

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION

## **Transgender and Gender Non-Conforming Student Policy**

### **PURPOSE**

The purpose of this Board Policy is to set out guidelines to District staff regarding issues related to transgender and gender non-conforming students. The Governing Board is committed to addressing the safety needs of all students, including those needs related to a student's actual or perceived sexual orientation or gender identity. The Board recognizes that a safe and civil environment is necessary for students to have equal access to all school programs and activities and is integral to student success. The Board acknowledges its role in providing students with an understanding of and respect for differences in the gender identity and gender expression of others.

This policy sets out guidelines for schools to follow in order to address the needs of transgender and gender non-conforming students. This policy sets forth how schools should respond to the needs of these students where questions may arise regarding how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur and, therefore, the needs of each student must be assessed 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 non-conforming student while maximizing the student's social integration into the school setting and minimizing stigmatization of the student.

(cf. 0200 - Goals for the School District)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5137 - Positive School Climate)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment/Intimidation/Bullying) 0.9(tio TJ 0 -1.156 TD [(c)-3.9(onduc)6.5(t)-3.3 gender identity and expression, marital status, parental status, or because of an association with a person who has or is perceived to have one or more of these characteristics. (Education Code 220et seq.; Government Code 11135, 11138; Penal Code 422.55, 422.6) State law also directs that students shall be permitted to 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 student's records. (Education Code 221.5(f), effective Jan. 1, 2014)

Transgender and gender non-conforming students shall be assured that they need not endure, for any reason, any bullying (including cyber bullying) or harassment which impairs the educational environment or the student's emotional wellbeing in school. Harassment involves unwelcome comments (written or spoken), or conduct which creates an intimidating, hostile or offensive environment, or which violates an individual's rights.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.3 - Nondiscrimination and harassment)

(cf. 5145.4 - Anti-bullying)

(cf. 5145.7 - Sexual Harassment)

## DEFINITIONS

continue to support students beyond their transition to ensure that the school environment remains a safe and supportive place to learn. Consultation and resources are available within the district (Connect Center – LGBTQ Support Services Program) to assist schools with how to appropriately support transgender students with their transition whether this is done publicly or privately.

#### **PRIVACY AND SCHOOL RECORDS/STUDENT INFORMATION SYSTEMS**

Transgender and gender non-conforming students have a right to privacy, including keeping their sexual orientation, gender identity, transgender status or gender non-conforming presentation at school private. School personnel should not discuss information that may disclose a student's transgender or gender non-conforming status to others, including parents/legal guardians and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much personal information one wants to share about oneself to others.

The Governing Board recognizes the importance of keeping accu7oo sc-3.9( r)10(i)-3.2(g)10.4(ht)-6.9(t)-mzc-3.9n()-3.9(n

## RESTROOM ACCESS

Schools may maintain separate restroom facilities for male and female students. (Education Code 231) Transgender and gender non-conforming students should be allowed access to restroom facilities that align with their gender identity. Ensuring access to restroom facilities that match a student's gender identity allows transgender and gender non-conforming students to maintain their right to privacy. Transgender and gender non-conforming students shall not be forced to use the restroom corresponding to their assigned sex at birth. If a transgender or gender non-conforming student or the student's parent/guardian provides notice to school officials of a request for the student to use the restroom that matches the student's gender identity, school officials shall permit the student to use said restroom. (Education Code 221.5(f), effective Jan. 1, 2014)

If a transgender or gender non-conforming student or the student's parent/guardian provides notice to school officials of a reason or desire for increased privacy and/or safety with regard to restroom use, regardless of the underlying reasons, the school shall take steps to provide a reasonable accommodation for the student, including but not limited to, providing the student access to gender neutral restroom facilities or a single stall restroom.

## LOCKER ROOM ACCESS

Schools may maintain separate locker room facilities for male and female students. (Education Code 231) Transgender and gender non-conforming students should be allowed access to locker room facilities that align with their gender identity. Transgender and gender non-conforming students, however, shall not be forced to use the locker room corresponding to their assigned sex at birth. If a transgender or gender non-conforming student or the student's parent/guardian provides notice to school officials of a request for the student to use the locker room that matches the student's gender identity, school officials shall permit the student to use said locker room. (Education Code 221.5(f), effective Jan. 1, 2014)

If a transgender or gender non-conforming student or the student's parent/guardian provides notice to school officials of a reason or desire for increased privacy and/or safety with regard to locker room use, regardless of the underlying reason, the student shall be provided access to a reasonable alternative locker room, including but not limited to:

- Use of a private area in the locker room (such as a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby gender neutral restroom) and/or
- A separate changing schedule (either utilizing the locker room before or after other students).

## PHYSICAL EDUCATION CLASS AND ATHLETICS

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**Showering facilities** - If showering facilities are communal, the school should find out whether the venue has available a single stall or more private shower facilities that students can use. Recognizing that a number of students may prefer more privacy while showering, the school should consider creating a schedule to allow those students to use the shower facilities one at a time, with appropriate adult supervision.

Activities that may involve the need for accommodation to address student privacy concerns will be addressed on a case-by-case basis as requested by the student or parent/guardian. In such circumstances, staff shall make a reasonable effort to provide an available and reasonable accommodation for the student that can address any such concerns.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5145.1 - Privacy)

(cf. 5145.4 - Anti-bullying)

## COMPLAINTS

A complaint of bullying based upon a student's transgender or gender non-conforming status, or a student's sex, gender, sexual orientation or gender identity or expression, may be submitted under the district's Anti-Bullying Board Policy 5145.4 and the procedures set forth therein. A student or a student's parent/guardian may also submit a formal written complaint of discrimination, harassment, intimidation or bullying through the district's Uniform Complaint Procedures pursuant to District policy and regulation 1312.3. A student's actual or perceived characteristics as set forth in Penal Code 422.55 and Education Code sections 220 and 234.1, which includes disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, are protected classes. (5 CCR 4600-4671)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.3 - Nondiscrimination and harassment)

(cf. 5145.4 - Anti-bullying)

(cf. 5145.7 - Sexual Harassment)

## Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment

212.6 Sexual harassment policy

221.5 Prohibited sex discrimination

221.7 School sponsored athletic programs; prohibited sex discrimination

230 Particular practices prohibited

231 Toilet, locker room, or living facilities

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900 Grounds for suspension or expulsion; bullying

48907 Student exercise of free expression

49602 Confidentiality of pupil information

### CODE OF CIVIL PROCEDURE

1276 Change of name\_

### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations  
HEALTH AND SAFETY CODE  
103425 Petition for change of gender  
PENAL CODE  
243.5 Assault or battery on school property  
403-420 Crimes against the public peace, especially:  
415 Fighting; noise; offensive words  
422.55 Definition of hate crime  
422.56 Definitions, hate crimes  
422.6 Interference with constitutional right or privilege  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, 1972 Education Act Amendments  
UNITED STATES CODE, TITLE 42  
2000d-2000d-7 Title VI Civil Rights Act of 1964 as amended  
CALIFORNIA CODE OF REGULATIONS, TITLE 5  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.34 Access to classes and schools  
ATTORNEY GENERAL OPINIONS 83 Ops.Cal.Atty.Gen. 136 (2000)  
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~~Sexual Orientation: The emotional and sexual attraction to other people based on the gender of the other~~

Gender Identity: An individual's understanding, outlook, feelings and sense of oneself being masculine, feminine, both or neither, regardless of assigned sex at birth.

Gender Marker: 7 KH PDOH 0 RU IHPDOH ) RQ D VWXGHQW ¶ V cumulative folder, and other documents is called a "gender marker."

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## RESTROOM ACCESS

~~Restroom Access~~ Schools may maintain separate restroom facilities for male and female students. (Education Code 231) Transgender and gender nonconforming students should be allowed access to restroom facilities that align with their gender identity. Ensuring access to restroom facilities that match a student's gender identity allows transgender and gender nonconforming students to maintain their right to privacy. Transgender and gender nonconforming variant students, however, shall not be forced to use the restroom corresponding to their assigned sex at birth. ~~Ensuring access to restroom facilities that match a student's gender identity allows transgender and gender nonconforming variant students to maintain their right to privacy.~~ If a transgender or gender nonconforming variant student or the student's parent/guardian provides notice to school officials of a request for the student to use the restroom that matches the student's gender identity, school officials shall permit the student to use said restroom ~~following consultation with the student and the student's parent or guardian~~ (Education Code 21.5(f), effective Jan. 1, 2014)

If a transgender or gender nonconforming variant student or the student's parent/guardian provides notice

with their gender identity, pursuant to Title IX and the Code of Federal Regulations implementing Title IX and state law. (34 CFR 106.34(c); Education Code 221.5(f)., effective Jan. 1, 2014)

## INTERSCHOLASTIC COMPETITIVE SPORTS TEAMS

~~Interscholastic Competitive Sports Teams~~ Transgender and gender non-conforming variant students'

## GENDER SEPARATION IN OTHER ACTIVITIES

Gender Segregation in Other Activities:





111~~35~~ Nondiscrimination in programs or activities funded by state

111~~38~~ Rules and regulations

#### HEALTH AND SAFETY CODE

103425 Petition for change of gender

#### PENAL CODE

2435 Assault or battery on school property

403-420 Crimes against the public peace, especially:

415 Fighting; noise; offensive words

422.~~55~~ Definition of hate crime

422.~~56~~ Definitions, hate crimes

4226 Interference with constitutional right or privilege

#### UNITED STATES CODE, TITLE 20

1681-168~~8~~ Title IX, 1972 Education Act Amendments

#### UNITED STATES CODE, TITLE 42

200~~0~~-200~~0~~-7 Title VI Civil Rights Act of 1964 as amended

#### CALIFORNIA CODE OF REGULATIONS, TITLE 5

4600-468~~7~~ Uniform complaint procedures

4900-49~~65~~ Nondiscrimination in elementary and secondary education programs