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**TRANSGENDER STUDENT AND EMPLOYEE RIGHTS IN SCHOOLS**

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## **TRANSGENDER STUDENT AND EMPLOYEE RIGHTS IN SCHOOLS<sup>1</sup>**

### **I. WHAT LEGAL PROTECTIONS DO TRANSGENDER STUDENTS HAVE?**

#### **A. Title IX of the Education Amendments of 1972**

Title IX prohibits sex and gender discrimination in schools. 20 U.S.C. §1681(a). The United States Department of Labor, United States Department of Education,<sup>2</sup> and federal courts<sup>3</sup> have interpreted Title IX's prohibition of sex and gender discrimination to prohibit discrimination based on gender identity. Title IX applies to all schools that accept federal funds.<sup>4</sup>

#### **Student Rights**

Under Title IX, sex discrimination extends to gender identity as well as sex and gender stereotypes. Students have a right not to be bullied or harassed for being transgender or gender non-conforming. A school must investigate a transgender or gender nonconforming student's claim of harassment per the school's policy, just like discrimination or harassment based on any other type of legally-protected class.

Schools must treat transgender students consistent with their gender identity in all aspects of their classroom. Students also have a right to present themselves and their appearance as consistent with their gender identity, so long as the student also adheres to his or her school's dress code.

#### **Examples**

##### **Harassment - Anoka-Hennepin School District, Coon Rapids, MN**

A student complained to the Department of Justice ("DOJ") that the student was being harassed by peers for gender nonconformance.

The DOJ opened an investigation, and the U.S. Department of Education Office for Civil Rights ("OCR") joined the investigation. The DOJ and OCR visited the District and interviewed more than 60 individuals, including current and former students, parents, teachers, and District staff and administrators, and reviewed over 7,000 pages of District documents.

In a letter to the District summarizing the DOJ and OCR findings, the OCR wrote: "Information obtained during the investigation revealed that multiple students were harassed on the basis of sex in District middle and high schools, and that the harassment included both verbal and physical harassment. District students told OCR and DOJ investigators that they were constantly

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<sup>1</sup> This material has been provided for informational purposes and not for the purpose of providing legal advice. If you need legal advice on a particular problem or issue, you should speak to your attorney.

<sup>2</sup> The United States Department of Education recently retracted guidance documents relating to transgender student use of restrooms. See <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf>.

<sup>3</sup> *Grimm v. Gloucester Cty. Sch. Bd.*, 302 F. Supp. 3d 730, 741 (E.D. Va. 2018) (collecting cases).

<sup>4</sup> [20 U.S.C. § 1681](#).

harassed (some almost every day for years) because of their failure to conform to gender stereotypes. Female students reported being called ‘manly,’ ‘guy,’ or ‘he-she’; male students reported being called ‘girl,’ and ‘gay boy,’ and being told, ‘you’re a guy, act like it.’ A female student reported being told to ‘go kill herself,’ and students said they were threatened and subjected to physical assaults because of their nonconformity to gender stereotypes. Some of these students suffered from physical and mental health problems. Some students stopped attending school for periods of time, left the District, or dropped out of school entirely.”<sup>5</sup> The District entered into a consent decree<sup>6</sup> in which it agreed to, among other things, conduct trainings, hire an equality consultant, hire a mental health coordinator, and revise its bullying policies to prevent future harassment. The consent decree remained in effect for five years and, during that period, the District was subject to DOJ and OCR supervision.

### **Harassment and Discrimination- Downey, California Unified School District**<sup>7</sup>

The School allegedly failed to respond adequately to complaints that a transgender student was subjected to verbal harassment by her peers. Staff allegedly:

- Disciplined her for wearing make-up;
- Discouraged her from speaking about her gender identity with classmates; and
- Suggested that she transfer to another school.

The School District entered into an agreement with the Office for Civil Rights, agreeing to:

- Engage a consultant with expertise on child and adolescent gender identity, including experience with discrimination against gender nonconforming and transgender students, to support and assist the District with implementing the provisions of the agreement;
- Work with its consultant to ensure a school climate free of harassment by incorporating age-appropriate information for students on gender identity, gender-based discrimination and harassment;
- Continue to treat the student the same as other female students in all respects in the education programs and activities offered by the District, including access to sex-designated facilities for female students;

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<sup>5</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901-a.pdf>.

<sup>6</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901-d.pdf>.

<sup>7</sup> <http://www2.ed.gov/documents/press-releases/downey-school-district-agreement.pdf>

- Ensure that the student is not disciplined for acting or appearing in a manner that does not conform to stereotypical notions of masculinity or femininity;
- Review District policies, procedures and regulations applicable to student participation in all programs and activities offered by the District and make necessary revisions to ensure that all students, including students who do not conform to sex stereotypes, are provided an equal opportunity to participate in all such programs and activities in a manner that does not discriminate based on sex, gender identity or gender expression;
- Develop an implementation guide for administrators, faculty and staff that addresses how the District's gender-based discrimination policies apply to transgender and gender nonconforming students;
- Conduct mandatory training on issues related to gender nonconformance and gender-based harassment for District and school-site administrators who have the responsibility of investigating or supervising the investigation of gender-based harassment complaints and implementing other anti-discrimination policies and procedures regarding transgender and gender nonconforming students; and
- Conduct annual school climate assessments, including a student and parent survey, to evaluate the effectiveness of the District's bullying and harassment prevention efforts.

**Discrimination - Nashua School District**<sup>8</sup>

School allegedly prohibited a transgender female student from:

- Wearing female clothing;
- Using a female name; and
- Using the female restroom.

Her parents and the Nashua School District reached an agreement to allow the girl do all of the above and present as a female.

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<sup>8</sup> It is unclear whether or not this case was filed in any court or government agency.  
<http://www.unionleader.com/article/20120925/NEWS04/709259939&template=mobileart>.

## **Discrimination - Arcadia, California, School District<sup>9</sup>**

School allegedly prohibited a transgender male student from:

- Using the male restroom;
- Using the male locker room; and
- Using male accommodations on an overnight school-sponsored trip.

The School District settled and agreed to take a number of steps to ensure that transgender students would be treated like any other students. The Department of Education's Office for Civil Rights helped investigate and joined in the agreement, which states that the district will:

- Work with a consultant to support and assist the District in creating a safe, non-discriminatory learning environment for students who are transgender or do not conform to gender stereotypes;
- Amend its policies and procedures to reflect that gender-based discrimination, including discrimination based on a student's gender identity, transgender status, and nonconformity with gender stereotypes, is a form of discrimination based on sex; and
- Train administrators and faculty on preventing gender-based discrimination and creating a nondiscriminatory school environment for transgender students.

### **B. Pupil Safety and Violation Prevention Act**

New Hampshire has a strong anti-bullying law that explicitly states an intent to protect students from bullying that is motivated by students' "gender identity and expression." RSA § 193-F:2(II). This law requires each school district to adopt a written policy prohibiting bullying and cyber-bullying that includes:

- A procedure for reporting the bullying;
- A procedure for notifying the parents or guardian of the victim within 48 hours of the incident report that can be waived if the school feels that doing so is in the best interests of the victim or perpetrator;
- A procedure for investigating the incident in a timely manner, and, for any substantiated incident of bullying, the school must create a remediation plan that may include appropriate disciplinary action against the perpetrator, steps to reduce future incidents or retaliation, and, if appropriate, offer assistance to the victim or perpetrator. The remediation plan must also be communicated to the parents or guardians of all the students involved in the incident; and

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<sup>9</sup> <http://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>

- A plan for communicating, training, and educating students, staff, and parents about the anti-bullying policy.

### **C. The Equal Access Act**

This Act requires all school-affiliated organizations be treated equally, including a LGBTQ organization like a Gay-Straight Alliance (“GSA”). 20 U.S.C. § 4071(a). A school may not ban certain groups or discriminate against them. *Id.*

### **Student Rights**

Under the Equal Access Act, students have the right to be included in class activities, regardless of gender identity and expression.<sup>10</sup>

Schools cannot discriminate against LGBTQ clubs. Schools may withhold sponsorship if a club does not meet policy requirements.

### **D. The Family Educational Rights and Privacy Act (FERPA)**

FERPA protects students’ personal information in school records, and prevents records from being released without consent. 20 U.S.C. §1232g(b)(1). FERPA gives parents and students over the age of 18 the right to inspect and review the student’s educational records, the right to request that a school record be changed if they believe it is inaccurate or misleading, and a right to a hearing if the school decides not to amend the record. 34 C.F.R. § 99.7(a)(2)(ii), 99.21. A school record can only be changed for being inaccurate, misleading, or violating a student’s privacy. *Id.* Schools cannot disclose student records unless the disclosure is to an entity (like a school official or educational agency) that has a legitimate educational interest in that information. 34 C.F.R. §99.31(a)(1).

Under these requirements, transgender students and/or their parents may request that a school change student names and genders on the educational records. *Id.* If a transgender student has already legally changed his or her name and gender, it is inaccurate and misleading for a school record to refer to that student’s former name and/or gender. Keeping the former name and gender on the school records can also raise privacy issues, because records showing the student’s former name and/or gender reveals the student’s transgender status.

### **E. The First Amendment**

The First Amendment protects all students’ right to freedom of speech, including his or her expression of gender identity. U.S. Const. Amend. I; *Doe v. Yunits*, 2000 WL 33162199 (Mass. Super. 2000).

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<sup>10</sup> <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>

## **Limitations on Student’s Freedom of Speech**

There are limits to freedom of speech inside schools. Generally, neither students nor teachers, “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). However, schools still have authority to safeguard and protect their students from inappropriate speech and conduct. *Id.* at 507. When a student club appears to be school-sponsored and, therefore, bears the “imprimatur” of the school, schools have the authority to censor that speech. *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 271-273 (1988).

## **II. WHAT LEGAL PROTECTIONS DO TRANSGENDER EMPLOYEES HAVE?**

### **A. New Hampshire R.S.A. § 354-A**

On July 8, 2018, a law adding gender identity to the list of classes protected from discrimination by New Hampshire’s Law Against Discrimination, RSA § 354-A, went into effect. RSA § 354-A prohibits discrimination in employment, public accommodation, and housing.

### **B. Title VII of the Civil Rights Act of 1964**

Title VII applies to employees of public schools that receive federal funding and have 15 or more employees. 42 U.S.C.S. 2000e(b). The statute does not explicitly mention sexual orientation or gender identity, but courts have recently interpreted Title VII to prohibit sexual orientation and gender identity discrimination under the “sex stereotyping theory.”<sup>11</sup>

The United States Supreme Court specifically prohibited sex or gender stereotyping in *Price Waterhouse*. *Price Waterhouse v. Hopkins*, 490 U.S. 228, 235, 250 (1989). The court held that when an employee is discriminated against because of sex stereotypes, that employee is being discriminated against because of his or her gender and the employer has, therefore, violated Title VII. *Id.* at 250. While not all courts agree on whether or not transgender individuals are protected under Title VII as a separate class, courts generally agree that transgender individuals are protected under a sex stereotyping theory. *Zarda v. Altitude Express*, 855 F.3d 76, 81 (2d Cir. 2017); *Hively v. Ivy Tech Cmty. Coll. of Ind.*, 853 F.3d 339, 362 (7th Cir. 2017); *see Franchina v. City of Providence*, 881 F.3d 32 (1st Cir. 2018).

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<sup>11</sup> The EEOC recently reversed its position that sexual orientation and gender identity are protected under Title VII’s prohibition of sex discrimination. *See* Brief for the United States as Amicus Curiae, *Zarda v. Altitude Express*, 15-3775 (2d Cir. 2017), available at <https://www.politico.com/f/?id=0000015d-8544-dd39-a75d-8fd736050001>. But, the Second Circuit ruled that sexual orientation discrimination was prohibited under the “sex stereotyping theory.” *See Zarda v. Altitude Express*, 855 F.3d 76, 81 (2d Cir. 2017).

## Examples

### *Smith v. City of Salem*, 378 F. 3d 566 (6<sup>th</sup> Cir. 2015)

A transgender female employee began transitioning from male to female gender expression when she worked for the Fire Department. *Id.* at 568. Her employer allegedly illegally discriminated against her in the following ways:

- Coworkers began questioning her about her appearance and commenting on her appearance; that she did not appear “masculine enough.” *Id.*
- When the Chief of the Fire Department found out about her transition and her Gender Identity Disorder, he met with the Law Director for the City of Salem with the intention of using the transition and disorder as a basis for terminating her employment. *Id.*
- Her employer arranged for her to undergo three psychiatric evaluations in the hope that she would either resign or refuse to comply, in which case her employer would fire her. *Id.* at 569.
- After the employee filed a complaint, she was suspended for 24 hours for allegedly violating a non-enacted municipal policy. *Id.* at 569.

The court found that the employee stated a valid sex stereotyping claim, reversed the lower court’s judgment dismissing the case, and remanded the case back to the lower court. *Id.* at 574-575.

### *Schroer v. Billington*, 577 F. Supp. 2d 293 (D.C. 2015)

A transgender female applied and interviewed for a job at the Library of Congress, was told that she was the best candidate they interviewed, and was officially offered the position. *Id.* at 295-296. The employee had not yet transitioned, but had lunch with the recruiter and informed her of her intent to transition to a female gender expression. Her employer allegedly illegally discriminated against her in the following ways:

- The recruiter no longer intended to hire her after finding out that the employee was about to transition to a female gender expression. *Id.* at 306.
- The recruiter stopped working on the employee’s hiring paperwork after the lunch meeting. *Id.* at 301.
- The recruiter was concerned with the employee’s credibility, that others would know the employee was transgender, that the transition could be an obstacle to the employee’s focus and effectiveness, the employee’s trustworthiness, and the security clearance. *Id.* at 298.

- The employer was not concerned with any of those issues until the employee announced her plan to transition. *Id.* at 306.

The court ruled that the Library’s refusal to hire the employee was due entirely to her transgender status, which the court held was illegal sex discrimination under Title VII. *Id.* at 308.

### **C. The First Amendment**

Like students, public school district employees also have the right to freedom of expression in schools, which applies to gender identity and gender expression. U.S. Const. Amend. I; *Doe*, 2000 WL 33162199. Also like students, this right is a limited one and depends on whether the forum is school-sponsored. *Hazelwood*, 484 U.S. at 271-273.

### **D. N.H. RSA § 98-E**

Under New Hampshire law, school district employees have the right to give and discuss their individual opinions publically. RSA § 98-E. An employee may publically give criticism (including criticism of the school district itself), make disclosures, and enjoy his or her freedom of speech, although this right does not extend to privileged or confidential records. RSA § 98-E:2-3.

## **III. WHAT ARE GOOD POLICY CHOICES/ADDITIONS CONCERNING TRANSGENDER STUDENTS AND EMPLOYEES?**

### **A. Educate Staff, Teachers, and Administrators about Transgender Terminology**

“Transgender.” An umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth. Example: A transgender female is someone who was biologically male at birth, but who considers herself to be female.

“Gender Identity.” A person’s internal sense of being male or female (or both, or neither).

“Gender Expression.” The way a person communicates identity to others through behavior, clothing, hairstyle, voice, or body characteristics.

The American Psychological Association’s Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students provides a comprehensive resource for understanding key terms. It is available at:

<http://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf>.

## **B. Develop and Publicize Trainings for Staff, Teachers, and Administrators**

School staff should learn how to create a supportive school environment for all students and employees. School districts can consult with experts on child and adolescent gender identity, including experience with discrimination, to help implement and/or amend their nondiscrimination policies.<sup>12</sup>

## **C. Develop and/or Amend Policies to Include Sex Discrimination**

School districts should make sure all their anti-discrimination policies are up to date and include the sex discrimination prohibition under both Title IX and Title VII. They should also make sure that all administrators know and understand that transgender students and transgender employees are both protected under sex discrimination laws.

## **D. Discuss Transgender and Gender Nonconforming Issues in Schools and Classrooms**

Discussing LGBTQ issues in school makes students who identify in those categories feel more connected to their school, their community, and experience a greater sense of belonging. It also helps build understanding and empathy among all students about transgender issues. It helps transgender and nonconforming students feel more comfortable in school and develop positive self-esteem. It can also lessen the chances that LGBTQ youth will experience depression and suicidal thoughts.

## **E. Locker Rooms, Bathrooms, and other Privacy Concerns.**

Denying transgender students access to the restroom and changing facilities that correspond with their gender identity is likely discrimination prohibited by Title IX.<sup>13</sup> *Grimm v. Gloucester Cty. Sch. Bd.*, 302 F. Supp. 3d 730, 741 (E.D. Va. 2018).

School districts should work collaboratively with students and parents to arrive at a solution that ensures all students have access to bathrooms and changing facilities that are safe, sanitary, and

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<sup>12</sup> <http://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-resolution-civil-rights-investigation-californias-downey-unified-school-district>

<sup>13</sup> The Department of Education has retracted Obama Administration guidance documents addressing transgender student use of restrooms, but recent court rulings strongly suggest that excluding students from the restroom that corresponds with their gender identity is prohibited discrimination. See *Grimm v. Gloucester Cty. Sch. Bd.*, 302 F. Supp. 3d 730, 741 (E.D. Va. 2018) (“The Sixth and Seventh Circuits have since held that excluding boys and girls who are transgender from the restrooms that align with their gender identity may subject them to discrimination on the basis of sex under Title IX, the Equal Protection Clause, or both. See *Whitaker v. Kenosha Unified School Dist. No. 1 Board of Education*, 858 F.3d 1034, 1049-51 (7th Cir. 2017); *Dodds v. United States Dep’t of Educ.*, 845 F.3d 217, 221 (6th Cir. 2016). A number of district courts have also reached the same conclusion. See *A.H. by Handling v. Minersville Area Sch. Dist.*, 290 F. Supp. 3d 321, 2017 WL 5632662, at \* 1, \*3-\*7 (M.D. Pa., 2017) (denying school district’s motion to dismiss a transgender student’s Title IX and Equal Protection Claims based on school district’s bathroom policy “dictating that children must use the bathroom corresponding to the sex listed on the student’s birth certificate”); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 288, 295 (W.D. Pa. 2017); *Bd. of Educ. of the Highland Local Sch. Dist. v. U.S. Dep’t of Educ.*, 208 F. Supp. 3d 850, 865, 869, 871 (S.D. Ohio 2016).”)

permit the student to fully participate in school programs and activities. Each situation should be addressed individually. Districts and parents should work together to arrive at mutually agreeable solutions.

Massachusetts has developed helpful guidelines<sup>14</sup> for Schools in accommodating all students:

### ***Restrooms, Locker Rooms, and Changing Facilities***

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities. In meeting with the transgender student (and parent) to discuss the issues set forth in this memorandum, it is essential that the principal and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear with the student (and parent) that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity. The following are examples of ways in which school officials have responded to these situations:

*In one elementary school, a transgender second-grader socially transitioned from female to male. The principal informed the staff: For the remainder of this year, he will use Nurse Margaret's restroom, and toward the end of the year we will make future determinations of restroom use in consultation with his family.*

*In one middle school, a male-to-female transgender sixth-grader socially transitioned after spring break. For the rest of the school year, she used the nurse's restroom and the other unisex restrooms at the school. Beginning in seventh grade, she used the girls' restroom.*

*In one high school, a transgender male-to-female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing*

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<sup>14</sup> The guidelines are available at: <http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html>.

*areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility.*

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students.

The Department strongly recommends that districts include an appropriate number of gender-neutral restrooms commensurate with the size of the school, and at least one gender-neutral changing facility, into the design of new schools and school renovations.

School staff as well as students and their families may find the use of restrooms and changing facilities to be among the more challenging issues presented by the gender identity law, perhaps due to issues of personal privacy. As emphasized in other sections of this guidance, these issues should be resolved on a case-by-case basis, through dialogue with students and parents, and through leadership in creating safe and supportive learning environments.

*Safe Schools Program for LGBTQ Students: Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment*, Massachusetts Department of Education, <http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html>.

#### **F. Do not Publicize Teacher Transitions Unless the Teacher Wants To**

Transitioning is a very personal experience, and one that may result in the transgender individual being threatened. There is no requirement that schools inform parents or the media of a teacher's transition from one gender expression to another. If the transgender teacher wants to have the transition publicized or parents informed, schools may agree to do so, but they may not discriminate against that teacher because of negative reactions from parents, other teachers or staff, or from the public.

#### **G. Call a Transgender Student or Employee by His or Her Preferred Name and Gender Pronouns**

It is a form of harassment and/or discrimination to intentionally use a name or pronoun that the transgender individual no longer uses. For example, if a female teacher, Betty, transitions to a male gender expression and goes by, "Bob," now, it would be harassment to purposefully and intentionally still call that teacher "Betty" and use female pronouns to describe him. Unintentional slips of the tongue, however, are not likely to count as harassment or discrimination.

## **H. Investigate Complaints of Discrimination**

All complaints of unlawful discrimination/harassment should be investigated. In addition, Districts should ensure that students and employees who have raised concerns about transgender discrimination and/or participated in investigations are not subjected to retaliation.

### **I. Additional Resources**

American Psychological Association's LGBT Youth Resources, available at, <http://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/>

The National Association of Secondary School Principals has developed a list of guiding principles and a list of recommendations for District Policy Makers and School Leaders. <https://www.nassp.org/policy-advocacy-center/nassp-position-statements/transgender-students/>.

Massachusetts Department of Education's Safe Schools for LGBTQ Students, available at, <http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html>

District of Columbia Public Schools' Transgender and Gender Non-conforming Policy Guidance, available at, <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Transgender%20Gender%20Non%20Conforming%20Policy%20Guidance.pdf>

## **IV. CONCLUSION**

Transgender students and public school district employees are generally protected under state and federal law. Both groups have the right to express their gender identity, be treated as their desired gender identity by the school, use facilities consistent with their gender identity, and be safe from bullying, discrimination, or harassment based on their gender identity. Schools should adopt policies to inform and train students and employees in order to prevent discrimination, harassment, and bullying, and allow reasonable changes to transgender students' educational records to reflect their gender identity. Schools have the right to censor school-sponsored speech that they find inappropriate, but when schools allow open discussion of gender identity issues, it is beneficial for all students and staff and helps protect transgender students and employees from the kind of bullying and harassment schools are obligated to prevent.