

AB1266 Fact Sheet

Assembly Bill 1266, the School Success and Opportunity Act, is a piece of legislation that was signed into law by Governor Jerry Brown in August of 2013 and will go into effect January 1, 2014. It amends the California State Education Code to clarify the roles of school staff in working with students of all genders, and clarifies that students' access to educational resources shall correspond to the student's gender identity.

Transgender and gender non-conforming youth face unique challenges and obstacles in schools that may inhibit a student's ability to learn. The School Success and Opportunity Act was written to provide these youth with equal access to educational programs.

Definitions

The following definitions are not intended to label students but rather to assist in the general understanding of this policy, the legal rights of students and the legal obligations of school/district staff. Although students may or may not use these terms to describe themselves, these definitions can be used as functional descriptors.

Transgender – The word *transgender* is an umbrella term used to describe people whose gender identity differs from the sex they were assigned at birth. Someone's *gender identity* is their internal sense of being male, female, both, or neither, and it has to do with how people perceive themselves. Someone's *assigned sex at birth* is the male or female label they were given by the doctor when they were born, based on their external genitalia. Transgender is an adjective, which means it's used to describe someone. Therefore, you wouldn't refer to someone as "a transgender." Instead you would say "a transgender person." Similarly, you wouldn't say that someone is "transgendered"—that would be like saying that someone from Germany is "Germaned."

Gender Non-Conforming – an individual who is or is perceived to have characteristics or behaviors that do not conform to stereotypical societal expectations of gender expression. Gender non-conforming individuals may or may not identify as lesbian, gay, bisexual, transgender or queer.

Gender Identity – an individual's understanding, outlook, feelings and sense of being masculine, feminine, both or neither, regardless of one's biological sex.

Sexual Orientation – the emotional and sexual attraction to other people based on the gender of the other person. An individual may identify their sexual orientation as heterosexual, lesbian, gay, bisexual, queer, or in other terms. Not all transgender youth identify as gay, lesbian, bisexual or queer, and not all gay, lesbian, bisexual and queer youth display gender non-conforming characteristics.

Summary

- Under AB 1266, a student must be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities,

including bathroom facilities, consistent with their gender identity and irrespective of the gender listed on the pupil's records.

- AB 1266 makes clear that students have a right to participate in school extracurricular and athletic activities based upon their gender identity, regardless of their biological sex.
- AB 1266 thus extends existing protections and rights for students based upon gender identity, while also implicitly narrowing Education Code section 231's directive that schools may maintain separate restrooms, and other facilities, and require use of such facilities on the basis of a student's biological sex.
- AB 1266 now provides a statutory right for a student to use the relevant facilities based solely upon gender identity.

AB1266 will allow CRPUSD students to access facilities and programs that correspond to their gender identity, however, the text of the School Success and Opportunity Act does not address what conditions, if any, may be placed upon a student's use of bathroom and locker room facilities when students of the opposite biological sex are present. CRPUSD recommends that sites provide access to use of a private area in the public 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 gender neutral restroom) for any students who express a need for additional privacy.

FAQ

- How do I know if a student is transgender?

Students who identify as transgender may disclose their gender identity to staff or administrators at your site. Such disclosures must be kept confidential to respect the privacy of the student.

- How can the district keep transgender students safe in school facilities if they are using bathrooms and lockers rooms with students of a different biological sex?

Bathroom and locker room safety is extremely important for all students within CRPUSD. If safety issues are at any time present, it may be necessary to identify staff that can monitor restroom and locker room areas, while respecting the privacy of all students.

- Does allowing transgender students access to restroom/locker room facilities that correspond with the student's gender identity instead of biological sex put other students at risk?

No. Allowing transgender students access to facilities and programs that correspond with their gender identity protects the rights of transgender students and allows for equal educational access to all.

For any additional questions or concerns regarding the School Success and Opportunity Act, or additional support for working with transgender and gender non-conforming students, please contact **the CRPUSD District Office.**