

Date of Hearing: April 26, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2315 (Arambula) – As Amended March 24, 2022

SUBJECT: Community colleges: records: affirmed name and gender identification

SUMMARY: Requires the governing board of each community college district (CCD) to implement a process by which students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in records where legal names are not required by law. Specifically, **this bill**:

- 1) Requires the governing board of each community college district to implement a system by which students, staff, and faculty can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law.
- 2) Specifies that, upon the request of an individual, a community college campus will update any current records for students, staff, and faculty to include the affirmed name, gender, or both name and gender identification. The records that will be updated include, at a minimum, the following:
 - a) School-issued email addresses;
 - b) Campus identification cards (ID);
 - c) Class rosters; and,
 - d) Transcripts.
- 3) Commencing with the 2023–24 academic year, community college campus systems shall be fully capable of allowing a student, staff, or faculty to declare an affirmed name, gender, or both name and gender identification.
- 4) Specifies that, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs will be made as specified.
- 5) Makes various legislative findings and declarations.

EXISTING LAW:

- 1) The Donahoe Higher Education Act establishes the California Community Colleges (CCC), under the administration of the Board of Governors (BOG) of the CCC, as one of the segments of public postsecondary education in this state. (Education Code (EDC) Section 70900)
- 2) The Equity in Higher Education Act requires a public postsecondary educational institution, including a campus of the CCC, to update a former student's records to include an updated legal name or gender if the institution receives government-issued documentation from a

former student demonstrating that the former student's legal name or gender has been changed. (EDC Section 66271.4)

FISCAL EFFECT: Unknown.

COMMENTS: *Purpose.* According to the author, “Not everyone uses their legal name for any number of reasons, with a chosen or affirmed name being more reflective of the individual. For instance, transgender or non-binary individuals may choose a name more representative of their gender identity. Use of a student’s name assigned at birth rather than their chosen or affirmed name is termed ‘deadnaming.’ Specifically for transgender and non-binary individuals, being deadnamed by incorrect student records can lead to unwanted outing, bullying, discrimination, violence, and loss of employment opportunities. AB 2315 requires all California Community College campuses to implement a system to accommodate any individual’s affirmed name or gender identity. The affirmed name of the individual will be used in campus records that do not require a legal name, including school-issued email addresses, ID cards, and class rosters.”

What does it mean to identify as a transgender person or nonbinary person? According to GLAAD (formerly known as the Gay & Lesbian Alliance Against Defamation), “Transgender (adj.) is an umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms - including transgender.”

According to GLADD, “Nonbinary is a word used by people who experience their gender identity and/or gender expression as falling outside the binary gender categories of "man" and "woman." Many nonbinary people also call themselves transgender and consider themselves part of the transgender community. Others do not. Nonbinary is an umbrella term that encompasses many different ways to understand one's gender.”

The implications of being “outed” or “deadnamed.” Transgender and nonbinary-identifying CCC students may wish to have their school-issued email addresses, campus ID cards, class rosters, and transcripts to reflect their current and preferred name and gender. The 2015 U.S. Transgender Survey – California State Report revealed 63 percent of transgender and gender nonconforming individuals did not have their chosen name or accurate gender on their identification.

Information listing the transgender-identifying former pupil’s gender as assigned at birth and “deadname” (i.e., the birth-name or pre-gender transition name), could “out” a student’s gender identity. Being outed by student records puts transgender-identifying former pupils at risk of bullying, discrimination, violence, and loss of employment opportunities, according to the National Center for Transgender Equity and the Transgender Law Center, Gay, Lesbian, & Straight Education Network (GLSEN), and Equality California.

Studies show that transgender people disproportionately face discrimination, harassment, and violence in areas of life, including housing, education, employment, health care, and law enforcement. For example, a 2018 study by the Human Rights Campaign and the University of Connecticut reports that transgender and gender non-conforming individuals are about twice as likely to be sexually assaulted or raped compared to their cis-gender peers in the lesbian, gay, bisexual, queer, and questioning (LGBTQ) community. According to the National Center for

Transgender Equity, more than one in four transgender people have lost a job to trans-bias. Transgender individuals are also subject to refusal to hire, privacy violations and violence on the job at significantly higher rates relative to their cis-gender peers.

Arguments in support. The CCC Chancellor's Office wrote that, "'Deadnaming' refers to the use of a transgender or non-binary person's name prior to their transition. After transitioning, an individual may choose a new name or affirmation that is more reflective of who they are, regardless of their birth name or gender. We honor their decision to address them by their new name, but no process currently exists for them to request this change except for legal documents. AB 2315 would require all CCC campuses to have the option for a student, faculty, or staff to declare an affirmed name and identify their pronouns. This is an important first step to ensure an individual can be referred to by their preferred name."

"The use of a person's former name, whether accidental or intentionally, can be a traumatic experience and lead to unwanted outing, bullying, discrimination, violence, and loss of employment opportunities. In higher education, it can also cause a student to abandon the pursuit of their educational goals."

"AB 2315 will help create and foster an inclusive academic environment for all students. Allowing internal records, such [as] class rosters or campus identification cards, to reflect an individual's affirmed name, the CCC system can eliminate systemic deadnaming of transgender and non-binary individuals."

Prior legislation. AB 245 (Chiu), Chapter 555, Statutes of 2021, required a campus of the University of California (UC), California State University (CSU), or CCC to update a former student's records to include the student's updated legal name or gender if the institution receives government-issued documentation from the student demonstrating that the former student's legal name or gender has been changed.

AB 2023 (Chiu, 2020) was essentially identical to this AB 245, and was held in the Assembly Higher Education Committee due to COVID 19 restrictions.

AB 711 (Chiu), Chapter 179, Statutes of 2019, required a local educational agency, including a school district, charter school or county office of education, to update and reissue a former pupil's records if it receives government-issued documentation that a former pupil's legal name and/or gender has been changed.

REGISTERED SUPPORT / OPPOSITION:

Support

Barstow Community College District
California Community Colleges Chancellor's Office
California School Employees Association
College of The Redwoods
Equality California
Faculty Association of California Community Colleges
Napa Valley College
Office of Lieutenant Governor Eleni Kounalakis
San Luis Obispo County Community College District / Cuesta College

Southwestern Community College District
State Center Community College District
The Source Lgbt+ Center

Opposition

None on file

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