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Interview with LAUSD's Judy Chiasson About AB1266

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Abstract

On Monday, January 13, I interviewed Judy Chiasson of the Los Angeles Unified School District (LAUSD) for a bit under an hour. You may remember that she was the LAUSD representative who gave testimony before the California Senate Education Committee in June of 2013. The interview for the most part was about AB1266 and what [...]

Article

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Figure 1. Image: Judy Chiasson at her LAUSD Office

Key parts of the interview include her take on whether LAUSD is going to change their transgender policy as a result of AB1266, how many school districts have contacted LAUSD about using LAUSD's transgender policy as a model for their school districts, what she thinks about the idea that male students will pretend to be transgender to enter a school's girls bathrooms, and how inappropriate behavior by any male student pretending to be transgender would violate LAUSD's misconduct policy.

This post is the text of about the first third of the interview.

Judy Chiasson: We've had transgender affirming policies since 2005. So, since 2005 I can tell you that we have done, and that with respect to transgender students is that they can attend school, participate in activities, be known by their name and gender of identity -- everything affirms who they are.

It's very simple: we treat our transgender boys and girls like all of the other boys and girls.

Often times, depending on the age -- with our younger students of course it's their families who are really their advocates -- and so that parent comes in, usually introduces their child as transgender, and says...and you know, works with the principal on who kind of like needs to know. Often times what the parents are worried about is respecting the confidentiality and the dignity of their children. Which, of course, we do.

And, this is really a private matter. And, nobody needs to know that that child is transgender. We don't stigmatize them; we don't humiliate them. We recognize and affirm them as who they are.

With an older student, pretty much we recognize people as they present themselves.

There's no formal protocol because what happens is that every student's different; every student's unique. Some students want access to facilities by their gender of identity, others are a little bit more reticent. They feel more comfortable in a private facility. So, we have to work with every child -- what it is that they need and what they want.

Autumn Sandeen: What I'm kind of confused about -- and I know it's part of what my community is confused about -- when I look at the California State School Board interim guidance on AB1266, they use the words "on demand." Does that mean -- Well, how would Los Angeles Unified School District apply the term "on demand"?

JC: I haven't read what they've published, so I couldn't really respond to that, particularly. I'd want to be careful about using that word "on demand" because I would not want to imply that arbitrarily could show up and say "During fifth period I want access to the girls bathroom because I'm transgender." That's not how we define transgender. And in our language, our gender identity is something that's consistent and persistent from day to day, hour to hour, across every aspect of their school life. And that's what we mean when we say "supporting our students."

So if on Halloween I have somebody -- always have boys who wear dresses to school on Halloween -- that doesn't not grant them access to the girls facilities any more than our girls who might come on Halloween dressed kind of boyish -- dressed like a boy or a football player -- that does not give them access to the boys locker room because they've put on a costume. That's not what gender is.

AS: You're preaching to the choir hear. [laughter]

JC: But, I really want to be sure that anyone who reads -- your peers -- I know that I'm preaching to the choir with you, but not everybody out there in the community -- in the broad school community -- has that level of insight.

AS: So in other words, with AB1266 becoming law in January, it really doesn't change your policy. AB1266, in other words, allows school districts to come up with policies to implement minimum standards.

JC: My understanding -- and I'm going to urge you to fact check me because I'm not a legislator --

AS: Let's just apply it to your school district.

JC: But my understanding of AB1266 is -- what it does is that it takes existing state and federal antidiscrimination laws and imports them into [Education] Code for the benefit of all schools. What we have seen is that there has been multiple cases -- this is before 1266 -- where school districts were found that they had violated the rights of their transgender children by refusing to allow them access. They were discriminating against them. And so AB1266 is complementary to existing law.

So, I know a lot of people seem to think that this is a new law -- and the law is new -- but these provisions of antidiscrimination have been in existence for a long time.

AS: Right. That was how I understood it as well -- that there were three sets of Education Code. And, forgive me, I don't remember what the [code sections] were off the start. And, the Department of Justice agreement with -- or what do they call it. . .

JC: Office of Civil Rights also. . .

[Note: it's actually the Resolution Agreement Between the Arcadia Unified School District and the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division]

AS: So your familiar with that. So basically they made a made a -- I'm drawing a blank on term. But they came into an understanding with the Arcadia School District that is basically the same policy as AB1266. And, that kind of sets precedence if this issue comes up again in California.

JC: Exactly. We also had one in Colorado over the summer. I forget that little girl's name.

[Note: that girl is Coy Mathis.]

JC: That girl is identified in the press, and her family is very strong advocates.

And there is preexisting laws.

So when a school adopts a policy, the purpose of the policy is to repackage what the law says into terminology that is very convenient and digestible by schools. It doesn't -- so even if a school doesn't have a policy, they are still held accountable to state laws. Policies are just for the convenience of their stakeholders.

AS: The policies are...In other words, other school districts are contacting your school district, correct?

JC: Yes, that's correct.

AS: Because your policy is being considered a model policy. since your policy was worked out in 2004 and implemented in 2005.

JC: That is correct.

AS: Okay. So, just in round numbers, can I ask how can I ask how many -- I don't want to know which

school districts, but how many of them have contacted you all? Or do you know?

JC: Hmm.

AS: Half a dozen or less?

JC: No, probably about -- of course I'm not the only one, but I would say easily ten, off the top of my head.

AS: Wow. That many.

JC: I can come up with ten. My colleague, Steve Jimenez, who's in the [Los Angeles Unified School District] office of Educational Equity Compliance, he probably has equally that many.

So maybe two dozen easily. And then we --

AS: So about a dozen-and-a-half to two dozen would be a nice, round guess? Conservative?

JC: Absolutely. And we've also -- Yeah, easily two dozen. I mean, that's a minimum.

AS: So the policy is going to be -- yeah, that we can have, and expect to see, school districts with implementation policies that recognize persistent and consistent gender identity -- as opposed to today somebody identifies [as transgender] and tomorrow they identify some other way and the next day they identify yet some other way.

JC: Well, there are two things I would like to say to that. One of them is -- there are, in the process of coming out, sometimes things are a little bit rocky. And in that questioning period, certainly we would want to support our students, recognizing everyone's coming out period is unique.

AS: Absolutely.

JC: So in that moment -- in that period of fluctuation while we figure out who we are, which is part of adolescence anyway, but certainly for LGBT students who have their own coming out process -- processes -- we want to be really supportive of that.

And so, if I had someone who kind of in that flow, we would definitely provide that kind of support.

But I want to differentiate between somebody who says "today I'm this and tomorrow that" as part of their process of trying to figure things out over somebody who is asserting that identity fraudulently. And that is where we would take a very, very firm stance against -- if we had any suspicion that someone was fraudulent, that their motivations were nefarious, that they wanted -- that they were imposing unsafe situations on other students. Student safety is our primary concern.

AS: So is that ad hoc, or is that firm policy?

JC: It's a firm policy.

AS: So is there a different policy?

JC: That would be misconduct.

AS: [nodding] So that would fall under misconduct.

JC: The idea that now, because of this law that there's suddenly going to be misconduct in the bathrooms while prior to this there never has been -- that transgender students are the only ones who would be inappropriate in the bathrooms -- I mean, someone needs to go back to public schools.

AS & JC: [laughter]

JC: Or any school for that matter.

And so we always address misconduct by whoever does the behavior, wherever they do it. Appropriate conduct is always expected.

AS: Just to be clear, as we're talking about inappropriate conduct, has anyone since [the transgender] policy has been implemented in the Los Angeles Unified actually said "I'm transgender" and not be transgender? -- well, has engaged in misconduct by identifying themselves as transgender?

JC: Have been dishonest, you mean?

AS: Yes.

JC: Never.

I've never had anyone pretend to be transgender so they could sneak into the bathrooms. Ever. I've never had that. Not once.

AS: Not once.

JC: I cannot imagine -- Well, there's two things being conflated there. One is that -- and I'm going to make the assumption we're talking about boys -- the fear is that --

AS: You're talking the male-to-female side of it where allegedly boys would be dishonest.

JC: Correct.

The idea that there'd be a boy who for some reason would pretend to be transgender, to consistently present at school as woman or as a girl -- dress, attire, name, known by everyone in the school community as a girl -- just so he could get permission to have the opportunity to engage in misconduct.

First of all it's ridiculous to think that a student would do that. Secondly, if a student was going to engage in misconduct, do you think they'd go through all that trouble to get permission first?

I mean usually, people who are behaving inappropriately don't go to the authorities and say "I'm going to be inappropriate. Can I have your permission to do so?"

AS & JC: [laughter]

JC: So, that's not going to happen either.

AS: The other link I bring up is that bathroom doors are not magic. If you put a female or male sign up there, there's not a force field that holds people outside the door.

JC: I confess when I was in middle school, on a dare I ran into the boys bathroom. It was stinky -- I left.

AS: Well, I mean in elementary school I accidentally did it. And by the way, my schools were Tulsa Street Elementary and John F. Kennedy High.

JC: Oh, you're LA!

AS: And George K. Porter Jr. High. Not Middle School, Junior High.

JC: Oh my goodness.

It's changed a little bit.

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