

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES

Gender Based Discrimination

The purpose of this Administrative Regulation is to advise District staff regarding issues relating to transgender and gender non-conforming students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the District's educational programs and activities. The guidelines provided in this policy do not anticipate every situation that might occur with respect to transgender or gender non-conforming students, and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis.

The Culver City Unified School District is committed to providing a safe learning environment for all students, including transgender and gender non-conforming 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 mutual respect, tolerance, and acceptance among students and staff.

Education Code Section 220 and District policy require that all programs, activities, and employment practices should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression. Education Code Section 220 further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils.

This policy provides approaches to specific situations and/or circumstances when the protections and/or the safety of transgender and gender non-conforming students may arise and provides actions necessary to ensure the safe and respectful treatment of all students.

I. INSTRUCTIONS

A. Definitions - The following definitions are not meant to label a student, but are intended as functional descriptors:

1. Gender: A person's actual or perceived 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. [5 California Code of Regulations Section 4910(k)]
2. Gender Expression: A person's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine.
3. Gender Fluid: Persons who do not identify as, or who do not express themselves as, solely male or female.

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES (continued)

4. Gender Identity: One's understanding, interests, outlook, and feelings about whether one is female or male, or both, or neither, regardless of one's biological sex.
5. Gender Non-Conforming: Persons that have a gender expression or gender identity that varies from stereotypical expectations and norms. An example may be the boy who wears clothing that some might perceive as feminine, or vice versa.
6. LGBTQ: An umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning." The category "questioning" is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.
7. Sex: The biological condition or quality of being a female or male human being.
8. 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. Transgender persons may identify as gay, lesbian, or bisexual.
9. Sexualized Bullying: Unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics with the intention to humiliate. Anti-gay and sexist epithets are common forms of sexualized bullying.
10. Transgender: Students whose gender identity is different from their sex assigned at birth, and whose gender expression is different from the way males or females are expected to look or behave.

II. GUIDELINESA. Issues of Privacy

1. All persons, including students, have a right to privacy; this includes keeping a student's actual or perceived sexual orientation, gender identity, and gender expression private.
2. School personnel should not disclose a student's actual or perceived sexual orientation, gender identity, or gender expression to others, including, but limited to, other students, parents, and/or other school personnel, unless there is a specific "need to know."

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES (continued)

3. School personnel must be mindful of the confidentiality and privacy rights of students when contacting parents/legal guardians so as to not reveal, imply, or refer to a student's actual or perceived sexual orientation, gender identity, or gender expression.
4. To ensure confidentiality, whenever discussing a particular issue such as conduct, discipline, grades, attendance, health, or any other school related matter, school personnel should focus on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived sexual orientation, gender identity, or gender expression.
5. All students, including transgender and gender non-conforming students, have the right to openly discuss and express their sexual orientation, gender identity, and gender expression and to decide when, how much, and with whom to share private information.

B. Official Records

1. The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil and the pupil's gender.
2. The District will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order.

C. Names/Pronouns

1. A student is to be addressed by a name and pronoun that corresponds to the gender identity that the student asserts at school.
2. Students may request to be addressed by their "preferred name" (and preferred pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records.
3. The parents/legal guardians with legal custody of a child may also request that their child be addressed by the student's "preferred name" (and preferred pronoun) that corresponds to the student's gender identity without obtaining a court order or without changing the student's official records.
4. The requested name shall be included in the Student Information System in addition to the student's legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES (continued)

5. It is strongly suggested that school personnel privately ask transgender and gender non-conforming students how they want to be addressed in communications to the home or at conferences with the student's parents/legal guardians.
6. For initial communications with a student's parents/legal guardians, school personnel should use the student's legal name.
7. While inadvertent slips or honest mistakes in the use of the "preferred" names or pronouns may occur, the intentional and persistent refusal to respect a student's gender identity is discriminatory and is not to occur.

D. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity asserted at school.
2. Where available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason. 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.
3. If the student feels that there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, the administrator is to provide the student with access to a reasonable alternative restroom such as a single stall "gender neutral" restroom or the health office restroom.
4. As a proactive action, administrators should take steps to identify "gender neutral" restrooms on their campus.

E. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity asserted at school.
2. Schools may provide a student access to a locker room facility that corresponds to the gender identity that the student asserts at school considering the available accommodation and the needs and privacy concerns of all students involved.
3. If there is a reason or request for increased privacy and safety, regardless of the underlying reason, any student may be provided access to a reasonable alternative

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES (continued)

locker room such as:

- a. Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room).
- b. A separate changing schedule (either utilizing the locker room before or after the other students).
- c. Use of a nearby private area (i.e., a nearby restroom or a health office restroom).
- d. Any alternative arrangement should be provided in a way that keeps the student's gender identity confidential.

F. Sports and Physical Education Classes

Transgender and gender non-conforming students are to be provided the same opportunities to participate in physical education as are all other students. Participation in competitive athletic activities and contact sports are to be addressed on a case-by-case basis, and consistent with California Interscholastic Federation (CIF) guidelines for gender identity participation, as appropriate.

G. Dress Codes/School Uniform Policies

1. Schools may adopt a dress code that should be applied uniformly to all students.
2. A transgender and/or a gender non-conforming student has the right to dress in accordance with the gender identity that the student asserts at school, within the constraints of the school's dress code, as it relates to health and safety issues (e.g., prohibitions on wearing gang symbols, regalia, and apparel, drugs, etc.).

H. Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and 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.

TRANSGENDER STUDENTS, PRIVACY AND FACILITIES (continued)

Cross References:

BP/AR 4119.11 PERSONNEL: Sexual Harassment

BP/AR 4144 PERSONNEL: Complaint Procedure

BP 5144.1 STUDENTS Suspension and Expulsion/Due Process

AR 5144.2 STUDENTS: Suspension and Expulsion/Due Process (Students with Disabilities)

BP/AR 5145.7 STUDENTS: Sexual Harassment

Legal Reference:

EDUCATION CODE

200 State policy; purpose

212.6 Educational institutions; written policy on sexual harassment

48900.2 Sexual Harassment as ground for suspension or expulsion

48980 Article 6. California School Information Services.

California Constitution, Article I, § 28 (c)

California Fair Employment and Housing Act California

CALIFORNIA LABOR CODE

Sections 1101 & 1102

Title VII of the Civil Rights Act of 1964 and 1991

Title IX of the Education Amendments of 1972

New Regulation Reviewed:

January 14, 2014

New Regulation Adopted:

January 28, 2014

CULVER CITY UNIFIED SCHOOL DISTRICT

Culver City, California