

EXHIBIT 4

1 Mirabelli v. Escondido Union Elementary

2 **Rights of Gender Diverse Students Presentation**

3 **(2.3.22 Staff Meeting)**

4 A. NGO: Hello, EUSD educators. It is our hope that you are doing well. Take a moment to
5 recognize the great work you, your colleagues and EUSD is doing to manage the
6 current COVID environment. Despite the challenges of the time we are in, together
7 we've kept our classrooms open. Because of you, students have a safe place to learn,
8 think critically, be surrounded by people who care for them, and feel secure in the
9 safety of school routine and predictability. Thank you. Today, we will dive into the
10 rights of gender diverse students and staff, and specific systems we have in place at
11 EUSD to create safe and inclusive campuses, as well as upholding a positive and
12 diverse culture in our District. With that, let's welcome ISS Director Tracy Schmidt.

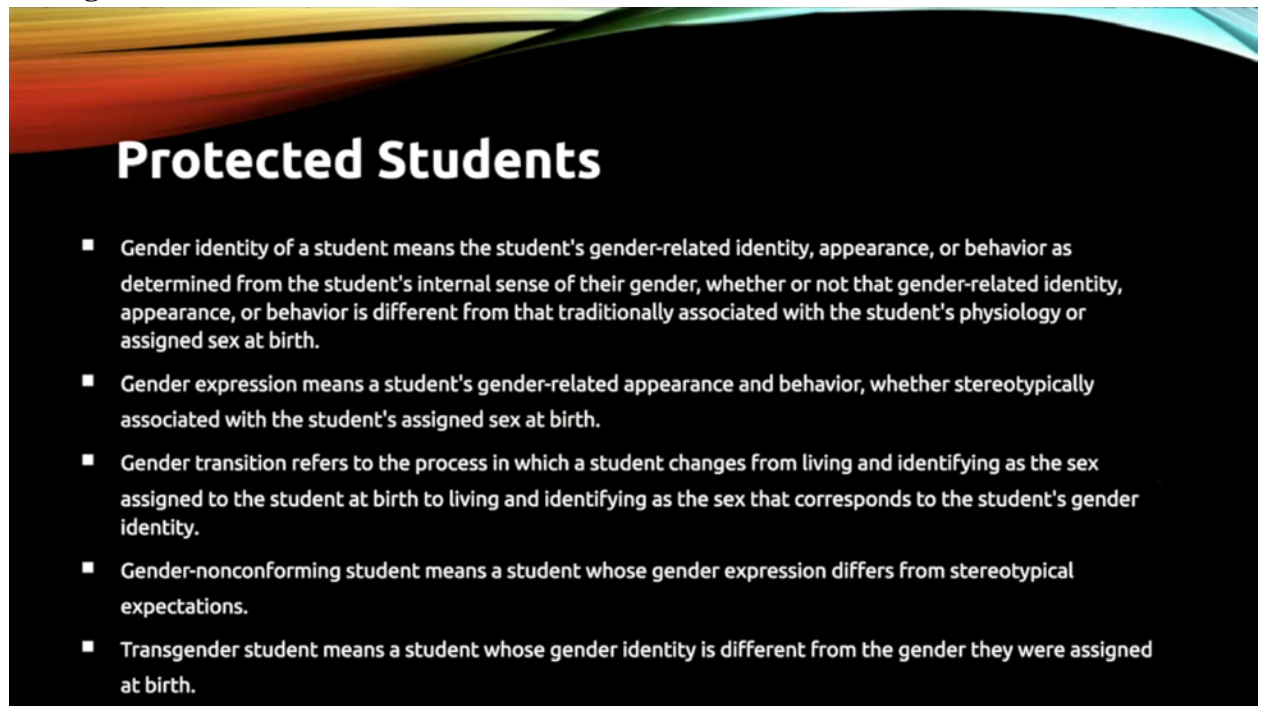
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26 T. SCHMIDT: Thank you, Albert. And thank you to all of you for engaging with us today. This
27 presentation will focus on the rights of our gender diverse students, as well as the
28 most effective process for ensuring our students understand their rights and that they

1 are applied in the school setting. The rights are very specific to this community of
2 students, and that is because they are in need of these protections. Our gender diverse
3 students are an immensely vulnerable group. They have a greater likelihood to
4 experience bullying and harassment, to have reduced academic outcomes and to
5 experience chronic mental health issues. We as a District and school community
6 have to be so purposeful in ensuring that we provide our gender diverse students
7 every opportunity to have a school experience where they feel welcomed, supported
8 and affirmed in who they are.

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12 Protected Students

- 13 ■ Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of their gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.
- 14 ■ Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth.
- 15 ■ Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.
- 16 ■ Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.
- 17 ■ Transgender student means a student whose gender identity is different from the gender they were assigned at birth.

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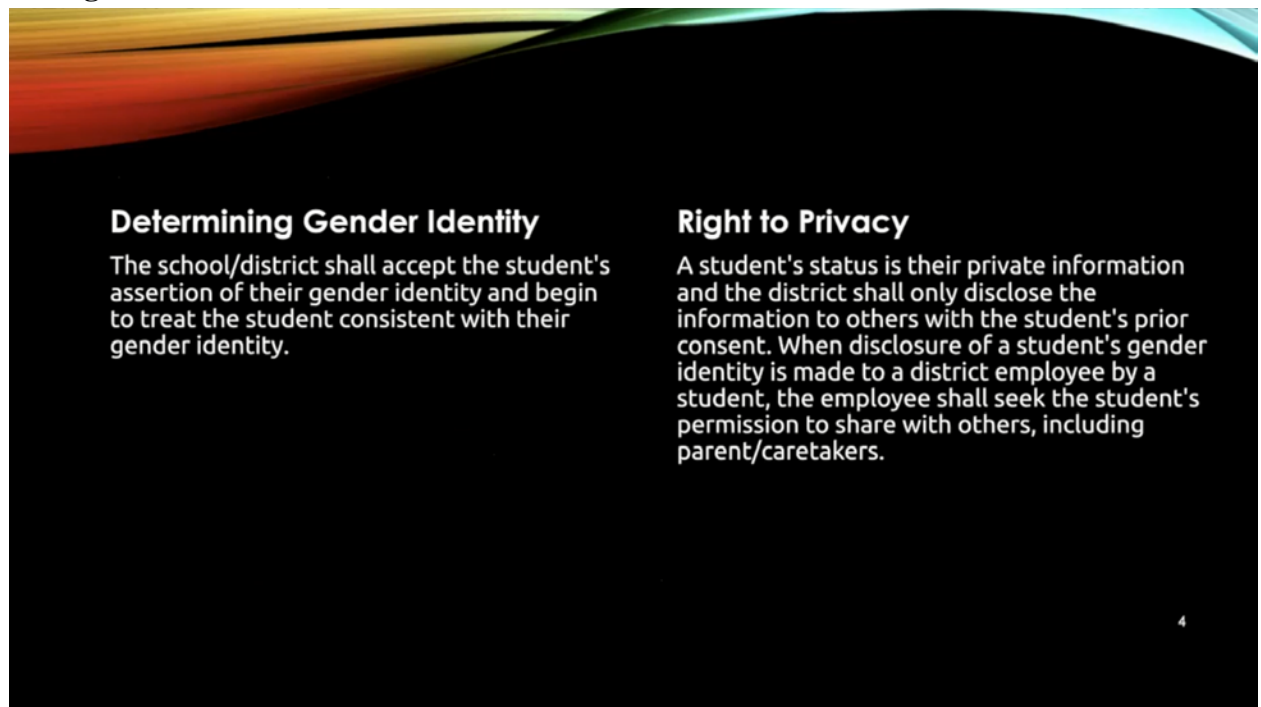
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21 T. SCHMIDT: The first thing we want to start off with is defining who are our gender diverse
22 students and, therefore, the students who are offered and afforded these protections.
23 It all starts with gender identity. If you have a student whose gender identity differs
24 from that traditionally associated with the students physiological or assigned sex at
25 birth, they are a protected student. If any aspect of their gender identity is disparate
26 from that assigned sex at birth, they're eligible for these protections. That includes
27 a student whose gender expression, meaning their outward appearance and behavior,
28 is different from a stereotypically assigned sex at birth; or a student who's going

1 through gender transition, meaning they are changing from living and identifying as
2 the sex assigned at birth to the one that aligns with their gender identity; or gender
3 nonconforming students, again whose gender expression differs from those
4 stereotypical expectations as well as students considered as transgender because
5 their gender identity is different from what they were assigned at birth. So you may
6 have a situation where you have a student whose gender expression aligns with the
7 assigned sex at birth, let's say that's male. And you may have a request, then, for
8 that student to be referred to by a pronoun or name that is typically assigned to a
9 female. That is a protected student.

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Determining Gender Identity	Right to Privacy
The school/district shall accept the student's assertion of their gender identity and begin to treat the student consistent with their gender identity.	A student's status is their private information and the district shall only disclose the information to others with the student's prior consent. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to share with others, including parent/caretakers.

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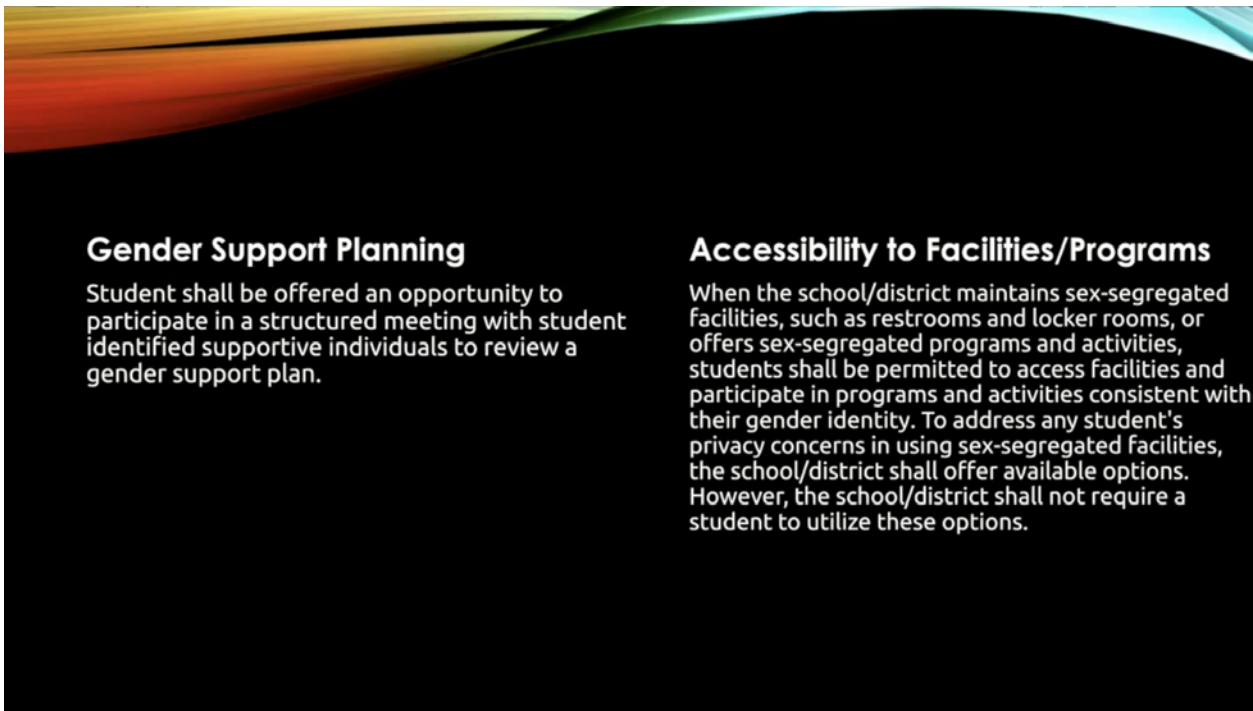
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22 T. SCHMIDT: So, now, let's go through what these rights are. And this is taken from our own
23 adopted EUSD policy on discrimination and harassment. So, first off, determining
24 gender identity. The school or District shall accept the students assertion of their
25 gender identity and begin to treat the student immediately, consistently with that
26 gender identity. The student's assertion is enough. There is no need for a formal
27 declaration. There's no requirement for parent or caretaker agreement or even for
28 knowledge for us to begin treating that student consistent with their gender identity.

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Students also have a right to privacy. A student’s status is their private information, and the District shall only disclose the information to others with the student’s prior consent. When disclosure of a student’s gender identity is made to a District employee by a student, that employee shall seek the student’s permission to share with others including parents or c-, or car-, caretakers. The main take away is this: It always comes back to the student’s comfort. If one wants to take any action to share a student’s status, they must be granted that permission, and that includes parents, caretakers, other teachers, administrators, even support staff. You have to seek out that permission first.

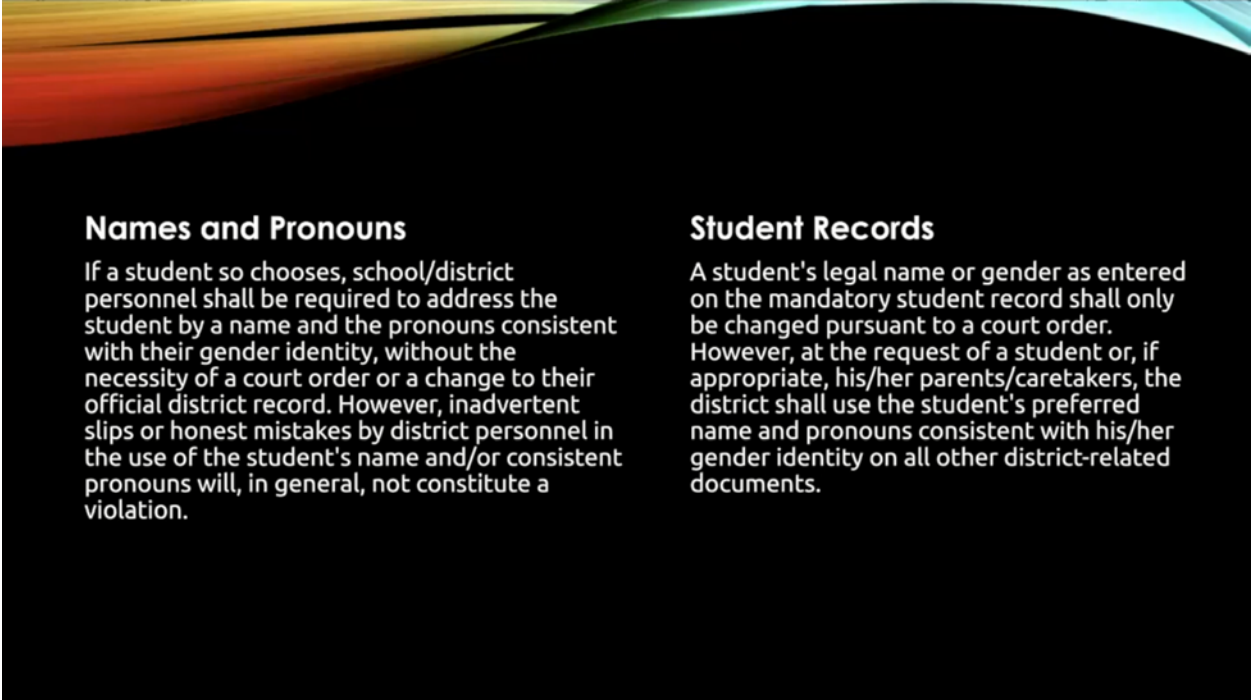
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T. SCHMIDT: Gender support planning. The student shall be offered an opportunity to participate in a structured meeting with student identified supportive individuals to review a gender support plan. This idea of having an opportunity for the student to be guided through their rights and their options and that this is an ever evolving plan that meets the student where they are that point in time. Accessibility to facilities or programs. When the School District maintains sex-segregated facilities such as restrooms, locker rooms or offers sex-segregated programs and activities, students shall be

1 permitted to access facilities and participate in programs and activities that are
2 consistent with their gender identity. To address any student's privacy concerns, the
3 School District shall offer available options. However, we shall not require a student
4 to utilize those options. So, it's all about student selection from the options that are
5 available. So, for example, we might feel like offering a gender neutral bathroom,
6 such as the nurse's bathroom, might be a good option for a student, and it can be
7 presented as such, but it shall not be that we insist that this is the option they use.
8 The student has the ability to choose.

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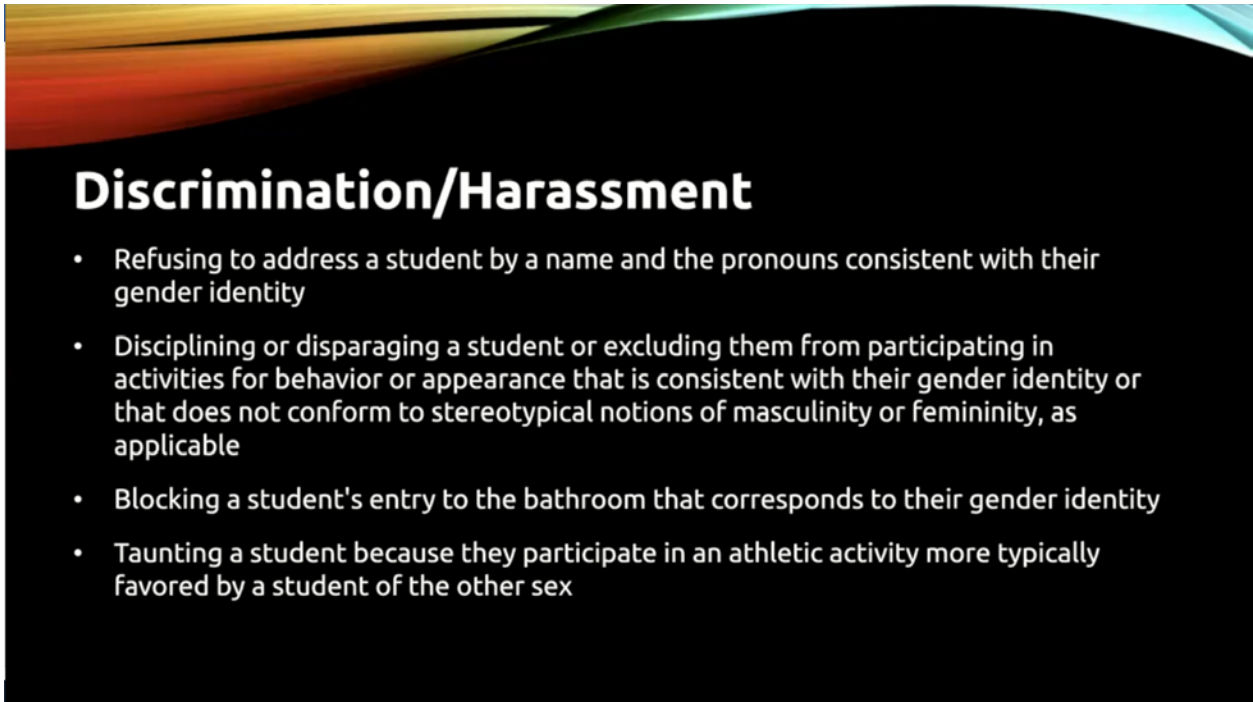


Names and Pronouns	Student Records
If a student so chooses, school/district personnel shall be required to address the student by a name and the pronouns consistent with their gender identity, without the necessity of a court order or a change to their official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation.	A student's legal name or gender as entered on the mandatory student record shall only be changed pursuant to a court order. However, at the request of a student or, if appropriate, his/her parents/caretakers, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

21 T. SCHMIDT: Names and pronouns. If a student so chooses, school personnel shall be required to
22 address the student by a name and the pronouns consistent with their gender identity,
23 without the necessity of a court order or a change to the official District record.
24 However, **inadvertent slips** or honest mistakes by District personnel in the use of the
25 student's name and our consistency in pronouns in general will not constitute a
26 violation. **The student understands there are times that there will be an adjustment.**
27 Basically, if the student asks us to use a name or pronoun that is associated with
28 their gender identity, then we shall. Now, how that relates to student records. A

1 student's legal name or gender as entered on the mandatory student record shall only
2 be changed pursuant to a court order. That's legal sex. However, at the request of
3 the student or, when appropriate, and a request of the parent or caretaker, the District
4 shall use the student preferred name and pronouns in all District-related
5 documentation. So, if that change to school record is made, the preferred name will
6 then populate all school-related documents. So, we find that many students, when
7 they're at school, they feel safe enough to ask for the use of the name and pronoun
8 that feels affirming to them. They might not have that same feeling or sentiment
9 with their family. So, they'll want to be referred to the preferred name at school but
10 they will not want their record to be changed because of the likelihood that their
11 family members may then become aware.

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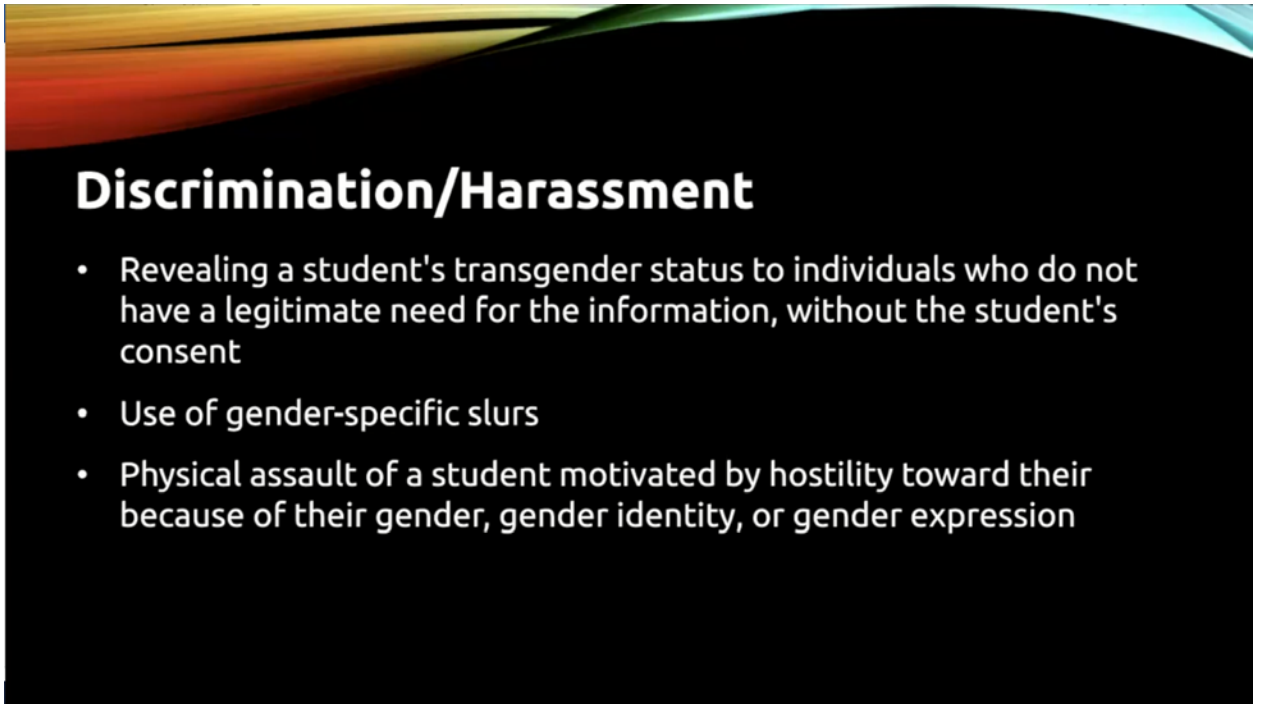
Discrimination/Harassment

- Refusing to address a student by a name and the pronouns consistent with their gender identity
- Disciplining or disparaging a student or excluding them from participating in activities for behavior or appearance that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
- Blocking a student's entry to the bathroom that corresponds to their gender identity
- Taunting a student because they participate in an athletic activity more typically favored by a student of the other sex

24 T. SCHMIDT: Our EUSD policy also outlines that the following would be considered
25 discrimination or harassment of our gender diverse students: Refusing to address the
26 student by the name and the pronoun consistent with their gender identity; or
27 disciplining or disparaging a student or excluding them from participating in
28 activities that is consistent with their gender identity; blocking a student's entry to
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1 the bathroom that corresponds to their gender identity; or taunting a student because
2 they participate in an activity that's more typically favored by a student of other sex.

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Discrimination/Harassment

- Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
- Use of gender-specific slurs
- Physical assault of a student motivated by hostility toward their because of their gender, gender identity, or gender expression

15 SCHMIDT: Furthermore, revealing a student's transgender status or gender diverse status to
16 individuals who do not have a legitimate need for the information without the
17 student's consent, and this includes parents or caretakers, we need that student's
18 consent prior to sharing. And that is not determined by age. All of our students have
19 that right. Use of gender specific sl-, slurs, physical assault of a student that's
20 motivated by hostility towards them because of their gender identity or gender
21 expression.

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2 3 4 **Communication Process**

- 5 • It comes to the attention of a staff member that a student is identifying as gender diverse
- 6 a. Shared by parent/caretaker
- 7 b. Shared by the student
- 8 c. Request/Noticing to use preferred name/pronoun
- 9 d. Request/Noticing to access diverse facilities/activities

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13 T. SCHMIDT: So, now let's talk through the communication process. I know that you as an EUSD
14 staff member want to be aware of how you can be a support if it is you that becomes
15 beholden to this information. So let's say it comes to the attention of you as a staff
16 member that a student is identifying as gender diverse. This can come to you in
17 many different ways. First, it could be shared by the parent or caretaker. There's
18 now an addition to our new student registration process that allows parents or
19 caretakers to proactively share if a student has a preferred name or gender that they
20 would want to be utilized in the school setting. Other times, this information might
21 be shared directly by the student, or it might be something that's more of a noticing,
22 you know that there's been a request or the student is actively using a preferred name
23 and pronoun or actively using diverse facilities or requesting to participate in
24 activities that are not typically aligned with their assigned sex at birth. This is our
25 first sense that this is a gender diverse student.

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2 3 4 **Communication Process**

- 5 • Show gratitude for the sharing
- 6 • Express that you want to be supportive of them
- 7 • Check in on how comfortable or affirmed they are feeling at school
- 8 • Ask if there is any other individual(s) who they have felt open to share this with
- 9 • Offer the opportunity to connect them with the support team
- 10 • Seek permission each time before sharing with another individual, including parent/caretaker

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13 T. SCHMIDT: So, let's say this you are the one who becomes beholden to this information. The
14 student felt safe and connected enough to open themselves up to you. So, first, we
15 want to show gratitude for the sharing. Express that you want to be supportive of
16 them. Check in on how comfortable or, or affirmed are you feeling at school? Is
17 there any-, anyone else that you have felt open to share this information with? We
18 want to kind of start to assess who is that supported network around the student. We
19 want to offer them the opportunity to connect with a support team member. And I
20 want to, I want to share more about this one in particular, because just because a
21 student is gender diverse, you don't want them to feel like we need to refer them to
22 a social worker or counselor; it's more about, hey, you know, we have these
23 individuals on our campus who are aware and knowledgeable about ensuring that
24 you are provided every support available to you; may I connect you to them? And,
25 of course, then seeking permission each time before sharing with another individual.
26 So, hopefully that student does give that permission...

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2 3 4 **Communication Process**

- 5 • Support team member assesses who are supportive individuals for the student
- 6 • Support team member offers the opportunity to come together as a team in a guided way to review the students rights/options and gender support plan
 - 7 • Gender Spectrum
 - 8 • Welcoming Schools
- 9 • Support team member partners with the student to determine how to best share the plan with relevant individuals
- 10 • Support team member provides resources/referrals as appropriate

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13 T. SCHMIDT: ...and so you are able to communicate with a support team member who now has
14 the opportunity to connect directly with that student and assess who are the
15 supportive individuals for this student. And we are always encouraging to the best
16 of our abilities that we include the parent and the caretaker as part of that supportive
17 network around the student. Always letting our students know how critical the
18 involvement of their family is in helping them to feel welcomed and supported and
19 have all their needs met at school. So then a support team member offers the
20 opportunity to come together as a team in a guided way to review the student's rights
21 and options in more of a formalized plan. And there are examples that have been
22 provided to support team members they can use as a template that's known as gender
23 support plans. This is all in an effort to provide all of the potential options to our
24 students so they know what f-, they have available to them and they're able to share
25 what feels right to them in terms of the opportunities they have in that moment. So
26 this su-, support team member partners with the student to determine how to best
27 share the plan with relevant individuals. If we have a student who wants to be
28 referred to as a different or preferred name or pronoun, but the other teachers don't

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know, we have to work with that student. What does that look like? Who would you want to share that and what would you want to be said? It's just so critical that that is led by the student. And if they don't feel that they can be a part of the conversation, we want to make sure their voice is part of that conversation, and tell them your voice matters the most in terms of sharing. What would, how would you like us to be able to explain that you'd like to take this next step? So, that's the key to the planning process. It allows us to talk through all the inevitable things that might come up, that we need to address when we have a student who is taking advantage of some of these options and rights that they have, in a way that we can handle it, and in a way that honors the way the student would want. So, for example, the teacher may ask, what should I do? What should I say when the other kids start asking me about why am I calling the student another name? So, we always get back to the student themselves: How would you want our teacher to respond to that? What would you want the other students to know? That's very different for each student. Some may say just say that that's the name I prefer, where other students might want to share more about their why. We also have an opportunity to really talk about the aspect of what does it mean when parents or caretakers may not be involved in the process, might not be aware of this plan that we're putting together at school? So we share with them, you know, a, a teacher may be regularly referring to you as your preferred name and if your parent doesn't know, there is a chance that your parent will hear this name and, and will want to know what's, what's happening. And it's not that they've provided your private status; it's just because of the fact that that's the name that's been the most common here at school. Or you might let students know, if we don't make a change to your official record, that that means someone coming into your classroom, like a substitute, is still gonna be referring to a roster that has your legal name and, because of that, may not instantly know to use the preferred name. And so it's important that you as a student advocate for yourself when you have those individuals who don't have the ability to view a record and see

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that there's a preferred name. So, those are the types of conversations we get to have when we're able to do a gender support plan. And of course, if there is a need for additional resources or referrals, in, all in effort to help our students feel as safe and welcomed, as affirmed as they can be, you have the opportunity to work with our partners as well to meet the needs of our kiddos. So, thank you again for your attention. I'll turn it over to, to Albert to complete our presentation.

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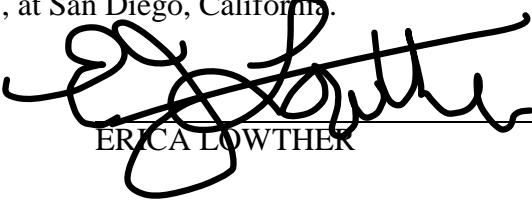
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PROOFREADER’S CERTIFICATE

I, Erica Lowther, owner of San Diego Transcription, certify that on January 21, 2023, I proofread all the transcript of the above-referenced recording, while listening to the recording from which the same was transcribed, and that said transcript as typed accurately reflects the spoken word, to the best of my ability to hear those recorded words and identify the persons speaking.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 21, 2023, at San Diego, California.



ERICA LOWTHER