

YOUR RIGHTS AS A TRANSGENDER, GENDER-NONCONFORMING, NONBINARY, OR INTERSEX STUDENT IN NEW YORK STATE

KNOW YOUR RIGHTS



Wherever you are on the gender spectrum, you have the right to be yourself at school. New York State law requires that your school respect your gender identity or expression and make sure you are safe from bullying, harassment, and discrimination. Below are some important questions you might have as a transgender, gender-nonconforming, nonbinary, or intersex (TGNCNBI) student.

CAN MY SCHOOL PREVENT ME FROM EXPRESSING MY GENDER IDENTITY?

- No. You have the right to wear clothing that matches your gender identity. However, your school can still have a gender-neutral dress code, including school uniforms.
- If there are any gendered elements of those school uniforms like skirts for girls, then your school must allow you to choose the elements that most closely align with your gender identity.

DOES MY SCHOOL HAVE TO USE MY NAME AND PRONOUNS? WHAT IF I DON'T HAVE PARENTAL PERMISSION?

- Yes, your school must respect your gender identity and use your name and pronouns in most of the contexts you request (see the below bullet on permanent records for the exceptions to this requirement). This is true even if it is not your legal name and even if you don't have your parent's consent. In fact, repeatedly misgendering you is a form of sex and gender identity discrimination.
- If you are under 18, you will need your parents' permission to change your name and gender marker on permanent records, like school transcripts.
 - You can talk with your school about whether a particular document is a permanent record. If it is not, your school must use your name and pronouns at your request.

- If you are not out at home, you may want to talk with trusted teachers and administrators about how and when to use your name and pronouns so that you are not accidentally outed to your parents.

CAN MY SCHOOL TELL MY PARENTS ABOUT MY GENDER IDENTITY, NAME, OR PRONOUNS?

- No, your school cannot tell anyone how you identify without your permission. However, documents like tests and other schoolwork with your name may be sent home, and your school should work with you to make sure you are safe. This means that your school should support you in making choices about how to identify yourself on these documents so that you are not outed at home before you're ready. If your school has not offered to have a safety conversation, you can request one.
- Your school may offer to support you in a conversation about your gender identity with your parents, but it cannot make you have that conversation or out you without your consent.

IF I COME OUT TO ONE TEACHER, DO I HAVE TO COME OUT TO EVERYONE?

- No, you choose who you want to come out to; it can be one teacher or the whole school, or anything in between.

IF I COME OUT, CAN MY SCHOOL ASK ME ABOUT MY BODY?

- Your school should not ask you questions about your transition status or body parts, but if they do, you never have to answer those questions. In fact, unwelcome questioning could be considered bullying, harassment, or discrimination.
- There may be instances when a school nurse or student health center may need to ask you

questions about your body parts in order to ensure that you receive the care you need, but you never have to answer anything you are not comfortable with.

CAN MY SCHOOL PREVENT ME FROM USING THE BATHROOM OR LOCKER ROOM?

- No, you have the right to use the bathroom and locker room/changing room that most closely aligns with your gender identity.
- No one can force you to use a single-stall restroom, though if the school has one, you should be able to use it if that is where you feel most comfortable.

CAN MY SCHOOL PREVENT ME FROM JOINING A SPORTS TEAM OR FORCE ME TO PARTICIPATE IN A SINGLE-SEX PHYSICAL ED CLASS OR ACTIVITY?

- No. Your school must allow you to try out for the sports team that most closely aligns with your gender identity, and if your school has no cut teams, you must be allowed to join the team that most closely aligns with your gender identity.
- It's best practice for physical education to have co-ed teams or games, but if they do divide by gender, you must be allowed to participate on the team or in the activity that most closely aligns with your gender identity.

I HAVE OTHER QUESTIONS ABOUT MY RIGHTS AS AN LGBTQ+ STUDENT; WHERE CAN I FIND MORE INFORMATION?

You can learn more about your rights as an LGBTQ student by heading to the NYCLU's website:

www.nyclu.org/en/know-your-rights/your-rights-lgbtq-student

WHAT DO I DO IF I FEEL MY RIGHTS HAVE BEEN VIOLATED?

Contact the New York Civil Liberties Union

If your school is discriminating against you or your friends based on gender identity or expression, you can reach out to the NYCLU for help.

Call 212-607-3300

Email us at schools@nyclu.org

Visit www.nyclu.org

Mail us a letter at 125 Broad Street, 19th Floor, New York, NY 10004

To find a list of NYCLU offices in your region, visit www.nyclu.org/regions.

NEW YORK STATE EDUCATION DEPARTMENT'S CREATING SAFE, SUPPORTIVE, AND AFFIRMING SCHOOL ENVIRONMENTS FOR TRANSGENDER AND GENDER EXPANSIVE STUDENTS: 2023 LEGAL UPDATE AND BEST PRACTICES

You can read the New York State Education Department's framework and legal update to learn more about your rights as a TGNCNBI student. You can also share it with your school to help administrators and teachers learn how to better support you and what's expected of them under New York State law:

www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf

OTHER LGBTQ+-FRIENDLY ORGANIZATIONS:

GLSEN

GLSEN is the leading education organization working to create safe and LGBTQ-inclusive K-12 schools through organizing, public policy and curriculum development.

www.glsen.org

info@glsen.org

212-727-0135

The Trevor Project

The Trevor Project is a national 24-hour, toll free confidential suicide hotline for LGBTQ youth.

www.thetrevorproject.org

1-866-488-7386

True Colors United

True Colors United is an American non-profit organization addressing the issue of youth homelessness in the United States.

www.truecolorsunited.org

212-461-4401

NYCLU

ACLU of New York

www.nyclu.org

