

Community Learning Center Schools Legal and Preferred Names and Pronouns Policy

Community Learning Center Schools is committed to fostering an environment of inclusiveness and supporting learners' and employee preferred form of self-identification. With this in mind, this policy provides definitions for and uses of names and pronouns recorded for learners and employees.

A learner or employee is herein defined to mean any person who is or has been in attendance or employed at Nea Community Learning Center, Alameda Community Learning Center and/or Community Learning Center Schools.

In 2013, California passed AB 1266 which let pupils "participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records." (Ed. Code section 221.5(f).) CDE then developed a legal advisory and frequently asked questions addressing various issues that could arise with transgender pupils. The legal advisory states that the FAQs discuss the "requirements" under California's antidiscrimination laws for pupils as amended by AB 1266. The FAQs are still maintained by CDE here: <https://www.cde.ca.gov/re/di/eo/faqs.asp>.

Learners: While the parents have the right to determine the minor learner's legal name, the learner has the right to their own privacy. The parents don't hold the learner's privacy rights on behalf of the learner. Letting the parents require us to call the learner by the learner's legal name in class and on attendance sheets, report cards, etc., outs the learner's transgender status to others and violates the learner's privacy rights.

CLCS is required to maintain a mandatory permanent student and employee record which includes the legal name of the learner/employee and the learner/employee's gender. If and when the school receives documentation that such legal name or gender has been changed, the school must update the learner/employee's official record accordingly.

If the school has not received documentation supporting a legal name or gender change, the school should nonetheless update all unofficial school records (e.g. attendance sheets, school IDs, report cards, employee record) to reflect the learner/employee's name and gender marker that is consistent with the learner/employee's gender identity. This is critical in order to avoid unintentionally revealing the learner/employee's transgender status to others in violation of the learner/employee's privacy rights.

If a learner/employee so chooses, school personnel shall be required to address the learner/employee by a name and the pronouns consistent with the learner/employee's gender identity, without the necessity of legal documentation or a change to the learner/employee's official district record.

Learners: The learner's age is not a factor. For example, children as early as age two are expressing a different gender identity. It is strongly suggested that CLCS employee privately ask transgender or gender nonconforming learners at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the learner's parents.

In addition to preserving a transgender learner/employee's privacy, referring to a transgender learner/employee by the learner/employee's chosen name and pronouns fosters a safe, supportive and inclusive learning and work environment. To ensure that transgender learners/employees have equal access to the programs and activities provided by the school, all members of the school community must use a transgender learner/employee's chosen name and pronouns. Schools should also implement

safeguards to reduce the possibility of inadvertent slips or mistakes, particularly among temporary personnel such as substitute teachers.

If a member of the school community intentionally uses a learner/employee's incorrect name and pronoun, or persistently refuses to respect a learner/employee's chosen name and pronouns, that conduct should be treated as harassment. That type of harassment can create a hostile learning/working environment, violate the transgender learner/employee's privacy rights, and increase that learner/employee's risk for harassment by other members of the school community. Examples of this type of harassment include a learner or employee member consistently using the learner's incorrect name when displaying the learner's work in the classroom, or a transgender learner/employee's peers referring to the learner/employee by the learner's birth name during school, but would not include unintentional or sporadic occurrences. Depending on the circumstances, the school's failure to address known incidents of that type of harassment may violate California's antidiscrimination laws.

Name and pronoun types and uses

Legal name and pronoun

Learners and employees are required to provide their legal names on their applications for admission/employment. After enrollment/hire, learner/employee may process official name changes or corrections with the school office or human resources. A change of legal name requires an official document or court order verifying the correct information at the time the request is made. One of the following documents may be submitted for verification of the legal name change:

- Valid passport;
- Court action document;
- Federal or state-issued identification card and a social security card (you must submit both and the names must match).

Legal name and pronoun will be used as follows:

- Reporting to state and federal agencies;
- Transcripts;
- Free and reduced lunch meal documents;
- Identification cards;
- Enrollment verification processes;
- Official lists of learners made available to the public or for communicating with "the parents or guardians of";
- Other records where the legal name is required by law or CLCS policy.

Preferred name and pronoun

Learners and employees may provide a preferred name (or nickname) and pronoun to the school office or human resources. The school reserves the right to remove a preferred name if it is used inappropriately or for misrepresentation. The final authority for determining an appropriate preferred name is the lead facilitator for learners and human resources for employees.

Preferred name and pronoun will be used in lieu of legal name when it is not necessary for the legal name to be used. It will be used across school systems where available. Employees and learners are expected to facilitate the use of preferred names and pronouns.

Adopted:

Board Members in Attendance:

Ayes:

Nos:

Abs:

Amended: