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California's New Protections for Transgender Students



SOURCE: AP/Jae C. Hong

Transgender student Benji Delgadillo poses for a photo at San Juan Hills High School in California. After an increase in teen suicides spurred by antigay bullying, California school districts are stepping up to prevent such incidents from occurring.

By **Sarah McBride** | August 23, 2013

Two weeks ago California Gov. Jerry Brown (D) signed the landmark School Success and Opportunity Act, or SSOA, into law, making it clear that California public schools have a responsibility to ensure that all of their students—regardless of their gender identity—can access school-based resources. While several of California's **largest school districts** had already adopted gender-inclusive policies prior to the bill's passage, many of the state's nearly **1,000** school districts unfairly separated transgender students from their peers or required them to enroll in and attend

classes that conflicted with their gender identity. The SSOA clarifies the state's existing nondiscrimination law and protects some of the most vulnerable members of the lesbian, gay, bisexual, and transgender, or LGBT, community.

Policies and practices that misidentify or segregate transgender youth from other students contribute to the already high rates of bullying, discrimination, and harassment that transgender students face nationwide. A 2010 study by the National Center for Transgender Equality and the Gay and Lesbian Task Force found that nearly 60 percent of transgender and gender-nonconforming students reported being bullied or assaulted in school because of their gender identity. This level of harassment and violence leads to both immediate and long-term adverse outcomes for the students, including disproportionately high rates of suicide, homelessness, and illness.

Throughout the legislative debate and since Gov. Brown signed the nondiscrimination and anti-bullying measure into law, opponents of the bill have expressed overtly anti-transgender prejudices and have attempted to spread misinformation about the bill throughout the national media. If the distortions and lies sound familiar, it's because critics have co-opted the unsubstantiated talking points used to mislead and instill fear during debates around gender-identity workplace and public accommodations protections in states such as Delaware and Colorado.

The opponents' arguments have proven to be as unfounded as they are offensive. Here are five of the most frequently repeated myths, along with the realities, which are supported by research and experience.

Myth No. 1: This law will let boys pretending to be transgender gain access to girls' bathrooms to peep, or play on girls' sports teams because they are not good enough for boys' teams.

One of the most common places in which transgender individuals face discrimination, harassment, and violence is in sex-segregated facilities and programs. Opponents of basic protections for transgender students claim that this law will allow male students who pose or pretend to be transgender to gain access to different -sex facilities for nefarious reasons. This illogical argument assumes that students would impose on themselves the risk of family rejection, alienation from friends, extreme discrimination, and significant rates of bullying in order to simply gain access to a bathroom or play for a female athletic team.

Nothing about this law changes school policies related to monitoring and responding to student behavior. Invasive or harmful acts such as voyeurism and assault will be just as illegal and punishable after this law is implemented as they were prior to its passage. In fact, the largest school district in California—the Los Angeles Unified School District—has already implemented these policies with “nothing but positive outcomes,” and the California Interscholastic Federation, the

statewide athletic organization, **passed** similar policies earlier this year, indicating its support of transgender students.

Myth No. 2: These students are too young to be transgender.

Opponents of the School Success and Opportunity Act claim that transgender youth are **simply confused** and cannot possibly know that they are transgender. These critics clearly do not know these students. Coming out as transgender is a serious and significant decision that is not made lightly. The decision to transition is between the individual and his or her family. Furthermore, policing or denying transgender youth's identities can increase stigmas around gender identity and further **exacerbate mental-health issues**, increasing the risks of depression and suicide.

Myth No. 3: We are sacrificing the privacy of everyone to accommodate a small minority.

Critics of nondiscrimination laws often conflate privacy with discomfort. Discomfort should not be grounds to deny someone access to a facility that matches their identity. Transgender people already utilize restrooms and locker rooms, often without others knowing. This law **simply guarantees** transgender people's right to be in facilities that match their gender identity. Restroom and locker room privacy is already **ensured** nationwide through regulations under the Americans with Disabilities Act.

Forcing transgender students to utilize a different-gender, separate, or private restroom or attend a class that does not match their gender forces that person to out themselves on a daily basis and exposes them to an increased risk of violence and harassment. Fear and avoidance of these common, daily tasks has led to **negative health outcomes** in the case of restrooms and the **inability to graduate** in the case of physical-education classes.

Opponents have attempted to emphasize the size of the transgender community, suggesting that it is **too small** for protection or legislation. Ironically, this seems to be more of an argument in favor of protections, since smaller communities are more easily mistreated. If minority groups of certain population sizes were the only ones that warranted protection, then the opponents' rationale could lead to legal discrimination against many smaller religions and ethnicities. Additionally, a recent study by the **Williams Institute** found that there may be between 700,000 and 800,000 transgender people in the United States, a population roughly equal to or larger than **six U.S. states**. Surely, critics of the bill would not say that the population of North Dakota is too small for the state's residents' interests to be addressed.

Versions of these arguments have appeared in battles for equal access throughout history, including attempts to keep gay and lesbian people **out of bathrooms** and locker rooms. As recently as this spring, the media was saturated with questions about openly gay and lesbian professional athletes **utilizing team locker rooms**.

Myth No. 4: Parents do not support it.

The SSOA received wide support from a number of groups, including the California State Parent Teacher Association, or PTA, the state's official representative for parents of public schoolchildren. In addition, teachers' organizations also supported passage of the law. Both the California Federation of Teachers and the California Teachers Association endorsed the measure.

Myth No. 5: This is "social engineering run amok."

While California is the first state in the nation to specifically guarantee transgender students full access to school programs and facilities through legislation, laws that are meant to prevent discrimination and bullying and promote equal access are neither new nor radical. California state law already bans discrimination based on gender identity in education. Two of the state's largest school districts, the Los Angeles Unified School District and the San Francisco Unified School District, already have similar policies on their books. California has reaffirmed its place on a growing list of states with similar practices. The seamless and affirming inclusion of transgender students is already the practice in rural, urban, and suburban districts across the country.

Conclusion

No student should wake up in the morning fearful for his or her safety and well-being during the school day ahead. Yet transgender youth face alarmingly high rates of harassment, violence, and bullying in every facet of life, including education. The SSOA affirms transgender students' access to California's public schools and their facilities and programs, increasing positive outcomes for all involved.

Opponents of the bill, including some California legislators, are attempting to spread anti-transgender sentiments by smearing, ridiculing, and mocking children and teenagers. These unfounded scenarios are based neither in reason nor reality. The language and claims in response to this measure only serve to stigmatize and ostracize transgender students who are already struggling to be themselves. These remarks are a saddening reminder of the necessity of laws such as the School Success and Opportunity Act, but California's transgender students now know that their legislature and governor are on their side.

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