



July 11, 2013

**VIA FACSIMILE AND EMAIL**

The Honorable Edmund G. Brown Jr.  
Governor, State of California  
c/o State Capitol Building, Suite 1173  
Sacramento, CA 95814  
Fax: (916) 558-3160

**RE: AB 1266 (Ammiano) - REQUEST FOR SIGNATURE**

Dear Governor Brown,

Lambda Legal writes to urge you to sign into law AB 1266 (Ammiano), the “School Success and Opportunity Act,” which will ensure that transgender students have the same opportunity to succeed in school as their peers. Lambda Legal is the nation's oldest and largest legal organization committed to achieving full recognition of the civil rights of lesbian, gay, bisexual and transgender (“LGBT”) people and those living with HIV through impact litigation, education and public policy work.

For decades, we have worked to achieve full equality for LGBT Californians, and specifically for LGBT students. We were actively involved in the legislative process through which AB 537 (Kuehl) was enacted in 1999, which since then has prohibited school districts from discriminating against students on the basis of sexual orientation or gender identity. Despite the existing statutory language, however, we continue to receive calls through our Legal Help Desk in Los Angeles from students and parents indicating that school districts are refusing to provide transgender students with access to sex-segregated facilities, activities, physical education classes, and sports teams in a manner consistent with each student’s gender identity. Such discrimination must stop.

All students should have a fair chance to fully participate and succeed in school so they can graduate with their classmates. Unequal treatment leads to unequal outcomes. It is precisely when school facilities and activities are sex-segregated that it can matter most to transgender students that their school respect who they are and treat them in a nondiscriminatory manner. Being singled out and treated differently than their peers is detrimental to a transgender student’s psychological, social, and academic wellbeing and development. Discrimination causes harm to a student’s sense of self, wellbeing, and overall potential—physical education is, by design, meant to boost these very things. When transgender students are denied the ability to participate in physical education, they are denied the ability to graduate and they miss out on immediate and potentially long-term health benefits.

Codifying AB 1266’s explicit protections into California law will correct the interpretation of existing law apparently taken by too many school authorities, and will ensure that transgender students are able to integrate fully into their schools. The experiences of San Francisco Unified School District and Los

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Angeles Unified School District and others demonstrate that our schools can implement these critical protections with great results. These school districts have provided transgender students with gender-appropriate access to sex-segregated facilities and activities without incident for nearly a decade. In addition to support from these school districts, AB 1266 enjoys widespread support including from the California Teachers' Association, the California Federation of Teachers, and the LA Times Editorial Board.

Further, California would not be the first state to explicitly protect the ability of transgender students to access sex-segregated facilities and activities based on gender identity. Connecticut, Massachusetts, and Washington already have implemented statewide policies giving transgender students the same access and opportunities given to their peers. California can follow the lead of those states knowing from their success that our state's transgender youth will benefit immeasurably, which will have positive effects for their fellow students as well.

On the other hand, allowing school districts to continue to disregard this discrimination problem based on their misinterpretation of California law or in the name of "local control" would thwart a key element of the gender identity protection that should be guaranteed under California law. Without the clear and explicit language provided by this bill, misguided school districts will likely be faced with litigation to address this issue. Complaints have already been filed on behalf of transgender students in Maine and Colorado. It is only a matter of time before similar lawsuits are filed in California, either by students seeking those protections or by extreme right wing groups seeking to scare or pressure school administrators into ignoring the needs of transgender students. By ending the confusion and ostensible ambiguities about what it means to prohibit gender identity discrimination in our schools, AB 1266 will give guidance to school administrators and school districts and will protect them from potentially costly litigation.

By signing AB 1266 into law, you will support just treatment for transgender students, better educational outcomes for all students, and clarified policy direction for schools to guard against unwanted litigation.

Thank you in advance for considering this important legislation. We urge you to sign AB 1266 into law.

Sincerely,

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Cc: Assemblymember Tom Ammiano (via facsimile only to (916) 319-2117)