

Sacramento City USD

Board Policy

Transgender And Gender Non-Conforming Students

BP 5145.31

Students

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) (cf.

5145.4 - Anti-bullying)

(cf. 5145.7 - Sexual Harassment)

Title VI of the Civil Rights Act of 1964 requires that all educational programs and activities be conducted without discrimination based on race, color, and national origin. Title IX of the Education Amendments of 1972 requires that all educational programs and activities be conducted without discrimination based on sex or gender. Additional state and/or federal laws and regulations require that all educational programs and activities be conducted without discrimination based on the above factors as well as additional factors, including but not limited to actual or perceived religion, ancestry, sexual orientation, 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. (Edu.68 81.8 81.8 81.8 hE

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

policy.

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

affecting the student's class schedule or learning opportunities.

PHYSICAL EDUCATION CLASS AND ATHLETICS

Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports, in a manner that is consistent 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

Transgender and gender non-conforming students shall be permitted to participate in interscholastic sports teams in a manner consistent with their gender identity, pursuant to Title IX, and any other applicable laws, rules or bylaws. (Education Code 221.5(f), effective Jan. 1, 2014)

DRESS CODE

Transgender and/or gender non-conforming students have the right to dress in accordance with their gender identity and/or gender expression within the requirements of the school's dress code. Schools should avoid having gendered dress codes or distinguishing between clothing that is permitted for boys and girls.

(cf. 5132 - Dress and Grooming) YEARBOOKS

Students shall be permitted to dress in accordance with their gender identity and/or gender

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transferring student. Schools should not offer or propose a transfer to another school on the assumption that a

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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