

Transgender and Gender Non-Conforming Students' Rights in California Schools

A joint publication of the:



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Background

California explicitly protects transgender and gender non-conforming students from discrimination in many school environments. The California Student Safety and Violence Prevention Act of 2000 made this clear. However, many students still face harassment or discrimination at school because of their gender identity and/or their gender expression.

Gender Identity is your internal understanding of your gender. You can know yourself to be male, female, both, or something else regardless of what gender other people tell you that you are. Gender expression is the way that you show people your gender. Most people express their gender in some way through how they style their hair, the clothes they wear, the way they walk, or their name.

If you are someone who is facing discrimination or harassment for being transgender, or someone you know or care about is, this pamphlet is for you. If you want more information, you should check out *Beyond the Binary*, a resource guide available for free at either gsanetwork.org or transgenderlawcenter.org.

What does discrimination look like?

Under California law, transgender and gender non-conforming students are protected from being expelled from school, kicked out of class, held after school, treated differently, or in any other way punished simply because of their gender identity and/or expression. For the most part, school administrators and teachers understand this part of the law. However, transgender and gender non-conforming students raise some newer issues as well. They are highlighted below:

Names/Pronouns – If you change your name to one that better matches your gender identity, a school needs to use that name to refer to you. The same is true when a different pronoun needs to be used. It can sometimes take time for teachers, staff or other students to get used to using

your new name and pronoun. But it is not acceptable or legal for teachers, staff, or students to use your old name or pronoun as a way to harass you.

Restroom Use – If you want to use a restroom that matches your gender identity (for example, if you have transitioned from female to male, you may want to use the boys restroom), you should be allowed to do so. And everyone should be able to use the restroom safely. Restrooms are often places where gender non-conforming students are harassed by other students. If this happens, you should report it and school staff should do something to protect you or other students.

Boys vs. Girls – Restrooms may be the most common place where students are divided up based on gender, but they are not the only place. Whenever students are divided up into boys and girls, you should be allowed to join the group or participate in the program that matches your gender identity as much as possible.

Dress Codes – Some schools have specific dress codes for boys and specific dress codes for girls. If your school does, it is important that you be allowed to wear clothes that match your gender identity. It is also important that school staff do not enforce a school's dress code more strictly against transgender and gender non-conforming students than other students. For example, if your school has a policy about skirt lengths, transgender girls can't be held to stricter policy than other girls.

What can you do about discrimination?

Making sure your school does not discriminate against transgender and gender non-conforming students is something everyone can help do. Here are just some of the things that can be done.

File a complaint

If you are a transgender or gender non-conforming student and you think you've experienced discrimination, you can file a complaint. The place to start is with your school's principal or the person in your school who investigates complaints of discrimination. Make sure that you have written or typed an explanation of what happened, when it happened, who was involved, and who saw the incident.

If you don't feel like your school has taken your complaint seriously or don't like their decision, you can contact your school district. To find out the right person to contact, call or email the Office of the Superintendent. Make sure that you contact the school district with your complaint within 6 months of the day the discrimination or harassment happened.

If you are not happy with the way the district handles your complaint, you can ask the California Department of Education to look into the problem. You can find out more information about how to do this at <http://www.cde.ca.gov/re/cp/uc/>.

You can find out more about filing a complaint, including important information about deadlines, in *Beyond the Binary*. While you do not need a lawyer to make any of these complaints, it can sometimes be helpful to have someone giving you guidance. Contact the Transgender Law Center if you want more information about this.

Training

Many of your teachers and school staff probably want to make sure your school is safe for all students – including transgender and gender non-conforming students. But most of them don't have enough information. Trainings for teachers and staff provide them with common-sense tools they can use to prevent discrimination. For example, sometimes dividing up students based on who is a boy and who is a girl increases harassment of gender non-conforming students. Attending a training may help a teacher understand this and could lead them to be creative in making groups (like dividing up students based on the letter of students' last names (e.g. A-L, M-Z) or their birth month (e.g. Jan – Jun, Jul – Dec), for instance. You can find more training materials in *Beyond the Binary*.

Educational Events

Educating other students about transgender and gender non-conforming people is a great way to build awareness about transgender issues and increase safety for transgender and gender non-conforming students. Some schools have invited transgender people and their families to come speak during a class. Many student-led GSA clubs plan an event for the Transgender Day of Remembrance in November. Anything you can do to offer people in your school basic information about who transgender and gender non-conforming people are will help them to overcome any stereotypes or biases that they have.

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