



Long Beach Unified School District
Division of Student Support Services

ISSUER: Dr. Claudia Sosa-Valderrama, Director of Student Support Services

CC: Dr. Tiffany Brown, Deputy Superintendent of Schools
Dr. Erin Simon, Assistant Superintendent of School Support Services
Mr. Chris Brown, Assistant Superintendent of Research, Planning,
Evaluation & School Improvement

TO: District and School Personnel

DATE: October 6, 2021

RE: Updated Transgender and Gender Nonconforming Student Policy

PURPOSE

The Long Beach Unified School District (LBUSD) is committed to creating and maintaining a safe learning environment for all students. With respect to the School Success and Opportunity ACT (AB 1266), LBUSD is focused on ensuring that every student has equal access to the district's educational programs and activities. In conjunction with other policies, it is also the expectation of LBUSD that students and personnel promote civility, acceptance and mutual respect in interactions with one another.

This updated policy is related to that of transgender and gender nonconforming students in LBUSD. The memorandum's purpose is to direct LBUSD staff regarding issues involving transgender and gender nonconforming students in an effort to create and maintain a safe and conducive learning environment for all students. LBUSD recognizes that each transgender and gender nonconforming case may be uniquely different; therefore, the guidelines in this memorandum do not anticipate every circumstance that may arise while addressing the need of transgender and gender nonconforming students. Nevertheless, LBUSD does expect for this memorandum to be interpreted consistently with the goals of ensuring the integration of transgender and gender nonconforming students in educational programs and activities and decreasing stigmatization. Staff members should seek consultation with district level staff, if needed.

CALIFORNIA EDUCATION CODES AND TITLE IX

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.”

DEFINITIONS (new language is underlined and in bold)

The following definitions are not meant to label students, but are intended as functional descriptors.

1. ***Asexual***: A sexual orientation generally characterized by not feeling sexual attraction or a desire for partnered sexuality.
2. ***Gender***: Refers to sex and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. (Education Code Section 210.7)
3. ***Gender Identity***: One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.
4. ***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.
5. ***Gender Fluid***: A person whose gender identification and presentation shifts, whether within or outside of societal, gender-based expectations. Being fluid in motion between two or more genders.
6. ***Gender Nonconforming***: Refers to one’s gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes “typically” associated with one’s legal sex assigned at birth, such as “male” or “female” and those who are perceived as androgynous. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.
7. ***LGBTQIA***: An acronym that stands for “lesbian, gay, bisexual, transgender, queer/questioning, intersex and asexual.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity.

8. **Intersex:** Adjective used to describe the experience of naturally (that is, without any medical intervention) developing primary or secondary sex characteristics that do not fit neatly into society's definitions of male or female. Intersex is an umbrella term and there are around 20 variations of intersex that are included in this umbrella term. Many visibly Intersex people are mutilated in infancy and early childhood by doctors to make the individual's sex characteristics conform to society's idea of what normal bodies should look like. Hermaphrodite is an outdated and inaccurate term that has been used to describe intersex people in the past.
9. **Non-binary:** An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary people may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories. While many also identify as transgender, not all non-binary people do.
10. **Pansexual, Omnisexual:** Terms used to describe people who have romantic, sexual or affectional desire for people of all genders and sexes.
11. **Outing:** Exposing someone's identity (usually LGBTQIA identity) to others without their knowledge and/or permission.
12. **Sex:** The biological condition or quality of being female or male.
13. **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.
14. **S.O.G.I.E.: Sexual Orientation, Gender Identity and Expression.**
15. **Transgender:** An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth.
16. **Transition:** The process by which some people strive to more closely align their internal knowledge of their gender with their outward expression. Name and gender change on documents may be one of their steps in their social transition.

LBUSD POLICY GUIDELINES

Schools 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.

I. PRIVACY AND CONFIDENTIALITY

- A. 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.

- B. 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.
- C. 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, out, imply, or refer to a student's gender identity or expression.
- D. 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 issues and not on the student's gender identity or expression.

II. OFFICIAL RECORDS

- A. LBUSD is required by California Education Code to maintain in perpetuity mandatory permanent 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
 - Mandatory Interim and Mandatory Permitted pupil records, which may include but are not limited to:
 - Grades, enrollment documents, health records, Parchment (transcript system), CALPADS (state data system), confidential applications in Synergy and LROIX (*student information and data systems*), transcripts, assessment data, discipline records, Individualized Education Programs (IEP), Section 504 Plans, other pertinent legal documents and the cumulative card and file (folder).

III. UNOFFICIAL RECORDS

- A. LBUSD shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to:
 - Report cards
 - Identification badges (ID cards)
 - Classroom and homeroom rosters
 - Gradebooks, **such as Canvas or Synergy Gradebook**
 - Certificates
 - Programs
 - Announcements
 - Office summons and communications/communication systems
 - Letters home
 - Team and academic rosters
 - Diplomas
 - Newspapers/Newsletters
 - Yearbooks

- Assignments
 - Other site-generated unofficial record
- B. This is critical in order to avoid unintentionally revealing the student’s transgender status to others in violation of the student’s privacy rights.
- C. The preferred name shall also appear on the student’s cumulative folder (official record) as “Preferred Name.”
- D. LBUSD shall input the student’s **legal name and gender** in the appropriate tab (Protected Tab) of the district’s electronic data system to indicate how the student’s name and gender will appear on **official records**.
- E. LBUSD shall permit a student or parent or 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 record. The preferred name and gender will be listed in the cumulative folder and district’s electronic data system. This process is outlined in the Request Considerations section below.

LEGAL NAME CHANGE

A minor’s name and gender may be legally changed by filing an action in the Superior Court where the petitioner resides. Once the proper order is granted, the new name can be assumed (*Legal references: EC 48002, CCP 1275-1278.5*). Upon the submission of proper evidence of the court order, the student’s official name and gender in all current school records shall be changed to reflect the legal name change. In Synergy, the students previously used first, middle and/or last name shall be placed in the AKA field(s). ***If the student’s name is changed legally by filing an action in the Superior Court, the court order shall be sent to the Director of Student Support Services. The legal name will be entered into Synergy by the Division of Student Support Services.***

FORMER STUDENTS - LBUSD will make retroactive changes to any former student’s electronic records, upon request, in order to keep their identity confidential. This request will be completed once the former student has produced the legal and/or gender name change order granted by the court.

SCRIPT AND CONSIDERATIONS FOR FACULTY (new language is underlined and in bold)

A parent or legal guardian or a student, with or without the consent of their parent(s) or legal guardian(s) may request that their student be known by a name and/or gender differing from that on the legal verification of birth. For example, a transgender student may wish to use and be known by a name and gender reflective of their gender identity or gender expression. Schools are required to maintain a mandatory permanent record that includes a student’s legal name and legal gender. LBUSD policy permits the name/gender preferred by the parent or legal guardian/student to be used in unofficial records. No AKA shall be used.

Site **staff (school administrator, counselor or other certificated staff)** must use the *Transgender and Gender Nonconforming Student Confidential School Transition Plan* for cross-referencing purposes *only* for student who matriculates from elementary to middle or middle to high school, or changes schools within the LBUSD).

Sites must complete the *Gender Support Plan* to create shared understandings about the ways in which the student's authentic gender will be accounted for and supported at the school site and which supports the necessary planning for a student's formal transition of gender from its commonly assumed status to something else. School staff, **the student and parents/guardians if applicable**) should collaboratively complete this document.

In all requests, assisting staff should note to the requesting party the ways in which this request might affect the experience of the student, as well as the limits of the request. Please use the following information to inform your conversation with the requesting party.

REQUEST CONSIDERATIONS (new language is underlined and in bold)

For requests submitted by parent or legal guardians:

- A. Upon a parent or legal guardian's request for their child to be known by a name differing (preferred name) from that on the legal verification of birth, they shall be immediately referred (the same day) to their child's school counselor or principal. The school counselor or administrator will review the ***Unofficial Records Name Change (Parent or Legal Guardian Request)*** form with the parent or legal guardian.
- B. In order to facilitate the process of changing the preferred name and/or gender, the school counselor and/or principal will complete the ***Gender Support Plan*** (see Appendix D of the Schools in Transition Handbook) with the parent or legal guardian and the student. ***The Gender Support Plan*** will help create a shared understanding of how the student can be supported in various aspects of the school experience. When a student moves to a new school site, the ***Transgender and Gender Nonconforming Student Confidential School Transition Plan*** will be updated to identify new staff ally/ies that will help the student at the new school.
- C. Review with parent(s) or legal guardian(s) the unofficial documents that will reflect the student's asserted (non-legal) name/gender. The parent(s) or legal guardian(s) shall be informed that by signing the document, they acknowledge that certain unofficial records and district systems such as **Canvas, ParentVUE and StudentVUE**, and most applications within Synergy and LROIX will show the preferred name. Additionally, parent(s) or legal guardian(s) will be informed that by signing this document they acknowledge that official records such as enrollment documents, transcripts, IEPs, 504s, health records, mandatory permanent records, mandatory interim records, and other pertinent legal documents, in addition to district and state systems such as Parchment (Transcript System) and CALPADS (State Data System) and confidential applications within Synergy and LROIX will show their child's legal name.

- D. School staff will send the Unofficial Records Name Change form to the Director of Student Support Services. **Upon receipt**, the student's preferred name and/or gender will be inputted on the Student Demographics Tab of the district's electronic data system to indicate how the student's name and gender will appear on unofficial record by the Director of Student Support Services. The Director will also enter the student's legal name and gender in the Protected Tab of the district's electronic data system, which will indicate how the student's name and gender will appear on official records. **Once changes are made, the new name and gender will be visible in unofficial records within 24 hours.**
- E. Secondary school staff (middle school and high school) will need to manually change the preferred or legal name information in **APEX or any system not linked to Synergy**. Elementary schools use Synergy Gradebook, therefore, the change will be automatic.
- F. If student has been attending a school in LBUSD or its surrounding areas, there may be a period of acclimation to the new name/gender/pronouns on the part of the student's peers. Staff will need to assist with this transition. Both the parent /legal guardian(s)/guardian(s) and/or student can elect to work with staff on a safe and comfortable transition plan on campus. **This transition and process should be discussed when the Gender Support Plan is completed, prior to the submission of the Unofficial Name Change form.**
- G. Parent(s) or legal guardian(s) should be informed of their student's right to access facilities (i.e. restrooms, locker rooms) and join activities that align with their gender identity. Accommodations for single unit facilities should also be made available.
- H. Parent(s) or legal guardian(s) should be informed and provided a copy of the LBUSD bullying policy.
- I. **A copy of the *Unofficial Records Name Change (Parent or legal guardian Request)* form must be sent to the Director of Student Support Services, Dr. Claudia Sosa-Valderrama. The original *Unofficial Records Name Change (Parent or Legal Guardian Request)* form must be retained in a confidential file cabinet in the principal's office.** As stated earlier, (Legal Name Change Section), if the student's name is changed legally by filing an action in the Superior Court, the court order shall be sent to the Director of Student Support Services. The legal named will be entered into Synergy by the Division of Student Support Services. ***It is the responsibility of the school to upload the court order document in Synergy (Court Orders Category).***

For requests submitted by students:

- A. Upon a student's request to be known by a name differing (preferred name) from that on the legal verification of birth, they shall be immediately referred (the same day) to their school counselor or principal. The school counselor or administrator will review the ***Unofficial Name Change (Student Request)*** form with the student.

- B. In order to facilitate the process of changing the preferred name and/or gender, the school counselor and/or principal will complete **Gender Support Plan with the student prior to the submission of the Unofficial Name Change request.** *The Gender Support Plan* will help create a shared understanding of how the student can be supported in various aspects of the school experience. When a student moves to a new school site, the *Transgender and Gender Nonconforming Student Confidential School Transition Plan* will be updated to identify new staff ally/ies that will help the student at the new school.
- C. Staff should review with the student a list of official documents that will still reflect current legal name/gender. Note that LBUSD can only change name/gender on official documents after appropriate notice of a legal name/gender change (through the CA court system) has been submitted to the school's enrollment office or the Director of Student Support Services. The student will be informed that by signing the form, they acknowledge that their parent or legal guardian(s) will be able to view the preferred name in district systems such as **Canvas, ParentVUE and StudentVUE** and most applications within Synergy and LROIX. Additionally, students will be informed that by signing *Unofficial Records Name Change (Student Request)* form they acknowledge that official records such as enrollment documents, transcripts, IEPs, 504s, health records, mandatory permanent records, mandatory interim records, and other pertinent legal documents, in addition to district and state systems such as Parchment (Transcript System) and CALPADS (State Data System) and confidential applications within Synergy and LROIX will show their legal name.
- D. Once the student has reviewed the unofficial documents that will reflect their asserted (non-legal) name/gender.
- If student makes the choice to move forward with this method of name/gender change, they are unable to "pick-and-choose" which items from the list of unofficial documents should be changed; however, they can elect to devise a separate accommodation plan with their counselor or other assisting faculty member (see below).
 - School staff will send the Unofficial Records Name Change form to the Director of Student Support Services. Afterwards, the student's preferred name and/or gender will be inputted on the Student Demographics Tab of the district's electronic data system to indicate how the student's name and gender will appear on unofficial record by the Director of Student Support Services. The Director will also enter the student's legal name and gender in the Protected Tab of the district's electronic data, which will indicate how the student's name and gender will appear on official records.
 - Secondary school staff (middle school and high school) will need to manually change the preferred or legal name information in **APEX or any other system not linked to Synergy.** Elementary schools use Synergy Gradebook, therefore, the change will be automatic.

- E. If student has disclosed a transgender identity, assess if their parent(s) or legal guardian(s) has been informed.
- F. Assess the student’s level of safety in moving forward with a system name/gender change and discuss the potential for being “outed.” Outing can occur through a variety of ways, including, but not limited to:
 - Parent or legal guardians using online systems (i.e. **ParentVUE, StudentVUE, Canvas, Synergy and LROIX**)
 - Letters/calls home to parent or legal guardians (report cards, progress reports, truancy notices)
 - Parent(s) or legal guardians attempting to excuse absences/tardies (attendance clerks will not have access to legal name)
 - Peers or peers’ guardians sharing information with student’s parent or legal guardian
 - Parent(s) or legal guardians requesting to see completed assignments which reflect the asserted (non-legal) name.
- G. That said, the student shall be informed that by signing the form, they acknowledge that their parent(s) or legal guardian(s) will be able to view the preferred name in district systems noted above.
- H. Note that there may be a period of acclimation to the new name/gender/pronouns on the part of student’s peers. Staff will assist in this transition. Student can elect to work with staff on a safe and comfortable transition plan on campus.
- I. Student should be informed of their right to access facilities (i.e. restrooms, locker rooms) and join activities that align with their gender identity.
- J. Student should be reminded of the bullying policy and be given specific resources on ways to report bullying.
- K. If the student’s name is changed legally by filing an action in the Superior Court, the court order shall be sent to the Director of Student Support Services. The legal named will be entered into Synergy by the Division of Student Support Services. ***It is the responsibility of the school to upload the court order document in Synergy (Court Orders Category).***

Students unable to request a system-based name change:

Students, who for any reason cannot complete the request for a system-based name/gender change, still maintain their rights to assert their identity on campus regardless of parent(s) or legal guardian(s) consent.

- A. Discuss with the student if parent or legal guardian(s) will/can be informed of this name/gender change
 - If student requests that parent or legal guardians not be informed of this change, school staff is still obligated to honor their request. Teachers,

counselors and administrators must be cognizant of the name **and pronouns** used in the classroom, as opposed to the name used in communications to the parent or legal guardian.

- B. Assess the student's level of safety in moving forward with a system name/gender change and discuss the potential for being outed. Outing can occur through a variety of ways, including, but not limited to:
- Peers or peers' guardians sharing information with student's parent or legal guardian
 - Parent or legal guardians requesting to see completed assignments that reflect the asserted (non-legal) name
- C. Note that any accommodations will NOT automatically reflect a name and gender change in all system-based documents. Students can elect to any or all of the following documentation accommodations including, but not limited to:
System-based AKA (not the Protected Tab)
- Identification badges
 - Teachers using asserted name/pronouns
 - Yearbook
 - Assignments
 - Programs
 - Diploma
 - Office summons
 - Newspapers
- D. Note that there may be a period of acclimation to the new name/gender/pronouns on the part of student's peers. Staff will assist in this transition. Student can elect to work with staff on a safe and comfortable transition plan on campus.
- E. Student should be informed of their right to access facilities (i.e. restrooms, locker rooms) and join activities that align with their gender identity.
- F. Student should be reminded of the bullying policy and be given specific resources on ways to report bullying.

IV. NAMES/PRONOUNS

- A. 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 or legal guardian/legal guardian permission.
- B. 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.

- C. It is strongly suggested that teachers privately ask transgender or gender nonconforming students at the beginning of the school year or when they enroll, how they want to be addressed in class, in correspondence to the home, or at conferences with the student's parent or legal guardians (**SEE PRIVACY AND CONFIDENTIALITY SECTION**). **Student's preferences can be specified on the Transgender and Gender Nonconforming Student Confidential School Transition Plan**
- D. Every effort should be made to use the preferred names and pronouns consistent with a student's gender identity. It is expected that inadvertent slips or honest mistakes may occur; however, the intentional and persistent refusal to respect a student's gender identity is considered as a violation of LBUSD's policy.

V. RESTROOM ACCESSIBILITY

- A. Students shall have access to restrooms that correspond to the gender they associate with.
- B. When available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason.
- C. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such restroom.
- D. If the student feels there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, the administrator shall provide the student with access to a reasonable alternative restroom such as a single stall "gender neutral" restroom.

VI. LOCKER ROOM ACCESSIBILITY

- A. Schools maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to the gender they identify with.
- B. If there is a request for increased privacy, access shall be provided to any student. A reasonable accommodation may include:
 - 1. Assignment of a student locker in near proximity to the P.E. instructors or coaches' office or a supportive peer group
 - 2. 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, or a P.E. instructors or coaches' office in the locker room)
 - 3. Use of a nearby private area (e.g. nearby restroom or a health office restroom)
 - 4. A separate changing schedule

VII. SPORTS, ATHLETICS AND PHYSICAL EDUCATION PARTICIPATION

- A. Physical education classes are typically co-gender. If the classes or activities are sex-segregated, transgender students shall participate in physical education by the

gender the student identifies with.

- B. 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 a school and in accordance with the California Interscholastic Federation bylaws (Gender Identity Participation 2015-16, 300.D, page 56).

VIII. SCHOOL ACTIVITIES AND PROGRAMS

- A. 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.
- B. Activities and programs may include but are not limited to cheer class, homecoming, prom, spirit day, assemblies, after school activities/programs and all extra-curricular activities.

IX. COURSE ACCESSIBILITY AND INSTRUCTION

- A. 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.

X. DRESS CODES AND SCHOOL UNIFORMS

- A. All students will have the right to dress in accordance with their gender identify 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).

XI. STUDENT SAFETY AND DISCIPLINE

California law requires that schools provide all students with a safe, supportive and inclusive learning environment, free from discrimination, harassment, and bullying. Examples of prohibited behavior against transgender students include, but are not limited to, being teased for failing to conform to sex stereotypes, being deliberately referred to by the name and/or pronouns associated with the student's assigned sex at birth, being deliberately excluded from peer activities, and having personal items stolen or damaged.

- A. LBUSD school staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.
- B. Complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived gender identity or expression must be handled in the same manner as other complaints. All reported incidents of such must be taken seriously. Additionally, appropriate measures must be taken to ensure the bullying stops.

- C. 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 in cases where they may be a target or witness.

The Long Beach Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender expression, gender identity, immigration status, national origin, religion, race or ethnicity, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Compliance Officer: Steve Rockenbach, Director of Employee Relations, 1515 Hughes Way, Long Beach, CA 90815, 562-997-8220 srockenbach@lbschools.net and Title IX Coordinator: Kimberly Dalton, Director of Human Resource Services, 1515 Hughes Way, Long Beach, CA 90815, 562-997-8108, kdalton@lbschools.net.