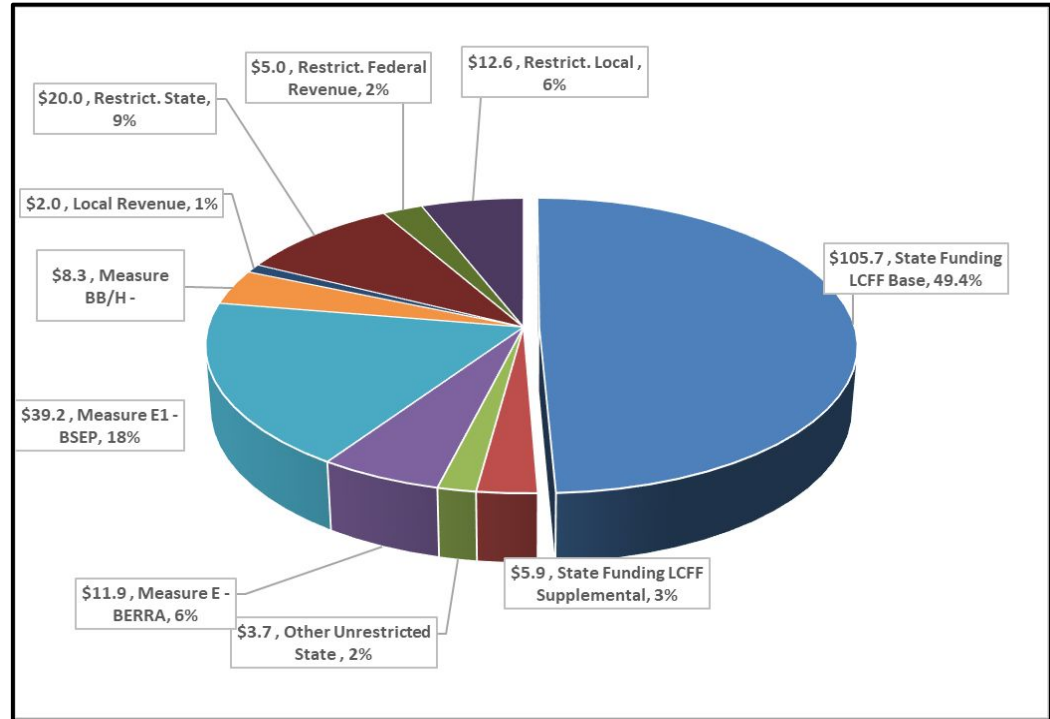
Additionally, agencies must, for each Federal financial assistance program: (i) assign responsibility and oversight to a senior political appointee to ensure Federal financial assistance conforms to Administration priorities; (ii) review currently pending Federal financial assistance announcements to ensure Administration priorities are addressed, and, subject to program statutory authority, modify unpublished Federal financial assistance announcements, withdraw any announcements already published, and, to the extent permissible by law, cancel awards already awarded that are in conflict with Administration priorities; and; (iii) ensure adequate oversight of Federal financial assistance programs and initiate investigations when warranted to identify underperforming recipients, and address identified issues up to and including cancellation of awards.

# Understanding Federal Funding

- Title I: Economically Disadvantaged
  - IDEA: Special Education Services
  - Head Start: Early Education
  - Title II: Professional Development for Educators
  - Title III: English Language Learners
  - Title IV: Student Support and Academic Achievement
  - ESSA: Every Student Succeeds Act
  - Nutrition & Safety
  - E-Rate Technology
- 

# BUSD's General Fund Budget

BUSD Revenue 2024-25 Adopted Budget		
<b>LCFF Revenue</b>	<b>\$111.5</b>	<b>52.1%</b>
State Funding LCFF Base	\$105.7	49.4%
State Funding LCFF Suppleme	\$5.9	2.7%
<b>Other State Revenue</b>	<b>\$23.7</b>	<b>11.1%</b>
Other State	\$3.7	1.7%
Restrict. State	\$20.0	9.3%
<b>Parcel Taxes</b>	<b>\$59.3</b>	<b>27.7%</b>
Measure E - BERRA	\$11.9	5.5%
Measure E1 - BSEP	\$39.2	18.3%
Measure BB/H - Maint.	\$8.3	3.9%
<b>Local Revenue</b>	<b>\$14.6</b>	<b>6.8%</b>
Other Local Revenue	\$2.0	0.9%
Restrict. Local	\$12.6	5.9%
<b>Federal Revenue</b>	<b>\$5.0</b>	<b>2.3%</b>
<b>Total</b>	<b>\$214.1</b>	<b>100.0%</b>



# Executive Order Items

PRESIDENTIAL ACTIONS

## DEFENDING WOMEN FROM GENDER IDEOLOGY EXTREMISM AND RESTORING BIOLOGICAL TRUTH TO THE FEDERAL GOVERNMENT

EXECUTIVE ORDER

January 20, 2025

### California DMV says Trump's executive order on gender doesn't impact REAL ID

Among other things, California law:

- Prohibits gender identity discrimination and harassment and protects LGBTQ+ people and students from discrimination, harassment, hate crimes, and mistreatment, ensures safe and inclusive educational environments, and the right to workplaces that are free from discrimination and harassment.
- Protects the right of Californians to access gender-affirming healthcare services and permits proactive efforts to overcome the health effects of discrimination.
- Provides that people have the right to participate in sex-specific spaces – restrooms and locker-rooms – consistent with their gender identity.
- Provides that people have the right to self-select a gender identity of male (M), female (F), or nonbinary (X) to appear on their driver's license or identification (DL/ID), birth certificate, and death certificate, and to update the designation on their marriage certificate to bride, groom, or neither.
- Provides that transgender people have the right to essential health care in state prison facilities.

# Executive Order Items

PRESIDENTIAL ACTIONS

## PROTECTING CHILDREN FROM CHEMICAL AND SURGICAL MUTILATION

EXECUTIVE ORDER

January 28, 2025

Among other things, California law:

- Prohibits gender identity discrimination and harassment and protects LGBTQ+ people and students from discrimination, harassment, hate crimes, and mistreatment, ensures safe and inclusive educational environments, and the right to workplaces that are free from discrimination and harassment.
- Protects the right of Californians to access gender-affirming healthcare services and permits proactive efforts to overcome the health effects of discrimination.
- Provides that people have the right to participate in sex-specific spaces – restrooms and locker-rooms – consistent with their gender identity.
- Provides that people have the right to self-select a gender identity of male (M), female (F), or nonbinary (X) to appear on their driver's license or identification (DL/ID), birth certificate, and death certificate, and to update the designation on their marriage certificate to bride, groom, or neither.
- Provides that transgender people have the right to essential health care in state prison facilities.

# Executive Order Items

PRESIDENTIAL ACTIONS

# ENDING RADICAL INDOCTRINATION IN K-12 SCHOOLING

EXECUTIVE ORDER

January 29, 2025

☰ BREAKING NEWS



## The California Department of Education Responds to President Trump's Executive Order on What Can Be Taught in Schools

“President Trump signed an executive order today that does nothing but require the Secretary of Education to determine what federal education funds can legally be rescinded as a penalty for teaching curricula that President Trump finds objectionable.

We can give the Trump Administration that answer right now: **nothing**. It is against federal law for the White House to dictate what educators can and cannot teach by threatening to defund essential public services for students.

School curriculum should not vacillate back and forth depending on the occupant of the White House, which is why federal law **already prohibits** the federal government from leveraging grants to mandate specific instructional content in schools.”



CALIFORNIA DEPARTMENT  
OF EDUCATION

**SUBCOMMITTEE  
REPORT OUT**

**Sexual Safety  
Subcommittee**

**Gender Equity  
Subcommittee**

# Supporting our Transgender and Gender Expansive Students



- What immediate concerns there are about District policies and/or practices?
- What should be our focus to enhance our trans and gender expansive students' feeling of safety and support in our schools?

# Upcoming Meetings: TBD





**Berkeley**  
PUBLIC SCHOOLS

Excellence • Equity • Engagement • Enrichment

**THANK  
YOU**

Jasmina Viteskic  
jasminaviteskic@berkeley.net  
510-486-9338