

KNOW YOUR RIGHTS

TRANS AND GENDER NONCONFORMING STUDENTS



Transgender and gender nonconforming students have the right to be safe and be themselves at school. Public schools are legally required to respect a student's gender identity and gender expression.

HARASSMENT

Public schools have a responsibility to create a safe learning environment. **Under Title IX, public schools cannot ignore harassment based on a student's gender identity or expression.**

Students should immediately report harassment or threats to a principal or counselor. They have a legal responsibility to respond.

ACTIVITIES

Under Title IX, you have a right to participate in all school activities, consistent with your gender identity. Several courts have confirmed that denying transgender girls the right to play school sports is a violation of Title IX. If you are being denied the right to join a school sports team due to your transgender status, we encourage you to contact the ACLU of Indiana immediately.

If a public school permits any noncurricular clubs — clubs that aren't directly related to classes taught in the school — then it must allow students to form a Gay-Straight Alliance or other LGBTQ-themed clubs, and the school can't treat it differently from other noncurricular clubs.

DRESS CODES

The First Amendment right to free expression can also apply to school dress codes. School dress codes have to treat all students equally.

Public schools cannot force students to wear clothing inconsistent with their gender identity.

This also applies to homecoming, prom, graduation, and other special school events.

BATHROOMS AND LOCKER ROOMS

Indiana public schools are legally required to allow students to use the restroom and locker room consistent with their gender identity. Denying trans students this right in Indiana has been found to be a violation of both Title IX and the Equal Protection Clause of the Fourteenth Amendment.

PRONOUNS

Schools sometimes claim that they can't honor the names or pronouns that correspond with a student's gender identity because they can only use students' legal names. This simply isn't true. **There is no law that says schools can only use your legal name on class rosters, student IDs, or the yearbook.** If you do get a legal name change, your school should also update all your official records to match your new legal name.

Please note: As of July 1, 2023, teachers and school staff are required to notify a student's parents if they request to be referred to by a different name or pronoun.

PRIVACY

Your transgender status, legal name, and gender assigned at birth are all confidential information protected by federal privacy law and your constitutional right to privacy. **If your school reveals that information to anyone without your permission, it could be violating federal law.**

If you don't want school officials revealing your private information to others, including your legal name, tell them very clearly that you want your information kept private and that they should not disclose that information to anyone without your consent.

IF YOUR RIGHTS HAVE BEEN VIOLATED

Document everything. Take notes and keep copies of who was involved, what happened, where it happened, when it happened, who you reported it to, witnesses, etc.

If anyone at school is harassing or threatening you, **it's crucial that you report every incident to a principal or counselor.** Usually schools must be put on notice before they can be held legally responsible for protecting you. If you have reported harassment or any other kind of discrimination to your school officials and they have done little or nothing to stop it, file a legal intake form with the ACLU of Indiana at www.aclu-in.org/contact