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Know Your Rights (/Know-Your-Rights) | Schools

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No matter the what Trump Administration says, federal and state laws and the U.S. Constitution prohibit discrimination, bullying, and harassment against students because they're transgender. This includes Title IX, the federal law that bans sex discrimination in schools. Here's some information about what rights transgender students have at school and how you can advocate for yourself or transgender students in your life.



What Are My Rights at School?

Title IX is a federal law that makes sex discrimination illegal in most schools. Most courts who have looked at the issue have said that this includes discrimination against someone because they are transgender or because they don't meet gender-related stereotypes or expectations. Several other federal and state laws also protect transgender students. Here are some of the rights you have under these laws:

- **You have the right to be treated according to your gender identity.** That's true even if you haven't done things like changing your ID or getting medical treatment, and your school cannot require you to show proof of these things in order to have your gender respected.
- **You have the right to be called by the name and pronouns that match your gender identity.** Sometimes people make an honest mistake, but teachers and school staff aren't allowed to call you by the wrong name or pronouns on purpose even after you tell them how you want to be called.
- **You have the right not to be bullied or harassed because you are transgender or gender non-conforming.** If school administrators know that you're being bullied or harassed, they have to take action to end it.
- **You have the right to use restrooms and locker rooms that match your gender identity, and you can't be forced to use separate facilities.** If you feel safer or more comfortable using a private space, or if you'd like to use a separate space for a short period of time, you can request that—but your school can't force you or pressure you into using a separate restroom or locker room if you don't want to.
- **You have the right to get the same opportunities to learn and participate in school life as anyone else, no matter your gender, including your gender identity or expression, or your race, nationality, or disability.** This includes not being punished because you are transgender or gender non-conforming and being allowed to participate in school activities and events.
- **You have the right to dress and present yourself according to your gender identity.** This includes how you dress at school every day as well as for dances, graduation, and other school events. You need to follow general dress code rules that apply to all students, but your school has to let you follow those rules in a way that matches your gender identity.
- **You have the right to protect your privacy and choose who you tell or don't tell about being transgender.** If you want to keep that information private, your school must make sure that things like your transgender status, your former name, or your medical history are kept as confidential as possible.
- **You have the right to join or start an LGBT student club like a GSA or Pride Alliance.** Your school isn't allowed to ban LGBT student groups or treat those groups differently than other student groups.

What Can I Do About Discrimination at School?

If you or someone close to you has experienced bullying or discrimination, you can start by talking about it with your school and district officials. Contact your school district and find out about its nondiscrimination and anti-bullying policies. Many schools are willing to work with transgender students to find a solution once they understand what's going on. You can find some tips about how to talk to your school and resources that you can show them on NCTE's School Action Center at www.transequality.org/schoolaction (<http://www.transequality.org/schoolaction>).

If your school district still refuses to treat you with respect, we encourage you to contact the national offices of GLSEN (<http://www.glsen.org/>) or your state ACLU chapter (<https://www.aclu.org/about/affiliates?redirect=affiliates>). They can help you figure out the next steps that are right for you. They might help you find other ways to reach out to your school administrator or your school district, bring media attention to your issue, or take other actions.

In some cases, you may consider filing a lawsuit against your school. Filing a lawsuit might be complicated and you will probably need to get a lawyer to help you. While NCTE does not take clients or provide legal services, you can find a list of LGBT-friendly legal groups here (<http://www.transequality.org/additional-help>).

You can also file a complaint with the U.S. Department of Education (<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>). The Department of Education is responsible for enforcing Title IX, the federal law that makes it illegal for schools to discriminate against transgender students. But in 2017, the Trump Administration rolled back guidance to schools that clarifies that they need to treat transgender students with respect (<http://www.transequality.org/issues/resources/faq-on-the-withdrawal-of-federal-guidance-on->

transgender-students). While this doesn't change any of your rights under Title IX, it does mean that the Department of Education might not investigate or respond to complaints from transgender students or enforce the law as fully as they should.

If you do want to file a complaint with the Department of Education, here are a few things you should know:

- File as soon as possible. You need to file a complaint within 180 days of when the discrimination or bullying and harassment happened. If you file a complaint late, explain why and ask for an exception to the deadline.
- When the complaint form asks what kind of discrimination you've faced, select "sex."
- Complete the entire form. Incomplete complaints won't be investigated. If OCR needs more information in order to process the complaint, it may contact you for more information.
- Provide details. Include in your complaint as many details as you can about the people and events involved, and when and where events occurred.
- Complaints are confidential. Information about your complaint will not be shared without permission.
- The person who experienced the discrimination doesn't need to be the one who files the complaint. Family, friends, school staff, or others can file a complaint.
- The school can't take action against you because you filed or participated in a complaint.

In addition to filing a complaint with the federal government, you might also be able to file a complaint with your state education department or human rights agency. Many state laws or policies protect transgender students from discrimination. You can find information about some of these policies on NCTE's School Action Center (<http://www.transequality.org/schoolaction>).

How Can I Help?

Share your story. If you or a transgender student in your life experienced discrimination or mistreatment at school—or if you have had a positive experience at school—consider sharing your story (http://salsa4.salsalabs.com/o/51171/p/salsa/web/common/public/signup?signup_page_KEY=8369) with NCTE. That can help us change policies and improve transgender students' experiences at school. You can find tips and resources about being an advocate with your local schools on NCTE's School Action Center at www.transequality.org/schoolaction (<http://www.transequality.org/schoolaction>).

What Laws Protect Me at School?

Several laws protect transgender students from discrimination at school:

- **Title IX** is a federal law banning sex discrimination in schools. Courts have made it clear that that includes discrimination against someone because they are transgender or don't meet gender stereotypes or expectations. Title IX applies to all schools (including both K-12 schools and colleges) that get federal money, including nearly all public schools.
- **State laws and school district policies** in many places also protect transgender students from discrimination. You can find information about some of these laws or policies on NCTE's School Action Center (<http://www.transequality.org/schoolaction>). Hundreds of school districts around the country also have policies that ban discrimination based on gender identity or expression or sexual orientation.
- **The Equal Access Act** requires all student organizations, such as a Gay-Straight Alliance or Pride Alliance, to be treated equally. This means that schools cannot ban certain types of groups or single them out for worse treatment.
- **The Family Educational Rights and Privacy Act (FERPA)** protects personal information about students in school records, and in most cases it makes it illegal for schools to share that information with others without permission from a student or (if the student is a minor) their parents. This includes information about their transgender status or medical history.
- **The First Amendment** of the U.S. Constitution protects students' freedom speech and freedom of expression. That includes the right to dress according to your gender identity, talk about being transgender openly, and express your gender in other ways.

Additional Resources

NCTE's School Action Center:

www.transequality.org/schoolaction (<http://www.transequality.org/schoolaction>)

NCTE's FAQ on what the rollback of the federal guidance on transgender students means:

<http://www.transequality.org/issues/resources/faq-on-the-withdrawal-of-federal-guidance-on-transgender-students> (<http://www.transequality.org/issues/resources/faq-on-the-withdrawal-of-federal-guidance-on-transgender-students>)

NCTE/GLSEN Model School District Policy:

https://transequality.org/sites/default/files/images/resources/trans_school_district_model_policy_FINAL.pdf

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Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools:

www.genderspectrum.org/staging/wp-content/uploads/2015/08/Schools-in-Transition-2015.pdf (<https://www.genderspectrum.org/staging/wp-content/uploads/2015/08/Schools-in-Transition-2015.pdf>)

Claim Your Rights resources from PFLAG and GLSEN:

community.pflag.org/claimyourrights (<http://community.pflag.org/claimyourrights>)

U.S. Department of Education, Office for Civil Rights:

www.ed.gov/ocr (<http://www.ed.gov/ocr>)

The Department of Education's Examples of Policies and Emerging Practices for Supporting Transgender Students:

www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf (<http://www.ed.gov/ocr>)

The Department of Education's "Dear Colleague" Letter to Schools on Bullying:

www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf (<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>)

Gender Spectrum:

www.genderspectrum.org (<http://www.genderspectrum.org>)

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[National Transgender Discrimination Survey \(/issues/us-trans-survey\)](#)

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