



Fwd: Non-Binary Student legal rights and information

3 messages

Thu, Apr 28, 2022 at 6:12 PM

TO: [Redacted]

----- Forwarded message -----

From: [Redacted]
Date: Thu, Apr 28, 2022, 6:00 PM
Subject: Non Binary Student legal rights and information
To:

Dear CUSD Staff,

I have been asked several questions recently regarding district and staff responsibilities and protections with regard to non-binary students. Please see the legal brief attached for an outline of legally protected student rights and our obligation. In addition, staff asked about how to handle Aerie recording and report card. Legal consultation on the issue is as follows:

This is a privacy right that belongs to the student. In fact, while parent involvement on a "support team" for the student (as outlined in many district's BP/AR 5145.3) is ideal and encouraged, the school cannot "out" a student to their own parents. The student gets to self-determine. There can even be situations where the student has two ID cards, etc. - one with their given name and one with their chosen name that corresponds to their gender identity. This can be an issue of safety for many students in their home environment.

Since the parents have full access to the electronic information the student should be informed of this situation and the student can choose whether to have their chosen name and pronoun used in all situations, but not update the electronic student profile or the student may choose to have the electronic student profile also updated, which would allow the parent to see the updated information. The decision should be made by the student.

The [CDE's FAQ on AB 1266](#) is very helpful.

If you have questions or need further clarification, please let me know.

[Redacted]

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[Redacted]
Superintendent

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Engage Challenge Nurture

My hope emerges from those places of struggle where I witness individuals positively transforming their lives and the world around them. Educating is always a vocation rooted in hopefulness. As teachers we believe that learning is possible, that nothing can keep an open mind from seeking after knowledge and finding a way to know.

- bell hooks

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