

California's transgender law: who's 'rights' are we protecting?

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ABSTRACT

On August 12, 2013 California Governor Jerry Brown signed into law AB 1266, the "Bathroom Bill". This law would be an amendment to the Education Code and would require all schools in the state to comply with the mandates set in the law. Section 1, Section 221.5 (f) would add "A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records." The problem of course is that it is not that simple. Sometimes the "rights" of some individuals will intrude on the "rights" of other individuals. The purpose of this research will be to address those issues surrounding this controversial law and to look at the intent of the law and its effects on students, parents, athletes, and the privacy rights of all involved. The research will also analyze the intent of the law and determine if this law truly does protect the rights of the transgender person or if there are better methods to deal with the real concerns a transgender person has to live with.

Keywords: transgender, homosexual, bi-sexual, gender equality, civil rights, constitutional protections, privacy rights.