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AB-2315 Community colleges: records: affirmed name and gender identification. (2021-2022)

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Assembly Bill No. 2315

CHAPTER 932

An act to add Section 66271.41 to the Education Code, relating to educational equity.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2315, Arambula. Community colleges: records: affirmed name and gender identification.

The Donahoe Higher Education Act establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. The Equity in Higher Education Act requires a public postsecondary educational institution, including a campus of the California Community Colleges, 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.

This bill would require the governing board of each community college district to implement a process by which current 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. This bill would, commencing with the 2023–24 academic year, require each community college campus to be capable of allowing current students, staff, or faculty to declare an affirmed name, gender, or both name and gender identification. The bill would prohibit a community college campus from charging a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than the fee it charges for correcting, updating, or reissuing that document or record generally. By imposing new duties on community college districts, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) The use of an individual's name assigned at birth rather than their affirmed name is termed "deadnaming." Specifically, for transgender and gender nonbinary students, being deadnamed by incorrect student records can lead to unwanted outing,

bullying, discrimination, violence, and loss of employment opportunities.

(2) Unfortunately, deadnaming in public college settings is a common practice. Surveys reveal that 63 percent of students who identify as transgender or gender nonbinary individuals did not have their chosen name or accurate gender reflected in their student records.

(3) Several community college campuses have already provided a system by which any current student, staff, or faculty may use an affirmed name, gender, or both name and gender identification in order to foster an inclusive and supportive campus environment.

(b) Therefore, it is the intent of the Legislature to require community colleges to implement systems updates to eliminate systemic deadnaming of transgender and nonbinary individuals in their student records.

SEC. 2. Section 66271.41 is added to the Education Code, immediately following Section 66271.4, to read:

66271.41. (a) The governing board of each community college district shall implement a system by which current 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.

(b) Upon the request of an individual, a community college campus shall update any records for current students, staff, and faculty to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include, but are not limited to, all of the following:

(1) School-issued email addresses.

(2) Campus identification cards.

(3) Class rosters.

(4) Transcripts.

(5) Diplomas, consistent with subdivision (e) of Section 66271.4, certificates of completion of courses, or similar records.

(c) Commencing with the 2023–24 academic year, community college campus systems shall be fully capable of allowing current students, staff, or faculty to declare an affirmed name, gender, or both name and gender identification.

(d) A community college campus shall not charge a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than the fee it charges for correcting, updating, or reissuing that document or record generally.

SEC. 3. 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 shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.