



400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

May 19, 2021

Dear Mr. Davis,

Thank you for your correspondence and your concern about flying the rainbow flag in schools across Santa Cruz County. I want to acknowledge the strong feelings you and your daughter have expressed as a result of schools flying the rainbow flag. We appreciate the involvement of all parents and students in our schools and the governance of our schools and school districts.

Our job in education is to educate and support all students and their families. As I'm sure you are aware, as a public school, we do not discriminate against any group regardless of race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information (Policy 0410).

We also work actively to implement the laws to create safe spaces for our LGBTQ students including

- California Education Code (Ed Code) Sections 200-220 which prohibit discrimination on the basis of gender identity and gender expression—in addition to sexual orientation and other protected characteristics—in public schools or non-religious private schools.
- Seth's Law (AB 9): Requires schools to proactively protect students from harassment, discrimination, and bullying based on actual or perceived sexual orientation, gender, gender identity, and gender expression.
- Fair Accurate Inclusive Respectful (FAIR) Education Act: Requires teaching historically accurate curriculum that reflects the diversity of California and prohibits any instruction or programming that is biased against LGBTQ students.

In addition, as established in the Ed Code as well as State curriculum frameworks and standards, our job as educators is to help our students to learn about various cultural groups, including the LGBTQ community, so that all cultural groups are understood and respected. May 22, Harvey Milk's Birthday, is designated in California law as a day of special significance and that "*public schools and educational institutions would be encouraged to conduct suitable commemorative exercises on that date*" (Ed Code 37222). Flying the rainbow flag is one way of commemorating

Harvey Milk Day, just as we do commemorative activities for President's Day or Martin Luther King Day or Cesar Chavez Day among others.

With regard to your question about flags and policy, California Government Code 431(d) states:

the Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places: At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State.

We will ensure to communicate to all school districts that if they choose to fly the rainbow flag that they do so below the California flag. Neither the California Government Code nor the Ed Code prohibit other flags from being added to a flagpole. I might point out that the Capitol building in Sacramento has a tradition of flying the rainbow flag for the month of June for "Pride Month" and the U.S. Government has authorized the flying of rainbow flags at U.S. Embassies across the world.

We will fly the rainbow flag on our flag pole, proudly in support of our LGBTQ students, through the month of June.

Sincerely,



Faris Sabbah