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REASON FOR INVESTIGATION:

The Tulare County Grand Jury initiated an investigation to determine the effect of the Transgender Law on the schools in Tulare County and if they were in compliance with the amended legislation.

METHOD OF INVESTIGATION:

- Interviewed staff from the Tulare County Office of Education and a variety of school districts in Tulare County.
- Conducted a compliance/implementation survey with school districts.
- Reviewed all documentation.

FACTS:

1. AB 1266 was signed into law on August 12, 2013, making California the first state to enact transgender legislation.
2. Students cannot be discriminated against based on gender identity.
3. School districts are required to accommodate all requests based on the individual student's gender identity, regardless of the gender listed on the student's school record.
4. All transgender identity information is maintained as confidential.
5. Facilities must be available and maintained if an accommodation is requested.
6. A compliance/implementation survey was sent to 48 school districts, of which 41 responded by the due date.

FINDINGS:

F1. The Tulare County Office of Education provides guidance regarding the implementation of AB 1266 to all Tulare County school districts.

F2. School districts are responsible for ensuring compliance with AB 1266.

F3. Individual school districts are responsible for developing policies and procedures that provide accommodations for transgender pupils.

F4. Seventeen school districts do not have a written policy/procedure in place, but are in compliance with AB 1266.

F5. At least 41 school districts have reasonable accommodation plans in place.

F6. The efforts put forth by schools in Tulare County appear to be addressing the needs of transgender students.

RECOMMENDATIONS:

R1. Every school district should have written transgender policies/procedures in place.

R2. Tulare County Office of Education should annually verify that all school districts have written policies/procedures and accommodation plans that comply with AB 1266.

REQUIRED RESPONSES:

1. Tulare County Office of Education (F1- F6 and R1- R2)

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).