



EDUCATION & TITLE IX

TRANSGENDER STUDENTS' RIGHTS: FAQs

In May 2016, the U.S. Department of Education and the U.S. Department of Justice released guidance explaining schools' Title IX obligations regarding transgender students.¹

How does Title IX apply to transgender students?

Title IX protects all students in federally funded education programs from sex discrimination—this includes transgender students. Schools must treat transgender students consistent with their gender identity.

This is not only the law but also makes good policy sense because any other policy would involve “gender policing” of school facilities and resources based on stereotypes about what a female or male student is “supposed to look or act like” (e.g., girls shouldn't have short hair or boys shouldn't wear pink).

How does Title IX apply to transgender students?

Staff should ensure that they use transgender students' preferred names and gender pronouns (e.g., s/he, her/him).

When a program or resource in school is limited to only boys or girls, transgender students must be allowed to take part in the program or resource that matches their gender identity.

- **Restrooms and Locker Rooms:** A school must allow transgender students to use facilities that match their gender identity. A school may offer individual-user options if a student wants additional privacy.
- **Athletics:** A school may have requirements based on age and physical safety for students who take part in sports. However, a school cannot adopt requirements that rely on stereotypes of transgender students or other students' discomfort when deciding if transgender students can be on a team that matches their gender identity.

- **Single-Sex Classes:** A school must allow transgender students to enroll in single-sex classes that match their gender identity.
- **Housing and Overnight Accommodation:** A school must allow transgender students to access housing that matches their gender identity. If a transgender student asks for single-occupancy accommodations, the school must honor the request.

How will a school know about a transgender student's status?

A parent or guardian can tell school officials that a student's gender identity is different from his or her sex on record. Students age 18 and up can declare their gender identity to school officials on their own.

Does a transgender student have to give documentation to the school?

No.

A school cannot make a student submit a medical diagnosis or undergo medical treatment before it recognizes his or her gender identity.

Requiring a student or parent to produce an ID or record reflecting the student's gender identity may violate Title IX if it has the practical effect of limiting or denying the student equal access to a school program or resource.

What about harassment based on gender identity or gender nonconformity?

Title IX protects all students from sex-based harassment. If a student is harassed, he or she should tell a teacher, counselor, or principal. The school has a duty to stop the harassment, put in place measures to prevent it from happening again, and help students cope with the effects of the harassment.



What about privacy rights?

A school must take reasonable steps to protect a student's privacy about his or her transgender status. This includes respecting the student's right to keep private the sex and name assigned at birth. If a school tells teachers or students a student's private information without consent, the school may be breaking federal law.

What if students or parents object to accommodating transgender students?

Our nation's civil rights laws are designed to protect historically vulnerable children. A school may not discriminate against certain students just because others are uncomfortable. Accommodating transgender students protects all students by ensuring that no one is discriminated against based on sex stereotypes or gender nonconformity (e.g., a belief that girls shouldn't have short hair or boys shouldn't wear pink). A federally funded school is obligated under Title IX to ensure that all students receive equal access to education and activities.

1 U.S. DEP'T OF EDUCATION, OFFICE FOR CIVIL RIGHTS, DEAR COLLEAGUE LETTER ON TRANSGENDER STUDENTS 1 (May 13, 2016), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

