

<b>Board Office Use: Legislative File Info.</b>	
File ID Number	12-2944
Introduction Date	Nov. 14, 2012
Enactment Number	12-2692
Enactment Date	11/14/12 <i>ol</i>



# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel *JM*

**Board Meeting Date** November 14, 2012

**Subject** Board Policy 5143.3 - Nondiscrimination/Harassment and Transgender Policy

**Action Requested** Approval of modifications in Board Policy 5143.3 - Nondiscrimination/Harassment to add a District Transgender Policy

**Background** The District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs and that there are equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities.

**Discussion** The modifications in Board Policy 5143.3 - Nondiscrimination/Harassment adds a District Transgender Policy. California law prohibits gender-based discrimination in public schools. 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."

This policy is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the District's educational program.

**Recommendation** Approval by the modifications to Board Policy 5143.3 - Nondiscrimination/Harassment and Transgender Policy

**Fiscal Impact** N/A

**Attachments**

- Redlined Copy of Board Policy 5143.3 - Nondiscrimination/Harassment and Transgender Policy

File ID Number: 12-2944  
Introduction Date: 11/14/12  
Enactment Number: 12-2692  
Enactment Date: 11/14/12  
By: OX

## OAKLAND UNIFIED SCHOOL DISTRICT Board Policy

### BP 5145.3 – Nondiscrimination/Harassment and Transgender Policy Students

#### Nondiscrimination Policy

~~The Oakland Unified School District prohibits unlawful discrimination against or harassment of any student in any District program or activity on the basis of race, color, national origin, ancestry, ethnic group identification, citizenship, sex, gender, gender identity, sexual orientation, marital status, physical or mental disability, medical condition (cancer-related), religion, age or status as a Vietnam-era Veteran or special disabled veteran.~~

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, citizenship, age, religion, marital or parental status, physical or mental disability, medical condition, status as a veteran or disabled veteran, sex, sexual orientation, gender, gender identity, or gender expression; 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.

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. Further, the Board shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities.

#### Transgender Policy

#### California Law Prohibits Gender-Based Discrimination in Public Schools

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."

This policy is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the District's educational program.

Schools are expected to implement this Policy as follows:

• **Names/Pronouns**

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school.

• **Official Records**

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**

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently at school.

• **Locker Room Accessibility**

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth.

• **Sports and Gym Class**

Transgender students shall not be denied the opportunity to participate in sports and gym.

• **Dress Codes**

Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, 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, students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school.

5 CCR Section 4910(k).

7/14/0411/14/12

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

BP 5145.3 – Nondiscrimination/Harassment and Transgender Policy

### **Students**

#### **Nondiscrimination Policy**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, citizenship, age, religion, marital or parental status, physical or mental disability, medical condition, status as a veteran or disabled veteran, sex, sexual orientation, gender, gender identity, or gender expression; 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.

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. Further, the Board shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities.

#### **Transgender Policy**

#### **California Law Prohibits Gender-Based Discrimination in Public Schools**

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."

This policy is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the District's educational program.

Schools are expected to implement this Policy as follows:

- **Names/Pronouns**

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school.

- **Official Records**

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**

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently at school.

- **Locker Room Accessibility**

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth.

- **Sports and Gym Class**

Transgender students shall not be denied the opportunity to participate in sports and gym.

- **Dress Codes**

Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, 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, students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school.

5 CCR Section 4910(k).

11/14/12

Certified:

  
Edgar Rakestraw, Jr., Secretary  
Board of Education