

CLIENT NEWS BRIEF

AB 1266: Gender Identity Bill Now Law

On February 24, 2014, the California Secretary of State announced that the referendum effort to put Assembly Bill (AB) 1266 to a statewide vote failed to receive enough valid signatures to qualify for the November 2014 ballot. With the failure of the referendum, AB 1266's nondiscrimination and access requirements are now law. Originally set to have an effective date of January 1, 2014, AB 1266 was put on hold due to the pending referendum challenge ([see 2014 Lozano Smith Client News Brief No. 3](#)). AB 1266 now amends Education Code section 221.5 to require schools to allow a student to participate in sex-segregated school programs and activities, and use facilities, consistent with the student's gender identity regardless of the student's biological sex ([see 2013 Lozano Smith Client News Brief No. 47](#)).

Proponents of the referendum are reviewing the final signature count in an effort to find improperly invalidated signatures, but it is not clear whether they will take any formal action regarding the signature count, or whether such actions will have any impact on the law.

Districts have several options to address the mandates of AB 1266. While some districts are choosing to adopt explicit policies and regulations related to transgender student access and accommodations, that is not required by the law and may not be the desired approach for all districts. Additionally, while model policies have been circulated, districts should be cautious about adopting a "one-size-fits-all" policy. Available model policy language may include provisions that are not required or derived from existing law, and districts should consider whether a more tailored approach to these issues is preferable.

For further information regarding potential policy options, or for best practices that can be implemented with regard to these issues, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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