



**TITLE:** Transgender and Gender Variant Students -  
Ensuring Equity and Nondiscrimination

**NUMBER:** REF-1557.1

**ISSUER:** David Holmquist, General Counsel  
Office of General Counsel

**DATE:** September 9, 2011

**ROUTING**  
Local District  
Superintendents  
Principal Leaders  
Operations Coords.  
Principals  
Administrators  
All Employees  
School Police

**PURPOSE:** The purpose of this Reference Guide is to advise District staff regarding issues relating to transgender and gender variant students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the District’s educational programs and activities. The guidelines provided in this Reference Guide do not anticipate every situation that might occur with respect to transgender or gender variant students, and the needs of each transgender or gender variant student must be assessed on a case-by-case basis.

The Los Angeles Unified School District (District) is committed to providing a safe learning environment for all students, including transgender and gender variant students, and to ensuring that every student has equal access to the District’s educational programs and activities. Additionally, District policy requires that all schools and all personnel promote mutual respect, tolerance, and acceptance among students and staff.

California Education Code (Ed Code) Section 220 and District policy require that all programs, activities, employment practices should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression. Ed Code Section 220 further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils.

This Reference Guide provides approaches to specific situations and/or circumstances when the protections and/or the safety of transgender and gender variant students may arise and provides actions necessary to ensure the safe and respectful treatment of all students.

**MAJOR CHANGES:** This Reference Guide replaces REF-1557.0, “Transgender and Gender Nonconforming Students - Ensuring Equity and Nondiscrimination,” dated February 15, 2005, issued by the Office of General Counsel. It provides updated information and guidance to schools regarding issues related to transgender and



gender variant students.

**INSTRUCTIONS:** The following guidelines apply:

- I. Definitions - The following definitions are not meant to label a student, but are intended as functional descriptors:
  - A. Gender: A person's actual or perceived 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. [5 California Code of Regulations Section 4910(k)]
  - B. Gender Expression: A person's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine.
  - C. Gender Fluid: Persons who do not identify as, or who do not express themselves as, solely male or female.
  - D. Gender Identity: One's understanding, interests, outlook, and feelings about whether one is female or male, or both, or neither, regardless of one's biological sex.
  - E. Gender Variant: Persons that have a gender expression or gender identity that varies from stereotypical expectations and norms. An example may be the boy who wears clothing that some might perceive as feminine, or vice versa.
  - F. LGBTQ: An umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning." The category "questioning" is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.
  - G. Sex: The biological condition or quality of being a female or male human being.
  - H. Sexual Orientation: A person's emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. Transgender persons may identify as gay, lesbian, or bisexual.



- I. Sexualized Bullying: Unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics with the intention to humiliate. Anti-gay and sexist epithets are common forms of sexualized bullying.
  - J. Transgender: Students whose gender identity is different from their sex assigned at birth, and whose gender expression is different from the way males or females are expected to look or behave.
- II. Guidelines – the following guidelines apply:
- A. Issues of Privacy
    1. All persons, including students, have a right to privacy; this includes keeping a student’s actual or perceived sexual orientation, gender identity, and gender expression private.
    2. School personnel should not disclose a student’s actual or perceived sexual orientation, gender identity, or gender expression to others, including, but limited to, other students, parents, and/or other school personnel, unless there is a specific “need to know.”
    3. School personnel must be mindful of the confidentiality and privacy rights of students when contacting parents/legal guardians so as to not reveal, imply, or refer to a student’s actual or perceived sexual orientation, gender identity, or gender expression.
    4. To ensure confidentiality, whenever discussing a particular issue such as conduct, discipline, grades, attendance, health, or any other school related matter, school personnel should focus on the conduct or particular issue, and not on any assumptions regarding the student’s actual or perceived sexual orientation, gender identity, or gender expression.
    5. All students, including transgender and gender variant students, have the right to openly discuss and express their sexual orientation, gender identity, and gender expression and to decide when, with whom, and how much to share private information.



B. Official Records

1. The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil and the pupil's sex.
2. The District will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order.

C. Names/Pronouns

1. A student is to be addressed by a name and pronoun that corresponds to the gender identity that the student asserts at school.
2. Students may request to be addressed by their "preferred name" (and preferred pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records.
3. The parent/legal guardian with legal custody of a child may also request that their child be addressed by the student's "preferred name" (and preferred pronoun) that corresponds to the student's gender identity without obtaining a court order or without changing the student's official records.
4. It is strongly suggested that school personnel privately ask transgender and gender variant students how they want to be addressed in communications to the home or at conferences with the student's parents/legal guardians.
5. The parent/legal guardian with legal custody of a child may request that their child be registered in school under a name different from that appearing upon documentary proof of age or school records. This may be accomplished by completion of an "Affidavit for Unofficial Change of Name of Minor" (Attachment A of "Names of Pupils for Purposes of School Records," BUL-2408.0, dated March 6, 2006). This applies to, but is not limited to, transgender and gender variant students.
6. After the school receives and verifies the contents of the completed Affidavit, the school is to change the name of the student in the Student Information Systems (SIS) and Integrated Student Information System (ISIS) and enter the unofficial name as an "Also Known As"



in the cumulative folder. In the cumulative folder and registration card, data should be cross-referenced. Please see Attachment A for instructions for entering data in the District's SIS/ISIS to assist in ensuring use of a student's "Also Known As" name.

7. For initial communications with a student's parent/legal guardian, school personnel should use the student's legal name, unless the parent/legal guardian has filed the "Affidavit for Unofficial Change of Name of Minor."
8. While inadvertent slips or honest mistakes in the use of the "preferred" names or pronouns may occur, the intentional and persistent refusal to respect a student's gender identity is discriminatory and is not to occur.

D. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity asserted at school.
2. Where available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such restroom.
3. If the student feels that there is a reason or desire for increased privacy and safety, regardless of the underlying purpose or cause, the administrator is to provide the student with access to a reasonable alternative restroom such as a single stall "gender neutral" restroom or the health office restroom.
4. As a proactive action, administrators should take steps to identify "gender neutral" restrooms on their campus.

E. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity asserted at school.



2. Schools may provide a student access to a locker room facility that corresponds to the gender identity that the student asserts at school considering the available accommodation and the needs and privacy concerns of all students involved.
3. If there is a reason or request for increased privacy and safety, regardless of the underlying reason, any student may be provided access to a reasonable alternative locker room such as:
  - a. Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room).
  - b. A separate changing schedule (either utilizing the locker room before or after the other students).
  - c. Use of a nearby private area (i.e., a nearby restroom or a health office restroom).
  - d. Any alternative arrangement should be provided in a way that keeps the student's gender identity confidential.

F. Sports and Physical Education Classes

Transgender and gender variant students are to be provided the same opportunities to participate in physical education as are all other students. Participation in competitive athletic activities and contact sports are to be addressed on a case-by-case basis. For assistance, see "Assistance" section at the end of this Reference Guide.

G. Dress Codes/School Uniform Policies

1. Schools may adopt a dress code and school uniform policy that should be applied uniformly to all students.
2. A transgender and/or a gender variant student has the right to dress in accordance with the gender identity that the student asserts at school, within the constraints of the school's dress code, as it relates to health and safety issues (e.g., prohibitions on wearing gang symbols, regalia, and apparel, drugs, etc.) or the school uniform policy.



H. Discrimination, Harassment, and Bullying of Transgender and Gender Variant Students

1. Schools must ensure that transgender and gender variant students are provided with a safe school environment that is free of discrimination, harassment, and bullying.
2. This includes ensuring that any incident of discrimination, harassment, bullying, hazing, or violence that threatens students is given immediate attention by taking actions which include, but are not limited to, the following:
  - a. Intervening immediately to stop the discrimination, harassment, bullying, and/or violent behavior.
  - b. Investigating the incident.
  - c. Determining and enforcing corrective actions, as appropriate, sufficient enough to stop the discrimination, harassment, and/or bullying.
  - d. Monitoring to ensure that the behavior does not persist.
3. Complaints alleging discrimination or harassment based on a student's gender identity or gender expression are to be handled in the same manner as other discrimination/harassment complaints. (See the "Related Resources" and the "Assistance" sections of this Reference Guide for further information regarding the filing of discrimination/harassment complaints.)
4. Students are not to be suspended or otherwise disciplined because of their actual or perceived sexual orientation, gender identity, or gender expression.
5. School administrators/staff should take all reasonable steps to ensure the safety and access for transgender and gender variant students at their school.
6. School staff may not suggest to the parent/legal guardian that a Safety and Protection Permit (parent-initiated permit) be issued based on the inappropriate and inaccurate assumptions that "the school cannot keep the student safe," a transgender or gender variant student "should



expect to be harassed,” and/or a transgender or gender variant student “has brought the harassment upon themselves by being open about their gender identity or gender expression.”

7. Parents/legal guardians who are dissatisfied with the school’s safety and access plan for their student may request a Safety and Protection Permit to another LAUSD school. Circumstances when a Safety and Protection Permit should be considered and/or issued are: (a) when a parent/legal guardian requests such a permit because it is in the student’s best interest to be in a different social environment or (b) when a parent/legal guardian requests such a permit as necessary for the protection or personal welfare of the student.

I. School Site Complaint Procedures

1. Any written or oral report of sexual harassment or sexualized bullying (including, but not limited to harassment based on actual or perceived sexual orientation, gender identity, and gender expression) is to be considered a sexual harassment complaint and must be given immediate attention, responded to, and addressed. This includes anonymous reports, oral or written. If the anonymous report contains sufficient information to identify an alleged target(s) and/or accused person(s), then a reasonable effort must be made to investigate and address the allegation(s).
2. Assure the target(s) of the sexual harassment that the District takes allegations of sexual harassment seriously, will not tolerate such treatment, and has strong policies against sexual harassment.
3. Obtain specific information relevant to the complaint such as where, when, and the frequency with which the incident(s) occurred, as well as the identities of the alleged accused person(s) and any witnesses. Request that the complainant(s) provide a written statement with the date and their name and signature. As appropriate, District personnel may assist the complainant(s) in making a written statement
4. Provide the target(s) of the sexual harassment with assurances regarding confidentiality and nonretaliation.
5. Assure the target(s) of the sexual harassment that they will not be required to confront the accused person(s) and that steps will be taken to monitor that the alleged harassing behavior does not continue. Provide the individual with the names of school personnel who can



help if the situation/incident continues, escalates, or occurs again.

6. Interview any witnesses identified by the target(s) of the sexual harassment and applicable staff who may have knowledge of the situation. Provide assurances regarding confidentiality and nonretaliation to all persons interviewed. Request that any witnesses, including applicable staff witnesses, provide a written statement with the date and their name and signature. As appropriate, District personnel may assist any witnesses in making a written statement.
7. Interview the accused person(s) and provide assurances regarding confidentiality and nonretaliation. Request that the accused person(s) provide a written statement with the date and their name and signature. As appropriate, District personnel may assist the accused person(s) in making a written statement.
8. Interview any witnesses identified by the accused person(s) of the sexual harassment. Provide assurances regarding confidentiality and nonretaliation to all persons interviewed. Request that any witnesses, including applicable staff witnesses, provide a written statement with the date and their name and signature. As appropriate, District personnel may assist any witnesses in making a written statement.
9. As with all sexual harassment complaints, all parties, including parents/guardians, are to be informed of the District's "Nondiscrimination Statement" and/or "Sexual Harassment Policy," as applicable.
10. When assessing complaints of sexual harassment, carefully consider all available information in determining whether the conduct described in the complaint violates the District's sexual harassment policy. The following four questions should be asked:
  - a. Was the conduct based on the student's actual or perceived sexual orientation, gender identity, or gender expression?
  - b. Was the conduct unwelcome?
  - c. Was the conduct objectively offensive, severe, persistent, or pervasive?
  - d. Did the conduct limit the individual's ability to participate in or benefit from an educational program or activity?



When the answers to questions a - d are “yes,” this constitutes a hostile environment for the alleged target(s) and may be considered sexual harassment. However, conduct that does not rise to the level of sexual harassment may still be considered inappropriate behavior and may require that corrective actions be taken.

11. Appropriate administrative steps in response to sexual harassment should include action(s) to end the harassment, monitoring that the conduct does not reoccur, and addressing any hostile environment that may have been created for the student(s) who had been the target(s) of the conduct. Response strategies may also involve disciplinary proceedings.
12. Inform the complainant(s) in general terms that corrective actions have been or will be taken to resolve the complaint. Specific corrective actions with regard to employees or students who may be subject to disciplinary or other actions are to be kept confidential.
13. Parents/legal guardians of the complainant(s) shall be informed of the filing, as well as the resolution of any complaint of sexual harassment. School personnel must be mindful of the confidentiality and privacy rights of students when contacting parents/legal guardians so as to not reveal, imply, or refer to a student’s actual or perceived sexual orientation, gender identity, or gender expression.
14. As appropriate, parents/legal guardians should be kept generally informed of the status of the investigation and resolution of the complaint. At the same time, care must be taken to protect the identity of the accused person(s) and any witnesses.
15. Monitor with the target(s) of the harassment that the harassment has ceased.
16. Use the “*Incident Report Form - Complaint Investigation Record*,” included with the District’s Sexual Harassment Policy bulletin, to document the circumstances regarding the complaint or incident, who the incident was reported to, and any actions taken or administrative follow-through to address the complaint or incident. The “*Incident Report Form - Complaint Investigation Record*” must be updated with the steps taken to ensure that appropriate actions, interventions, and monitoring are implemented and documented in a timely manner.



17. The same “*Incident Report Form - Complaint Investigation Record*” is also to be used when the conduct is determined to be inappropriate behavior that did not rise to the level of sexual harassment or when there are no findings of violations of the District’s nondiscrimination or sexual harassment policies. Corrective actions may still be necessary and using the form provides a vehicle for the documentation of the investigation and the actions taken.
  18. A copy of the “*Incident Report Form – Complaint Investigation Record*,” along with any related witness statements, evidence, documentation, must be safeguarded by keeping a separate school file for the retention of these records. Access to these records is to be restricted to those individuals who have a legitimate need for such access. For accused student(s), duplicate copies should also be filed in each student’s individual disciplinary file, as appropriate.
  19. After monitoring that the harassment has stopped, forward a copy of the completed “*Incident Report Form - Complaint Investigation Record*” to the Local District Operations Coordinator AND the Educational Equity Compliance Office - Beaudry - 20<sup>th</sup> Floor.
- J. Formal Complaint of Discrimination/Appeal of School-Site Decision:
1. Any student/parent/guardian/individual/organization has the right to file a written complaint of discrimination within six months of the last occurrence or when knowledge of the complaint was first obtained. A complainant making an oral complaint will be assisted by District personnel in making a written complaint.
  2. The written complaint/appeal may be filed using the District’s Uniform Complaint Procedure process or simply by filing a written complaint statement.
  3. The complaint shall contain the following information:
    - a. The specific facts about the complaint which may be helpful to the complaint investigator including, but not limited to the following: nature of the complaint, names of those involved, witnesses, and dates/places of occurrences.
    - b. The specific relief being sought.



- c. Any other relevant or supportive documentation or information the complainant believes will provide assistance in understanding the complaint.
4. The complainant will submit a written complaint to:

Director/Compliance Officer  
Los Angeles Unified School District  
Educational Equity Compliance Office  
333 S. Beaudry Ave. - 20<sup>th</sup> Floor  
Los Angeles, CA 90017  
(213) 241-7682
5. The District administrator/designee will take the following actions:
  - a. Determine whether a discrimination complaint has been filed within six months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination. Confidentiality of complaints alleging discrimination will be observed to the maximum extent possible.
  - b. Deny the discrimination complaint if it has not been filed in a timely manner and notify the complainant of their right to appeal to the California Department of Education for an extension of time in which to file the complaint.
  - c. Acknowledge receipt of the complaint within ten (10) days and inform the complainant of the applicable District policy and the date the report of findings is due.
  - d. Refer the complaint for investigation to the appropriate district office/division/branch/unit/local district.
  - e. Ensure that, within sixty (60) days of the receipt of the written complaint, the complaint has been resolved and/or investigated and that a written report of findings is issued to the complainant. The written report of the investigative findings must contain the allegation(s), method of investigation, policy, findings, conclusion(s), corrective action(s), if applicable, and complainant's appeal rights to the California Department of Education.



LOS ANGELES UNIFIED SCHOOL DISTRICT  
REFERENCE GUIDE

**RELATED  
RESOURCES:**

Los Angeles School Board Resolution, "To Enforce the Respectful Treatment of All Persons," passed October 10, 1988

Los Angeles School Board Resolution, "Development of Bullying Policy," passed November 27, 2001

- *Bullying and Hazing Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult)*, Bulletin BUL-5212.0, dated August 27, 2010, issued by the Office of the Superintendent.
- *Child Abuse and Neglect Reporting Requirements*, Bulletin BUL-1347.2, dated July 1, 2011, issued by the Office of General Counsel.
- *Code of Conduct with Students - Distribution and Dissemination Requirement*, Bulletin BUL-5167.0, dated July 1, 2010, issued by the Office of the Superintendent.
- *Discipline Foundation Policy: School-Wide Positive Behavior Support*, Bulletin BUL-3638.0, dated March 27, 2007, issued by Educational Services.
- *Ethics Policies*, Bulletin BUL-4748.0, dated May 18, 2009, issued by the Office of the Superintendent.
- *Incident System Tracking Accountability Report*, Bulletin BUL-5269.0, dated November 12, 2010, issued by the Office of the Superintendent.
- *Intra-district (School to School) Permits and Student Transfers in Elementary and Secondary Schools*, Bulletin BUL-5347.0, dated December 20, 2010, issued by Student Health and Human Services.
- *Names of Pupils for Purposes of School Records*, Bulletin BUL-2408.0, dated March 6, 2006, issued by Planning, Assessment and Research.
- *Nondiscrimination Required Notices*, Memorandum issued annually by the Office of General Counsel.
- *Opportunity Transfers (OTs) Policy*, Bulletin BUL-4478.0, dated December 15, 2008, issued by the Chief Academic Officer.
- *Ordering and Distribution of Student Brochures - "Title IX and Nondiscrimination" and "Section 504 and Students with Disabilities"*, Memorandum MEM-4696.1, dated June 11, 2010, issued by the Office of General Counsel.



- *Responding to and Reporting Hate-Motivated Incidents and Crimes*, Bulletin BUL-2047.0, dated October 10, 2005, issued by the Office of General Counsel.
- *Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult)*, Bulletin BUL-3349.0, dated November 29, 2006, issued by the Office of General Counsel.
- *Student Dress Codes/Uniforms*, Bulletin BUL-2549.1, dated December 15, 2009, issued by the Office of the Chief Operating Officer.
- *Suspension of Students – Guidelines*, Bulletin BUL-3819.0, dated September 12, 2007, issued by Student Health and Human Services.
- *Title IX Policy/Complaint Procedures*, Bulletin BUL-2521.1, dated June 7, 2006, issued by the Office of General Counsel.
- *Uniform Complaint Procedures (UCP)*, Bulletin BUL-5159.1, dated July 1, 2011, issued by the Office of General Counsel.

**ASSISTANCE:** For assistance or further information regarding equity, sex discrimination, sexual harassment, sexualized bullying, and/or any other discrimination related issues, please contact:

- Educational Equity Compliance Office, at (213) 241-7682
- Office of General Counsel, Education Legal Services, at (213) 241-7600

For assistance in creating a safe and welcoming environment for all students, please contact:

- Office of Human Relations, Diversity and Equity, at (213) 241-5626

For assistance or concerns specific to Athletics Programs, please contact:

- Interscholastic Athletics at (213) 241-5847

For assistance or concerns specific to the District's Student Information Systems (SIS), please contact:

- Elementary SIS, at (213) 241-4617
- Secondary SIS, at (213) 241-4850
- Adult SIS, at (213) 241-5228



STUDENT INFORMATION SYSTEM (SIS)  
AND INTEGRATED STUDENT INFORMATION SYSTEM (ISIS)

After the school accepts and verifies the contents of the completed “Affidavit for Unofficial Change of Name of Minor,” the school is to change the name of the student in the Student Information System to enter the “Also Known As” (AKA) name in the appropriate SIS/ISIS field as the preferred name. This “Also Known As” name will appear on teacher rosters.

Elementary SIS

In Elementary SIS, the AKA name is entered as the preferred name on screen 2, field 665. Care must be taken to use this field ONLY for students whose parent/legal guardian has completed the “Affidavit for Unofficial Change of Name of Minor.”

Class rosters (report menu 14, options 7, 8, and 9) will display the preferred name next to the legal name. On those reports, the preferred name can be identified by a “(P)” after the preferred name.

Secondary SIS

In Secondary SIS, the AKA name is entered as the preferred name with program ID65. Care must be taken to use this field ONLY for students whose parent/legal guardian has completed the “Affidavit for Unofficial Change of Name of Minor.”

The preferred name will be substituted for the first name in all documents created for teachers. The legal first name (shown in line 2 of ID 65) will continue to be used for all other purposes. On rosters for teachers, the preferred name is substituted for the legal name. Other documents going to teachers, office summons, for example, will use the legal name.

In addition, if a preferred name is entered, the phrase “See ID65” will be displayed on CL04 and SS04 screens. This is to remind counselors, deans, and other school staff that they are responsible for communicating with this student’s teachers each time a change of class is made.

The program used for ordering diplomas will automatically use the legal name. It has a feature for modifying the student name. For students with an entry in the preferred name field, the phrase “See ID65” will be displayed on the screen where these edits are made. However, counselors should take the initiative to ensure that the legal name is placed on the diploma.

For all other purposes, the student name as entered in ID01 will be used. Examples are report cards, cumulative record labels, and data sent to the library or textbook room.