

EXPLANATORY STATEMENT

The amendments included in this submission do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any provision of the California Code of Regulations, pursuant to Title 1, Section 100 of the CCR.

The State of California has adopted as policy “that every person deserves full legal recognition and equal treatment under the law... .” Additionally, “[t]he binary gender designations of female and male fail to adequately represent the diversity of human experience.” (Chapter 853, Statutes of 2017). The Legislature has noted that the “drafting guidelines of the Office of Legislative Counsel direct drafting the language of legislation in a gender-neutral form” and further resolved that “state agencies should engage in...efforts to use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance... .” (Chapter 190, Statutes of 2018)

To this end, CalSTRS is now undertaking the removal of gendered pronouns within Title 5, Division 3 of the California Code of Regulations to align with the goal of using terminology that is inclusive of all transgender people, nonbinary people who may not ascribe to a particular or fixed gender, or people who otherwise use different pronouns. CalSTRS has identified various instances of gendered pronouns within its regulations that are noted in the table below.

SECTION	GENDERED PRONOUN
§ 20500	“chairman”
§ 20514	“he”
§ 21023, § 23005	“his”
§ 24011, § 27600, § 27601, § 27704, § 27705	“his or her”

The gendered pronouns noted above are being revised in a manner that employs grammatical techniques noted within Chapter 190, Statutes of 2018, that avoid gendered pronouns by:

- Using a gender-neutral term:
 - “chairperson” in § 20500
 - “the” in § 21023
 - “this” in § 23005
- Reusing a noun instead of a pronoun (“chief executive officer” in § 20514 and “the claimant” in § 21023)
- Using “they” or “their” as a singular pronoun (§ 23005, § 24011, § 27600, § 27601 § 27704 and § 27705)

Additionally, two of the regulatory sections noted above (§ 20514 and § 21023) are being revised to include sources of “authority” and “reference” as currently required by Government Code section 11349.1 and as further specified by Title 1, Section 14 of the CCR.

CalSTRS proposes to revise text published in the California Code of Regulations, as described above, without complying with the rulemaking procedure specified in Article 5 of the Administrative Procedure Act because these revisions are changes without regulatory effect as they are revising grammar or adding sources of “authority” and “reference” in a manner that does not affect the meaning of the regulations. These revisions do not materially alter any requirement, right, responsibility, condition,

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prescription or other regulatory element of any CCR provision, and they align with efforts of the Legislature to remove gendered pronouns in regulations. The revisions remove gendered pronouns in reference to the vice chairperson of the Teachers' Retirement Board, CalSTRS members, the CalSTRS chief executive officer, and CalSTRS officers, employees or current Teachers' Retirement Board members without altering the requirements, rights or responsibilities of the individuals referenced by those gendered pronouns.