



California LGBTQ Student Law Implementation Toolkit

A Toolkit for Advocates to Implement
Seth's Law, the FAIR Education Act,
and the School Success and Opportunity Act

Introduction

All students deserve a welcoming, safe, and bias-free learning environment. Unfortunately, many lesbian, gay, bisexual, transgender and queer (LGBTQ) youth face specific barriers that make it difficult for them to find a supportive school setting. LGBTQ students disproportionately experience harassment and bullying and face a variety of obstacles at school including harassment, biased instruction, and access to safe and appropriate facilities. By passing and implementing inclusive school policies, school districts will allow LGBTQ students to fully participate in school and succeed.

California's most recent LGBTQ inclusive education laws will help create welcoming and inclusive schools. These laws include:

- **Seth's Law (AB 9):** Requires schools to proactively protect students from harassment, discrimination, and bullying based on actual or perceived sexual orientation, gender, gender identity, and gender expression.
- **Fair Accurate Inclusive Respectful (FAIR) Education Act:** Requires teaching historically accurate curriculum that reflects the diversity of California and prohibits any instruction or programming that is biased against LGBTQ students.
- **School Success and Opportunity Act:** Provides guidance for schools regarding students accessing sex-segregated facilities and activities, like bathrooms and sports, based on gender identity.

Note: While this toolkit is specifically geared toward implementation of Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act, we know that teachers, principals, and district staff who think about gender more broadly create school environments that are better for all students. While not all of these laws specific address the issue, it is critical that schools adequately accommodate students who are gender nonconforming, genderqueer, or non-binary.

About This Toolkit

This toolkit is meant to help parents, youth, advocates, and educational professionals successfully implement Seth’s Law, the FAIR Education Act, and the School Success and Opportunity Act in their local districts. Implementing the laws locally will ensure that our schools are welcoming and supportive environments where all students can learn and succeed. This toolkit is intended to be a resource for parents, guardians, and other advocates to use in collaboration with school and district staff. Whenever possible, advocates are encouraged to begin their work at the school site level by working with teachers and principals. This will both help build the case for district-level policies and ensure more effective implementation of district-level policies at the school site level.

We are here to help you! If you live in Southern California, please contact Joey Hernández for support at jhernandez@aclusocal.org. In Northern California and the Central Valley, please contact Anna Salem for support at asalem@aclunc.org.

Here are the steps the toolkit will walk you through to successfully implementing Seth’s Law, the FAIR Education Act, and the School Success and Opportunity Act in your school district:

1. Get acquainted with Seth’s Law, the FAIR Education Act, and the School Success and Opportunity Act and learn about some of the issues LGBTQ youth face in schools.
2. Assess your district’s policies about being inclusive and welcoming to LGBTQ youth.
3. Build a local coalition of allies.
4. Make an action plan.
5. Meet with your district superintendent or member(s) of the school board.
6. Present to your school board and have your school board pass inclusive district policies.

Except when specified, this guide is intended to be an internal tool for advocates and supporters of Seth’s Law, the FAIR Education Act, and the School Success and Opportunity Act. Feel free to share it within your local coalitions, with colleagues, or with other close allies. Certain pieces in the resource section are suitable for printing and distribution to district officials. We have tried to make very clear which materials are suitable for this purpose. Please contact Joey or Anna if you have any questions about which pieces are suitable for public distribution or if you need any of the materials in Microsoft Word format.

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Section 1: Getting Acquainted with the Laws

Understanding the law is the first step to being able to talk about and advocate for policies and practices that are most appropriate for your school district and the schools in them. Having a thorough understanding of the laws that you are advocating for will help give you credibility when working with decision-makers, like superintendents and school board members. However, you shouldn't worry that you don't know the answer to every question about the law – you can call legal experts like us for that. You should get a basic understanding but then focus on what's most important: making sure that LGBTQ students have a safe and inclusive school environment where they thrive.

Seth's Law (AB 9)

What is Seth's Law?

Seth's Law (AB 9) strengthens existing state anti-bullying laws to help protect all California public school students. Seth's Law requires public schools in California to update their anti-bullying policies and programs, and it focuses on protecting students who are bullied based on their actual or perceived sexual orientation, gender, gender identity and gender expression, as well as disability, nationality, race or ethnicity, and religion.

Why is it important?

California law says that all public school students should have equal rights and opportunities. Yet many lesbian, gay, bisexual, transgender, and queer students report that they experience significant bullying in California schools. It's also reported that teachers, administrators, and other staff often fail to address the bullying when they see it. Seth's Law is named after a 13-year-old California student who tragically took his own life in 2010 after years of anti-gay bullying that his school failed to address.

What does state anti-bullying law require school districts to do?

- Adopt a strong anti-bullying policy that specifically spells out prohibited bases for bullying, including sexual orientation and gender, gender identity, and gender expression.
- Adopt a specific process for receiving and investigating complaints of bullying, including a requirement that school personnel intervene if they witness bullying.
- Publicize the anti-bullying policy and complaint process, including posting the policy in all schools and offices.
- Post on the district website materials to support those who have experienced bullying.

School Personnel Must Intervene: Seth's Law specifically contains the following requirement: "If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so." (Education Code Section 234.1(b)(1))

Anti-Bullying Policy: Each school district is required to adopt a policy that prohibits discrimination, harassment, intimidation, and bullying that applies to all acts related to school activity or school attendance occurring within a school. Under Seth's Law, the policy must specifically prohibit discrimination, harassment, intimidation, and bullying based on these actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation. Discrimination, harassment, intimidation or bullying directed at someone associated with a person or group with one or more of the listed actual or perceived characteristics is also prohibited. (Education Code Section 234.1(a))

Complaint Process: School districts must adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, or bullying. The process must include a timeline to investigate and resolve complaints and an appeals process for the complainant. All complaints are to remain confidential, as appropriate, and schools are required to protect complainants from retaliation. (Education Code Section 234.1(b) & (f))

Publication of Anti-Bullying Policy and Complaint Process: School districts must publicize their anti-bullying policy and complaint process, including information about how to file a complaint, to students, parents, and the general public. The anti-bullying policy must be posted in all schools and offices, including staff lounges and student government meeting rooms. The anti-bullying policy and any complaint process forms must be translated, as appropriate. (Education Code Section 234.1(c) & (d))

Posting of Bullying Resources: School districts are required to post and annually update support resources to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and their families on their websites. A list of these resources must also be provided to each school within the district. (Education Code Section 234.5)

FAIR Education Act (SB 48)

What is the FAIR Education Act?

The Fair Accurate Inclusive Respectful (FAIR) Education Act (SB 48), which went into effect on January 1, 2012, requires that schools teach about the contributions of LGBT¹ people and people with disabilities throughout history in social science classes. The law also prohibits instruction, programming or adoption of materials by the State Board of Education that are biased against LGBTQ students.

Why did the California Legislature pass FAIR Education Act?

Sharing accurate and inclusive information is a crucial step to setting a climate of respect and keeping our schools safe. Schools that perpetuate silence or harmful stereotypes about LGBTQ people ignite fears and ignorance that fuel bullying and harassment. Accurate depictions of LGBT people and people with disabilities in classroom materials teach all students to respect each other's differences, thereby increasing students' sense of belonging and ability to learn. Fair, inclusive, and age-appropriate lessons can make LGBTQ students feel less isolated, improving their ability to stay in school and graduate. Legislators passed the FAIR Education Act to improve student safety, reduce bullying, enrich the learning experiences of all students, and promote an atmosphere of safety and respect in California schools.

But before the FAIR Act, California required schools to teach about historical contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans but not lesbian, gay, bisexual and transgender Americans or persons with disabilities. Additionally, before the FAIR Act, the law did not clearly prohibit instruction, programming or use of educational materials that were biased based on sexual orientation or gender identity.

What does FAIR Education Act require?

The law requires that lesbian, gay, bisexual, and transgender people are included and recognized for their important historical contributions to the economic, political, and social development of California. Specifically, this legislation added LGBT people to the existing list of underrepresented cultural and ethnic groups, which are covered by current law related to inclusion in textbooks and other instructional materials in schools. This inclusion helps to ensure that students get a fair and accurate picture of the people and events that have shaped our society, and that fair and accurate portrayals of LGBT people are no longer excluded from classroom discussions. The FAIR Education Act brings classroom instruction into alignment with

¹ This toolkit uses the acronym "LGBTQ" to specifically include lesbian, gay, bisexual, transgender, queer, genderqueer, and gender nonconforming individuals; this is meant to be as inclusive as possible. However, there will be some references with the acronym "LGBT." This is not due to minimizing inclusivity, but is a result of the limitations of binary language in the law itself.

nondiscrimination laws passed by the California Legislature and adopted by the State Board of Education a decade ago, by prohibiting the adoption of discriminatory instructional materials and textbooks.



School Success and Opportunity Act (AB 1266)

What is the School Success and Opportunity Act?

The School Success and Opportunity Act (AB 1266), which went into effect on January 1, 2014, provides guidance to public schools so they can make sure that transgender students, like all students, have the opportunity to do well in school and graduate.

Why did the California Legislature pass the School Success and Opportunity Act?

Even though there were already existing protections for transgender and gender nonconforming students, there were still too many students identifying problems in their school districts. Ashton is a 16-year-old transgender boy from San Joaquin County. He lives as a boy, but was assigned to girls' gym class—this singled him out, since he was the only boy in a class full of girls, and made him feel so devastated he couldn't focus in his other classes. After learning about the law, his school administrators met with him and his parents and made a plan for him to join the boys' physical education class. Now, Ashton is able to be himself and he is happily going to school with his friends. Zoey is a 12-year-old transgender girl from the Los Angeles County who transferred out of her school after administrators there refused to acknowledge her as a girl or allow her to use the girls' restroom. Her mom, Ofelia, says that the law makes it easier for her daughter to go to school and be herself. Dean is a 17-year-old transgender boy from Kern County who takes online classes instead of going to a traditional campus. He stopped going to regular high school because he was forced into girls' activities and bathrooms even though he is transgender and he lives as a boy in all other parts of his life. He wishes he could go back to traditional school because he misses being around other kids, going to school with his friends, and being able to join clubs and participate in activities on campus. Kane is a 17-year-old from Santa Clara County who wasn't on track to graduate because he had been missing classes due to problems he was having at school related to his gender expression. After he heard about the law, he finally felt safe letting people know he is transgender, and living as a boy at school. His principal and teachers used the law as a guide, which has worked well for him and his classmates. Now he's thriving at school.

What does the School Success and Opportunity Act require school districts to do?

Schools work to meet the needs of all students, and this law is based on policies and practices that are already working well in school districts across California. The law gives guidance for schools to do what's best for all students, including transgender students. The law gives schools the guidelines and flexibility to create an environment where all kids have the opportunity to learn. Some students face greater challenges than others – for a variety of reasons – and schools work to meet the needs of all students. This law does not create co-ed bathrooms. Girls' and boys' bathrooms remain separate. For example, one student described above, Ashton, lives his life as a boy, so he uses the boys' bathroom. Another student described above, Zoey, lives her life as a

girl, so she uses the girls' bathroom. That's why the law was supported by school boards, the California Association of School Counselors, the California Teachers Association, the California Federation of Teachers, and the California State PTA. The California School Boards Association has issued guidance that helps schools handle requests by transgender students and their parents and helps schools work with all students around privacy concerns.

Section 2:

Assess School District Policies & Practices

Assessing the school district's policies and practices prior to requesting or entering a meeting with district officials is crucial to the types of requests that you will be asking for. The overall goal is to make the school climate better for LGBTQ students and there is no way to do that if you don't understand the current school climate. The assessment can be used to create action items for the school district to focus on, action items for decision-makers to complete and advocates to follow-up on, and a definite timeline for said action items.

You can often find official board policies on your school district's website. If your district has any policies about being inclusive of LGBTQ youth, they will often be found in the 5000/Students section of the policies. When you find the policies, you can compare them to the sample policies on page 30 of this toolkit. If your district's policies are very close to some of these examples, it might mean that your district is already doing the right thing! If they are not, then you will know that this is an area where your district needs to improve.

Remember, though: just because a district has a good policy on the books does not always mean that the policy is being adequately implemented. This is why building relationships with teachers, principals, and district staff is so important. Sometimes the best way to find out what is actually happening in schools is to meet with supportive teachers or administrators to ask them what they've heard or how the school has accommodated LGBTQ students in the past. It is better to develop a collaborative relationship with school staff rather than an adversarial one, so always take the time to reach out to teachers, principals, counselors, or other school staff early in your advocacy process.

If you find yourself in any situation, regardless of whether that school has a compliant policy or not, where the school district is not being supportive or just being hostile, feel free to contact your regional point person (Anna Salem at asalem@aclunc.org for Northern and Central California, and Joey Hernández at jhernandez@aclusocal.org for Southern California) to strategize next steps.

Section 3:

Build a Local Coalition of Allies

If you find that your district's policies or practices aren't up to par, it's time to advocate! Building a local coalition of allies is a great way to share the work, involve others with a stake in the issue, and engage those who are most impacted.

Mission and Goals: One of the most important parts of your coalition is to have a clear mission and goals. Creating a mission statement (a few sentences that say what the purpose of the coalition is and what it is working toward) is a useful tool to use when trying to recruit people to join your coalition. Once you're able to get allies together to work toward the same mission, you can set your goals as a group. If your overall mission is to fully implement Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act in your local school district, then your goals should be specific, measurable, achievable milestones that will further your mission. Some potential goals include: getting the school board to adopt a comprehensive policy, or getting three school board members to make public statements in support of Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act.

Membership: To make your coalition effective, you want to have a strong, dedicated and diverse group of individuals working to achieve your goals. The coalition should be open to a variety of folks, including those who are directly impacted by the legislation, allies of the community, and even atypical partners. By including a variety of perspectives, you strengthen your advocacy efforts. Ask yourself "whom do we want and need at the table?" The answer might include: parents of transgender youth, parents of other youth, supportive teachers, local LGBTQ community leaders, and supportive local faith leaders.

Please keep in mind: parents or guardians of LGBTQ youth should consider potential privacy implications of their involvement in this type of advocacy. If the youth is not already out at school, a parent's advocacy could draw attention to the child. If a parent of a LGBTQ youth joins your local coalition, ALWAYS get permission before sharing that family's story or even sharing that the parent of LGBTQ youth is active in your local group. Parents who want to be active but reduce the risk of outing their child might want to use a pseudonym and not reveal the school their child attends.

Roles: You may also want specific roles in your coalition to make sure that the work gets done. Some important roles to have are:

- **Facilitator:** The person who runs the meetings, gets everyone together and makes sure that conversations are constructive and agenda items get covered. The facilitator is not necessarily the leader of the coalition; rather, this person helps move along the process and makes sure that time is being used effectively.
- **Note taker:** The person who takes notes at all the meetings and sends out a list of action items to the larger group after the meetings are over.

Timeline: It is important to be realistic about how long it will take to accomplish your goals and to seek the long-term buy-in of your partners. It may take a year or more to achieve your goals, so it is important to be honest with yourself and your coalition about this and to celebrate the small victories along the way. Given that you will be making a long-term commitment to this work and asking the same of others in your local coalition, it's important to discuss the following questions within your coalition:

- How often does the coalition plan to meet?
- How long do we think this coalition needs to exist?
- How long will each of our goals take to accomplish?

Communication: There are two main types of communication: internal and external. Internal communication for your coalition is figuring out how best to talk to each other. External communication is how your coalition talks to everyone else. Ineffective communication can often lead to an ineffective coalition. Some questions to ask for internal communication are: "Should you text, email, or call each other?" "How often should you be communicating?" "Do different members have different communication preferences to consider?"

School Climate Assessment: With a robust membership of impacted community members, the coalition would benefit from hearing the testimonies and experiences of students. Section 2, which covers assessing school district policies and practices, specifically addresses reviewing policies but the coalition should hear directly from LGBTQ students to have a thorough idea of what problems are affecting LGBTQ students. Not all problems can be deciphered from the policies themselves. For specific areas of improvement for the school district to work on and community members to advocate for, it is crucial for those specific areas to be identified by LGBTQ students themselves. Hearing from the people that are going to be directly impacted by the policy change is incredibly more powerful than advocates contemplating what the problems could be.

Power dynamics: A major concern when bringing together people to work on a social justice issue is making sure that you are paying attention to power dynamics in the coalition. It's always good to remember what the coalition is intending to accomplish and hearing from members of the actual impacted community. Being

aware of individuals' different privileges and experiences that bring into discussion is crucial to making sure that everyone's opinions and ideas are given enough attention.

Section 4:

Make an Action Plan

Once you've identified the problem you want to solve in your district and gotten together with a core group of allies who are ready to advocate, you need to make and implement an action plan.

Determine your ask and your target: What do you want the district or school to do, and who is the decision maker who can make that happen? Here are some samples:

- For districts:
 - Update board policies to comply with Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act.
 - Responding to and resolving complaints in a timely and respectful manner.
 - Approve curriculum that is inclusive and unbiased of LGBT people.
 - Remove any boundaries, including overly cumbersome practices or procedures for transgender students, to prevent students from accessing facilities and programs that align with their gender identity.
- For schools:
 - Respond to incidences of bullying, harassment and discrimination by:
 - Intervening when witnessing an incident of bullying, harassment or discrimination, when safe to do so.
 - Provide training to staff so that they have the tools to effectively intervene and handle incidents of bullying, harassment, and discrimination they witness.
 - Displaying nondiscrimination and anti-harassment policies where students and parents can access them, including student/parent handbooks.
 - Readily providing complaints to students and parents when they ask for them.
 - Responding to and resolving complaints in a timely and respectful manner.
 - Implementing restorative justice circles and Positive Behavior Interventions and Support (PBIS).
 - Include LGBT people in instructional curriculum by:
 - Including lesson plans on LGBT people in all social science classes.

- Providing reading materials and/or books in the library that promote positive images of LGBT people.
 - Observing days of celebration dedicated to LGBT people and including LGBT information and programming when providing diversity or competency trainings.
 - Ensuring LGBTQ students do not hear biased instruction by conducting a review to exclude all negative reinforcement of gender stereotypes in curriculum and programs.
 - Promptly handling any complaints of teachers or staff making biased remarks.
 - Providing opportunities (conferences or in-service trainings) to staff on how to implement and incorporate LGBT-inclusive curriculum.
- o Respect a student's gender identity by:
- Requiring that teachers and other staff accept a student's asserted gender identity.
 - Recognizing and using a student's preferred name and the pronouns that correspond with the student's gender identity.
 - Providing access to the sex-segregated facilities that correspond with the student's gender identity.
 - Allowing students to participate in physical education and athletics in a manner that is consistent with their gender identity.
 - Allowing students to dress in accordance with their gender identity, as long as they follow the dress code.
 - Respecting transgender students' privacy by not outing them to parents, other students, or school personnel.
 - Providing opportunities (conferences or in-service trainings) to staff on issues impacting transgender students and how to respect a student's gender identity.

Build support for your ask: This is important because decision-makers will want to know what other members of the community think. There are a few ways to do this. If you have time and capacity in your local coalition, you might want to plan a community meeting. If not, you might want to create a petition and collect signatures after school, at PTA meetings, or at your place of worship (if you have one).

- Community meetings are a great way to create a forum to talk through some of the issues people are concerned about in implementation of Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act. People might have concerns about what the laws actually do because of misinformation they might have heard. You should be prepared to speak to these concerns if you decide to host a community meeting. If you'd like to host a community meeting, we can help you! Please contact your regional point person (Anna Salem at asalem@aclunc.org for Northern and Central California, and Joey Hernández at jhernandez@aclusocal.org for Southern California).

- Petitions are also great ways to have one-on-one conversations with people about why the law is important and why you're advocating for implementation in your district. You should still be prepared to hear and respond to some of the concerns above. See page 22 for some sample responses to tough questions and page 56 for a sample petition. It's always helpful to practice the conversations.

Find and connect with supportive school staff: Reach out to a principal, teacher, or counselor who you know cares about this. Even if that person isn't ready to be a public advocate for this work or doesn't have time to help lead the campaign, they might be able to give you advice on whom else to talk to. Some questions you might want to ask are:

- Does your ask/demand and target make sense? Would it make sense to start somewhere else?
- Who on the school board or in the school district administration might be supportive?
- Are there supportive principals in the district who might be willing to speak to the superintendent or to members of the school board?

Section 5:

Meet with Your Superintendent & School Board Members

There's a lot of behind the scenes work to be done before your school board can actually vote on a policy to bring the district into compliance with Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act. It's ideal if you can get the district superintendent to help you move things forward.

Generally, a school district is structured in the following hierarchy, from top to bottom:

- **School Board:** The members of the school board are elected and are responsible for adopting board policies to govern the district and its schools. This body is ultimately responsible if the district or its schools are not complying with the legal protections they are required to provide to transgender students.
- **Superintendent:** This person is in charge of implementing all of the policies that the school board passes. Within the district, the superintendent is the person that makes the final decisions and is ultimately responsible for making sure that schools respect transgender students' rights.

You should start with district staff (often the superintendent). This person can be a big help in moving things forward if you get them on your side. And if you go straight to the school board, you risk alienating the superintendent, who may have wanted an opportunity to help you first.

1. **Form your team:** You should pull together a team from your local coalition to participate in the meeting. There should be about 3 or 4 participants, and it's ideal if you can include at least one parent and one student.
2. **Request the meeting:** You should send an email or letter outlining your initial concerns and requesting a meeting. See page 53 of this toolkit for a sample letter. You might need to make several follow-up calls to the district office to get the meeting scheduled. Be persistent!
3. **Prepare for the meeting:** In advance of the meeting, the team should meet to figure out your approach and each participant's role. You should outline your meeting and prepare your questions and

talking points in advance. See page 54 for a sample meeting outline on page 22 and additional talking points. You should also prepare a packet of materials to leave with the superintendent after the meeting, including sample policies (see page 30) and previously-published editorial/op-ed pieces (see page 70).

4. **Have the meeting:** Be sure to clearly state your demands and perspectives, but also listen to the perspectives of the superintendent. Don't forget to leave them lots of information and materials! If the superintendent is receptive to your suggestions, ask what the specific next steps are that they are committing to do to move this forward. They might suggest that you meet with members of the school board or attend a board meeting to speak during the public comment period. If the superintendent promises to do something or complete an action item, make sure that you set a tentative timeline so that you can check in with them as you get close to the deadline. Once you do those things, the superintendent might be ready to put something on a board meeting agenda. If the superintendent is not receptive to your concerns, your next steps might be to meet with members of the school board or bring a large group to speak during the public comment period of a school board meeting.
5. **Follow-up on the meeting:** Following up with the person you met with is almost as important as the meeting itself. Keeping the school district officials accountable to the promises that they made is critical to making sure that positive change happens at your school district. Sending a quick thank you email after the meeting is always appreciated. It's also very critical to check-in with the superintendent a few days before any action item should be completed that they promised to accomplish.

Section 6:

Present to Your School Board

Having your voice heard in front of the school board may be one of the most powerful actions you engage in to get your district to implement Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act. Since the school board is made up of people who make these decisions, it's really important for them to hear real stories and testimonies about what is happening in their own schools.

1. **Form your team:** You should pull together a team from your local coalition to participate in the school board meeting. There should be a diverse group of speakers including at least one parent, one student, and maybe even a supportive teacher or administrator.
2. **Request to be placed on the agenda:** You should send an email requesting to be placed on the agenda. You will have to look up your district's specific process for getting on the agenda. For the most part, the process can be found on the school district's website. If you can't find it, you can always give the school district a call and find out what the process is. You might need to make several follow-up calls to the school board to get on the agenda. Be persistent!
3. **Prepare for the school board meeting:** In advance of the school board meeting, the team should meet to figure out your approach and each speaker's role. You should outline your speech and talking points in advance. You can find a additional talking points on page 22. You should also prepare a packet of written materials to leave with the school board members after the meeting, including sample policies (see page 30) and previously-published editorial/op-ed pieces (see page70).
4. **Presenting at the school board meeting:** You will have a specific amount of time to speak to the board (usually about 3 or 5 minutes, which they will tell you when you get put on the agenda). You want to make sure that your speech is timed to the amount of time that you have been given by the board. If you don't get on the agenda and only speak during the open comment section, the board will probably not comment on what you have to say. However, if you are speaking about an agenda item, the members may comment. It is always good to have several speakers along with a visible crowd to support your ask. For the most part, your ask will be for the school board to adopt a policy, like the model policy for the School Success and Opportunity Act from the California School Boards Association (CSBA).

5. **Follow-up with the school board members:** Following up with school board members is almost as important as the speaking at the school board meetings itself. Sending a quick thank you email after the meeting is always appreciated. Keeping the school board members accountable to any promises that they made is also critical to making sure that positive change happens at your school district.

Section 7: Talking Points and Tough Questions

When talking to decision-makers like superintendents and school board members, there could be a lot of stories and details that you give them about any of these laws. These decision-makers often go off on tangents and bring up their stories. Talking points are useful tools to keep you on track and keep meetings focused. You don't have to mention every single talking point when your meeting someone but its good to at least be familiar with all of them so you can use them strategically depending on what is important or interests the decision-maker. The tough questions that are included are commonly heard questions from advocates who interact with their school or school district to have these laws implemented.

Seth's Law Talking Points

Even in California, school bullying is still a real problem. Schools don't always have the tools or knowledge to adequately protect LGBTQ students and other vulnerable students. Students, parents, and school employees often don't know what the rules are or what to do if bullying occurs.

- Better school procedures and policies to prevent and address bullying will make a safer environment for students who are suffering, and can even save lives.
- Public schools have tremendous power to protect students from bullying and harassment.
- Bullying and harassment can have serious consequences for students, including failing grades and depression.
- All students deserve a safe place to learn, and to be supported at school for exactly who they are. And parents deserve to know that their kids are going to school in a safe environment.
- All young people should be safe from harassment and discrimination at school, whether because of sexual orientation, gender identity, gender expression, race or ethnicity, nationality, disability or religion.
- Teachers and students say anti-LGBTQ bullying is a serious problem and we need specific tools for addressing all kinds of bullying.

Seth's Law is important because it is the necessary solution to address bullying and harassment of LGBTQ students. Even though students had already been protected on the basis sexual orientation, gender, gender identity, and gender expression, the implementation of Seth's Law is crucial to ensuring the safety of LGBTQ students and preventing the situation from happening again.

- This law gives schools specific tools to prevent and address bullying in order to create a safe school environment for all students.
- The most effective way to reduce bullying is to create a school-wide culture of inclusion and respect for difference. Seth's law creates an easy system for schools to build safer environments and a stronger community. Under the law, every school district in the state must:
 - Create strong and clear anti-harassment policies and programs, if they don't have them already.
 - Have a system in place to ensure that all reports of harassment are taken seriously, addressed quickly, and that parents and students understand the process of making these complaints.
 - Explain the harmful impact of bullying and discrimination to students and staff.
 - Provide ongoing professional development for teachers, school counselors and administrators about identifying and stopping harassment and discrimination and creating a school-wide culture of inclusion and respect for difference.

- Seth’s law ensures that updated anti-harassment and anti-discrimination policies and programs apply to actual or perceived sexual orientation, gender identity and expression, as well as race, ethnicity, nationality, gender, disability, and religion.

The best way for schools to prevent and address bullying is to deal with the underlying reasons for bullying. That means taking proactive steps to create a school-wide culture of inclusion and respect for differences.

- Punishments like suspension and expulsion alone aren’t the answer, and don’t get at the root of the problem. School discipline should also teach appropriate behavior, and also help a student who bullies understand and take responsibility for the harm caused.
- Research shows that severe discipline alone doesn’t make schools any safer. “Zero Tolerance” approaches to discipline often backfire and end up harming vulnerable students. In fact, LGBT students, students of color, and students with special needs face disproportionate rates of suspension and expulsion. This is confirmed by data from the American Academy of Pediatrics confirms that LGBTQ students face more severe discipline than their heterosexual peers.

FAIR Education Act Talking Points

It's crucial to implement the FAIR Education Act because it requires that schools teach the contributions of LGBT people and provides LGBTQ students the opportunity to receive an accurate depiction of historic role models.

- Even though there have been significant contributions of LGBT people in history, those leaders have often been left out of the curriculum.
- The information about LGBT people is focused on their contributions, how they made their impact, and providing a full-context of who they are as individuals.
- This information is to be provided in an age-appropriate manner; the same way that students learn about Dr. Martin Luther King, Jr. in elementary school in comparison to high school, students could also learn about Bayard Rustin or Harvey Milk.
- There are a significant amount of free/low-cost materials and resources so that school districts don't have to worry about buying new textbooks.

Students can often go through their entire high school education without ever hearing the mention of a LGBTQ person or topics in an affirming manner.

- Biased and/or uninclusive curriculum works against the goal of creating a school environment that is welcoming to all students.
- LGBTQ students are rarely able to find role models in their curriculum, but the FAIR Education Act provides the possibility for them to find a place for their own identities in their school.
- Even though it may be daunting, there are easy ways to include supplemental lesson plans into the already established curriculum.

Schools must prohibit instruction, programming, and use of materials that are biased against LGBTQ students. Inclusive and bias-free curriculum has proven to improve school climate and make LGBTQ feel more included into the school environment.

- Biased and/or uninclusive curriculum works against the goal of creating a school environment that is welcoming to all students.
- When students hear gender stereotypes or biased instruction against LGBTQ people, LGBTQ students often do not fully participate in their education. Due to feeling unwelcomed or marginalized, LGBTQ students' grades, attendance, and overall educational experience suffer.
- Biased information from teachers and staff often negatively affects school climate and leads to bullying and harassment of LGBTQ students.

School Success and Opportunity Act Talking Points

The School Success and Opportunity Act, which took effect on January 1, 2014, makes sure that all students, including transgender students, have the opportunity to graduate from California’s public schools, by ensuring they can be themselves and fully participate in school facilities and activities such as sports and physical education.

- Parents and families know that every student should have a fair chance to fully participate and succeed in school so that they can graduate with their classmates.
- Transgender students face increased rates of discrimination and exclusion at school. This law ensures schools understand their responsibility for the success and well-being of all students, including transgender students. No parent wants to see their child excluded or discriminated against.
- Los Angeles Unified School District and many others have for years successfully had in place policies that ensure that no student is excluded.

Despite anti-discrimination laws that have long been in place, many transgender students have nonetheless been improperly excluded from participating in school-based activities, programs, and facilities, and high school students have been denied the opportunity to earn the credits they need to graduate. The School Success and Opportunity Act restates prior anti-discrimination law requiring that transgender students, like all students, be provided with a safe and supportive school environment where they can succeed.

- We hear from many transgender students that they are being excluded from fully participating at school. Some of them have been unable to play their favorite sport and some of them have had trouble graduating because they had no place to prepare for PE class and they couldn’t get PE credits. We’ve also heard from students who have had serious medical issues because they were unable to use a restroom at school that matched their gender identity.
- Ashton, a transgender boy from Manteca, was assigned to girls’ PE causing him great distress and making it harder for him to focus at school.
- Transgender students like Calen from Tulare County didn’t graduate high school because they skipped classes because of the stigma caused by being forced to participate in activities as the wrong gender.
- Transgender students sometimes avoid drinking water all day – even in hot weather – and get severely dehydrated because they’re not allowed to use a bathroom that matches their gender identity.

Tough Questions

Why can't school districts just suspend or expel students who bully? Why don't "Zero-Tolerance" policies work?

Suspending and expelling students does not address the root problem or prevent bullying. Research has shown that policies that require punitive action and remove students from their educational environments such as "zero-tolerance" policies, are detrimental to overall school climate. Furthermore, these punitive practices can actually harm the students the policies are meant to protect. Research shows that zero tolerance and punitive discipline practices are disproportionately used against vulnerable student populations, including LGBT students, students of color, and students with disabilities. What this means in practice is that the LGBT student who fights back against bullying is more likely to be punished than the bully. The most effective way to reduce bullying is to address the root cause of the bullying and create a school-wide culture of inclusion and respect for difference.

What are alternatives to suspension and expulsion?

A few alternative discipline approaches that improve school climate and address the root cause of bullying and harassment include restorative justice programs and positive behaviors interventions and supports (PBIS).

So does the FAIR Education Act mean that we are talking about sex?

No. the FAIR Education Act is now about sex or sexual health education. The FAIR Education Act simply includes the contributions of LGBT people and people with disabilities in social science curriculum. It also says that materials must be presented in an age-appropriate curriculum. Just because students would be learning about Harvey Milk, the first openly gay person to be elected to public office in California, does not mean that we will be learning about his sex life, but how he contributed to American History. However, we will point out that California does have separate laws that prohibit schools from having HIV prevention and sexual health education that is biased against LGBTQ students.

Do we have to buy new textbooks to be compliant with the FAIR Education Act?

No. Even though it would be convenient to purchase new books, it is not necessary to do so in order to implement the FAIR Education Act. There are plenty of free resources and lesson plans already in existence that are readily available. When the next round of purchasing textbooks comes up, they are supposed to include the updated materials.

Does the School Success and Opportunity Act mandate that schools create co-ed bathrooms?

No. Transgender boys are boys and transgender girls are girls. They should be treated like all other boys and girls. This law does not create co-ed bathrooms—it simply helps districts and schools understand their responsibility to give all students, including transgender students, a fair opportunity to succeed.

Does the School Success and Opportunity Act mean that boys can decide to be girls on a whim so they can go in the girls' bathroom?

No. There are districts that have had policies in place for years that accord with the School Success and Opportunity Act, like LA Unified School District, with great success. Schools already have policies in place to deal with misbehavior.

Will the School Success and Opportunity Act give certain students or teams an athletic advantage?

Transgender children have varying athletic interests, abilities, and body sizes just like every other boy and girl. All students should have a fair chance to participate in sports, which we know help students mature into successful adults. We just haven't seen any issues arise in schools and states where policies like this have existed for years. In fact, the California Interscholastic Federation has a policy in place to make sure transgender students can participate on the sports teams that match their gender identity. This law simply makes sure schools understand their responsibility under current law and policies.

Are you asking for the school district to make special accommodations to only protect gay students?

No. We are not asking that LGBTQ students get special treatment; we are only asking that the school district is intentional with its attempts to protect LGBTQ students. By improving school climate for LGBTQ students, you are actually improving school climate for all students.

What if the bullying of a gay student is just an isolated incident?

Actually, according to the Gay Lesbian Straight Education Network's 2013 School Climate Survey about 85% of LGBTQ students were verbally harassed at school in the past year, 30% missed at least one day of school in the past month because felt unsafe or uncomfortable, and 65% heard homophobic remarks frequently or often. Even though you may not think that it is an issue at your schools, there are plenty of areas of improvement that the district can work on to minimize bullying and harassment of LGBTQ students.

Why should implement new programs when we already have anti-bullying programs?

Although it's great that you already have anti-bullying programs at your school, it is crucial that you have LGBTQ specific or inclusive anti-bullying programs. School districts that have enumerated categories in their policies and their anti-bullying programs report less harassment and bullying than school districts that don't.

We already have a nondiscrimination/harassment policy. What else are you asking us to do?

We're very happy to hear that but under the California Education Code the district's policies must include all the mandated enumerated categories, including actual or perceived sexual orientation, gender, gender identity and gender expression, and association with a person or persons of any of these actual or perceived groups.

We already have a system to receive complaints. What else are you asking us to do?

We're definitely glad to hear that you do, but like the nondiscrimination/harassment policies, it is important and required by law to include all the enumerated categories. We are also asking that you handle all of these complaints in a thorough and timely manner. It's also incredibly important that the district handles these complaints that doesn't make the situation worse for LGBTQ students, like the staff member resolving the complaint making anti-LGBTQ and biased remarks or not respecting the rights of LGBTQ students.

Section 8: Model and Sample Policies

The most time and energy efficient advocacy is when community members provide decision-makers with all of the materials they need in order for it to be an easy process. In this case, providing a superintendent or school board members with model policies and samples of other school districts will not only provide them with all the information they need but will also make it a relatively easy process. Instead of being able to say that they have to look into to find resources, you have already provided it for them and all they have to do is motion to get it passed. This section has both model policies from the California School Board Association as well as policies that local education agencies have passed across the state.

FAIR Education Act Model Policy

PURPOSE

The _____ School District is committed to adopting instructional material and activities that accurately and equitably portray the diversity and pluralism of American society, and that do not promote bias against any students.

Each school within the _____ School District is committed to providing instruction and programming that adhere to these policies.

BIASED INSTRUCTION AND ACTIVITIES ARE PROHIBITED:

The _____ School District will not adopt any textbook or other instructional materials that contain any matter reflecting adversely upon or promoting a discriminatory bias or stereotype against persons on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, or sexual orientation. No teacher will use instructional materials, or give instruction, nor will the District, school, or teacher sponsor any activity, that reflects adversely upon or promotes a discriminatory bias or stereotype against persons on the basis of those characteristics. (*Education Code* §§ 51500, 51501, 60040, 60044).

Instruction, materials, and activities shall conform to the social content standards established by the California State Board of Education.

INCLUSIVE INSTRUCTION AND ACTIVITIES ARE REQUIRED:

Instructional material in history and social science shall include the role and contributions of:

- People of all genders;
- Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans;
- Lesbian, gay, bisexual, and transgender Americans;
- Persons with disabilities;
- Members of other ethnic and cultural groups

to the economic, political, and social development of California and the United States of America with particular emphasis on portraying the role of these groups in contemporary society. (*Education Code* § 51204.5)

The above groups shall be portrayed in a way that promotes equality of opportunity and representation in a wide variety of occupations.

Instruction, materials and activities shall conform to the social content standards established by the California State Board of Education.



Anti-bullying and Harassment Policy

LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin BUL-5212.1

TITLE: Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)

NUMBER: BUL-5212.1

POLICY: The Los Angeles Unified School District is committed to providing a safe and civil learning and working environment. The District takes a strong position against bullying, hazing, or any behavior that infringes on the safety or well-being of students, employees, or any other persons within the District's jurisdiction or interferes with learning or the ability to teach. The District prohibits retaliation against anyone who files a complaint or participates in the complaint investigation process.

District policy requires all schools and all personnel to promote mutual respect, tolerance, and acceptance among students and staff. "All students and staff of public primary, elementary, junior high and senior high have the inalienable right to attend campuses which are safe, secure and peaceful" [Article 1, Section 28 (c) of the California State Constitution]. Schools' compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy is to be referenced in their Safe School Plan, Volume 1. This policy shall encompass behaviors or actions that occur among students, District employees and associated adults. The policy is applicable in all areas of the District's jurisdiction, including school and District -related activities, events, programs, and traveling to and from school.

MAJOR

CHANGES: This bulletin replaces Bulletin No. 5212.0, Bullying and Hazing Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult) dated August 20 2010, issued by the Office of Chief of Staff. It reaffirms District policy against bullying in all areas of the District's jurisdiction, revises the definitions of bullying, and reflects newly adopted legislation (California Education Code § 48900(r)).

Bullying that is initiated by adults is addressed in Workplace Violence, Bullying and Threats (Adult to Adult), BUL-5798.0, dated July 16, 2012, issued by Student Health and Human Services.

GUIDELINES: Bullying and hazing are part of a continuum of aggressive or violent behaviors. Some acts of bullying or hazing can and do constitute other categories of misconduct such as assault, battery, child abuse, hate-motivated incident, criminal activity or sexual harassment and, as such, violate other District policies. In such cases, District personnel are obligated to follow appropriate District reporting guidelines as detailed in the Related Resources section of this policy bulletin.

I. Definitions

A. Bullying is any severe or pervasive physical or verbal act(s) or conduct, including electronic communications committed by a pupil(s) that has, or can be reasonably predicted to have, the effect of one or more of the following:

- (1) Reasonable fear of harm to person or property.
- (2) Substantially detrimental effect on physical or mental health.
- (3) Substantial interference with academic performance.
- (4) Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

B. Hazing is a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury, personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. Hazing does not include athletic events or school-sanctioned events (Ed. Code §48900(q)).

C. Students are any person enrolled in a Los Angeles Unified School District school, including adult students. Adult students are also held to the guidelines associated with their enrollment in an adult education program.

D. Associated individuals are non-students who are affiliated with the District, including but not limited to parents/guardians, campus volunteers, vendors, contracted service providers, former students, former employees, domestic partners and relatives or friends of employees or students.

II. Types of Bullying

All incidents must meet the impact criteria of bullying to be considered as such.

A. Cyberbullying is bullying by electronic act, which includes transmission of a communication by text, sound, image, video, message, website post, social network activity, or other form of communication sent by an electronic device (Ed. Code 32261(g)).

B. Indirect bullying is the use of intimidation or peer pressure to cause harm to a third part(ies).

C. Non-verbal bullying includes the use of threatening gestures, staring, stalking, graffiti or graphic images, and destruction of property to cause distress, intimidation, discomfort, pain or humiliation.

D. Physical bullying includes intentional, unwelcome acts of beating, biting, fighting, hitting, kicking, poking, punching, pushing, shoving, spitting and tripping.

E. Social or relational bullying includes spreading rumors, manipulating relationships, exclusion, blackmailing, isolating, rejecting, using peer pressure and ranking personal characteristics.

F. Verbal bullying includes hurtful gossiping, making rude noises, name-calling, spreading rumors and teasing.

III. Discrimination

All pupils have the right to participate in the educational process free from discrimination and harassment. Discrimination is different treatment of a student on the basis of a protected category in the context of an educational program or activity, without a legitimate nondiscriminatory reason, that interferes with or limits the ability of the student to participate in or benefit from the services, activities or privileges provided by the District. Protected categories include an individual's actual or perceived age, ancestry, color, disability ethnic group identification, gender, gender identity, gender expression, marital status, national origin,

race, religion, sex, pregnancy and sexual orientation, as well as their association with a person or group of these protected categories, or any other basis protected by federal, state, local law, ordinance, or regulation.

A. Sexual Harassment

Sexual harassment is unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, sex, sexual behavior, sexual orientation, or other related personal characteristics, with the impact or intent to humiliate (California Ed Code §201 (b-c)). Anti-gay and sexist epithets are forms of sexual harassment. Schools should investigate and respond to these incidents under the guidelines of the relevant policy (e.g., Sexual Harassment Policy, BUL-3349.0 or the Transgender and Gender Variant Students-Ensuring Equity and Nondiscrimination, REF-1557.1).

B. Hostile Environment Harassment

Hostile Environment Harassment occurs when:(1) the target is subjected to unwelcome conduct related to a protected category; (2) the harassment is both subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under the same circumstances; and (3) the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the school.

IV. School Principal or Site Administrator(s) Responsibilities:

Safe campuses require a multi-faceted approach with strategies to prevent, respond to and recover from incidents of bullying and hazing. The school principal and site administrators shall create an environment where the school community upholds the standards of respect and civility and understands that bullying and hazing are inappropriate, harmful and are unacceptable. Toward this goal, schools shall:

A. Document compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy in their Safe School Plan, Volume 1. While LAUSD takes ALL reported cases of bullying and hazing seriously, we utilize positive behavior support strategies, interventions and corrective measures to address inappropriate behaviors.

B. Identify the Title IX/Bullying Complaint Managers responsible for documenting and overseeing complaints of bullying or hazing. The system for reporting suspected bullying or hazing must ensure that reporting can be done easily, safely and privately.

C. Ensure that all reports of bullying or hazing are investigated and documented, and that appropriate interventions are implemented and monitored in a timely manner. Incidents that result in physical injury, or require ongoing monitoring or additional resources should also be documented in iSTAR(Incident System Tracking Accountability Report). Behaviors that constitute criminal behavior or suspected child abuse must also be reported to the appropriate authorities.

D. Communicate with and ensure that all employees, students, parents, volunteers, coaches, activity leaders or other adults are informed of District and school policies regarding bullying and hazing and requiring the promotion of mutual respect and acceptance.

E. Post the English and Spanish Title IX/Bullying Complaint Manager posters (Attachments E-H) in school administrative offices, including student government meeting rooms and other prominent locations accessible to students where notices are regularly posted regarding rules, regulations, procedures, or standards of conduct.

F. Provide trainings to ensure that certificated and classified staff, volunteer coaches, activity directors and other adults on campus are familiar with and able to identify the indicators of bullying and hazing, and understand their individual responsibilities to respond to, intervene, and report any act or incident of bullying or hazing.

G. Provide instruction to ensure that students are educated about appropriate on-line behavior, including cyberbullying awareness and response and how to interact with others on social networking websites and in chat rooms.(Acceptable Use Policy (AUP) for District Computer and Network Systems, BUL-999.4, dated August 14, 2012, issued by the Chief Information Officer

H. Present the District's Bullying and Hazing Policy as part of the student orientation program conducted at the beginning of each academic term.

I. Certify on the Administrator Certification that the school has complied with the mandates of the District's Bullying and Hazing Policy and has selected at least two school-site certificated employees to serve as the school's Title IX/Bullying Complaint Managers.

V. Staff Responsibilities:

A. Share responsibility for modeling appropriate behavior and creating an environment where mutual respect, tolerance, civility, and acceptance among students and staff are promoted, and students understand that bullying and hazing are inappropriate, harmful and are taken seriously.

B. Recognize the indicators of bullying and hazing.

C. Discuss all aspects of the Bullying and Hazing Policy with students including strategies to prevent and respond to bullying and hazing.

D. Encourage students to report any bullying or hazing they witness or are targets of to the Title IX/Bully Complaint Manager.

E. Provide instruction to ensure that students are educated about appropriate on-line behavior, including cyberbullying awareness and response and how to interact with others on social networking websites and in chat rooms (See Acceptable Use Policy (AUP) for District Computer and Network Systems, BUL-999.4, dated August 14, 2012, issued by the Chief Information Officer).

F. Intervene immediately and safely with any act of discrimination, harassment, intimidation, hazing or bullying.

G. Report any complaints or incidents of bullying or hazing involving a District employee to the site administrator immediately.

VI. Title IX/Bullying Complaint Manager Responsibilities:

A. The Title IX//Bullying Complaint Manager shall ensure that the school employs a comprehensive system through which allegations of bullying can be safely and easily reported, and that the ensuing investigations, interventions and monitoring are documented. This comprehensive system should be designed in consultation with the principal or designee, and be communicated to the school community. As delineated above, all staff are responsible for responding to incidents. The principal or designee has the authority to assign the task of investigation, response and monitoring of alleged bullying and hazing to the individual(s) who would be most appropriate to assume those responsibilities.

VII. Student Responsibilities:

Students will take responsibility for helping to create a safe school environment:

- A. Do not engage in or contribute to bullying or hazing.
- B. Treat everyone with respect. Be sensitive as to how others might perceive your actions or words.
- C. Report bullying or hazing to a trusted District teacher or administrator.
- D. Never engage in retaliatory behavior or ask, encourage, or consent to anyone retaliating on your behalf.

VII. Responding to Bullying and Hazing Incidents:

It is imperative that schools thoroughly investigate allegations of bullying and hazing to determine if the incident was an isolated event or part of a larger pattern of behaviors. The following procedures should be followed in addressing incidents:

- A. Secure campus/office safety.
- B. Assure involved parties that allegations are taken seriously.
- C. Investigate promptly and thoroughly. Document the investigation, actions and agreements (see Attachments A and B). Incidents that result in physical injury or may require additional resources or sustained monitoring should also be documented in iSTAR.
- D. Request factual written statements from the involved parties, and if appropriate, witnesses.
- E. Consult with the Educational Service Center, Staff Relations and other offices as appropriate.
- F. Document actions taken to stop the behavior from recurring (see Attachments C and D).
- G. Monitor and follow-up to ensure that the bullying or hazing has stopped.
- H. If the bullying or harassment is based on the person's actual or perceived characteristics or association with any of the protected classes (age, ancestry, color, disability ethnic group identification, gender, gender identity, gender expression, marital status, national origin, race, religion, sex, pregnancy, sexual orientation), it may rise to the level of discrimination or hostile environment harassment, and must be investigated as such. The school will follow its standard procedures of documenting its investigation, intervention and monitoring. Educational Equity Compliance can provide technical assistance as needed.
- I. If the bullying or hazing constitutes suspected child abuse, follow BUL-1347.2 Child Abuse and Neglect Reporting Requirements. The suspected child abuse must be immediately reported to the appropriate child protective services authority.
- J. If the alleged bullying is directed by a student against an employee, follow standard investigation and interventions. If the alleged behavior constitutes discrimination, contact the Equal Opportunity Section.
- K. Employees, elected parent officials, contracted service providers and associated individuals who engage in bullying, harassment or hazing toward other adults are governed by the guidelines delineated in BUL-5798.0 Workplace Violence, Bullying and Threats (Adult to Adult) and in BUL-1325.1, Visitors to School Campuses and Locked Campuses During Class Hours at All Schools.
- L. Complainants who disagree with the resolution of a bullying or hazing complaint may appeal the decision with the Educational Service Center Operations Coordinator. Complainants who are dissatisfied with the Educational Service Center response may appeal at the central office level through Educational Equity Compliance.

IX. Confidentiality and Non-retaliation:

Reports of bullying or hazing shall be handled confidentially to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those persons who need to know within the confines of the District's reporting procedures and investigation process.

The District will not tolerate retaliation against anyone who reports suspected bullying or hazing, or participates in the investigation process. Confidentiality and non-retaliation requirements extend to all parties involved.

School Success and Opportunity Act Model Policy and Samples

The following policies and administrative regulations are real examples of AB 1266 policies from a school district and a County Board of Education. The sample on the following page from Berkeley Unified School District is suitable for printing and sharing with school district officials and other decision-makers.

You may also wish to share:

- **The California School Boards Association’s Policy Brief**, which can be downloaded at http://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~media/CSBA/Files/GovernanceResources/PolicyNews_Briefs/Transgender/201402_PBNonDiscriminationGender.ashx.
- Los Angeles Unified School District’s student records policy regarding name and gender changes, which can be downloaded at http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_PLCY_RES_DEV/BUL-5703.2%20TRANSGENDER%20-%20CHANGE%20OF%20NAME%20AND%20GENDER%20POLICY.PDF

All of the sample policies that follow in this document can also be found online as printable PDF files.

Berkeley Unified School District Gender Identity and Access Policy and Administrative Regulation:

Available online at <http://supportallstudents.files.wordpress.com/2013/09/gender-ar-bp.pdf>

BP 5157

Students

The Berkeley Unified School District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and to ensuring that every student has equal educational opportunities and equal access to the District's educational programs and activities. California and federal law (Cal. Ed. Code § 220 and Title IX, 20 U.S.C. § 1681) requires schools to treat transgender students equally and fairly. State and federal law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on, among other things, actual or perceived gender identity, gender expression, or gender. California Education Code § 201 further provides that public schools have an affirmative obligation to combat bias, and a responsibility to provide equal educational opportunities to all pupils. Additionally, District policy requires that all schools and all personnel promote mutual respect and acceptance among students and staff. Thus, the District has a legal obligation to ensure that transgender students are safe, supported, and fully included in all school activities, programs, facilities, and educational opportunities. No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (Cal. Ed. Code § 220, 20 U.S.C. § 1681 (Title IX))

The Board of Trustees considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. The District shall investigate all complaints of harassment, discrimination, intimidation, or bullying and take appropriate action against any student or employee who is found to have violated this policy. Harassment, discrimination, intimidation, or bullying of a student by another student in violation of this policy may constitute cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation, or bullying. Harassment, discrimination, intimidation, or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression. The Superintendent shall ensure that students receive

age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression.

Each school must ensure that all students, including LGBTQ students, are provided a safe and supportive learning environment that is free of harassment, discrimination, intimidation and bullying. Administrators, faculty and staff are required to intervene when they witness harassment, discrimination, intimidation and bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action.

This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Adopted: December 11, 2013

AR 5157

Students

PURPOSE

The purpose of this Administrative Regulation is to advise District staff regarding issues relating to transgender and gender nonconforming 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.

This regulation sets out guidelines for school and District staff to address the needs of transgender students and explains how these nondiscrimination laws should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This regulation does not anticipate every situation that might occur with respect to transgender students, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy

development of all students, including transgender students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

DEFINITIONS

These definitions are not meant to label any student, but are intended as functional descriptors. Students may or may not use these terms to describe themselves.

Gender: Socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.” Under California law, “gender” is defined to include a person's gender identity. (Cal. Ed. Code § 210.7)

Gender Fluid: Persons who do not identify as, or who do not express themselves as, solely male or female.

Gender Identity: A person’s internal, deeply-rooted identification as male or female. All people have a gender identity, not just transgender people.

Gender Nonconforming: Displaying gender traits that are not consistent with stereotypical characteristics associated with one’s legal sex assigned at birth, or others’ perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are “supposed to” look or act.

LGBTQ: An umbrella term that stands for “lesbian, gay, bisexual, transgender, and questioning.”

Sex: The biological condition or quality of being a female or male human being.

Sexual Orientation: A person’s romantic or sexual attraction to people of the other and/or same gender. (Cal. Ed. Code § 212.6) 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 students may identify as gay, lesbian, bisexual, or heterosexual.

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.

Transgender: A person whose sex at birth is opposite from who they know they are on the inside.

DETERMINING A STUDENT’S GENDER IDENTITY

The responsibility for determining a student’s gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent or guardian.

A school should accept a student’s asserted gender identity when there is evidence that it is a sincerely held part of the student’s core identity. A school may not question or disregard the student’s assertion of his or her gender identity unless school personnel have a credible basis for believing that the student is asserting a particular gender identity for some improper purpose.

There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school. The term “gender transition” describes the experience by which a transgender person goes from living and identifying as one gender to living and identifying as another. For most transgender youth, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as “social transition,” whereby they begin to live and identify as the gender consistent with their gender identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical intervention, such as hormone suppressants or hormone therapy, under the care of a physician. Whether such interventions are available or appropriate will depend on the unique circumstances of each individual.

Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have his or her requested name and gender identity recognized and respected by a school.

PRIVACY

All persons, including students, have a right to privacy: the right to decide when, with whom, and how much highly personal information one wants to share about oneself to others. This includes the right to control dissemination of highly personal and private information such as one’s transgender status or sexual orientation.

District and school personnel should not disclose a student’s transgender status to others, including, but not limited to, other students, parents, and/or other school personnel, unless they are legally required to, or the student has authorized such disclosure, or there is a specific and compelling “need to know” in order to protect the transgender student’s interests. In those rare circumstances where disclosure is deemed to be absolutely necessary, before making any disclosure, school officials should inform the transgender student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

District and school personnel may encounter situations where a transgender student has not disclosed their transgender status to their parents. Whenever possible, school administrators should speak with the student

to confirm the manner in which the student will be referred to in conversation with the parent/guardian. Generally, when contacting the parent or guardian of a transgender student, school personnel should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student, parent, or guardian has specified otherwise.

All students, including transgender students, have the right to openly discuss and express their gender identity or transgender status and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the school use a student's self-disclosure as grounds for sharing information about the student's gender identity or transgender status without the student's permission.

NAMES/PRONOUNS

Should a student or parent/legal guardian request to have the student addressed by a name and pronoun different from those associated with the student's sex at birth, the school will honor that request and set expectations for their consistent use. District and school officials may not require proof of a court-ordered name or gender change before honoring such a request. Districts and schools should also endeavor to proactively adapt student information systems to accommodate requested names and pronouns to prevent inadvertently revealing information that would violate the student's privacy.

While inadvertent slips or honest mistakes in the use of names or pronouns may occur, staff or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this policy.

SCHOOL RECORDS

The District is required to maintain an official, permanent pupil record with the legal name and gender appearing on the student's birth certificate. On all other school-related records or documents, however, at the request of or with the consent of the student's parent/legal guardian (unless the student is over 18), schools should use a transgender student's requested name and gender pronoun. This would include physical records and documents, diplomas and other certificates of advancement, electronic records and documents, and school IDs. Every effort should be made to update student records with the student's requested name and gender pronoun or gender marker, and not to circulate records with the student's assigned birth name or gender marker. Schools should also identify routine areas where a transgender student's privacy could be violated by the improper usage of the legal name and gender marker. These include but are not limited to pre-printed labels, standardized tests, student IDs or library cards, lunch tickets, school photos, notices from the main office, attendance slips, grade books, posted lists of student names, lesson plans, seating charts and roll sheets used by substitute teachers, and any other places where students' names are commonly written.

In order to protect the student’s privacy, and to prevent accidental disclosure of a student’s transgender status, the school should maintain the official, permanent pupil record in a secure location, separate from the student’s other records. If the official record is maintained electronically, similar security measures should be implemented to protect student privacy.

In the event that a student identifies as transgender, but is unable to obtain consent from a parent or legal guardian, a school administrator should meet with the student to discuss how the student would like to be addressed at school and implement a plan to ensure that the student’s privacy is protected. When a student or parent/legal guardian presents the school with documentation of a court-ordered legal name and/or gender change, the school must then change the official, permanent pupil record, to reflect the student’s new legal name and gender, in a timely manner.

Transgender students who transition after having graduated may ask their previous schools to amend school records or a diploma or transcript that include the student’s birth name and gender. When requested, schools should amend the student’s record, including reissuing a high school diploma or transcript, to reflect the student’s current name and gender.

RESTROOM AVAILABILITY

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.

Where available, a single stall, “gender neutral” restroom (such as in the health office) 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 a restroom.

As a proactive measure, administrators should take steps to identify private gender-neutral restrooms on their campus, as well as to de-stigmatize the use of such private options. Establishing clear guidelines and expectations with regards to students’ physical privacy and boundaries is also important. Both can be reinforced through language in student handbooks, posted expectations, and through orientation and other processes for familiarizing students and guardians to the school and its facilities.

LOCKER ROOM ACCESSIBILITY

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.

If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they may be provided access to a reasonable alternative changing area or locker room such as:

- 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).
- A separate changing schedule (either utilizing the locker room before or after other students).
- Use of a nearby private area (i.e., a nearby restroom or a health office restroom).

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. School administrators should also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

SPORTS AND PHYSICAL EDUCATION CLASSES

Transgender students shall be permitted to participate in physical education classes, intramural sports, and competitive athletic activities in a manner consistent with their gender identity. This is consistent with California and federal law as well as the policies established by the California Interscholastic Federation. (CIF Bylaws § 300(D)).

DRESS CODES/SCHOOL UNIFORM POLICIES

All students have the right to dress in accordance with their gender identity and gender expression. School dress code and uniform policies should be gender-neutral, and should not restrict students’ clothing choices on the basis of gender or traditional stereotypes about what males and females “should” wear.

HARASSMENT AND BULLYING

Complaints alleging discrimination, harassment or bullying based on a student’s gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student’s gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action.

Revised: December 11, 2013

San Mateo County Model Gender Nondiscrimination Policy to Support Implementation of AB1266:

Available online at <http://supportallstudents.files.wordpress.com/2013/09/gender-ar-bp.pdf>

(for use as of January 1, 2014, the effective date of AB1266)

Nondiscrimination for Students and Employees

This Board Policy is meant to advise school site staff and administration regarding transgender and gender nonconforming students in order to ensure that all students have equal access to all components of their educational program consistent with California law, while maintaining a safe learning environment for the entire District community.

California Law Prohibits Gender-Based Discrimination in Public Schools

The California Education Code states that “all pupils have the right to participate fully in the educational process, free from discrimination and harassment.” Cal. Ed. Code Section 201(a). Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender, gender identity, or gender expression in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The Code 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. Cal. Ed. Code Section 201(b).

Section 221.5 of the Education Code states that the policy of the State of California is that “elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses,” and that a “pupil shall be permitted to participate in sex-segregated school programs, activities, and facilities, including athletic teams and competitions, consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.”

The California Code of Regulations similarly provides that “No person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’...that receives or benefits from any state financial assistance.” 5 CCR Section 4900(a).

The California Code of Regulations defines “gender” as: “a person’s actual sex or *perceived sex* and includes a *person’s perceived identity, appearance or behavior*, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth.” 5 CCR Section 4910(k) (emphasis added).

[District Name] Board Policy Prohibits Gender-Based Harassment

[District Name] Board Policy [Number] requires that “All educational programs, activities and employment practices shall be conducted without discrimination based on...sex, sexual orientation, [or] gender identity...” Board Policy [Number] requires that “students should treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person” based on sex, sexual orientation, gender expression or gender identity.

Therefore, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system. Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

Issues of Privacy

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.

Names/Pronouns

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that has been genuinely asserted. The determination whether a student genuinely asserts a particular gender identity should be made at the student’s school site based on relevant factors, such as (1) a student’s medical history; (2) care or treatment of the gender-related identity; (3) consistent and uniform assertion of such identity; and/or (4) any other evidence that the gender identity asserted is sincerely held or part of the student’s core identity. 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. This directive does not prohibit inadvertent slips or honest mistakes, but it does bar the intentional and persistent refusal to respect a student’s gender identity.

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 [District to identify proper form]. After the school receives and verifies the contents of the completed [form], the requested name shall be included in the [student record keeping system] in addition to the student’s legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

Official Records

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil, as well as the pupil's gender. 5 Cal. Code Reg. 432(b)(1)(A), (D). The District shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

Restroom Accessibility

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 that has been genuinely asserted. Where available, a gender neutral bathroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a gender neutral bathroom shall be a matter of choice for a student, and no student shall be compelled to use such bathroom. Administrators are encouraged to identify gender neutral bathrooms, if any, on their campuses.

Locker Room Accessibility

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 that is genuinely asserted. In locker rooms that involve undressing in front of others, students who want to use the locker room corresponding to their gender identity that is genuinely asserted will be provided access in a manner that best meets the needs and privacy concerns of all students involved. Based on availability and appropriateness to address privacy concerns of all students involved, such access could include, but is not limited to:

- Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students); or
- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).

Sports and Physical Education Classes

Transgender students shall be provided the same opportunities to participate in physical education as all other students. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is genuinely asserted. Participation in competitive athletic activities and contact sports will be resolved on a case by case basis.

Dress Codes

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is genuinely asserted, within the constraints of the dress codes adopted at their school site.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity that is genuinely asserted.

Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available modification to the activity that can address any such concerns.

Complaints

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.

Section 9: Model Meeting Materials

Meeting with decision-makers, like superintendents and school board members, can take a lot of preparatory work. There's also a significant amount of steps to navigate some of the red-tape bureaucracy in school districts. The materials in this section are models for how to communicate with your district in order to set up a meeting all the way to the actual ask that you are making to them. Even though they are models, they are not always cookie-cutter. For instance, if you already have an established relationship with a board member that you feel comfortable calling on the phone directly, you may not need the email or letter, but the meeting script is still vital to talking to this school board member because they don't understand the nuances of all the laws. These are just the foundation of tools that should be adapted to fit the needs on the ground in your community.

Sample Meeting Request Phone Script

Community Advocate (CA): Hello, my name is **[INSERT YOUR NAME]** with the **[INSERT COALITION NAME]**. I would like to schedule an appointment with the superintendent.

School District Personnel (SDP): What is this concerning?

CA: Our coalition is focused on creating a safe and inclusive climate for lesbian, gay, bisexual, transgender, and questioning youth. We are calling to set up a meeting to talk about how to make the district a more welcoming school environment for all students.

If the school district personnel is satisfied with that answer, skip the following section:

SDP: We don't have those kinds of issues at our school district.

CA: Thank you for your input; however, it is our experience that many districts may not be aware of the issues the LGBTQ students in their particular district are facing. I would still like to schedule a meeting to talk to the Superintendent about these issues that are directly impacting students in their district.

The school district personnel will either give you times the Superintendent is available or ask you for times. Coordinate with school district personnel for the most effective timing with your schedule. If the Superintendent is not available during your schedule, ask for the availability of the complaint officer or the individual in charge of updating school district policies.

Sample Meeting Request Letter

Superintendent **[INSERT SUPERINTENDENT'S LAST NAME]**

[INSERT SCHOOL DISTRICT'S NAME] School District

[INSERT STREET ADDRESS]

[INSERT CITY, CA ZIP]

[INSERT DATE]

Dear Superintendent **[INSERT SUPERINTENDENT'S LAST NAME]**:

I am writing to request a meeting with you regarding **[INSERT SCHOOL DISTRICT NAME]**'s implementation of Seth's Law, the Fair Accurate Inclusive Respectful (FAIR) Education Act, and the School Success and Opportunity Act.

As you may know, LGBTQ students disproportionately experience harassment and bullying and face a variety of obstacles at school including harassment, biased instruction, and access to safe and appropriate facilities. By passing and implementing inclusive school policies, school districts will allow LGBTQ students to fully participate in school and succeed.

Several members of the **[INSERT CITY/DISTRICT NAME]** community have come together to support implementation of this important law so that all students, including LGBTQ students, have the opportunity to succeed.

We are available to meet with you on **[INSERT DATES]** between **[INSERT TIME]** and **[INSERT TIME]**. Please have someone from your office contact me at **[INSERT CONTACT PERSON'S EMAIL]** or **[INSERT CONTACT PERSON'S PHONE]** to confirm a meeting time.

We look forward to working with you and supporting **[INSERT SCHOOL DISTRICT'S NAME]** effort to implement Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act.

Thank you,

[INSERT CONTACT PERSON'S NAME]

[INSERT GROUP NAME]

Note: It's best to call the district office to find out how the superintendent prefers to receive meeting requests—via email or fax. If you email the request, be sure to include the superintendent's secretary or assistant in the CC field.

Sample Meeting Outline

Sample Agenda for Meeting with Superintendent/School Board Members:

1. Welcome and Introductions
2. Coalition Overview
3. Purpose of the Meeting
4. Sharing Personal Stories
5. Review of Resources and Leave Behind Materials
6. Action Items (Including your ask)
7. Next Steps

Sample School Board Presentation Script

Please contact your regional point-person, who will help you come up with an appropriate script for your circumstances.

For Northern California: Anna Salem at asalem@aclunc.org.

For Southern California: Joey Hernández at jhernandez@clusocal.org.

Sample Petition

Dear Superintendent and School Board Members,

I am calling on you to adopt school board policies regarding Seth’s Law, the Fair Accurate Inclusive Respectful (FAIR) Education Act, and the School Success and Opportunity Act. I am also calling on you to implement these laws to ensure that lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth are fully respected, that school climate is improved for all students, and that all students have equal access to their education in a safe, secure and inclusive educational environment.

We are asking you to do this because of the problems and complaints that are not just problems all over California but are problems that are happening now in our district.

- Students are suffering from anti-LGBTQ bullying.
- Students are not learning about LGBTQ people in social science classes. Indeed, they are hearing biased information about LGBTQ people.
- Students are discriminated against when they try to access restrooms, locker rooms and other activities.

California law is very clear that school districts may not discriminate against students based on their sexual orientation, gender identity, or gender expression. California Education Code § 220 provides that no person shall be subjected to discrimination on the basis of, among other things, sexual orientation, gender, gender identity, or gender expression in any educational institution that receives state funds. School districts must not only ensure that staff and administrators do not engage in prohibited discrimination and harassment of students but must stop peer-based discrimination, harassment and bullying as well.

Failing to respect a transgender student’s gender identity is prohibited gender identity and gender expression discrimination and also violates the School Success and Opportunity Act, Cal Ed. Code § 234.5. Respecting a student’s gender identity includes, among other things, addressing them by their chosen name and gender pronoun, allowing them to dress in conformity with their gender identity or in gender non-conforming ways, and providing them access to sex-segregated spaces such as restrooms and locker rooms, and activities such as gym class, in a way that corresponds to their gender identity.

School districts may not use materials, nor teachers provide instruction, which promotes discriminatory bias against or reflects adversely upon students because of their sexual orientation, gender identity or gender expression. Cal. Ed. Code §51500 prohibits schools from providing instruction or sponsoring activities that promote or reflect bias or discrimination against any person on the basis of certain

characteristics, including sexual orientation, gender identity, or gender expression. The FAIR Education Act (Ed. Code §§ 51204.5 and 60040) requires schools to teach LGBT-inclusive history by teaching about the role and contributions of LGBT Americans throughout history.

Please do all that you can to make sure that LGBTQ students are able to have an equal access to their education and that we support all students.

Section 10: Know Your Rights

Most of the time we are advocating for change because community members have identified problems. But community members can recognize potential rights violations only if we know what our rights are. This section gives a brief and broad overview of the rights of all LGBTQ students and then talks more specifically about the rights of transgender students in K-12 public schools in California. This section also covers your rights at public meetings, like school board meetings. If there are any problems that are happening in your school and you don't know whether this information covers it or not, or if you just need help understanding whether the law applies to the situation you are in, feel free to contact your regional point person (Anna Salem at asalem@aclunc.org for Northern and Central California, and Joey Hernández at jhernandez@clusocal.org for Southern California) to clarify.

Know Your Rights: LGBTQ Student Rights at School

Harassment of LGBTQ Students: All students have the right to be treated equally and to be free from bullying, harassment, and discrimination, regardless of sexual orientation, gender, gender identity, or gender expression.

Respecting Transgender and Gender Nonconforming Student Rights: Transgender and gender nonconforming students have the right to be respected and to dress and act in ways that don't conform to stereotypes associated with their gender. Transgender students also have the right to be referred to by their pronoun of choice and to wear clothes and access spaces such as locker rooms and restrooms that fit their gender identity.

Freedom of Speech and Expression: You have the right to be out and be yourself at school. You also have the right to speak out about LGBTQ issues, including by wearing LGBTQ-positive t-shirts, stickers and bracelets, to access information about LGBTQ issues on school computers, and to bring same-sex dates to prom.

Privacy and Outing Students: You have a right to keep your LGBTQ identity private, which means that school staff cannot out you without your permission, except under very limited circumstances.

Gay Straight Alliances: If your school has even one extracurricular club, the school must allow you to start a Gay Straight Alliance and cannot treat the GSA differently than any other club.

Unbiased and LGBTQ Inclusive Instruction: Your school should be teaching LGBTQ inclusive history and sexual health education, and should never be allowing bias in the classroom.

If You Are Being Bullied, Harassed, Or Discriminated Against, File A Complaint: You can ask for a Uniform Complaint Form from your front office or school district website (if you can't find it, contact us at the information below). Write down a who/what/where/when/why description of every incident. Make sure to get a signed and dated copy of your complaint from whomever you turned it into at the office (principal, secretary, etc.). To find out more about filing complaints, go to www.aclusocal.org/SRP.

Know Your Rights: Transgender Student Rights at School

Respect For Your Gender Identity: You have the right to assert your gender identity at school, regardless of your gender presentation. You do not need any medical diagnosis or treatment to have your identity recognized by your school. However, we recommend talking and working with your school if possible, especially if you transition while in school.

The Right To Be You: You have the right to be out about your gender identity at school.

Discrimination And Harassment of Transgender Students: All students have the right to be treated equally and to be free from bullying, harassment, and discrimination, regardless of gender identity or gender expression.

Privacy And Outing Students: You have the right to keep your gender identity private, which means that school staff cannot out you without your permission to other students or other school staff. Schools should also not out you to your parents/guardians, but be aware that schools have done this in the past.

Names And Pronouns: You have the right to be addressed by the name and pronouns that correspond with your gender identity. This is true even if your name and gender are not legally changed. Your school should use your chosen name and pronouns on everything possible – your student ID, class attendance rosters, yearbook, and more. Your legal name should only appear on your official file.

Restrooms And Locker Rooms: Your school must allow you to use restrooms and locker rooms that align with your gender identity. If you desire more privacy and prefer to use a more private restroom or changing area, your school should accommodate that. Your school cannot force you to use a private restroom (such as in the nurse’s office) if that is not what you prefer.

Sports: Your school must allow you to participate in PE and sports, consistent with your gender identity.

Dress Code And Uniform Policies: You have the right to wear clothing that expresses your gender identity. If your school has a policy that says what boys and girls may wear to school or for special events, then your school must allow you to wear the clothing that corresponds to your gender identity. It’s even better if your school dress codes are gender-neutral and do not tell students what to wear based on stereotypes about what some people think boys or girls should wear.

If You Are Being Bullied, Harassed, Or Discriminated Against, File A Complaint: You can ask for a Uniform Complaint Form from your front office or school district website (if you can’t find it, contact us at the information below). Write down a who/what/where/when/why description of every incident. Make sure to

get a signed and dated copy of your complaint from whomever you turned it into at the office (principal, secretary, etc.).To find out more about filing complaints, go to www.aclusocal.org/SRP.



Know Your Rights: School Board Meetings

Your local governing bodies – including your county board of supervisors, city councils, and school district boards, as well as many of their subsidiary boards and commissions – exist to do the business of the public. They serve you. Accordingly, their meetings must be open to the public and allow you, as a member of the public, an opportunity to express your opinions during the meeting.

You need not register, give your name, or show any documentation to attend. Although some government bodies may ask you to fill out a “comment card” that asks you to identify yourself prior to speaking, they should not deny you the right to speak if you prefer to remain anonymous or, for example, write “Jane Doe.”

Public Participation: You have important free speech rights at public meetings. You can address the local government body at specified times during the meeting. During these times, you have the right to criticize the agency, its officials, its policies, practices, acts, or failures to act. The governing body may not punish you, restrict your speech, or take any other negative action against you based on the viewpoint you expressed.

You have the right to speak about agenda items during the public hearing on that item or during the government body’s consideration of the item. You have the right to speak about any matter not on the agenda during public comment, so long as it relates to an issue on which the governing body has some authority to act.

- For example, the local government body may stop you from expressing your support or criticism of federal law (for example the Affordable Care Act) because the body lacks the authority to change federal law.
- But they may not stop you from advocating that the local government body adopt a resolution that supports or criticizes the Affordable Care Act because the body has the authority to pass such a resolution.

The government may place reasonable time limits on public speech, but may not prohibit, restrict, or otherwise limit your speech during your allotted time, unless you are significantly disrupting the orderly progress of the meeting.

- You **MAY** be found to be disrupting the meeting if you go over your allotted time, speak on matters over which the governing body has no authority, or are unduly repetitive, **AND** those actions substantially impair the orderly progress of the meeting.
- You are **NOT** disrupting the meeting simply for criticizing the government, or for your choice of words in doing so.
- You are **NOT** disrupting the meeting simply because your speech provokes a reaction from the audience or the governing body.

- You may be punished for incitement of the audience ONLY if you specifically advocate illegal action, and ONLY if that illegal action is imminently likely to occur.

The government may prohibit you from bringing in signs that will substantially disrupt the meeting, for instance if they are so large that they create a safety hazard or prevent others from viewing the meeting, but they cannot prohibit you from bringing small signs, shirts, buttons, etc. that express your message.

As an audience member in a public meeting, you generally may express your approval or disapproval of a speaker – for instance by nodding/shaking your head, standing/turning your back, or clapping/booing – provided you do so in a way that does not drown out or prevent his or her speech or substantially disrupt the meeting. If the government restricts audience expression, then it must do so neutrally, without regard for the viewpoint expressed.

For example, if the government body orders that an audience stop booing because it is substantially disrupting the meeting, then it must forbid disruptive booing on all issues, and must also forbid disruptive clapping on all issues.

Notice, Agenda & Public Meeting Requirements: Local government bodies must post an agenda in a public place listing the items that will be discussed, no later than 72 hours in advance of the meeting. You have the right to obtain copies of any agendas or other writings considered by the governing body. Materials considered by the governing body must be made available to the public when they are available to the governing body. You can usually obtain information about their meeting calendar, agendas for upcoming meetings and other materials on their websites.

- With limited exceptions, the governing body may not vote on issues that are not on the agenda. Likewise, the governing body may not vote on agenda items without providing members of the public an opportunity to comment on the item prior to its vote, except in an emergency.

The “Consent Calendar”

The “Consent Calendar” consists of agenda items that the governing body believes are routine and/or do not require discussion. The body may take the recommended actions on these items in one vote, without further discussion. But it

A majority of the members of a government body may not discuss subjects that fall within the body’s jurisdiction outside of a public meeting, regardless of how the communication happens.

- For example, if a City Council has five members, three or more members cannot discuss an item on the upcoming agenda over dinner, telephone, e-mail, etc.

- Similarly, one council member cannot ask a member of their staff to share their opinion and/or lobby on an upcoming agenda item with the two other members.

Recording Public Meetings: You may record, take photographs of, or broadcast any open and public meeting, unless doing so causes a persistent disruption of the meeting.

You have the right to obtain any government recordings of the meeting if requested within 30 days of the recording.

Qualifying Meetings: The above legal requirements apply to all legislative bodies of local government agencies, including City Councils and Boards of Education, and their “subsidiary bodies,” such as boards, commissions, and committees created by charter or formal action of the government body, and standing committees of legislative bodies that have continuing jurisdiction over a particular subject or that have meeting schedules fixed by formal action of the legislative body.

Note: Parent committees formed by school districts, such as DELACs, ELACs, DACs, and school site councils, are exempt from the requirement that a majority of members not discuss committee business outside of formal meetings.

Section 11:

Additional Resources for Advocates

In order to be a good advocate for LGBTQ youth, it's important to have some knowledge of LGBTQ issues. Many people want to be supportive of LGBTQ youth but may be unfamiliar with the language, concepts, or issues relating and affecting to LGBTQ youth. This section provides a brief explanation of some common terminology and concepts to help you advocate for implementation of Seth's Law, the FAIR Education Act, and the School Success and Opportunity Act and feel more comfortable speaking about these issues to school administrators, board members, parents, students, and other advocates. Unfortunately, many people are still unfamiliar with issues impacting transgender students in particular so there are additional resources in this section focusing on transgender students to help start the conversation with educators and community members. The definitions provided on the next page are commonly accepted but that is not always the case. Individuals may use words in different contexts or with different definitions. Published op-eds and editorials are also helpful for school board members to understand the context of how their constituents understand the issue and why it's important.

Definitions

- Gender: One's internal sense of oneself as male, female, both or neither (gender identity), as well as how one manifests that sense through outward presentations and behavior (gender expression).
- Sex: The biological attributes and characteristics that are used to assign individuals as "female" or "male." It is important to recognize the existence of a variety of naturally occurring conditions that challenge this assumed physical dichotomy. Gender and sex are not the same thing.
- Gender identity: A personal, deeply-felt sense of being male, female, something else or somewhere in between on the gender spectrum. Everyone has a gender identity.
- Gender expression: How a person expresses their gender through outward presentation, behavior, body language, etc.
- Sexual orientation: Romantic and/or sexual attraction to people of a specific gender. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity.
- Gender binary: A social system that constructs gender according to two discrete and oppositional categories: male or female.
- Gender spectrum: An understanding of gender as encompassing a wide range of gendered identities and expressions.
- Transgender: An umbrella term for anyone whose gender identity is different from the sex they were assigned at birth. Remember that a transgender person is anyone who says they are (do not assume that someone does or does not identify as transgender).

Note: The terms "transgendered" or "a transgender" can be offensive and should not be used. Transgender is an adjective, not a verb or a noun. By using person-centered language (e.g. "transgender woman") you are asserting that you recognize the transgender person's humanity.

- Gender nonconforming: A person whose behavior, gender presentation, and/or interest fall outside what is considered typical for their assigned sex at birth.
- Genderqueer: A person who identifies outside the gender binary.
- Cisgender: A term for people whose gender identity aligns with the sex they were assigned at birth.
- Transition: A person's process of developing and assuming a preferred gender expression. Transition may include some, all, or none of the following personal, legal and medical adjustments: speaking with one's family, friends and/or co-workers; changing one's name and/or sex on legal documents; changing one's pronoun; hormone therapy; one or more forms of surgery. A person's transition is a private matter.
- Transphobia: Irrational fear or hatred of, or violence, harassment, and/or discrimination perpetrated against, transgender people.

Practical Tips for Creating Inclusive Schools for Transgender Students

Our communities and schools are highly gendered spaces. Most of the time, we do not notice when things are gender segregated and all the ways in which gender impacts our everyday life and social interactions. For example: most bathrooms are gender segregated, students' behavior is often categorized as appropriate partly based on the assumptions we carry about gender (i.e. "boys will be boys"), common courtesy terminology is gendered (i.e. good morning ma'am, hello sir, etc.), dress codes specify length and coverage according to gender assumptions, toys and books are often supposed to be only for a particular gender, etc.

Often times these expectations and rules are well-intentioned, but can be a source of pain and/or discomfort for transgender and genderqueer youth who may be misread or forced into gendered boxes that do not align with their gender identity or gender expression. While we may not be able to fully anticipate all the issues that come up when supporting transgender and gender expansive youth in schools, it is important to keep in mind how gender impacts our day-to-day life in order to be proactive. Below are a few policies and practices that will help build inclusive and supportive schools for transgender and gender expansive youth.

Names and Pronouns: Students should be addressed by a name and pronoun that corresponds to the student's gender identity. Names and pronouns structure how people are perceived and move in the world, often in explicitly gendered ways. It is always important to use the name and pronoun an individual chooses. Some people use non-gendered pronouns such as they, ze, hir, etc. A court-ordered name or gender change should not be required.

Note: The term "preferred gender pronoun" or "PGP" is a commonly used phrase to indicate an individual's pronoun. Below are examples of just a few commonly used pronouns:

Type	Pronoun	Example
Feminine	She, her, hers	She went to the store. I spoke to her. It was her apple.
Masculine	He, him, his	He went to the store. I spoke to him. It was his apple.
Gender Neutral	They, them, their	They went to the store. I spoke to them. It was their apple.
Gender Neutral	Ze, hir, hirs	Ze went to the store. I spoke to hir. It was hirs apple.

Privacy and Confidentiality: All persons, including students, have a right to privacy. This includes the right to keep private one’s transgender status or gender expansive presentation at school. Information about a student’s transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student’s transgender status or gender expansive presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share.

When contacting the parent or guardian of a transgender or gender expansive student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth unless the student, parent, or guardian has specified otherwise.

It is very important to maintain confidentiality for a transgender or gender expansive student because many students do not disclose their gender identity status due to safety and/or harassment concern.

Student Records: Districts are required to maintain a mandatory permanent pupil record (“official record”) that includes a student’s legal name and legal gender. However, district are not required to use a student’s legal name and gender on other school records or documents, including student ID cards. If a student has a legal name or gender marker change, a district must change a student’s official record upon receipt of documentation that such change has been made. If a student does not have a legal name or gender marker change, districts should adopt practices that use the student’s preferred name and gender whenever possible and avoid the inadvertent disclosure of such confidential information. Some examples of practices districts can implement to use the name that corresponds to a student’s gender identity include:

- If the attendance sheets are made from official records, school personnel should either handwrite the attendance sheet or make changes to the sheet.
- Student ID cards should list the student’s preferred name and gender (if applicable).

Dress Codes: Transgender and gender expansive students have the right to dress in a manner consistent with their gender identity or gender expression. If a school has a policy that says what boys and girls may wear to school, for special events, or for themed-days, then a school should allow students to wear the clothing that corresponds to their gender identity. It’s even better if school dress codes are gender-neutral and do not tell students what to wear based on stereotypes about what some people think boys or girls should wear.

Sex-Segregated Activities: In general and to the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for overnight field trips or health education classes, students should be included in the group that corresponds to their gender identity. Below are examples of other sex-segregated facilities and activities:

Restroom and Locker Room Accessibility: Students should have access to the restroom and locker room facilities that correspond to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom or reasonable alternative changing area, but no student should be required to use such facilities. Examples of alternatives include:

- 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).
- A separate changing schedule (either utilizing the locker room before or after other students).
- Use of a nearby private area (i.e., a nearby restroom or a health office restroom).

Physical Education Classes and Intramural Sports: Transgender and gender expansive students should be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Interscholastic Competitive Sports Teams: Transgender and gender expansive students should be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. Please note that many state athletic associations have adopted policies regarding gender identity.

Discrimination/Harassment/Bullying: It is the responsibility of each school and the District to ensure that transgender and gender expansive students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender expression are to be handled in the same manner as other discrimination or harassment complaints. Bullying should not be addressed by zero tolerance policies, but instead policies and practices to address bullying should be based in restorative justice principles.

Dos and Don'ts of Supporting Transgender Students

<p>DO...</p> <p>✓ Respect a student's privacy.</p>	<p>DON'T...</p> <p>✗ Out a student as transgender or assume that other people (including their parents) know the student is transgender. Don't single out a transgender student when discussing LGBT issues.</p>
<p>DO...</p> <p>✓ Accept, without question, students' identities as they describe it.</p>	<p>DON'T...</p> <p>✗ Assume that someone is or is not transgender based on appearance or sexual orientation.</p>
<p>DO...</p> <p>✓ Respect and use preferred names and pronouns.</p>	<p>DON'T...</p> <p>✗ Use language that invalidates someone's gender identity.</p>
<p>DO...</p> <p>✓ Make a proactive effort to be inclusive of all gender expressions and identity.</p>	<p>DON'T...</p> <p>✗ Allow transphobic conversation or comments—you may not feel like an expert, but we can all call out inappropriate behaviors.</p>
<p>DO...</p> <p>✓ Help others understand why there is no "need to know" about another person's body or transition decisions.</p>	<p>DON'T...</p> <p>✗ Ask anyone about surgical status, hormone use or other things related to a person's medical situation or transition.</p>
<p>DO...</p> <p>✓ Find reliable resources to educate yourself.</p>	<p>DON'T...</p> <p>✗ Ask a student to be your encyclopedia or spokesperson for all transgender people.</p>
<p>DO...</p> <p>✓ Engage in an ongoing process of self-reflection and learning about transgender issues</p>	<p>DON'T...</p> <p>✗ Assume you've "got this" from one—or many—trainings, experiences etc.</p>

Published Op-Eds/Editorials

A level playing field for transgender students (<http://articles.latimes.com/print/2013/may/03/opinion/la-ed-transgender-20130503>)

This fall, they'll be allowed to participate on sports teams of the gender they identify with.

May 03, 2013 | By The Times editorial board

Society is only beginning to understand transgender identity. For a young person who feels at odds with the physical gender that he or she sees in the mirror, there are major obstacles to be faced in the world at large, where acceptance is just about where it was for gay people 30 years ago. Even for those transgender children or teenagers who have supportive parents — and many don't — it's not an easy existence.

The state of California and the California Interscholastic Federation have stepped up on behalf of these young people in admirable ways. In addition to banning discrimination based on gender identity in jobs and housing, state law broadly prohibits discrimination against transgender students. In February, the federation adopted a progressive policy, which takes effect in the fall, under which transgender students must be allowed to participate on sports teams of the gender they identify with rather than the teams of their physical gender — after a panel reviews each situation to determine that the athlete truly is transgender.

But these are still fraught questions in some places. In some schools, transgender students are now allowed to use the bathrooms and locker rooms of the gender with which they identify rather than the ones that match their physical gender; other schools don't allow it. Transgender students describe going on field trips to school-related camps and being assigned to sleep in separate cabins.

New legislation would bring clarity to the situation. Under AB 1266, schools would be required to provide transgender students with full access to facilities and activities in conformance with the gender that they feel identifies them. This won't necessarily be easy; there undoubtedly will be people who strenuously object to having someone who is physically of the opposite sex sharing locker rooms and showers; others will certainly argue that if children with the physical attributes of boys are allowed to play on girls' sports teams, it will be unfair.

Obviously, these are uncomfortable questions for some students and parents. But discomfort is not a valid reason to allow discrimination, just as it would not have been acceptable for schools to ban gay or lesbian students from the bathrooms of their respective genders 30 years ago.

In the end, this might play out as a less controversial issue than some people think; Los Angeles Unified already has a full-access policy for its transgender students and reports that it has gone smoothly. Teenagers and young adults are notably freer of biases about sexual orientation and identity. If the adults don't make trouble, chances are that things will be fine.

Editorial: Let's hope measure falls short to overturn transgender bill

(<http://www.sacbee.com/2013/11/13/5905514/editorial-lets-hope-measure-falls.html#storylink=cpy>)

By the Editorial Board Published: Wednesday, Nov. 13, 2013 - 12:00 am

Yet another ballot measure over an obscure state statute? It's possible, if opponents of a recently enacted law aimed at protecting transgender students can qualify a referendum for the November 2014 ballot.

Opponents of the law, including some of the same consultants and religious organizations that brought you Proposition 8 – the ban on same-sex marriage later struck down by federal courts – say they've submitted 620,000 signatures to the secretary of state's office on behalf of the proposed referendum. If it makes it to the ballot and is approved by voters, the measure would overturn Assembly Bill 1266, legislation by Assemblyman Tom Ammiano of San Francisco that was signed into law by Gov. Jerry Brown.

There's still a chance that the number of valid signatures will fall short of the 505,000 needed to qualify the referendum. If so, it would spare voters from getting into the weeds on a law that hasn't even been implemented yet and probably will have little or no negative impact on anyone.

AB 1266 makes California the first state in the nation to specify the rights of transgender K-12 students, ensuring that students have access to services that match their gender orientation. That means transgender students could choose between playing on boys or girls sports teams and could use the restrooms and locker rooms based on their gender identification.

Some religious groups object, claiming these rights infringe on the rights of other boys and girls who might feel uncomfortable with transgender students playing on their team, or sharing a bathroom or locker room.

To date, however, opponents have failed to demonstrate that the law would cause widespread harm. Several school districts have adopted policies nearly identical to the state law, with no serious problems resulting. Moreover, opponents have refused to recognize that, without protections, transgender students can face harassment and lack of access to school programs.

In June, the Senate Education Committee heard from one such transgender student. Ashton Lee, a 16-year-old transgender boy from Manteca, said he wanted to play high school football, but that his school forced him to take PE in a class of all girls.

Often worse are the situations that transgender and gender-neutral students face when forced to use boy's bathrooms and locker rooms, where they can face heckling and worse. The potential for violence was disturbingly illustrated by the recent attack on Luke Fleischman, an 18-year-old from Oakland. Fleischman, who identifies himself as gender neutral, suffered second- and third-degree burns after his skirt was set on fire while he was sleeping on a bus.

Let's hope the signatures submitted fall short of the 505,000 needed. At best, this proposed referendum is another abuse of direct democracy, a cynical effort to drive greater numbers of religious conservatives to the polls next November.

At its worst, it is an attempt to stir up bigotry against Californians who have a different sexual and gender orientation from what some would call "traditional."