

**ASSEMBLY BILL**

**No. 1266**

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

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as introduced, Ammiano. Pupil rights: sex-segregated school programs.

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, activities, and facilities, including athletic teams and competitions, 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:

1 221.5. (a) It is the policy of the state that elementary and  
2 secondary school classes and courses, including nonacademic and  
3 elective classes and courses, be conducted, without regard to the  
4 sex of the pupil enrolled in these classes and courses.

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

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

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

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

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