

# Transgender Students: Rights and Legal Compliance

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## Transgender Discrimination/Harassment

- **Historical Perspective**

- Transgender persons generally exempt from state and federal laws prohibiting unlawful discrimination
- Reasonable accommodation was required if there was a diagnosed psychological condition, namely Gender Dysphoria
- 2001-2011: Changes made to the legal definitions of “gender” and “sex”
  - 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
  - Sex includes gender identity and gender expression

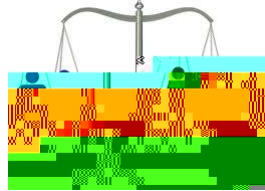


## Transgender Discrimination/Harassment

- **Recent Legislation re Students' Rights: AB 1266**

- California Education Code section 221.5, effective January 1, 2014, to add subparagraph (f), which states:

“A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.”





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## Transgender Discrimination/Harassment

- **Privacy Issues**

- All students have a right to keep their gender identity and assigned sex at birth private from others.
- If school districts grant access to sex-segregated facilities and activities, they must be careful not to disclose information about a student's gender identity, assigned sex at birth, legal name, and legal gender because this information may constitute confidential medical information. The district should not disclose any of this information unless the student has authorized such disclosure or if the District is compelled by law.

## Transgender Discrimination/Harassment

- **Privacy Issues**

- Many transgender students hide their gender identity from their parents. When contacting a parent of a transgender student, school personnel should use the student's legal name and the pronoun corresponding to the student's legal gender unless the student or parent has indicated otherwise.



## ACCOMMODATION PLAN

- a. The transgender student's rights are:
  - 1) To be protected against discrimination, harassment, bullying and intimidation on the basis of gender identity and gender expression (Educ. Code §§ 200, 220 and 234-234.5);
  - 2) A right to privacy; and
  - 3) A right to freedom of expression to be open about sexual orientation and gender identity.
- b. The District's legitimate, non-discriminatory interests are:
  - 1) To protect the transgender student from discrimination, harassment, bullying or intimidation;
  - 2) To minimize substantial disruption to the instructional program;
  - 3) To protect other students' reasonable expectations of privacy; and
  - 4) To receive prompt notification from the transgender student of any problems.









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# Thank You

For questions or comments, please contact:

