



TITLE: Transgender and Gender Nonconforming Students—
Ensuring Equity and Nondiscrimination

NUMBER: REF-1557

ISSUER: Kevin S. Reed, General Counsel
Office of the General Counsel

DATE: February 15, 2005

ROUTING
Local District
Superintendents
Principals
Administrators
All Employees
School Police

PURPOSE: The purpose of this Reference Guide is to advise District staff regarding issues relating to transgender and gender nonconforming students in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of their educational program.

California law and District policy require that all programs and activities and employment practices should be conducted without discrimination based on sex, sexual orientation, or gender identity.

The guide does not anticipate every situation that might occur. It does offer suggested approaches to specific instances when the protections or the safety of transgender and gender nonconforming students may come into question.

DEFINITIONS: The following definitions apply:

“Transgender students” refers to students whose gender identity is different from their sex at birth, and whose gender expression is different from the way males or females are expected to look or behave.

“Gender identity” refers to one’s understanding, interests, outlook, and feelings about whether one is female or male, or both, or neither, regardless of one’s biological sex.

“Gender expression” refers to the way a person expresses her or his gender, through gestures, movement, dress and grooming.

“Gender Nonconforming Students” refers to students that have a gender expression that does not conform with stereotypical expectations, for example, “feminine boys,” “masculine girls,” and students who are androgynous. Another example might be the boy who comes to school in clothing that some might perceive as “girls’ clothing,” or the girl who plays games on the playground that might be perceived as “boys’ games.”



PLEASE NOTE: The definitions provided are not meant to label a student but are intended as functional descriptors.

GUIDELINES: The following guidelines are provided:

Issues of Privacy:

All persons, including students, have a right to privacy; this includes keeping a student's transgender status private. Therefore, school personnel should not disclose a student's transgender status to others, including parents, and/or other school personnel, unless there is a specific "need to know."

Whenever discussing a particular issue such as conduct, discipline, grades, attendance, or health with a transgender or gender nonconforming student, focus on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived gender identity. When school personnel must contact the parents of a transgender or gender nonconforming student, "best practice" would dictate that the student should be consulted first to determine an appropriate way to reference the student's gender identity.

Official Records

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil and the pupil's sex. 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.

Names/Pronouns

Students are to be addressed by a name and pronoun that corresponds to the gender identity that the students consistently assert at school. 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. This reference guide acknowledges that inadvertent slips or honest mistakes in the use of the "preferred" names or pronouns might occur, but it does not condone an intentional and persistent refusal to respect a student's gender identity.

It is strongly suggested that teachers privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in correspondence to the home or at conferences with the student's parents. In cases where students and parents may be in disagreement about the name and pronoun to be used at school, school officials may refer families to appropriate outside counseling services.



**Student Information Systems (SIS)
and Integrated Student Information System (ISIS)**

Please see Attachment A for instructions for entering data in the District's SIS/ISIS to assist in ensuring use of a student's "preferred name."

Restroom Accessibility

Schools may maintain separate restroom facilities for male and female students. At the discretion of the school administrator, a student may be provided access to a restroom facility that corresponds to the gender identity that the student consistently asserts at school. If the student and administrator feel that there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, any student may be provided access to a reasonable alternative restroom such as a single stall "unisex" restroom or the health office restroom. In all instances, decisions about alternative restroom use should be governed by the school administrator's judgment concerning the safety and best interests of the student in question.

Locker Room Accessibility

Schools may maintain separate locker room facilities for male and female students. Schools may, however, provide a student access to a locker room facility that corresponds to the gender identity that the student consistently asserts at school. If there is a reason or desire for increased privacy and safety, regardless of the underlying reason, any student may be provided access to a reasonable alternative locker room such as:

1. Use of a private area (i.e., 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 health office restroom).
2. A separate changing schedule (either utilizing the locker room before or after the other students).

Sports and Physical Education Classes

Transgender and gender nonconforming 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 resolved on a case-by-case basis. (See "Assistance" Section at the end of this reference guide.)

Dress Codes

Schools may adopt a dress code and it should be applied uniformly to all students. However, a transgender and/or a gender nonconforming student has the right to dress in accordance with the gender identity that the student consistently



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).

Transferring a Student to Another School (Opportunity Transfers)

School sites must ensure that transgender or gender nonconforming students are being provided a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence that threatens students is given immediate attention (i.e., investigating the incident, and, if appropriate, determining and enforcing corrective actions). In general, schools should endeavor to keep transgender or gender nonconforming students at their school site.

Although the remedy or response to a transgender or gender nonconforming student who is being discriminated against or harassed should not be an "automatic" opportunity transfer to another school, there are two reasons where opportunity transfers should be considered and/or granted: when a parent requests such a transfer because it is in the student's best interest to be in a different social environment or when a transfer is necessary for the protection or personal welfare of the transferred student.

Schools may not offer a transfer to another school on the inaccurate assumptions that a transgender or gender nonconforming student "should expect to be harassed," or "has brought the harassment upon themselves by being open about their gender identity."

Discrimination/Harassment

Complaints alleging discrimination or harassment based on someone's actual or perceived transgender or gender nonconforming identity are to be handled in the same manner as other discrimination/harassment complaints. (See the "Related Resources" and the "Assistance" sections of this reference guide for further information regarding the filing of discrimination/harassment complaints.)

**RELATED
RESOURCES:**

Los Angeles School Board Resolution, "To Enforce the Respectful Treatment of All Persons," passed October 10, 1988

Los Angeles School Board Resolution, "Development of Bullying Policy," passed November 27, 2001

"Required Nondiscrimination Notices," memorandum issued annually by the Office of the General Counsel



LOS ANGELES UNIFIED SCHOOL DISTRICT
REFERENCE GUIDE

Policy Bulletin, BUL-1038.1, "Antibullying Policy (In Schools, at School-Related Events, and Traveling to and from School)," Issued August 16, 2004, issued by the Office of the Chief Operating Officer

Policy Bulletin No. BUL-1041, "Sexual Harassment Policy (Student-to Student, Adult-to-Student, and Student-to-Adult)," issued June 10, 2004, by the Office of the General Counsel

Policy Bulletin No. BUL-1347, "Child Abuse and Neglect Reporting Requirements," issued November 15, 2004, by the Office of the General Counsel

Policy Bulletin No., BP-5, "Procedures for Reporting Hate-Motivated Incidents or Hate Crimes," issued November 17, 2000, by Office of Intergroup Relations

Policy Bulletin No. Z-58, "Opportunity Transfers," issued April 30, 1999, by Student Health and Human Services

Policy Bulletin No. N-26 (Rev.), "Student Dress Codes/Uniforms," issued July 29, 1999, by School Operations

"Uniform Complaint Procedures," memorandum issued annually by the Specially Funded & Parent/Community Programs Division

Websites

Related information regarding nondiscrimination policies and procedures, sexual harassment and Title IX may be accessed through the following:

<http://www/lausd.k12.ca.us/lausd/office/eec> (available to the general public and District students/employees)

<http://notebook.lausd.net> (available to District employees)

For information concerning the California Safe Schools Coalition (statewide partnership of organizations and individuals dedicated to eliminating discrimination and harassment on the basis of actual or perceived sexual orientation and gender identity in California schools), contact:

<http://www/casafeschoolscoalition.org>.

ASSISTANCE:

For assistance or further information regarding equity or nondiscrimination concerns, please contact:

Educational Equity Compliance Office, at (213) 241-7682, or
Office of the General Counsel, Field Services Unit, at (213) 241-7600



LOS ANGELES UNIFIED SCHOOL DISTRICT
REFERENCE GUIDE

For assistance or concerns specific to Athletics Programs, please contact:
High Schools Programs Branch, Interscholastic Athletics, at (213) 745-1980

For assistance or concerns specific to the District's Student Information Systems (SIS), please contact:
Elementary SIS, at (213) 241-4617
Secondary SIS, at (213) 241-4850
Adult SIS, at (213) 241-4640



ATTACHMENT A

STUDENT INFORMATION SYSTEM (SIS)
AND INTEGRATED STUDENT INFORMATION SYSTEM (ISIS)

If a student indicates to school personnel that he or she wishes to be addressed by a name corresponding to his or her gender identity (see definitions section), that name may be entered in the “preferred name” field of the SIS/ISIS. This will serve to inform teachers of the name to be used when addressing the student.

Elementary SIS

In Elementary SIS, the preferred name is entered on screen 2, field 665. Care must be taken to use this field ONLY for transgender or gender nonconforming students who wish to be addressed by a name other than their legal name. For all other students, schools should continue to use the nickname field (field 4).

Class rosters (report menu 14, options 7, 8, and 9) will display the preferred name next to the legal name. Reports 7 and 8 will also display the student’s nickname. On those reports, the preferred name can be identified by a “(P)” after the preferred name.

Secondary SIS

In Secondary SIS, the preferred name is entered with program ID65. The preferred name will be substituted for the first name in all documents created for teachers. On rosters for teachers, the preferred name can be identified by an appended (P). Other documents going to teachers, office summons, for example, will use the preferred name without the (P).

In addition, if a preferred name is entered, the phrase “See ID65” will be displayed on CL04 and SS04 screens. This is to remind counselors that they are responsible for communicating with this student’s teachers each time a change of class is made.

The program used for ordering diplomas will not automatically use the preferred name, but it has a feature for modifying the student name. For students with an entry in the preferred name field, the phrase “See ID65” will be displayed on the screen where these edits are made. However, counselors should take the initiative to ensure that the appropriate name is placed on the diploma.

For all other purposes, the student name as entered in ID01 will be used. Examples are report cards, cumulative record labels, and data sent to the library or textbook room.