

# Alameda Unified School District

Resources and Support for Lesbian, Gay, Bisexual, and Transgender Students and Families Alameda Unified School District is committed to protecting the rights, safety and well-being of each and every student served. As a public organization, AUSD follows state and federal laws to ensure students have access to safe and welcoming learning environments.

## **California Law and AUSD Policy Prohibits 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.

Links to relevant AUSD Board of Education Policies are below:

[BP 0450 Comprehensive Safety Plan](#)

[BP 5131 Conduct](#)

[BP 5137 Positive School Climate](#)

[BP 5145.3 Non-discrimination/Harassment](#)

[BP 5145.7 Anti-Harassment Policy](#)

[BP 5145.9 Hate Motivated Behavior](#)

## **Assistance and Guidance To Students and Families**

This information is provided to assist students and families with information and to address questions and concerns about how AUSD policy recognizes and protects the rights of lesbian, gay, bisexual, and transgender students.

## **Definitions**

These definitions guide AUSD in administration of its policies which protect the rights of all AUSD students and families to receive respectful treatment.

- “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 is different from their gender assigned 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, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.

## **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. 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 legally required to do so or unless the student has authorized such disclosure.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. When school personnel contact a parent or guardian of a transgender or gender nonconforming student, staff should use a student’s legal name and the pronoun corresponding to a student’s gender assigned at birth unless the student, parent, or guardian has specified otherwise.

## **Official Records**

AUSD is required to maintain a mandatory permanent pupil record (“official record”) that includes a student’s legal name and legal gender. However, the District is not required to use a student’s legal name and

gender on other school records or documents. 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 change has been made pursuant to a court order. 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.

### **Names/Pronouns**

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) violates AUSD discrimination and harassment policies.

### **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 a group that corresponds to their gender identity.

### **Student Information Systems**

AUSD has modified its student information system to prevent disclosure of confidential information and ensure school personnel use a student's preferred name and pronoun consistent with their own gender identity. Please contact the Assistant Superintendent of Educational Services for assistance with updating AUSD records for this specific purpose.

### **Restroom Accessibility**

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

### **Locker Room Accessibility**

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 students 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 their gender identity before or after others do). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. A transgender student shall not be required to use a locker room that conflicts with that student's gender identity.

### **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.

### **Interscholastic Competitive Sports Teams**

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

### **Dress Codes**

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

### **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 immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

### **Transferring a Student to Another School (Opportunity 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 considered 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. The student and/or parent/guardian must consent to any such opportunity transfer.

### **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 a 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)).

#### Acknowledgements:

AUSD policy and practice is 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.