

ALAMEDA UNIFIED SCHOOL DISTRICT Board Policy

AR 5145.3 –Transgender Students

The District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students. The District is also committed to ensuring that every student has equal educational opportunities and equal access to the District’s educational programs and activities.

California Law and AUSD Policy Prohibit Gender-Based Discrimination in Schools

Discrimination on the basis of sex, sexual orientation, or gender is strictly prohibited in AUSD and all California public schools. It is important to note that under California law and AUSD policy, gender is broadly defined to include a student’s actual sex, perceived sex or identity, and appearance or behavior whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth. All AUSD students have the right to participate fully in the educational process, free from discrimination and harassment.

This regulation sets out guidelines for supporting the needs and rights of transgender and gender nonconforming students. This regulation does not anticipate every situation that may arise with respect to transgender or gender nonconforming students. Schools are encouraged to assess the needs of each transgender or gender nonconforming student on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student.

Definitions

The definitions below guide AUSD in administration of its policies which protect the rights of all AUSD students and families to receive respectful treatment. Students may or may not use these terms to describe themselves.

- **Gender identity** is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- **Transgender** describes people whose gender identity or gender expression is different from that traditionally associated with the assigned gender at birth.
- **Gender expression** refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- **Gender nonconforming** describes people whose gender expression differs from stereotypical expectations.

Applicable Laws and Policy

The California Education Code states that “all pupils have the right to participate fully in the educational process, free from discrimination and harassment.” Cal. Ed. Code Section 201(a).

California Education Code 221.5(f) specifically requires 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.”

The California Code of Regulations similarly provides that “[n]o person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex, sexual orientation,

gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an 'educational institution' or any other 'local agency' . . . that receives or benefits from any state financial assistance." 5 CCR Section 4900(a).

The California Code of Regulations defines "gender" as: "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." 5 CCR Section 4910(k).

Board Policy 5145.3 prohibits discrimination against transgender and gender nonconforming students.

Privacy

All students have a right to privacy, including the right to keep private transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and decide when, with whom, and how much to share private information. This right to privacy includes the right to control dissemination of information about one's gender identity, including one's transgender status, or sexual orientation. When school personnel contact the parent or guardian of a transgender or gender nonconforming student, staff should use a student's legal name and the pronoun corresponding to student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless 1) legally required to do so, 2) the student has authorized such disclosure, or 3) there is a specific "need to know." In instances where students request any name change in the Student Information System without parent/guardian/family knowledge, students need to be informed that report cards, transcripts, and other communication with families will contain the chosen gender and name and therefore their families will be alerted to the name change choice. In other rare circumstances where disclosure is necessary, school officials shall inform the transgender student of the need to disclose and provide the student with an opportunity to make the disclosure themselves before making any disclosure.

Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity consistently asserted at school. Upon request, a school shall recognize a student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records. AUSD has modified its student information system to help ensure school personnel use a student's preferred name and pronoun consistent with the student's own gender identity. To request a change to a student's preferred name and pronoun, the student or a parent/guardian may inform either (1) the school's site administrator, (2) an administrator in the District's Teaching and Learning Department, or (3) the District's Student Services Department. Students requesting a name/pronoun change will be counseled by the above mentioned personnel that the change will be reflected on report cards and other documents shared with family members. The Principal or district office personnel shall coordinate with the Technology Data Manager to ensure that the student's information is updated in AUSD's system.

The intentional or persistent refusal to respect a student's gender identity, as opposed to an inadvertent slip or honest mistake, violates AUSD discrimination and harassment policies. For example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity would violate this regulation.

Official Records

AUSD is committed to ensuring that students are addressed by the name and pronoun corresponding to their gender identity that is consistently asserted at school. A parent/guardian may request that their child's name or gender be noted in official school records to reflect a gender transition without a court order. To do so, a parent/guardian submits a request to the site administrator, or staff in Teaching and Learning or Student Services. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. The birth certificate or hospital document with legal name and gender will be maintained in the cumulative folder, as required by state regulation. 5 Cal. Code. Reg. 432(b) (1)(A). The district will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such changes been made pursuant to a court order.

Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such restroom.

Locker Room Accessibility

Students shall have access to use facilities consistent with their gender identity as expressed by the student and asserted at school, irrespective of the gender listed on the student's records, including but not limited to locker rooms. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals being 1) maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, 2) ensuring the student's safety and comfort, and 3) minimizing any potential stigmatization. In most cases, transgender student should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a staff office in a locker room, or a nearby health office restroom) or with a separate changing schedule (e.g., using the locker room that corresponds to the gender identity before or after others do). Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender status confidential. A transgender student shall not be required to use a locker room that conflicts with that student's gender identity. The use of such accommodations shall be a matter of choice for a student, and no student shall be compelled to use such accommodations.

Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. Schools may not adopt dress codes that restrict student's clothing or appearance on the basis of gender.

Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Transgender and gender nonconforming students shall be permitted to participate in gender-segregated physical education classes, interscholastic athletic teams, and intramural sports in a manner consistent with their gender identity.

As a general rule, in any other circumstances where students are separated by gender in school activities or programs (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity that is consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Discrimination/Harassment

It is the responsibility of each school and the district to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given prompt attention, including investigating the incident, taking corrective action where appropriate, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on actual or perceived transgender status or gender conformity are to be handled in the same manner as other discrimination or harassment complaints.

Complaints about violations of BP 5145.3 or this regulation should be handled through the Uniform Complaint Procedures. Cal. Code of Reg. tit. 5 §§ 4600-4687.

(cf - AR 5131.2)

(cf – BP/AR 1312.3)

Transferring a Student to Another School (Safety Transfers)

AUSD will aim to keep transgender and gender nonconforming students enrolled at their neighborhood school sites, adhering to Board policies. Opportunity transfers should not be a school's first response to harassment and should be considered only when deemed necessary 1) for the protection or the personal welfare of a transferring student or 2) when requested by student and/or parent/guardian. This student and/or parent/guardian must consent to any such opportunity transfer. In general, schools should aim to keep transgender and gender nonconforming students at the original school site.

Additional Questions or Concerns

If you have questions or concerns that are not addressed here, please contact the Assistant Superintendent of Educational Services at (510) 337-7063. If you believe that AUSD board policy has been violated and wish to file a complaint, please complete the Uniform Complaint form, which can be accessed by [clicking here](#).

Legal References:

5 CCR Section 4900 (a) (5 CCR Sec. 4910 (k)).

Cal. Ed. Code Section 201 (a)

Acknowledgments:

AUSD policy and practice are informed by the work of the California Safe Schools Coalition (<http://www.casafeschools.org>). AUSD acknowledges the work of this organization and also the work of other California school districts that are aiming toward the same goals as AUSD, namely to ensure all people are guaranteed their rights under the law, regardless of gender.

Adopted [DATE]