

LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of School Operations



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Thomas Aberli, EdD
Principal
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Dear Dr. Aberli,

On behalf of the Los Angeles Unified School District, I would like to commend you for the recent actions you have taken on behalf of transgender students in your school. The Los Angeles School District (LAUSD) has had transgender-inclusive policies since 2004. This has been an overwhelmingly positive experience for our schools.

I recognize that adopting transgender-affirming policies can provoke anxiety among some people. Many people may feel they have never met a transgender person and want to make informed decisions. Toward that informed decision-making, there are two important prongs to consider -- the legal one and the humanistic one.

I am unfamiliar with Kentucky's state laws, but the federal guidelines support full inclusion. There have been a number of recent cases across the country where the courts ruled that the school districts had violated the transgender students' federal right of non-discrimination based on sex. As every school administrator knows, legal precedence trumps public sentiment in the courtroom. Schools have always been at the forefront of implementing non-discrimination laws that are decided in the courts.

Public schools are charged with creating safe and affirming environments for all students. We service an increasing pluralistic society and as such. Schools must be cautious about defaulting to a "business as usual" protocol.

San Francisco and Los Angeles Unified School Districts have both have transgender affirming policies in place for over ten years. Allow me to address some common concerns that have been expressed:

Concern: Boys will pretend to be transgender so they can sneak into the girls' bathrooms.

Experience: Being transgender means that one has a deeply rooted identity that differs from the gender assigned at birth. It is *highly improbable* that a young man would pretend to be female to his family, friends, classmates, and teachers for an extended amount of time so he could receive permission to access the girls' facilities for nefarious reasons. In the 10+ years that Los Angeles and San Francisco have had transgender inclusive policies, neither has ever had a cisgender boy pretend to be a transgender girl.

Furthermore, we have never had any problems of inappropriate conduct by the transgender students in the restrooms. In the many incidents of misconduct that have occurred in our restrooms, a transgender student has *never* been the perpetrator. Schools are well equipped to address student misconduct whoever initiates it. Schools cannot ban a segment of the population from equal access for fear that they might misbehave.

Concern: The other students will feel uncomfortable.

Experience: Transgender-affirming policies solve problems, not create them. Even if the law allowed it, forcing a transgender boy to use the female facilities would be extremely uncomfortable for all parties involved. For the most part, transgender students want to be recognized and treated like all the other boys and girls. Many transgender students are fully integrated as just another student.

Case in point: we had a new student who was transgender male. He was using the female facilities incorrectly assuming that because he was a natal female, that he would be required to do so. It was equally uncomfortable for him to use the girls' facilities as it was for the girls themselves. When administration learned of the situation, they told the young man that he could use the boys' facilities. Everyone was relieved.

Nationally, 0.3% of the population identifies as transgender (Gates, 2011). Anyone who has ever used a public facility in a movie theater, concert or sporting event has inevitably used the restroom with someone who is transgender.

Concern: This is a safety issue to protect transgender students.

Experience: Schools are obligated to ensure the safety of all students. If the school feels that a particular area (e.g., hallways, restrooms, locker rooms) is dangerous, they have an obligation to address that danger, not ban students from frequenting those areas.

The reality is that some students benefit from increased supervision. Schools can accommodate that concern by assigning academic and athletic lockers strategically.

Concern: Students are entitled to privacy.

Experience: Agreed. Transgender students are entitled to the same dignity and privacy as any other student. Any student who is uncomfortable using the general facility should be given access to a private facility. Some schools have installed curtains in their locker rooms for the benefit of those students who are uncomfortable. Every school has students who, for a variety of reasons, are uncomfortable in common areas. Schools should provide accommodations (e.g., nurses' office) for such students.

Transgender students must be recognized and addressed at school by their gender of identity. Schools can share personal information about the student (i.e., the student's birth sex) only on a very strict need to know basis. There are many transgender students who are fully integrated and no one on the campus knows (or needs to know) that they are in fact transgender. Transgender students want and deserve to be respected at school, not stigmatized.

Concern: Transgender girls will have an unfair advantage in sports.

Experience: The California Interscholastic Sports Federation stipulates that transgender athletes must be allowed to participate in sports by their gender of identity. Furthermore, there is a greater variation in ability *within* the sexes than there is *between* the sexes.

Concern: Students who say they are transgender are just confused. They will change their minds every day.

Experience: It is reasonable to expect that a student will exercise consistency with respect to their identity and access to facilities. Students cannot switch their identity arbitrarily or opportunistically. For example, a student cannot be transgender only during physical education.

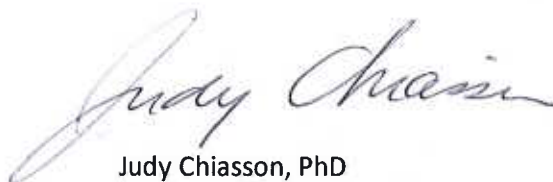
If the school strongly suspects that the request is not legitimate, they should provide accommodation for the student while continuing the conversation to better understand the student's motivation for the request. Being transgender is a deeply rooted identity different from one's natal sex. It is not subject to arbitrary whims. That being said, there is a stigma attached to being transgender and in the process of coming out; a student may struggle with self-acceptance. Work with the student to provide support.

Concern: Students, staff or parents may have a religious objection to LGBT concerns.

Experience: Federal law sets clear guidelines against establishing any religion. Students and staff cannot be required to participate in non-curricular activities that violate their faith. However, there is no expectation that that students will be shielded from exposure to ideas that conflict with their religious beliefs. Inevitably, students will read literature, learn about concepts, and interact with peers of differing belief systems.

I hope this is helpful as you continue to advocate for your students. If we can be of assistance going forward, please do not hesitate to contact us.

Warmly,

A handwritten signature in cursive script that reads "Judy Chiasson".

Judy Chiasson, PhD

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Human Relations, Diversity & Equity