



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

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**To: Superintendents, Member School Districts (K-12)**

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**Subject: Senate Bill 179: Gender Recognition Act  
Memo No. 42-2018**

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Recently, our office has gotten a number of questions regarding obligations under California’s Gender Recognition Act, signed into law by Governor Jerry Brown on October 15, 2017.

Effective September 1, 2018, a “nonbinary” gender option was added to state driver’s licenses, identification cards, and birth certificates. In response to this change, school districts and community colleges should have updated forms for the 2018-2019 school year to allow for the indication of a nonbinary gender.<sup>1</sup>

Effective January 1, 2019, applicants must choose a gender category to apply for or renew a driver’s license or to enroll in the California Organ and Tissue Donor Registry.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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<sup>1</sup> In guidance on Assembly Bill 1266, the California Department of Education stated that “when a school district receives documentation that a legal name or gender has been changed, the district must update the student’s official record accordingly.” School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions, reviewed Apr. 25, 2018, available at <https://www.cde.ca.gov/re/di/eo/faqs.asp>. Accordingly, as early as September 1, 2018, some local educational agencies (“LEAs”) would need to capture the new “nonbinary” gender code in their student information systems. CALPADS will be able to accommodate the new “nonbinary” gender code in the 2019-2020 school year. For the 2018-2019 school year, LEAs should ensure that there is local agreement on which gender to report for a student who has elected to identify themselves with the “nonbinary” gender.