

MODEL DISTRICT POLICY ON TRANSGENDER AND GENDER NONCONFORMING STUDENTS

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**Model Language,
Commentary & Resources**

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KEY

White: Model Policy Language
Yellow/Gray: Commentary

INTRODUCTION

This document presents our Model District Policy on Transgender and Gender Nonconforming Students, which outlines best practices for schools to ensure that all students are safe, included and respected in school, regardless of their gender identity or expression — including transgender and gender nonconforming students. The model presents some policy objectives, key points and alternatives to consider. It is meant to be adaptable to the specific needs of your school district, while keeping the original intent of the policy intact. Depending on your school district, the policy language provided here may fit best in a district policy, an administrative regulation, or a combination of the two. Our model was developed by examining school district policies from various states, guidance provided by states and the federal government, and identifying best practices for a national context.

This model has been constructed so that you can easily copy model language in order to draft your own district policy.

Model Policy language is indicated by a white background and commentary language is indicated by a yellow background (or gray background if the model is printed in black and white).

While this document provides a starting place to create a policy pertaining to transgender and gender nonconforming students in your district, the language should be modified to comply with state laws and existing district policies. Policy experts at GLSEN and NCTE can provide technical assistance, please contact GLSEN's Public Policy Department at 202-347-7780 or by email at publicpolicy@glSEN.org or NCTE at 202-642-4542 or by email at ncte@transequality.org.

GLSEN is the leading national education organization focused on ensuring safe and affirming schools for all students.

Established in 1990, GLSEN envisions a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression. GLSEN seeks to develop school climates where difference is valued for the positive contribution it makes to creating a more vibrant and diverse community.

The National Center for Transgender Equality (NCTE) is a national social justice organization devoted to ending discrimination and violence against transgender people through education and advocacy on national issues of importance to transgender people. By empowering transgender people and our allies to educate and influence policymakers and others, NCTE facilitates a strong and clear voice for transgender equality in our nation's capital and around the country.

The purpose of this policy is:

- (1) to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- (2) to facilitate compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination,
- (3) to ensure that all students have the opportunity to express themselves and live authentically.

A NOTE ON TERMINOLOGY

Transgender and gender nonconforming youth use a number of words to describe their lives and gendered experiences. To list just a few examples, these students may refer to themselves as trans, transgender, male-to-female (MTF), female-to-male (FTM), genderqueer, nonbinary, gender fluid, two-spirit, trans boy, trans girl, and a variety of other terms. Terminology and language describing transgender individuals can differ based on region, language, race or ethnicity, age, culture, and many other factors. Generally speaking, school staff and educators should employ those terms which the students use to describe themselves and avoid terms that make these students uncomfortable.

Definitions

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and district personnel. Students may or may not use these terms to describe themselves or their experiences.

BULLYING: Written, verbal, or physical conduct, including via electronic communication, that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in, or benefit from, a program or activity of a public school or local educational agency; or to create a hostile or abusive educational environment, adversely affecting a student's education, including acts of verbal, nonverbal, or physical aggression or intimidation. This includes bullying that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or another distinguishing characteristic. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates. Bullying is frequently referred to as harassment when it pertains to a characteristic protected by non-discrimination laws.

GENDER EXPRESSION: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

GENDER IDENTITY: A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

GENDER NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings include gender diverse or gender expansive.

NONBINARY/GENDERQUEER: Terms used by those who identify with neither, both, or a combination of genders.

DETERMINING GENDER IDENTITY

Gender identity is a core aspect of personal identity. The model policy is based on the basic principle that only an individual can determine their own gender identity. This approach is consistent with current best practices, and state and federal law. In 2015, the United States Departments of Education and Justice approved the Arcadia Unified School District's non-discrimination policy, which stated "The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected." Arcadia developed this policy in order to resolve a Title IX complaint that was filed by a transgender student after he was denied access to the boys' facilities at school.

Schools should avoid requiring medical, legal, or other "proof" in order to respect a student's gender identity. The decision to undergo a particular medical treatment as part of a transition is a very personal decision that must be left to the student, their family, and their healthcare provider. In addition to being overly invasive, such a requirement does not account for the many barriers transgender youth experience trying to access transition-related medical care. It is similarly inappropriate to require specific court orders or changes to government-issued identity documents. Additionally, some students do not want or need medical care. Due to varying state and federal policies, transgender youth very often are unable to change government-issued identity documents and other records to correspond to their chosen name and appropriate gender. In fact, some states do not allow correction of gender markers at all, and many allow individuals to change their gender marker on identity documents only upon the completion of medical procedures that are unavailable to youth.

SEXUAL ORIENTATION: A person's romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender nonconforming people may have any sexual orientation.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, during a student's commute to and from school, and at bus stops. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and which substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the District. It is the responsibility of each school and all staff to ensure that all students, including transgender and gender nonconforming students, have safe school environments. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

FEDERAL PROTECTIONS

Title IX is the federal education law that protects students from discrimination based on sex. While Title IX does not specifically use the terms "transgender" or "gender identity or expression," courts and the federal government agree that harassment and other discrimination against transgender and gender nonconforming people constitutes illegal sex discrimination.

In guidance and court briefs, the U.S. Departments of Education and Justice have clarified that students have the right to be treated in a manner consistent with their gender identity, and to be free from any form of discipline, harassment, or discrimination based on their gender identity or gender expression.

For more information on these protections, please see the Department of Education publications listed in the Resources section.

School administrators shall make every effort to keep transgender and gender nonconforming students at the original school site. Transfers shall not be a school's first or preferred response to harassment of transgender and gender nonconforming students and shall be considered only rarely, when necessary for the protection or personal welfare of the transferred student or when requested by the student or the student's parent or guardian. The student or the student's parent or guardian must consent to any such transfer.

Privacy/Confidentiality

The District shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or gender nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

SAFE SCHOOLS LAWS

Many states and the District of Columbia have anti-bullying laws that specifically protect students on the basis of gender identity and expression. Many states also explicitly prohibit discrimination in education on the basis of gender identity and expression. In these states, many elements of this model policy may be explicitly incorporated in policies or regulations implementing these state laws. Consistent with these laws, a number of states have developed guidance documents for school districts pertaining to transgender and gender nonconforming students. Several examples are listed in the Resources section.

Regardless of whether state laws explicitly address gender identity and expression, transgender and gender nonconforming students are protected under Title IX and state laws regarding sex and/or disability discrimination.

School districts should adopt explicit non-discrimination and anti-bullying policies to help ensure acceptance, respect, and safety for all students and compliance with all federal and state laws. The policy language included here regarding bullying, harassment, and discrimination is not comprehensive, and districts are encouraged to consult GLSEN's Model District Anti-Bullying and Harassment Policy for more comprehensive recommended policy language.

STUDENT PRIVACY

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth constitutes confidential personally identifiable and medical information. Disclosing this information to other students or parents or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA), as well as constitutional privacy protections. Additionally, disclosure or misuse of this information may establish a hostile environment for a transgender or gender nonconforming student, potentially subjecting them to bullying and harassment, by peers, discrimination by school staff, or family rejection.

Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, the school or District shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other District and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local, state, and federal privacy laws.

Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, schools will allow such students to use a chosen name and gender pronouns that reflect their identity. It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school's communication with the student's parents or guardians. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns such as "they" or "ze" or just referred to by their names (without pronouns).

If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Records with the student's birth name and gender will be kept in a separate, confidential file.

School staff or administrators may be specifically required by law to report a student's legal name or gender. In those instances, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

DEALING WITH MEDIA REQUESTS

Schools and districts may receive requests for information about transgender students or policies. These types of inquiries can occur when local media learns about a student transitioning or adoption of a policy regarding transgender and gender nonconforming students. In such cases, it is important that school and district staff respond appropriately in order to avoid undue and potentially harmful attention to individual students.

Organizations such as GLSEN and NCTE can provide assistance to advocates and school staff dealing with this type of media scrutiny. In general, if the school or district chooses to respond to press inquiries regarding the adoption of a new policy or the presence of transgender students, a designated spokesperson should provide information and talking points regarding the issue for use with the media. Schools and districts should not disclose the identity or personal information of individual students publicly.

To ensure the privacy of all students, the school or district should avoid raising issues relating to specific students through public hearings or communication to the media or community. Schools and districts should take care to never make a statement that causes harm, but allow for students and supportive families to drive what the communications plan, if any, should be.

For more information on responding to media requests, please see *Schools in Transition: A Guide to Supporting Transgender Students in K-12 Schools* in the Resources section.

Access to Gender-Segregated Activities and Facilities

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender nonconforming student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use gender-segregated facilities that are inconsistent with their gender identity.

Where they exist, schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because they are transgender or gender nonconforming. Schools are encouraged to incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the state interscholastic association.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

MORE ON ACCESS TO GENDER-SEGREGATED ACTIVITIES AND FACILITIES

This model policy ensures equal access to all school facilities, and equal participation in school activities, by making clear that all students have the right to be treated according to their gender identity. At the same time, the model policy also acknowledges that some students, for a variety of reasons, may feel uncomfortable using shared facilities. This may include transgender and gender nonconforming students, students with disabilities or other physical differences, students who are reluctant to use facilities alongside a transgender or gender nonconforming student, or other students. The model policy provides for accommodating students upon request by providing a safe and non-stigmatizing alternative. In addition, the model policy encourages schools to assess their existing facilities to enhance privacy for all students, convert facilities designed for a single user to be gender-neutral, and provide for single-user facilities in new construction and renovation. With respect to interscholastic sports, while an increasing number of state interscholastic associations have adopted policies ensuring equal participation for transgender and gender nonconforming students, some districts may be limited by statewide policies. The model policy calls upon schools to evaluate other school activities, rules, and practices that differentiate based on gender and maintain only those that serve an important educational purpose. This is consistent with Title IX, which requires such an evaluation in many instances, and also helps ensure that school practices to not reinforce gender stereotypes or create uncomfortable situations for students based on their gender. For more information, see the Title IX resources in the Resources section.

Dress Code

Schools may enforce dress codes pursuant to District policy, but any such dress codes may not be based on gender. Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender neutral appearance within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to the District's educational programs and activities.

DRESS CODE ALTERNATIVES

Increasingly, school districts are adopting dress codes that do not have separate rules based on gender. This approach minimizes the risk of liability under the First Amendment and laws prohibiting discrimination based on sex, gender identity, and gender expression.

While we strongly urge schools to adopt dress codes that are gender-neutral, any policies that are based on gender differences must permit students to dress in compliance with the school's dress code consistent with their gender identity and expression.

MORE ON STUDENT TRANSITIONS

A student's need to transition at school can arise in a number of ways. Most commonly for younger students, a parent or guardian will approach a school or district administrator about their child's transition. The administrator should meet with the parents and student to discuss the school's role in supporting the student's transition. This would include the timing of the transition, planning responses to questions from school staff and students, and correcting the student's information in the school records, among many others. This meeting should be conducted without any additional school personnel, unless the family or student specifically requests or consents to their presence.

The student, even elementary-age students, can also be the driving force behind a transition at school. In these instances, administrators and educators should find ways to create a safe and affirming learning environment for the student. As part of supporting the student, administrators and educators must be mindful of the fact that transgender students still experience significant levels of family rejection. Thus, in these situations, it is important to speak with the student prior to involving parents, guardians, or other family members to determine whether doing so would be safe and support the student's health and well-being. If the student believes that the family will be supportive, the administrator should, with the student's consent, arrange a meeting with the family to discuss the student's need to transition. Again, the planning for this meeting should involve the student to determine what role, if any, the student would like to play during the meeting. For example, in some instances the student may want to disclose their transgender status themselves, while in others the student may not want to be at the meeting at all. In either scenario, the administrator should be prepared to discuss how this issue is affecting the student in school and the importance of family acceptance to a student's short- and long-term well-being. In the event that the family is supportive, the administrator should proceed in the same way as if the parents had approached the school about the student's transition.

Schools must create safe and affirming school environments for transgender students, even if the student's family is unsupportive. In those instances, the administrator should meet with the student to discuss the ways that the school can support the student, such as access to the appropriate restroom, or use of a chosen name. That discussion should also include what the school and district can do to support the student's safety at home, which could include providing the family with resources to better understand their child's needs and contingency planning for the possibility that the family inadvertently finds out the child's transgender status. Regardless, schools should respect a student's gender identity or expression regardless of whether or not a family is supportive.

PARENTAL/GUARDIAN INVOLVEMENT

The parents and guardians of transgender and gender nonconforming students can play a critical role in establishing a safe and affirming school environment. Transgender and gender nonconforming students are coming out and transitioning at earlier ages. Schools should work with supportive parents and guardians whenever possible to establish healthy communication and ensure the needs of these often vulnerable students are fully met.

Unfortunately, however, some transgender and gender nonconforming students face family rejection, which can result in negative outcomes, such as abuse or ejection from the home. Schools are responsible for ensuring a safe and affirming environment with equal opportunity for all students. The model policy aims to encourage supportive engagement with parents whenever possible, and to prioritize the safety and well-being of students. Staff should take guidance from and work collaboratively with the student to ensure that the student remains safe, both at school and at home. This may include, for example: determining what information to share with the student's parents or guardians; identifying resources that could assist the parents or guardians to better understand how to support their child; and, how to communicate with the student's siblings as well as staff and other students.

Schools can play an important role in providing a place of acceptance for transgender and gender nonconforming students. School may be the only safe space where a student feels comfortable fully expressing their gender. Therefore it is critical that parental/guardian approval is never a prerequisite for respecting a student's chosen name, appropriate gender, and pronouns. Additionally, schools may be in a position to provide additional services, such as counseling, peer support through a school GSA, and referral to outside resources, to help a student cope with family rejection. When possible, school staff should facilitate family members' understanding and acceptance of transgender and gender nonconforming students.

For more information about the importance of family acceptance of transgender and gender nonconforming and the role that schools can play, please see *Schools in Transition: A Guide to Supporting Transgender Students in K-12 Schools* and *A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children* in the Resources section.

Training and Professional Development

The District shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees.

To the extent funding is available, the District shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to:

- (i) terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- (ii) developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- (iii) developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- (iv) classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;
- (v) school and District policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of staff.

Publication

This policy will be distributed annually to students, parents/guardians, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

DISCRIMINATION AGAINST TRANSGENDER AND GENDER NONCONFORMING STUDENTS

Discrimination often affects transgender and gender nonconforming students in particular ways that prevent them from fully participating in the school environment and impacts their ability to learn. Discrimination can take forms such as ignoring or failing to respond to ongoing bullying and harassment, holding the student to strict or unreasonable applications of a school dress code, disclosure of confidential information, preventing students from using appropriate restrooms, harassment or discriminatory discipline by teachers and staff, and even suspension or expulsion. By adopting policies such as this model, school districts will have procedures in place for creating a welcoming environment for all students and avoiding these forms of discrimination.

Numerous studies demonstrate that the bullying, harassment, and discrimination faced by transgender and gender nonconforming students is often pervasive. According to GLSEN's National School Climate Survey (see Resources section), a large majority (75.1%) of transgender students feel unsafe at school, experience verbal harassment (73.6%), and have been physically harassed (32.5%) or assaulted (16.2%) due to their gender identity or expression. In addition to peer victimization, transgender students face high rates of gender-related discrimination: four out of ten (42.2%) of transgender students are prevented from using their preferred legal name at school; 59.2% are required to use the bathroom or locker room of their legal sex; and 31.6% of transgender students are prevented from wearing clothes because they were considered inappropriate based on their legal sex.

A hostile school climate can negatively impact a student's life trajectory from education and employment to long-term achievement and well-being. LGBT students who report more severe victimization or who report experience discrimination at school have lower levels of self-esteem and higher levels of depression. Research also indicates that negative school climate is associated with LGBT students missing days of school, earning lower grades, and not planning to go to college.

The Doe v. Yunits case in Massachusetts (2000 Westlaw 33162199 (Mass. Super. Ct. 2000)) provides an unfortunate but common example of how discrimination can prevent transgender and gender nonconforming students from receiving an appropriate education. Pat Doe, a transgender girl in middle school, was repeatedly disciplined for wearing feminine clothing and make-up, and was not allowed to attend school without the principal approving her attire. Pat was forced to miss so many days that she was not able to pass her grade and was effectively forced out of school. The court ultimately ordered the school to allow her to wear any girl's clothing that otherwise followed the general school dress code. Since then, many cases addressed by state and federal agencies and courts have illustrated the prevalence and impact of discrimination on students' well-being, safety, and opportunity to learn. See the Resources section for more information.

ADDITIONAL RESOURCES

Supportive Resources

American Civil Liberties Union, Gender Spectrum, Human Rights Campaign, National Center for Lesbian Rights, National Educational Association, Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools (2015), accessible at: <http://www.nclrights.org/schoolsintransition/>

GLSEN Changing the Game Resources, accessible at <http://sports.glsen.org>

Griffin, P & Carroll, HJ. (2010). On the Team: Equal Opportunities for Transgender Student Athletes.

National Center for Lesbian Rights, Women's Sports Foundation, and It Takes a Team!, accessible at <http://www.nclrights.org/legal-help-resources/resource/on-the-team-equal-opportunities-for-transgender-student-athletes/>

National Center for Transgender Equality, Transgender and Gender NonConforming Students: Your Rights at School, accessible at: <http://transequality.org/know-your-rights/schools>

Sample and Model Policies

Arcadia Unified School District, Transgender Students – Ensuring Equity and Nondiscrimination (2015), accessible at: <http://www.nclrights.org/wp-content/uploads/2015/07/Transgender-Policy-Bulletin-Approved-w-corrections-April-2015.pdf>

DC Public Schools, Office of Youth Engagement, Transgender and Gender Nonconforming Policy Guidance (2015), accessible at: <http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Transgender%20Gender%20Non%20Conforming%20Policy%20Guidance.pdf>

GLSEN, Model District Anti-Bullying and Harassment Policy, accessible at <http://www.glsen.org/sites/default/files/GLSEN%20model%20district%20policy.pdf>

Los Angeles Unified School District, Transgender Students – Ensuring Equity and Nondiscrimination, BUL-6224.0 (2014), accessible at <http://notebook.lausd.net/pls/ptl/url/ITEM/3B90B9FA121300EE0430A000210300E>

The Trevor Project, American Foundation for Suicide Prevention, National Association of School Psychologists, and the American School Counselor Association, Model School District Policy on Suicide Prevention, accessible at: <http://www.thetrevorproject.org/pages/modelschoolpolicy>

Selected State and Federal Guidance

California Interscholastic Federation, Guidelines for Gender Identity Participation (2014), accessible at: http://cifstate.org/governance/constitution/Guidelines_for_Gender_Identity_Participation.pdf

Massachusetts Dept. of Elementary and Secondary Educ., Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity (2013), accessible at: <http://www.doe.mass.edu/ssce/GenderIdentity.pdf>

New York State Dept. of Education, Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students (2015), accessible at http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf

Substance Abuse and Mental Health Services Administration, A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children. HHS Publication No. PEP14-LGBTKIDS. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014. Accessible at: <https://store.samhsa.gov/shin/content/PEP14-LGBTKIDS/PEP14-LGBTKIDS.pdf>

U.S. Dept. of Educ., Office for Civil Rights (Oct. 26, 2010). Dear Colleague Letter, accessible at <http://www2.ed.gov/about/offices/list/ocr> (includes information about bullying and harassment of LGBT students)

U.S. Dept. of Educ. (Jun. 14, 2011). Legal Guidelines Regarding the Equal Access Act and the Recognition of Student-Led Noncurricular Groups, accessible at <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html> (includes requirements regarding Gay-Straight Alliances)

U.S. Dept. of Educ., Office for Civil Rights (Apr. 29, 2014). Questions and Answers on Title IX and Sexual Violence, accessible at <http://www2.ed.gov/about/offices/list/ocr> (see page 5 for coverage of gender identity discrimination)

U.S. Dept. of Educ., Office for Civil Rights (Dec. 1, 2014). Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities, accessible at <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>

U.S. Dept. of Educ., Office for Civil Rights (Apr. 2015), Title IX Resource Guide, accessible at: <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

Research and Reports

Grant JM, Mottet LA, Tanis J, Harrison J, Herman JL & Keisling M. Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force (2011). Accessible at <http://USTRansSurvey.org>

Greytak EA, Kosciw JG & Diaz EM. (2009). Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools. New York: GLSEN. Accessible at: <http://www.glsen.org/research>

Kosciw, J. G., Greytak, E. A., Palmer, N. A., & Boesen, M. J. (2014). The 2013 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools. New York: GLSEN. Accessible at: <http://www.glsen.org/research>



1400 16th Street NW, Suite 510
Washington, DC 20036
T 202 642-4542
ncte@transequality.org



NATIONAL HEADQUARTERS

110 William Street, 30th Floor
New York, NY 10038
T 212 727 0135
F 212 727 0254
info@glsen.org

PUBLIC POLICY OFFICE

1001 Connecticut Ave. NW
Suite 206
Washington DC 20036
T 202 347 7780
F 202 347 7781
publicpolicy@glsen.org
