



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

TITLE: Sex-Specific and All-Gender Single and Multiple-User Restrooms

NUMBER: REF-6799.1

ISSUER: David Holmquist, General Counsel
Office of the General Counsel

DATE: July 8, 2019

ROUTING
All Employees
All Locations

PURPOSE: The Los Unified School District (District) is committed to providing a safe and supportive learning and work environment for all students and employees and to ensuring that every student shall have equal access to the District’s educational programs and activities. There have been a number of student-driven requests for all-gender single- or multiple-user restrooms, as well as recent legislation addressing single-user restrooms in government facilities. The purpose of this Reference Guide is to clarify federal and State law, regarding sex-specific and all-gender single- and multiple-user restrooms, and to provide District guidelines regarding such restrooms.

MAJOR CHANGES: This replaces REF-6799.0, dated February 28, 2017, issued by the Office of the General Counsel. It provides updated guidance to schools as a result of Board Resolution (Res-048-18/19), which directed the Superintendent to update this reference guide so that it is aligned with the restroom accessibility section of the Gender Identity and Students – Ensuring Equity and Nondiscrimination (BUL-6224.2) policy bulletin to ensure that all-gender restrooms are truly accessible and not simply available for all students who would prefer to use them. Likewise, this guide has been updated to be more expansive in recognition of a gender identity continuum.

BACKGROUND: State law allows educational institutions to have sex-specific restrooms and locker rooms, so long as comparable facilities are provided. Additionally, commencing March 2017, all single-user restrooms in government facilities are to be identified as all-gender toilet facilities. However, the law is silent on all-gender multiple-user restrooms. As such, the District allows administrators at schools and work sites to exercise their discretion in implementing all-gender multiple-user restrooms, provided plumbing code requirements are satisfied.

The [2015 Uniform Plumbing Code](#) established a ratio of sex-specific toilets to enrollment. Specifically, the number of required fixtures (i.e., toilets and urinals) is based on the population of the school.

California law provides that a pupil shall be permitted to use facilities consistent with his or her gender identity (see District policy BUL-6224.2, [Gender Identity](#)



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BACKGROUND (cont.): [and Students – Ensuring Equity and Nondiscrimination](#)). Additionally, adults and students shall have separate restroom facilities.

DEFINITIONS: Sex: It includes, but is not limited to, a person’s sex assigned or presumed at birth based on physical characteristics commonly associated with males or females, and is inclusive of a person’s gender.

Gender: A person’s affirmed identity as male, female, both or neither. State law defines gender as a person’s actual or perceived sex, and includes a person’s gender identity and gender expression. Gender identity and gender expression are a person’s gender-related appearance or behavior, whether or not different from that traditionally associated with the person’s physiology or assigned sex at birth.

All-gender: Inclusive of all genders.

Non-binary: 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, including but not limited to agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant.

Single-user restroom: A toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.

Multiple-user restroom: A toilet facility with more than one water closet with locking mechanisms controlled by the user, which may also have urinals.

GUIDELINES: The following guidelines apply.

I. All-Gender Single-User Restrooms

In accordance with Health and Safety Code §118600, commencing March 2017, all single-user restrooms are to be identified as all-gender toilet facilities.

For students, reasonable access to a single-user restroom must be made available for those students who express a desire for increased privacy while tending to personal care. The school administrator has full discretion in selecting which restroom will be identified as a single-user restroom for student access. Consideration must be given to ensure students have reasonable access to single-user restrooms so as to minimize any potential disruptions to instructional time. Schools shall not use a single-user restroom that is secured by locking an external door or that lacks internal privacy screens, unless the restroom is readily supervised, such as in the nurse’s office.



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GUIDELINES (cont.):

Regardless of gender, students and adults shall use separate restrooms. Adults and students may not use a restroom facility at the same time.

Many single-user restrooms, such as in primary grades, the nurse's office, and adult restrooms, are already all-gender. The process for converting sex-specific student and adult restrooms to all-gender restrooms is merely a matter of changing the signage.

II. All-Gender Multiple-User Restrooms

School site principals have the discretion to establish all-gender multiple-user restrooms for students or adults, provided the following criteria have been met:

- The establishment of all-gender restrooms does not compromise the number of sex-specific and adult/student restrooms required by the Uniform Plumbing Code. For assistance with this ratio, contact your Local District Complex Project Manager.
- Consideration must be given to ensure students have reasonable access to single-user restrooms so as to minimize any potential disruptions to instructional time.
- There is sufficient interest expressed by students or staff for establishment of all-gender restrooms.
- The all-gender student restrooms allow access for appropriate supervision by any gendered campus aides, special education assistants, health care assistants and teacher assistants. For assistance, contact Staff Relations at (213) 241-6056.
- The establishment of all-gender multiple-user restrooms does not create an undue hardship on the school. For assistance, contact your Local District Administrator of Operations and Complex Project Manager.
- The privacy screens on stalls are tall enough to ensure reasonable privacy.

A. Restroom Selection and Modification for All-Gender Restrooms

Restrooms for students that have latching stalls (not doors) can be adapted to all-gender restrooms by changing the exterior sign. Privacy considerations are identified in the following section when converting a multiple-user sex-specific restroom to all-gender. Once a restroom is designated as an all-gender restroom, the restroom's signage must clearly identify that its use is for all genders. All-gender restroom sign availability may be determined by working with the Local District Complex Project Manager.

B. Expectation of Privacy for All-Gender Restrooms

There is a reasonable expectation of privacy in the use of any restroom. If a student desires increased privacy, the administrator shall make every effort to provide the student with reasonable access to an alternative restroom such



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GUIDELINES (cont.):

as a single-stall restroom. The use of a single-stall restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom. To minimize potential disruptions to students' instructional time and for safety reasons, students should be given reasonable access to restrooms while ensuring appropriate supervision by staff. Regardless, all students are expected to exemplify appropriate behavior in restrooms.

Toilet stalls have privacy screens or partitions and a latching stall door. As such, restrooms that do not have urinals are more easily adapted to all-gender restrooms.

Schools must consider the privacy screens' height when converting a multiple-user sex-specific restroom to all-gender. Some older restrooms have marble privacy screens that are considerably shorter than the standard ones in use now, making those restrooms ill-advised for conversion to all-gender.

The privacy screens on stalls should block the view from head to shin when the user is standing. The screen must be tall enough to prevent another user from casually looking into the stall. When remodeling facilities, privacy screens should be approximately 6 inches from the ceiling and floor to facilitate mopping and adequate fire sprinkler coverage. The adequacy of privacy screen height may be determined by working with the Local District Complex Project Manager.

C. Behavioral Expectations

All students are expected to exemplify appropriate behavior in all areas of the campus, including restrooms. It is expected that all restrooms shall be used strictly for the intended purpose of toileting and managing personal care.

D. Supervision

Schools are responsible for the adequate supervision of students. Currently, campus aides, special education assistants, health care assistants and teacher assistants supervise restrooms by remaining in proximity to the restroom and entering the restroom when they suspect misconduct or have a safety concern. Restrooms that are utilized by students must allow reasonable access for supervision by staff. All-gender multiple-user restrooms can be supervised by any gendered staff. Restrooms must have latching privacy stall doors for individual toilets, but the exterior doors must remain unlocked. Single-user restrooms with a locking exterior door may be made available for students if adequate supervision is available, such as in the nurse's office.



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AUTHORITY: Title IX of the Education Amendments of 1972, 42 U.S.C. 1681;
Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2(a)(1);
California Education Code §201, §210.7, §220, §221.5, and §231;
Assembly Bill 1732, 2015-2016 Reg. Session, Chapter 818 (Single-User Restrooms Act), codified at California Health and Safety Code §118600, effective March 1, 2017
[2015 Uniform Plumbing Code](#), Section 422.1, Table 422.1

RELATED RESOURCES: [Bullying and Hazing Policy \(Student-to-Student and Student-to-Adult\)](#), BUL-5212.2, November 26, 2014, Office of the Superintendent
[Code of Conduct with Students - Distribution and Dissemination Requirement](#), BUL-5167.0, July 1, 2010, Office of the Superintendent
[LGBT and Sexual Orientation Anti-Bullying Resolution](#), LAUSD Board Resolution, September 13, 2011
[Lesbian Gay Bisexual Transgender Questioning \(LGBTQ\) Resources](#), Educational Equity Compliance Office
[Name and/or Gender of Pupils for Purposes of School Records](#), BUL-5703.3, July 17, 2014, Office of Data and Accountability
[Nondiscrimination Required Notices and Ordering of Student Brochures](#), MEM-5818, issued annually by Office of the General Counsel
[Hate-Motivated Incidents and Crimes – Response and Reporting](#), BUL-2047.2, September 4, 2018, Office of the General Counsel
[Sexual Harassment Policy \(Student-to-Student, Adult-to-Student, and Student-to-Adult\)](#), BUL-3349.1, August 6, 2014, Office of the General Counsel
[Title IX Policy/Complaint Procedures](#), BUL-2521.2, February 14, 2018, Office of the General Counsel
[To Enforce the Respectful Treatment of All Persons](#), LAUSD Board Resolution, passed October 10, 1988
[Gender Identity and Students – Ensuring Equity and Nondiscrimination](#), BUL-6224.2, May 17, 2019, Office of the General Counsel
[Uniform Complaint Procedures \(UCP\)](#), BUL-5159.9, January 31, 2019, Office of the General Counsel

ASSISTANCE: For assistance or further information please contact:

- [Local District, Complex Project Manager](#)
- [Local District, Administrator of Operations](#)
- [Division of District Operations](#) (213) 241-5337
- [Educational Equity Compliance Office](#) (213) 241-7682
- [Human Relations, Diversity and Equity](#) (213) 241-5337
- [Office of the General Counsel](#) (213) 241-7600