

AMENDED IN ASSEMBLY APRIL 25, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1266

Introduced by Assembly Member Ammiano
(Coauthor: Assembly Member Atkins)
(Coauthors: Senators Lara and Leno)

February 22, 2013

An act to amend Section 221.5 of the Education Code, relating to pupil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, Ammiano. Pupil rights: sex-segregated school programs *and activities*.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex.

This bill would require that a pupil be permitted to participate in sex-segregated school programs; *and activities*, ~~and facilities~~, 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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 221.5 of the Education Code is amended
2 to read:

3 221.5. (a) It is the policy of the state that elementary and
4 secondary school classes and courses, including nonacademic and
5 elective classes and courses, be conducted, without regard to the
6 sex of the pupil enrolled in these classes and courses.

7 (b) A school district may not prohibit a pupil from enrolling in
8 any class or course on the basis of the sex of the pupil, except a
9 class subject to Chapter 5.6 (commencing with Section 51930) of
10 Part 28 of Division 4 of Title 2.

11 (c) A school district may not require a pupil of one sex to enroll
12 in a particular class or course, unless the same class or course is
13 also required of a pupil of the opposite sex.

14 (d) A school counselor, teacher, instructor, administrator, or
15 aide may not, on the basis of the sex of a pupil, offer vocational
16 or school program guidance to a pupil of one sex that is different
17 from that offered to a pupil of the opposite sex or, in counseling
18 a pupil, differentiate career, vocational, or higher education
19 opportunities on the basis of the sex of the pupil counseled. Any
20 school personnel acting in a career counseling or course selection
21 capacity to a pupil shall affirmatively explore with the pupil the
22 possibility of careers, or courses leading to careers, that are
23 nontraditional for that pupil's sex. The parents or legal guardian
24 of the pupil shall be notified in a general manner at least once in
25 the manner prescribed by Section 48980, in advance of career
26 counseling and course selection commencing with course selection
27 for grade 7 so that they may participate in the counseling sessions
28 and decisions.

29 (e) Participation in a particular physical education activity or
30 sport, if required of pupils of one sex, shall be available to pupils
31 of each sex.

32 (f) A pupil shall be permitted to participate in sex-segregated
33 school programs; *and* activities, ~~and facilities~~, including athletic
34 teams and competitions, *and use facilities* consistent with his or
35 her gender identity, irrespective of the gender listed on the pupil's
36 records.

O