

# TRANSGENDER STUDENTS AND TITLE IX



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## UNDERSTANDING FEDERAL PROTECTIONS FOR TRANSGENDER STUDENTS

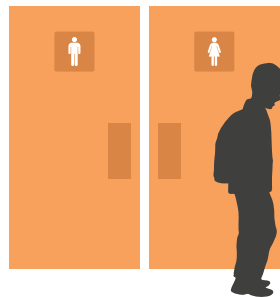
**This year,** several federal courts will hear cases brought by transgender students who have been denied access to the restrooms that match their gender identity. Title IX of the Federal Civil Rights Act ensures that all students can attend school safely regardless of their race or ethnicity, national origin, religion, or sex. But if transgender students cannot safely use the bathroom, they are effectively excluded from public schools.

### MANY TRANSGENDER STUDENTS EXPERIENCE DISCRIMINATION AND FEEL UNSAFE IN SCHOOLS

**75%** OF TRANSGENDER STUDENTS FELT UNSAFE AT SCHOOL BECAUSE OF THEIR GENDER EXPRESSION

**70%** OF TRANSGENDER STUDENTS SAID THEY'D AVOIDED BATHROOMS BECAUSE THEY FELT UNSAFE OR UNCOMFORTABLE

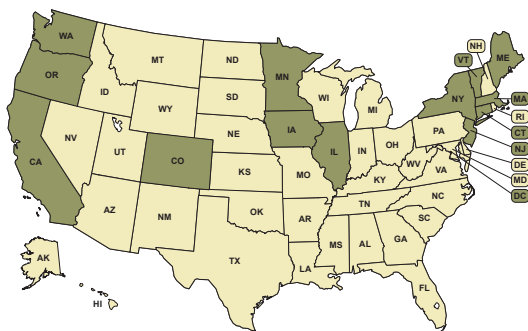
**60%** OF TRANSGENDER STUDENTS HAD BEEN REQUIRED TO USE A BATHROOM OR LOCKER ROOM THAT DID NOT MATCH THE GENDER THEY LIVE EVERY DAY



Source: Joseph G. Kosciv, Emily A. Greytak, Noreen M. Giga, Christian Villenas, and David J. Danischewski. "The 2015 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools." 2016. GLSEN.

### SOME STATES & LOCAL DISTRICTS PROTECT TRANSGENDER STUDENTS FROM DISCRIMINATION AT SCHOOL

13 STATES AND DC HAVE EDUCATION NON-DISCRIMINATION LAWS EXPLICITLY PROTECTING TRANSGENDER STUDENTS



Source: Movement Advancement Project, Equality Maps.

More than **300** school districts have policies that allow transgender students to access facilities that match their gender identity while still protecting the privacy and safety of all students.

Source: "Brief of the Amici Curiae School Administrators from Thirty-One States and the District of Columbia in Support of the Respondent." March 2, 2017.

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## THE U.S. DEPARTMENT OF EDUCATION RECENTLY WITHDREW GUIDANCE TO STATES ON HOW TO SUPPORT TRANSGENDER STUDENTS IN SCHOOLS

### 2015 & 2016

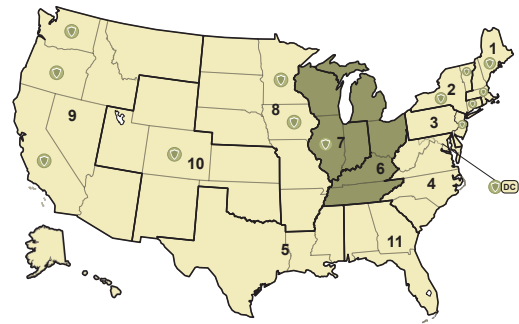
The federal Departments of Education and Justice issue clarifying Title IX obligations for states and school districts: **a school must not treat a transgender student differently from the way it treats other students.**

### 2017 & 2018

In February 2017, the federal Departments withdraw the guidance and announce **they will not enforce the previous guidance.** Schools are left unsure how to comply with Title IX. In February 2018, the Department of Education announces **it will not investigate complaints** filed by transgender students alleging discrimination in access to facilities.

### THE 6TH AND 7TH CIRCUITS RECENTLY RULED THAT TITLE IX PROTECTS TRANSGENDER STUDENTS

Title IX's prohibition on discrimination based on sex includes gender identity, protecting transgender students, in these states



### SEVERAL CASES ARE MOVING THROUGH THE COURTS AROUND THE COUNTRY



#### **ADAMS V. THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**

Drew Adams is a 16 year-old transgender boy who used the boys' restroom as a freshman. But he was later told he could only use the gender neutral restrooms, which separates him from his peers and treats him as unfit to share communal facilities with others.



#### **G.G. V. GLOUCESTER COUNTY SCHOOL BOARD**

Gavin Grimm, a transgender boy, was denied access to the boys' restroom at school after two months of using that restroom without any complaints.



#### **HIGHLAND LOCAL SCHOOL DISTRICT V. U.S. DEPT. OF EDUCATION**

Jane Doe is an 11-year-old transgender girl. For the past three years, her school district has refused to allow her access to the girls' restroom, causing her to be ostracized and leading to frequent bullying and humiliation by teachers, staff, and students.



#### **WHITAKER V. KENOSHA USD**

Ash Whitaker, a 16-year-old transgender boy, has been denied access to the boys' restroom at his high school, subjected to daily surveillance and threatened with disciplinary action if he continued using the boys' restrooms. In 2018, the parties settled the case leaving in place the positive ruling from the Seventh Circuit Court of Appeals.