

POLICY BULLETIN

TITLE: Transgender Students -
Ensuring Equity and Nondiscrimination

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ROUTING

Assistant Superintendents
Administrators of Instruction
Principals
All Employees

PURPOSE:

The Arcadia Unified School District (District) is committed to providing a safe and supportive learning environment for all students and to ensuring that every student has equal access to the District's educational programs and activities. Additionally, District policy requires that all schools and all personnel promote respect among students and staff.

This purpose of this policy 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 ensuring all students have the equal opportunity to participate in the District's educational programs and activities, fostering a safe and supportive learning environment for all students, and reducing stigmatization of transgender students.

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 § 221.5 (f) states that a pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

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, 20 U.S.C. §§ 1681-1688, 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."

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

INSTRUCTIONS:

This Bulletin provides information and guidance to schools regarding issues related to transgender students.

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 expansive, 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 (as defined above) consistently differs from their sex assigned at birth. A transgender person desires to live as the gender that is consistent with the person's gender identity and which differs from the sex that person was assigned at birth.
- F. Gender 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 begin at any age and often involves a social transition, such as changing one's name and appearance. Transitioning may or may not also include medical and legal steps, such as taking hormones or changing identity documents.
- 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 sex or 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; each is a separate, distinct part of a person's overall identity.

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 as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the District's educational programs and activities.

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 in which 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 on the concern at issue 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") that 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.
4. After the school receives and verifies the contents of the written request, the school shall change the name and/or 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 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 would be considered insubordination.

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.

3. Taking into account existing school facilities, administrators will take steps where practicable to designate single stall “gender neutral” restrooms on their campus. Where facilities constraints make this impracticable, administrators will identify a gender neutral restroom available for students wishing increased privacy, including for reasons of gender identity.

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 (Gender Identity Participation, 300.D, page 56).

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

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

School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.

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 sex discrimination complaints. School officials will consider whether a Sexual or Gender-Based Harassment investigation is warranted.

School staff shall take all reported or observed incidents of bullying and harassment seriously and take appropriate measures to ensure that the bullying and harassment stops and does not recur, and that the effects of the bullying and harassment on the targeted student and school environment are addressed.

School administration shall respond immediately to incidents of discrimination, harassment, bullying and/or intimidation by taking actions that 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; d) within the school's area of responsibility, remedying the effects on the targeted student and other students; and e) monitoring to ensure that the behavior does not recur.

School staff should take all reasonable steps to ensure safety and equal access for transgender and gender nonconforming students at their school. School staff shall support students' rights to assert their gender identity and expression.

Students shall not be disciplined on the basis of their actual or perceived gender identity or expression.

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.

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:**

- *Gold Book*, Los Angeles City Section, California Interscholastic Federation, “Gender Identity Participation”, 300.D, page 56, dated July 24, 2013
- Resolution Agreement, Arcadia Unified School District, U.S. Department of Education Office for Civil Rights, and U.S. Department of Justice Civil Rights Division, July 24, 2013
- Uniform Complaint Procedures (UCP), AUSD BP 1312.3.

AUTHORITY: Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688
Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq
California Education Code Sections § 201, § 210.7, §221.5, § 220, and § 231
“Gold Book,” Los Angeles City Section, California Interscholastic Federation

ASSISTANCE: For further information:

- Jeffrey Wilson, Assistant Superintendent – Educational Services, at (626) 821-6634
- California Interscholastic Federation, at (818) 767-0800