

Gender Identity & Students

Laws and Protections Mandated by the State and Federal Government

Norms for Uncomfortable Conversations

I will...

- participate with an open mind.
- assume best intentions.
- first seek to understand.
- be an active listener and thoughtful reflector.
- be aware that words can cause harm.
- actively engage in the learning.
- not be a bystander.
- allow all voices to be heard.
- be okay with being uncomfortable - this is hard and necessary work.

Interrupting Bias Sentence Frames

- Whoa! That hurt.
- Could you clarify what you mean by that?
- Your comment made me uncomfortable and I need to tell you why.
- That word is really triggering and offensive. Please be mindful and pick a different word.
- It sounded like you just said _____. Is that really what you meant?

[Calling In and Calling Out Frameworks](#)

Federal Law



Title IX - Gender Equality

Prohibits sexual harassment and discrimination based on gender or sex.

- Passed in 1972 and revised in May 2020.
 - Revision clarified that sexual harassment was a form of sex discrimination.
- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Privacy v. Barr (2020)

- U.S. Court of Appeals for the Ninth Circuit considered privacy rights of cisgender students (person whose gender identity corresponds with their sex assigned at birth).
- Ruling: no Fourteenth Amendment protection not to share a bathroom with transgender students.
 - citizenship
 - equal protections under laws

State Law



California - Sex Equity in Education Act

- Contains 18 different sections of California Education Code
- Public and Non-Religious Elementary, junior highs and high schools must comply.

California Assembly Bill 1266

2013 - Amended California Education Code Section 221.5 to include the right for students who were transgender, non-gender conforming (non-binary), to participate in sex-segregated programs, activities, athletics, and use facilities of any gender.

Laws around Facilities Usage

California Education Code (EC) § 221.5 (f)

- "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."
 - This law went into effect on January 1, 2014.

Potential New Law: SB 760

- Introduced in March 2023, [SB 760](#)
 - would require schools to provide gender-neutral bathrooms, single-stall or multi-stall, for students and not just gender-segregated bathrooms by July 1, 2026.

GUSD ARs and BPs



Administrative Regulation 5145.3

Nondiscrimination/Harassment

- Revised on October 21, 2020.
- Outlines:
 - Preventative measures
 - Enforcement
 - Complaint Procedures
 - Transgender and Gender Nonconforming Students Protections
 - Outlines what is considered discrimination and harassment of students

What does this mean for you?

Requirements of California Public Employees

Public employees must uphold the oath taken under California Constitution, Article 20, Section 3

- Affirmation that the employee supports the U.S. Constitution, the California Constitution, and all federal and state laws.
 - Regardless of personal beliefs and opinions.

Supporting Our Students

We accept a student's asserted gender and treat the student in a manner consistent with that student's gender identity, especially where the student either:

- expresses that identity at school

OR

- where there is other evidence that this is a sincerely held part of the student's core identity

Accommodations We Can Make

- provide access to an alternative private gender-neutral or single-use restroom
 - another student's discomfort is not a reason to deny access to a transgender or gender nonconforming student
 - we may not require a transgender or gender nonconforming student, in any instance, to use alternative bathrooms

Resolution 2023-12

- it is the District's intention for all of our schools to be places where students, families, and staff members can feel comfortable expressing themselves authentically and showing up as their true selves
- an inclusive elementary school environment can help mitigate these issues, while also preparing all students to be good classmates and neighbors to people of diverse backgrounds and life experiences
- the District is implementing Diversity, Equity, and Inclusion Roadmaps that aim to improve the educational experience for members of underrepresented groups, including LGBTQ+ students, families, and staff members

Layers of Defense

