AN act to add Section 66271.4 to the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL’S DIGEST

AB 2023, as introduced, Chiu. Educational equity: student records: name and gender changes.

Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. The Equity in Higher Education Act provides that it is the policy of the state to afford all persons, regardless of specified characteristics, including gender identity and gender expression, equal rights and opportunities in the postsecondary educational institutions of the state.

This bill would require a campus of the University of California, California State University, or California Community Colleges to update a former student’s records to include the student’s updated legal name or gender if the institution receives government-issued documentation, as described, from the student demonstrating that the former student’s legal name or gender has been changed. The bill would require the institution to reissue specified documents conferred upon, or issued to, the former student with the former student’s updated legal name or
gender, if requested by the former student. Commencing with the 2022–23 graduating class, the bill would require an institution to provide an option for a graduating student to request that the diploma to be conferred by the institution list the student’s chosen name, as specified. Because this bill imposes new duties on community college districts, it 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.


The people of the State of California do enact as follows:

SECTION 1. Section 66271.4 is added to the Education Code, to read:

66271.4. (a) For purposes of this section, “public postsecondary educational institution” or “institution” means a campus of the University of California, the California State University, or the California Community Colleges.

(b) If a public postsecondary educational institution receives government-issued documentation, as described in subdivision (c), from a former student demonstrating that the former student’s legal name or gender has been changed, the institution shall update the former student’s records to include the updated legal name or gender. If requested by the former student, the institution shall reissue any documents conferred upon the former student with the former student’s updated legal name or gender. Documents that shall be reissued by the institution upon request include, but are not limited to, a transcript or a diploma conferred by the institution.

(c) The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

(1) State-issued driver’s license.

(2) Birth certificate.

(3) Passport.
(4) Social security card.

(5) Court order indicating a name change or a gender change, or both.

(d) This section does not require the institution to modify records that the former student has not requested for modification or reissuance.

(e) Commencing with the 2022–23 graduating class, an institution shall provide an option for a graduating student to request that the diploma to be conferred by the institution list the student’s chosen name. Commencing with the 2022–23 graduating class, an institution shall not require a graduating student to provide legal documentation sufficient to demonstrate a legal name or gender change in order to have the student’s chosen name listed on the student’s diploma.

(f) Notwithstanding Section 67400, this section shall apply to a campus of the University of California.

SEC. 2. 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.