

LEGISLATIVE UPDATE: AB 1266 AVAILABLE RESOURCES FOR IMPLEMENTATION GUIDANCE

AB 1266 (Chapter 85, Statutes of 2013) was signed into law by Governor Brown on August 12, 2013, and went into effect on January 1, 2014. The bill amended section 221.5 of the Education Code to read, in part, “A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.” An effort to stop implementation of the law by placing a referendum on the state ballot failed to garner a sufficient number of valid petition signatures. Since the law went into effect, school districts have sought advice on how best to implement its provisions.

As of the time of publication of this *Briefing*, the California Department of Education has not released any compliance guidance for school districts. There are, however, a number of resources available, including several school districts that have implemented policies. These resources can offer districts guidance in developing policies and procedures to comply with the new law.

AVAILABLE GUIDANCE AND EXAMPLES

California Interscholastic Foundation (CIF)

In 2012, CIF adopted the following policy: “All students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student’s records.” CIF’s Guidelines for Gender Identity Participation are available in PDF format at its website, under “Policies.”

<http://www.cifstate.org/index.php/governance/250-jazz-literature>

California School Boards Association (CSBA)

In March of 2014, CSBA released final guidance on implementation of AB 1266. It can be found at:

http://www.csba.org/Advocacy/~/_media/CSBA/Files/Advocacy/ELA/AB1266FinalGuidance_032014.ashx

Earlier this year, CSBA released a policy brief which details the legal requirements of AB 1266, policy considerations, guidance on possible board actions, and questions to consider. It can be found at the link below:

http://www.csba.org/~/_media/E68E16A652D34EADA2BFDCD9668B1C8F.ashx

Other School Districts

Three large districts, Los Angeles Unified School District, San Francisco Unified School District, and Sacramento Unified School District, have had gender identity policies in place for some time. They may be useful examples to districts seeking to put together a policy and procedures.

Los Angeles Unified School District updated its Policy Bulletin in early 2014, after AB 1266 was enacted. It can be found at the link below:

http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/STUDENT_HEALTH_HUMAN_SERVICES/SHHS/HUMAN_RELATIONS_HOME_PAGE/HUMAN_RELATIONS_BULLETINS_MEMOS/BUL-6224.0%20-%20TRANSGENDER%20POLICY%20BULLETIN%2002-03-14_0.PDF

San Francisco Unified School District's policy can be found at:

http://www.capradio.org/media/1008508/1231_SFUSD%20Transgender%20Policy.pdf

Sacramento Unified School District's policy can be found at:

http://www.capradio.org/media/1008497/1231_sacramentopolicy.pdf

Should you have any questions regarding AB 1266, please contact your Keenan Representative.

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