

**Students**

**Transgender and Nonconforming Students**

Purpose

California law and Mendocino Unified School District policy require that all programs, activities, and employment practices be free from discrimination based on age; gender, gender identity or expression, or genetic information; sex, actual or potential parental, family, or marital status that treats students differently on the basis of sex; race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, sexual orientation, immigration status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming 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 the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.

Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of the district staff. Students might or might not use these terms to describe themselves.

\* "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.

\* "Transgender" describes people whose gender identity is different from their gender assigned at birth.

\* "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

\* "Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender nonconforming 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 nonconforming 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 nonconforming 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 private information.

When contacting the parent or guardian of a transgender or gender nonconforming 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.

## Official Records

The Mendocino Unified School District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the Mendocino Unified School District is not required to use a student's legal name and gender on other school records or documents. The district will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrator's shall adopt practices to avoid the inadvertent disclosure of such confidential information.

## Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

## Gender-Segregated Activities

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 health education classes, students should be included in the group that corresponds to their gender identity.

## Student Information Systems

The Mendocino Unified School District will modify its student information to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronoun consistent with the student's gender identity.

## Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. 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, but no student shall be required to use such a restroom.

## Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

## Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall 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 nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

(cf. [0410](#) Discrimination District Programs)

(cf. [6145.2](#) Athletic Competition)

(cf. [6145](#) Extracurricular and Cocurricular Activities)

(cf. [6145.2](#) Student Organizations and Equal Access)

## Dress Code

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict student's clothing or appearance on the basis of gender.

(cf. [5132](#) Dress & Grooming)

## Discrimination/Harassment

It is the responsibility of each school and the Mendocino Unified School District to ensure that transgender and gender nonconforming 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 nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See the "Assistance" Sections of this policy for further information regarding the filing of discrimination or harassment complaints.)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [5145.3](#) Nondiscrimination/Harassment)

(cf. [1312.3](#) - Uniform Complaint Procedure)

(cf. [5131.2](#) Bullying)

(cf. [0450](#) Comprehensive Safety Plan)

## Transferring a Student to Another School (Voluntary Transfers)

In general, schools should aim to keep transgender and gender nonconforming students at the original school site. Voluntary transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent. The student or the student's parent or guardian must consent to any such transfer.

(cf. [5116.1](#) Intradistrict Open Enrollment)

## Assistance

Complaints about violations of this policy should be handled through the district's uniform complaint procedure. (5 CCR 4600-4687)

(cf. [1312.3](#) - Uniform Complaint Procedure)

The board of trustees designates the following compliance officer to receive and investigate complaints and to ensure district compliance with the law:

Superintendent Jason Morse  
44141 Little Lake Road  
Mendocino, CA 95460  
(707) 937-5868

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

32282 Comprehensive school safe plans

48900, 48900.2, 48900.3, 48900.4 Grounds for suspension or expulsion; sexual harassment, hate violence, threats, or intimidation

49020-49023 Athletic programs; legislative intent, equal opportunity, apportionment, prohibited sex discrimination

GOVERNMENT CODE

11135 Discrimination

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

U.S. Department of Education, Office of Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>