



LOS ANGELES UNIFIED SCHOOL DISTRICT

BULLETIN

TITLE: Transgender Students -
Ensuring Equity and Nondiscrimination

NUMBER:

ISSUER: David Holmquist, General Counsel
Office of General Counsel

DATE: January 27, 2014

PURPOSE: The Los Angeles Unified School District (District) is committed to providing a safe and supportive learning environment for all students and to ensuring that every student shall have equal access to the District’s educational programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff.

ROUTING
Superintendent
Sr. Deputy Superintendent
Asst. Deputy Superintendent
Administrator of Operations
Operations Coordinator
ESC Superintendents
Administrators of Instruction
Principal Leaders
Principals
All Employees

This policy reflects the reality that transgender and gender nonconforming students are enrolled in the District. Its purpose is to advise District staff regarding issues relating to transgender students in order to create and maintain a safe learning environment for all students. The guidelines provided in this Bulletin do not anticipate every situation that might occur with respect to transgender students. The needs of each transgender student are unique. This policy should be interpreted consistent with the goals of reducing stigmatization and ensuring the integration of transgender students in educational programs and activities.

California Education Code §210.7 states that ‘gender means sex’, and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

California Education Code §220 and District policy require that all educational programs and activities should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression.

California Education Code §201 provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide an equal educational opportunity to all students.

Title IX of the Education Amendments of 1972 states, “No person...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.”



LOS ANGELES UNIFIED SCHOOL DISTRICT

BULLETIN

This Bulletin provides guidelines to ensure protection, respectful treatment, and equal access to educational programs and activities for transgender students.

MAJOR CHANGES:

This Bulletin replaces REF-1557.1, "Transgender and Gender Variant Students - Ensuring Equity and Nondiscrimination," dated September 9, 2011, issued by the Office of General Counsel. It provides updated information and guidance to schools regarding issues related to transgender students.

INSTRUCTIONS: I. Definitions - The following definitions are not meant to label, but are intended as functional descriptors:

- A. Gender: a person's actual sex or perceived sex, and includes a person's perceived identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with a person's sex at birth [Title 5, California Code of Regulations, §4910(k)].
- B. Gender Identity: a person's internal, deeply-rooted identification as female, male or a non-binary understanding of gender, regardless of one's assigned sex at birth. The responsibility for determining an individual's gender identity rests with the individual.
- C. Gender Expression: A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Students who adopt a presentation that varies from the stereotypic gender expectations sometimes may describe themselves as gender nonconforming, gender queer, or gender fluid.
- D. Gender Nonconforming: Displaying a gender identity or expression that may differ from those typically associated with one's sex assigned at birth. A person's gender expression may differ from stereotypical expectations about how females and males are "supposed to" look or act. Gender nonconforming is not synonymous with transgender; not all gender nonconforming students identify as transgender.
- E. Transgender: A person whose gender identity differs from their gender assigned at birth, and whose gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to persistently live by a gender that differs from that which was assigned at birth.



- F. Transition: Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then expands to external expression. This can include social, medical and/or a legal transition.
- G. LGBTQ: An acronym that stands for “lesbian, gay, bisexual, transgender, and queer/questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity.
- H. Sex: The biological condition or quality of being female or male.
- I. Sexual Orientation: A person’s emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different.

II. Guidelines

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized by their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred activities and facilities. Each student has a unique process for transitioning. The school shall customize support to optimize each student’s integration.

A. Privacy and Confidentiality

1. All persons, including students, have a right to privacy. This includes keeping a student’s actual or perceived gender identity and expression private. Such private information shall be shared only on a need to know basis.
2. Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.



3. District and school personnel may encounter situations where transgender students have not disclosed their transgender status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply, or refer to a student's gender identity or expression.
4. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel's focus should be specifically school-related and not on the student's gender identity or expression.

B. Official Records

1. The District is required to maintain in perpetuity mandatory permanent pupil records ("official records") which include the legal name of the student and the student's gender as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to: progress and grade reports, transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans and the cumulative card and file (folder).
2. The District will change a student's name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of proper evidence of the court order, the student's official name and gender in all school records shall be changed to reflect the legal name change.

C. Unofficial Records

1. The District shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to: identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).



2. The District shall input the student's preferred name and gender in the appropriate fields of the District's electronic data system to indicate how the student's name and gender will appear on unofficial records.
3. The District shall permit a student or parent/legal guardian to request a change of name and/or gender so that a student may be registered in school under a name and gender that corresponds with the student's gender identity without obtaining a court order or without changing the student's official records (See "Names of Pupils for Purposes of School Records," BUL-5703.1, dated February 27, 2012, issued by the Office of Data and Accountability).
4. After the school receives and verifies the contents of the completed form, the school shall change the name and gender of the student in the District's electronic data system and enter the preferred name as AKA in the cumulative folder. In the cumulative folder and registration card, name and gender should be cross-referenced.

D. Names/Pronouns

1. Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their official records or obtaining parent/legal guardian permission.
2. Students shall be known by their name and gender of identity. However, there may be situations (e.g., communications with the family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.
3. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student's parent/legal guardian, school personnel should refer to this policy's prior section on "Privacy and Confidentiality."



4. Every effort should be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of District policy.

E. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Students shall have access to restrooms that correspond to their gender identity asserted at school.
2. If a student desires increased privacy, regardless of the underlying reason, the administrator shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom or the health office restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom.
3. Administrators may take steps to designate single stall "gender neutral" restrooms on their campus.

F. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their gender identity asserted at school.
2. If there is a request for increased privacy, *any* student shall be provided access to a reasonable accommodation such as:
 - a. Assignment of a student locker in near proximity to the coaches' office or a supportive peer group.
 - b. Use of a private area within the public area of the locker room facility (e.g. nearby restroom stall with a door or an area separated by a curtain).
 - c. Use of a nearby private area (e.g. nearby restroom or a health office restroom).
 - d. A separate changing schedule.



G. Sports, Athletics, and Physical Education

1. Physical education classes are typically co-gender. In the event that the classes or activities are sex-segregated, transgender students shall participate in physical education by their gender identity asserted at school.
2. When conducting physical education classes and fitness evaluations, the teacher will address and evaluate the student by their gender of identity. Performance on the state physical fitness test (Fitnessgram) is evaluated by the State of California in accordance with the sex reported on the student's initial enrollment, even when the student identifies as transgender. In these events, the physical education teacher shall make every effort to maintain confidentiality of student information.
3. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student's gender identity asserted at school and in accordance with the California Interscholastic Federation bylaws.

H. School Activities and Programs

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to: cheer class, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, after school activities/programs and all extra-curricular activities.

I. Course Accessibility and Instruction

Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.

J. Dress Codes/School Uniform Policies

1. A school's dress code and school uniform policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.



2. Students have the right to dress in accordance with their gender identity within the parameters of the dress code, as it relates to the school uniform or safety issues (e.g., prohibiting attire that promotes drugs or violence, or is gang-affiliated).

K. Student Safety

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.
2. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived gender identity or expression. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. [See the "Related Resources" and the "Assistance" sections of this Bulletin and BUL-3349.0, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult, dated November 29, 2006, issued by the Office of General Counsel).]
3. School staff shall take all reported incidents of bullying seriously and take appropriate measures to ensure that the bullying stops. [See BUL-5212.1 *Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)*, dated September 17, 2012, issued by the Office of the Superintendent].
4. School administration shall respond immediately to incidents of discrimination, harassment, bullying and/or intimidation by taking actions which include, but are not limited to the following: a) intervening to stop the behavior; b) investigating and documenting the incident; c) determining and enforcing appropriate corrective actions; and d) monitoring to ensure that the behavior does not reoccur.
5. School staff should take all reasonable steps to ensure safety and access for transgender and gender nonconforming students at their school. School staff shall support students' rights to assert their gender identity and expression.
6. Students shall not be disciplined solely on the basis of their actual or perceived gender identity or expression.



LOS ANGELES UNIFIED SCHOOL DISTRICT

BULLETIN

7. Students shall be informed that they have the responsibility to report situations/incidents of discrimination, harassment, bullying and/or intimidation to the designated site administrator or Title IX/Bullying Complaint Manager in cases where they may be a target or witness.
8. Students shall be informed of their role in ensuring a school environment that is free from discrimination, harassment, bullying and/or intimidation. Students should consider how others may perceive or be affected by their actions and words.

RELATED RESOURCES:

- *Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)*, BUL-5212.1, dated September 17, 2012, issued by the Office of the Superintendent
- *Calendar of Commemorative Dates and Observances*, MEM 5466.3, issued annually by the Office of the Superintendent
- *Code of Conduct with Students - Distribution and Dissemination Requirement*, BUL-5167.0, dated July 1, 2010, issued by the Office of the Superintendent
- *Organizing for Crisis Intervention*, BUL-962.1, dated December 7, 2005, issued by the Office of the Chief Operating Officer
- *Discipline Foundation Policy: School-Wide Positive Behavior Support*, BUL-3638.0, dated March 27, 2007, issued by Educational Services
- *Educating for Diversity*, LAUSD Board Resolution, passed March 16, 1992
- *Ethics Policies*, BUL-4748.0, dated May 18, 2009, issued by the Office of the Superintendent
- *Fair, Accurate, Inclusive and Respectful (FAIR) Education Act*, BUL-5898.0, dated October 9, 2012, issued by Office of Curriculum, Instruction and School Support
- *Gold Book*, Los Angeles City Section, California Interscholastic Federation, "Gender Identity Participation", 300.D, page 56, dated July 24, 2013
- *Guidelines for Student Suspensions*, BUL-5655.2, dated August 19, 2013, issued by School Operations
- *Incident System Tracking Accountability Report (ISTAR)*, BUL-5269.2, dated July 10, 2013, issued by School Operations



LOS ANGELES UNIFIED SCHOOL DISTRICT

BULLETIN

- *Intra-district Permits and Student Transfers in Elementary and Secondary Schools*, BUL-5347.1, dated June 10, 2013, issued by Office of the Superintendent
- LGBT and Sexual Orientation Anti-Bullying Resolution, LAUSD Board Resolution, passed September 13, 2011
- *LGBT Resource Guide*, dated September 2013, issued by the Educational Equity Compliance Office
- *Names of Pupils for Purposes of School Records*, BUL-5703.1, dated February 27, 2012, issued by Office of Data and Accountability
- *Nondiscrimination Required Notices*, MEM 5818.1 issued annually by the Office of General Counsel
- *Opportunity Transfers (OTs) Policy*, BUL-4478.0, dated December 15, 2008, issued by the Chief Academic Officer
- *Physical Education Programs, Grades K-12*, BUL-2528.1, dated December 21, 2009, issued by Office of Curriculum, Instruction and School Support
- *Responding to and Reporting Hate-Motivated Incidents and Crimes*, BUL-2047.0, dated October 10, 2005, issued by the Office of General Counsel
- *Sex Equity in Physical Education Programs*, BUL-1826.0, dated August 5, 2005, issued by Secondary Instructional Services
- *Sexual Harassment Policy (Student-to-Student, Student-to-Adult, Adult-to-Student)*, BUL-3349.0, dated November 29, 2006, issued by the Office of General Counsel
- *Student Dress Codes/Uniforms*, BUL-2549.1, dated December 15, 2009, issued by the Office of the Chief Operating Officer
- *Title IX Policy/Complaint Procedures*, BUL-2521.1, dated June 7, 2006, issued by the Office of General Counsel
- *To Enforce the Respectful Treatment of All Persons*, LAUSD Board Resolution, passed October 10, 1988
- *Uniform Complaint Procedures (UCP)*, BUL-5159.2, dated February 1, 2013, issued by the Office of the General Counsel.



LOS ANGELES UNIFIED SCHOOL DISTRICT

BULLETIN

AUTHORITY: Title IX of the Education Amendments of 1972, 42 U.S.C. 1681
Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq
California Education Code Sections § 201, § 210.7, § 220, and § 231
“Gold Book”, Los Angeles City Section, California Interscholastic Federation

ASSISTANCE: For further information:

- California Interscholastic Federation, at (818) 767-0800
- Data and Accountability, at (213) 241-2460
- Educational Equity Compliance Office, at (213) 241-7682
- Health Education Programs, at (213) 241-3570
- Human Relations, Diversity and Equity, at (213) 241-5337
- Interscholastic Athletics, at (213) 241-5847
- Office of General Counsel, Education Legal Services, at (213) 241-7600
- Physical Education, at (213) 241-4556
- School Mental Health, at (213) 241-3841
- School Operations, at (213) 241-5337
- School Police, at (213) 625-6631
- Suicide Prevention, at (213) 241-3516