



COAST UNIFIED SCHOOL DISTRICT

1350 Main Street • Cambria, California 93428

Tel 805-927-3880 • Fax 805-927-7105

Victoria Schumacher, Superintendent

NOTIFICATION TO EMPLOYEES REGARDING GENDER IDENTITY IN COAST UNIFIED SCHOOL DISTRICT

As a District, we strive to create a positive and safe learning environment for all students. We want to work with staff, parents, and students to help everyone understand the law regarding transgender students. We are sensitive to the fact that there are concerns from some members of our community about how the law will impact our schools and we want to be as transparent as possible regarding the District's implementation of the new law. To that end, the purpose of this notice is to inform and instruct staff about how to identify, refer to, and discuss transgender students at school and on student records. In addition, the purpose of this notice is to summarize the laws permitting transgender students to use bathrooms and facilities consistent with their gender identity.

Transgender rights under federal law are unsettled and are the subject of litigation in many states. In May 2016, the Office of Civil Rights released guidance that interpreted Title IX to protect students from discrimination based on their gender. This federal guidance was eventually withdrawn at the direction of President Trump's administration. There are currently no final decisions under federal law that address the accommodation of transgender students. However, regardless of what is happening nationally, California law is clear and controlling. With the implementation of Assembly Bill 1266 in 2014, California schools are mandated by state law to conduct classes and courses, and permit the use of facilities, without regard to the gender of the student enrolled. (Ed. Code, § 221.5.)

Staff should therefore accept a student's assertion of their gender identity. "Gender identity" is defined as an individual's inner understanding, outlook, feelings and sense of being masculine, feminine, both or neither, regardless of one's biological sex. Because gender identity is internal to each person, it is not observable; staff must accept a student who:

1. Expresses a gender identity at school; or,
2. Provides some other evidence that their gender identity is a sincerely held belief core to the student's identity.

If a student meets one or both of these requirements, staff may not question the student's assertion of their gender identity except in rare circumstances, in consultation with the school principal and the Superintendent. The fact that a student may express or present their gender identity in different ways in different contexts does not, by itself, undermine a student's assertion of their gender identity.

Privacy Regarding Disclosure and Discussion of Gender Identity

There are significant privacy issues related to the disclosure and discussion of the sexual orientation, gender (including transgender), gender identity, or gender expression of a student

with other students, other District employees, or the parents of either the student involved or the parents of other students. The intentional or inadvertent disclosure of a student's sexual orientation, gender (including transgender), or gender identity, without the student's express consent may lead to potential liability for you and/or the District. Additionally, employees should neither ask nor require a student to answer questions regarding their sexual orientation, gender (including transgender), or gender identity.

Staff should consult with the principal before discussing with or disclosing to others the sexual orientation, gender (including transgender), or gender identity of any student. The following are some helpful guidelines for dealing with these issues:

1. Staff should not inquire into a student's actual or perceived sexual orientation or gender identity.
2. Staff must not compel a student to disclose his or her actual or perceived sexual orientation or gender identity.
3. While it may be the norm for a student's parent or guardian to be aware of their child's asserted sexual orientation or gender identity at school, unless a teacher is authorized from the school principal to discuss such issues with a student's parent or guardian, any question to a teacher by a student's parents or guardian regarding their child's asserted sexual orientation or gender identity at school must be met with the following response: "We generally do not discuss such issues; I encourage you to talk to your child about them."
4. Even if an employee is authorized by the school principal to discuss a student's actual or perceived sexual orientation or gender identity with the student's parents or guardians, the employee must never discuss or disclose such information with the parents or guardians of other students, or other District staff who do not need to know such information.
5. Any student request to staff related to the student's gender identity (e.g., access to programs, activities or facilities based upon gender identity, or to change the student name or pronoun use), must be directed to the school principal.

Names and Pronouns

Where the use of a name or pronoun for a student based upon gender identity has been determined by the school principal, and such information is communicated to a staff member, the staff member must comply with the directed name and pronoun use for the student. This includes allowing non-binary students to be referred to by general pronouns, such as "they/them/their."

The student's electronic student record profile and other student records (i.e., class rosters) should indicate the student's preferred gender identity as the student's actual gender, and the student's preferred name consistent with that gender identity. However, the District will confidentially maintain the student's biological sex and legal name on permanent student records until provided with a new birth certificate or court order designating the new biological sex or name. Student records that indicate a student's transgender status shall be maintained separately

from student records that reflect the student’s biological name and gender at birth in order to prevent improper disclosure in violation of the student’s privacy rights.

Be aware that purposefully disregarding the transgender student’s requested name or pronouns could be discriminatory, and any such situations, whether created by staff, students, or others, should be brought to the attention of the school principal or the Superintendent.

Use of Facilities

AB 1266 requires the District to permit transgender students to use school facilities (e.g., restrooms, changing rooms and showers) consistent with their gender identity regardless of the student’s gender assigned at birth. For example, under AB 1266, a student born female who now identifies as male has the right to use the boy’s bathroom. The law also makes it clear that the District is not allowed to require the transgender student to use a separate, private facility (i.e., a single stall restroom in the nurse’s office for example) or a gender-neutral facility. The use of a gender-neutral facility must be a student’s individual choice.

We understand that parents may have strongly held beliefs opposed to transgender students sharing the use of a facility with their student. They may feel their right as parents to control how their child is raised or their child’s right to privacy is being infringed upon by the new law. One option for these parents is that, upon written request, the District can provide their students with the ability to use a private facility when their student needs to use the restroom, showers or changing rooms. This arrangement may help provide the student with increased privacy to the extent such facilities are available.

Conclusion

While the District is not required by law to have policies which specifically govern/address transgender students, we are required to maintain various anti-discrimination related policies, including policies governing complaints of harassment and discrimination of students from a protected class based upon their gender identity. These policies, which have been recently modified and reviewed to ensure compliance with the law, are listed below for your reference. All District employees are encouraged to familiarize themselves with these Board Policies (“BP”) and Administrative Regulations (“AR”):

Policy Number	Policy Name
BP 0410	Nondiscrimination In District Programs and Activities
AR 1312.3	Uniform Complaint Procedures
BP 5131	Conduct
BP 5145.3	Nondiscrimination/Harassment
AR 5145.3	Nondiscrimination/Harassment
BP 5145.7	Sexual Harassment
AR 5145.7	Sexual Harassment
BP 5145.9	Hate-Motivated Behavior
BP 6145	Extracurricular and Co-curricular Activities
BP 6145.2	Athletic Competition

We know that these concepts may be difficult for some of our staff, students, and parents to reconcile with their personal beliefs. Staff must understand that these directives are requests to comply with the law and District policy, and are therefore part of the requirements for a job with the District. District staff should not be confrontational or approach students about these issues in a way that “profiles” them solely based on gender expression or similar suspicions regarding the student’s transgender status. The District and its schools must remain a place for all students to be educated in an environment free from bullying and harassment.

August 1, 2017