Report to the KHSD Board on AB 1266

Board of Trustees Meeting
Kern High School District
December 13, 2021

History of AB 1266

- AB 1266, also known as the "School Success and Opportunity Act," **requires that pupils be permitted to participate in sex-segregated school programs, activities, and use facilities consistent with their gender identity, without respect to the gender listed in a pupil's records.** AB 1266 was approved by Governor Brown on August 12, 2013.

- Source: http://www.cde.ca.gov/re/di/eo/faqs.asp

How the law is applied

- KHSD administrators engage in an open dialogue with the student and the student's parent or parents (if applicable).
- We accept and respect a student's assertion of their gender identity:
  - where the student expresses that identity at school or
  - where there is other evidence that this is a sincerely held part of the student's core identity.
- If a student meets one or more of these requirements, **a school may not question the student's assertion of their gender identity except in the rare circumstance where school personnel have a credible basis for believing that the student is making that assertion for some improper purpose.**

Clear prohibitions

- A school cannot require a student to provide any particular type of diagnosis, proof of medical treatment, or meet an age requirement as a condition to receiving the protections afforded under California's antidiscrimination statutes.
- Similarly, there is no threshold step for social transition that any student must meet in order to have his or her gender identity recognized and respected by a school.

Privacy

- Preserving a student's privacy is of the utmost importance.
- The right of transgender students to keep their transgender status private is grounded in California's antidiscrimination laws as well as federal and state laws.
- Disclosing that a student is transgender without the student's permission may violate California's antidiscrimination law by increasing the student's vulnerability to harassment and may violate the student's right to privacy.

Facilities use, by the law

- Students shall have access to the restroom and locker room that corresponds to their gender identity asserted at school.

- As an alternative, a “gender neutral” restroom or private changing area may be used by any student who desires increased privacy, regardless of the underlying reason.

- The use of such a “gender neutral” restroom or private changing area shall be a matter of choice for a student and no student shall be compelled to use such restroom or changing area.

Options to Enhance our Privacy Alternatives

- Toilet fixture count regulations exist and mandate the minimum number a campus must have based on population
- Shower regulations do not exist, there is no code that mandates shower facilities be available on campus
- All schools will be evaluated regarding potential short- and long-term solutions in both locker room facilities
- Currently, all comprehensive and continuation sites have at least one gender neutral restroom facility, as mandated by code
- We are in the process of ensuring there are curtains in all accessible shower stalls, providing private changing areas

Options to Enhance our Privacy Alternatives



- Semi-private
- Locate in shower areas
- Timeframe 1-2 months
- Costs $30-$40k
  per comprehensive site
- Pros: Quick and inexpensive
- Cons: Easily damaged

Options to Enhance our Privacy Alternatives



- Solid walls open at top and bottom with front curtain
- Installation 2 – 4 months
- Cost: $50k-$60k per comprehensive site
- Pros: More private and secure, lower initial cost
- Cons: Easily damaged

Options to Enhance our Privacy Alternatives



- Solid Partitions and Doors
- Open at top and bottom for safety/supervision
- 3 – 6 month installation
- Cost $70k-$80k per comprehensive site
- Pros: Most durable and private
- Cons: Most expensive and longest installation period

Questions