



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Gender Identity and Students -
Ensuring Equity and Nondiscrimination

NUMBER: BUL-6224.2

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

DATE: May 17, 2019

ROUTING
All Employees
All Locations

PURPOSE: The Los Angeles Unified School District (District) is committed to providing a safe and supportive learning environment for all students and to ensuring that every student shall have equal access to the District's educational programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff. Federal and State law provide that public schools have an affirmative obligation to combat bias, including sex discrimination or sexism on the basis of actual or perceived gender/sex (including gender identity and gender expression), sexual orientation, or a person's association with a person or group with one or more of these actual or perceived characteristics in any District educational program or activity or to which it provides significant assistance.

The purpose of this policy is to advise District staff regarding best practices relating to recognition of each student's gender identity consistent with goals of reducing stigmatization and ensuring access for students. The guidelines provided in this policy do not anticipate every situation that might occur with respect to gender identity and expression and students. The needs of each student are unique.

MAJOR CHANGES: This Bulletin replaces BUL 6224.1, Transgender Students - Ensuring Equity and Nondiscrimination, dated August 15, 2014, issued by the Office of the General Counsel. It provides updated information and guidance to schools as a result of the Gender Recognition Act which asserts that every person deserves full legal recognition and equal treatment under the law with particular emphasis on persons who identify as intersex, transgender, or nonbinary. Likewise, the policy name has been updated to be more expansive in recognition of a gender identity continuum.

GUIDELINES: The following guidelines apply:

I. Definitions – Intended as functional descriptors, not to label:

- A. Gender: A person's actual or perceived sex, and includes a person's gender identity and gender expression.
- B. Gender Identity: A person's gender-related identity, appearance or behavior, whether or not different from that traditionally associated with the person's



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- physiology or assigned sex at birth.
- C. **Gender Expression:** A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
 - D. **Gender Nonconforming:** One's gender expression, gender characteristics or gender identity that does not conform to gender stereotypes "typically" associated with one's legal sex assigned at birth, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. Students who adopt a presentation that varies from the stereotypic gender expectations sometimes may describe themselves as gender nonconforming, gender queer, gender fluid or nonbinary.
 - E. **Intersex:** An umbrella term used to describe natural bodily variations, which can include external genitalia, internal sex organs, chromosomes or hormonal differences that transcend typical ideas of male and female.
 - F. **Nonbinary:** An umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, including but not limited to agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant.
 - G. **Sex:** It includes, but is not limited to, a person's sex assigned or presumed at birth based on physical characteristics commonly associated with males or females, and is inclusive of a person's gender.
 - H. **Sexual Orientation:** It means heterosexuality, homosexuality, and bisexuality and is considered to be a person's romantic, emotional, mental and/or sexual attraction to another person based on the gender of the other person.
 - I. **Transgender:** An umbrella term used to describe people whose gender identity or gender expression is different from the gender they were assigned or presumed at birth. Some individuals who identify as transgender have medically transitioned, are undergoing gender affirming surgeries and hormonal treatments, while others do not choose any form of medical transition. There is no uniform set of procedures that are sought. Individuals may identify as female, male or nonbinary, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns and may or



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may not use more specific terms to describe their genders, including but not limited to agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant.

- J. Transition: The unique process in which one goes from living and identifying as one gender to live in alignment with one or more dimensions of the gender with which one identifies. Gender transition can occur at any age and can include social, medical and/or a legal transition.

II. Guiding Principles and Requirements

The school shall accept the gender identity that each student asserts. There are no medical or mental health diagnoses or treatment thresholds that students must meet in order to have their gender identity recognized and respected. Students may initiate a process to change their name, pronoun, attire and access to District programs, activities and facilities. The school shall customize support to optimize each student's access according to their gender identity.

A. Privacy and Confidentiality

1. All persons, including students, have a right to privacy. This includes keeping a student's actual or perceived gender identity and expression private. Such private information shall be shared only on a need to know basis.
2. Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.
3. District and school personnel may encounter situations where students have not publicly disclosed their gender identity; therefore, school personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply or refer to a student's gender identity or expression. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance or health, school personnel should focus on the concern, not the student's gender identity or expression. For example, describe the matter in terms of the underlying issue (behavior/conduct, grade issue, attendance issue, health concern) without referring or linking to gender identity or expression.
4. When communicating with a student's parent, legal guardian, or educational rights holder ("parent"), school personnel should be aware that the student may not have disclosed their gender identity to their parents. When school personnel find it important to discuss a student's gender identity or expression with parents (if, for example, the student is being bullied based on their gender identity or expression), school



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personnel should consult and work closely with the student to assess the degree to which, if any, the parent is aware of the student's gender identity or expression and is supportive of the student, and school personnel shall take into consideration the safety, health and well-being of the student in deciding whether to disclose the student's gender identity or expression to parents.

B. Pupil Records

1. The District is required to maintain in perpetuity mandatory permanent pupil records which include the legal name and sex of the student as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. Mandatory interim pupil records may include, but are not limited to, progress and grade reports, transcripts, assessment data, health records, Individualized Education Programs (IEP) and Section 504 Plans. Permitted pupil records may include, but are not limited to, objective counselor and/or teacher ratings, standardized test scores older than three years, routine discipline data and verified reports of relevant behavior patterns. Per California law, student enrollment forms allow a parent to designate their child's gender as male, female or nonbinary.
2. The District will change a student's name and gender on pupil records when the name and gender of the student are changed by the appropriate court action. The new name and gender are the student's legal name and gender for all purposes, including school registration. Upon the submission of proper evidence of the court order, the student's legal name and gender in all school records shall be changed to reflect the legal name change. Job aides for entering court orders or student name changes in the District's student information system are available at <https://achieve.lausd.net/Page/6231>. If a school changes a student's gender in the District's student information system, the student identification number also changes in the student information system going forward to a format that does not designate an "M" or "F" for gender.

C. Authorization to Use Name and Gender With Which the Student Identifies

1. The District shall permit students to use the name and gender with which they identify on school records, including pupil records, with parent/guardian/educational rights holder authorization. The records may include, but are not limited to, identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks and other site-generated records.



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2. Upon authorization, the District shall input the student's name and gender with which they identify in the appropriate fields of the District's electronic data system to indicate how the student's name and gender will appear on documents issued by the school.
3. The District shall permit a student age 18 or older or parent/legal guardian to request a change of name and/or gender so that a student may be registered in school under a name and gender that corresponds with the student's gender identity without obtaining a court order or without changing the student's pupil records (See [BUL-5703.3, Names and/or Gender of Pupils for Purposes of School Records](#)). Separate from the above, any student may seek to be addressed by the name and pronoun that corresponds to their gender identity.
4. After the school receives and verifies the contents of the completed authorization, the school shall change the name and/or gender of the student in the District's electronic data system and enter or cross-reference the name as AKA in the cumulative folder and registration card. This change is effective for District records only. If a student were to transfer to a school outside of the District, the student should inquire at that school about a similar process.

D. Names/Pronouns

1. Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their pupil records or obtaining parent/legal guardian permission. In addition, the District shall permit a student age 18 or older or parent/legal guardian to request a change of name and/or gender so that a student may be registered in school under a name and gender that corresponds with the student's gender identity.
2. Students shall be known by their name and gender of identity. However, there may be situations (e.g., communications with the family, state or federal records, pupil records where a name or gender with which the student identifies isn't authorized, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize safety, confidentiality and respect of the student in a manner consistent with the law.
3. If school personnel are unsure how a student wants to be addressed in communications to home or in conferences with parents/legal guardians/educational rights holders, they may privately ask the student how they want to be referred to when communicating with



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parents/legal guardians. For communications with a student's parent/legal guardian, educational rights holders, school personnel should refer to this policy's prior section on "Privacy and Confidentiality."

4. Every effort should be made to use names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of District policy and may constitute discrimination under State law.

E. Student Safety

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying or intimidation, which may include providing interim safety and emotional support measures. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying or intimidation based on a student's actual or perceived gender identity or expression. For consideration whether a sexual harassment investigation is warranted, refer to [BUL-3349.1, Sexual Harassment Policy \(Student-to-Student, Adult-to-Student, and Student-to-Adult\)](#).
2. School staff shall take all reported incidents of bullying seriously and take appropriate measures to ensure that the bullying stops. Refer to [BUL-5212.1, Bullying and Hazing Policy \(Student-to-Student and Student-to-Adult\)](#).
3. School administration shall respond immediately to incidents of discrimination, harassment, bullying or intimidation by taking actions that include, but are not limited to the following: a) intervening to stop the behavior; b) investigating and documenting the matter; c) determining and enforcing appropriate interim measures and corrective actions; and d) monitoring to ensure that the behavior does not reoccur.
4. School staff should take all reasonable steps to ensure safety and access for students and support students' rights to assert their gender identity and expression. Interim safety measures may include increased monitoring of the parties, providing options for the parties to avoid or minimize contact in academic and extracurricular settings, safety plans, training and educational materials to address climate, and provision of support resources (e.g., academic support, counseling, health and mental health services).
5. Students shall not be disciplined on the basis of their actual or



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perceived gender identity or expression.

6. Students shall be informed they have the responsibility to report incidents of discrimination, harassment, bullying or intimidation to the designated site administrator or Title IX/Bullying Complaint Manager in cases where they may be a target or witness.
7. Students shall be informed of their role in ensuring a school environment that is free from discrimination, harassment, bullying or intimidation.
8. In addition to or instead of filing a complaint at a site, any student or their duly authorized representative has the right to file a discrimination, harassment, bullying or intimidation complaint involving gender identity and expression under the Uniform Complaint Procedures with the District's Educational Equity Compliance Office at 333 South Beaudry Avenue, 20th Floor, Los Angeles, California 90017, for appropriate response; EquityCompliance@lausd.net; For more information, visit <http://achieve.lausd.net/eeco>.

F. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Students shall have access to restrooms that correspond to their gender identity. Students who identify as nonbinary should be granted access to the facility which they find best aligns with their gender identity.
2. If a student desires increased privacy, regardless of the reason, the administrator shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall or all-gender restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom. For safety reasons, students should be given access to a restroom that allows reasonable access for appropriate supervision by staff. Regardless, all students are expected to exemplify appropriate behavior in restrooms.
3. Refer to [REF 6799.0, Sex-Specific and All-Gender Single and Multiple-User Restrooms](#), for more information about all-gender restrooms.

G. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility



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that corresponds to their gender identity. Students who identify as nonbinary should be granted access to the locker room with which they find best aligns with their gender identity, including access to reasonable accommodations as indicated below.

2. If there is a request for increased privacy, any student shall be provided access to a reasonable accommodation such as:
 - a. Assignment of a student locker in near proximity to the coaches' office or a supportive peer group.
 - b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain).
 - c. Use of a nearby private area (e.g., nearby restroom or a health office restroom).
 - d. A separate changing schedule.

H. Sports, Athletics and Physical Education

1. When conducting physical education classes and fitness evaluations, teachers will address and evaluate students by their gender identity.

Performance on the state physical fitness test (Fitnessgram) is evaluated by the State of California in accordance with the sex reported. Students are to be tested according to their gender identity when students identify with a gender different from that in their pupil records. Test administration on this instrument allows for a designation of nonbinary or for students to not disclose their gender to the test administrator. However, the Healthy Fitness Zone charts, or health-related standards used to evaluate performance, are based on female and male genders only. In these events, physical education teachers shall make every effort to maintain confidentiality of student information.

2. Participation in competitive athletics, intramural sports, athletic teams, competitions and contact sports shall be facilitated in a manner consistent with the student's gender identity and in accordance with the California Interscholastic Federation constitution and bylaws. Students who identify as nonbinary should be granted the opportunity to participate in athletic activities they find best align with their gender identity.

I. School Activities and Programs

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of



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discrimination on the basis of their actual or perceived gender identity or expression in any program or activity. These activities and programs may include, but are not limited to, cheer class, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, field trips, afterschool activities and programs, and all extra-curricular activities.

J. Course Accessibility and Instruction

Students have the right to equitable learning opportunities in their school. Students shall not be required to take or be denied enrollment in a course on the basis of their actual or perceived gender identity or expression in any educational and academic program.

K. Dress Codes/School Uniform Policies

1. A school's dress code and school uniform policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Students have the right to dress in accordance with their gender identity within the parameters of the dress code as it relates to the school uniform or safety issues.

RELATED RESOURCES:

[Bullying and Hazing Policy \(Student-to-Student and Student-to-Adult\), BUL-5212.1](#), September 17, 2012, Office of the Superintendent

[Code of Conduct with Students - Distribution and Dissemination Requirement, BUL-5167.0](#), July 1, 2010, Office of the Superintendent

[Educating for Diversity, LAUSD Board Resolution](#), March 16, 1992

[Fair, Accurate, Inclusive and Respectful \(FAIR\) Education Act, BUL-5898.0](#), October 9, 2012, Office of Curriculum, Instruction and School Support

[Gold Book](#), Los Angeles City Section, California Interscholastic Federation, "Gender Identity Participation"

[Incident System Tracking Accountability Report \(ISTAR\), BUL-5269.2](#), July 10, 2013, School Operations

[LGBT and Sexual Orientation Anti-Bullying Resolution, LAUSD Board Resolution](#), September 13, 2011

[LGBTQ Resources](#), Updated by the Educational Equity Compliance Office

[Name and/or Gender of Pupils for Purposes of School Records, BUL-5703.3](#), February 15, 2019, Office of Data and Accountability



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RELATED RESOURCES (cont.):

[Nondiscrimination Required Notices, MEM-5818](#), issued annually, Office of the General Counsel

[Physical Education Programs, Grades K-12, BUL-2528.1](#), December 21, 2009, Office of Curriculum, Instruction and School Support

[Responding to and Reporting Hate-Motivated Incidents and Crimes, BUL-2047.2](#), September 4, 2018, Office of the General Counsel

[Sex Equity in Physical Education Programs, BUL-1826.0](#), August 5, 2005, Secondary Instructional Services

[Sex-Specific and All-Gender Single and Multiple-User Restrooms, REF-6799.0](#), February 28, 2017, Office of the General Counsel

[Sexual Harassment Policy \(Student-to-Student, Student-to-Adult, Adult-to-Student\), BUL-3349.1](#), August 6, 2014, Office of the General Counsel

[Student Dress Codes/Uniforms, BUL-6494.1](#), June 22, 2015, Division of District Operations

[Title IX Policy/Complaint Procedures, BUL-2521.2](#), February 14, 2018, Office of the General Counsel

[To Enforce the Respectful Treatment of All Persons, LAUSD Board Resolution](#), October 10, 1988

[Uniform Complaint Procedures \(UCP\), BUL-5159.9](#), January 31, 2019, Office of the General Counsel.

AUTHORITY: Title IX of the Education Amendments of 1972, 42 U.S.C. 1681
Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq.
California Education Code Sections § 201, § 210.7, § 221.5, § 220, and § 231
“Gold Book,” Los Angeles City Section, California Interscholastic Federation

ASSISTANCE: For further information:

[Division of District Operations](#), (213) 241-5337

[Educational Equity Compliance Office](#), (213) 241-7682

[Health Education Programs](#), (213) 241-2554

[Human Relations, Diversity and Equity](#), (213) 241-8719

[Information Technology HelpDesk](#), (213) 241-5200

[Interscholastic Athletics](#), (213) 241-5847

[Office of the General Counsel](#), (213) 241-7600

[Physical Education](#), (213) 241-4134



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ASSISTANCE [School Mental Health](#), (213) 241-3841
(cont.): [School Police](#), (213) 625-6631
 [Student Discipline and Expulsion Support Unit](#), (213) 202-7555