

CALPADS Update Flash #158



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To: Local Educational Agency (LEA) Representatives

From: California Department of Education (CDE) —
California Longitudinal Pupil Achievement Data System (CALPADS) Team

Guidance for Changing a Student's Gender in CALPADS

CALPADS was recently updated to accept the gender of nonbinary. This FLASH provides guidance on what is required to change a student's gender in CALPADS, and how to make that change. Additionally, prior guidance related to changing a student's legal name has been updated.

Meaning of nonbinary

California Senate Bill 179 (Chap. 853, Statutes of 2017), known as the Gender Recognition Act, provides three equally recognized genders across the state of California – female, male, and nonbinary. The Gender Recognition Act provides a process for individuals to amend their gender designation on state-issued identification documents.

The Gender Recognition Act describes nonbinary as “...an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant.”

Guidance regarding documents LEAs should review or require for gender

CALPADS has and will continue to collect gender data pursuant to state and federal reporting requirements. Beginning in the 2019–2020 school year, CALPADS, in accordance with the Gender Recognition Act, will recognize three gender options – female, male, and nonbinary. In determining what to report to CALPADS, local educational agencies (LEAs) are required to maintain a “mandatory permanent pupil record” for each pupil that includes, among other things, the pupil's legal name, date of birth, sex, address, etc. (See 5 C.C.R. § 432.) In reporting a pupil's gender in CALPADS, LEAs should report the current gender (or sex) that they have recorded for that pupil on the mandatory

permanent pupil record. **However, there is no specific requirement regarding what documents LEAs should review or require, or what specific process LEAs should follow, in determining the gender to be recorded on the mandatory permanent pupil record, or whether and when to update that recorded gender.** LEAs may initially rely on enrollment/registration-related forms and documentation to record a pupil's gender. While the Gender Recognition Act provides a process to update gender on certain state-issued identification documents, for purposes of recording or updating gender on a pupil's mandatory permanent pupil record, LEAs need not require that a pupil and/or the pupil's parent(s) present such state-issued documents to establish what they assert the pupil's gender is. In any event, LEAs should be mindful of laws prohibiting gender-based discrimination and are advised to consult with their legal counsel in developing policies in this regard.

Searching for a student and updating gender in CALPADS

When requesting a statewide student identifier (SSID), searching for a student and/or updating a student's gender, be mindful of the gender change for some SSIDs with the following steps:

Scenario 1: If a student transfers from another district and registers with a gender of nonbinary, the student will not be found in CALPADS using a gender of nonbinary in the SSID search, if the prior LEA had not changed the student's gender in CALPADS. Therefore, if the student cannot be found in CALPADS using a gender of nonbinary, take the following steps:

- First search for the student in CALPADS using a gender other than nonbinary. The student may already have an SSID with the former gender code.
- If the SSID is found using the former gender, then submit an enrollment record in CALPADS using the student's gender that currently exists in CALPADS.
- After the student has an enrollment in your LEA in CALPADS, use Online Maintenance to change the student's gender to nonbinary.

Scenario 2: If the student is registering as nonbinary in your LEA as a student new to CALPADS (new to California public schools or new to California), take the following steps:

- First search for the student in CALPADS (using genders other than nonbinary) to confirm the student does not already have an SSID.
- If there are no matches, request an SSID and use the nonbinary code when submitting the Student Enrollment (SENR) file to CALPADS.

Scenario 3: If a student already has an enrollment in CALPADS from your LEA, and the student would like to change their gender, use Online Maintenance to update the student's gender in CALPADS. Gender changes cannot be made through batch processing.

Guidance for Changing a Student's Legal Name

As noted above, LEAs are required to maintain a “mandatory permanent pupil record” for each pupil that includes, among other things, the pupil’s “legal name.” (See 5 C.C.R. § 432.) Unlike with gender, a recording or updating of a pupil’s “legal name” must be supported by legal documentation such as court records, birth certificates, adoption records, passports, etc.

If and when a school district receives documentation that a pupil’s name has been *legally* changed, the district must then update the student’s mandatory permanent pupil record accordingly. Since CALPADS is an official record for purposes of the State’s compliance with federal requirements and generates a Student Statewide Identifier, unless the district has received documentation of a legal name change, the district must report to CALPADS the student’s legal name as shown on the mandatory permanent pupil record. The district cannot change the recorded legal name based on an informal request of the student. However, if the school district has received parental notification of a pupil’s name change, but has not received documentation supporting a legal name change, the school may want to consider updating *other* school records (other than the mandatory permanent pupil record) to reflect the name change.

Changing a student’s legal name and gender in CALPADS

If a student already has an enrollment in CALPADS from your LEA, and the student has documentation supporting the change to their legal name, and they also request a change to their gender, update the gender in CALPADS using Online Maintenance, and then update the legal name using Online Maintenance. Gender and the legal name must both be updated in CALPADS using online maintenance, however, both cannot be updated in the same session.