



## **Title IX Guidance on Transgender Students: Rescission Background for State and Local Officials**

### **Background:**

The Trump Administration is expected to rescind guidance from the Departments of Education and Justice issued last year to clarify schools' obligations under federal law to [prevent discrimination](#) against transgender students. The [guidance](#), which was written in response to requests from educators and school administrators, helps schools ensure equal access to educational programs for all students, including transgender students. Transgender students face pervasive harassment and discrimination in schools; approximately [1 in 6 out transgender K-12 students](#) have been forced to leave school because of it.

This move comes shortly before the Supreme [Court](#) hears the case of Gavin Grimm, a transgender boy whose school singled him out and forced him to use a separate restroom from all other students for over two years. The Court will consider whether federal civil rights law prohibits treating Gavin and transgender students like him unequally.

### **Talking Points:**

- Access to education is a fundamental American value. Transgender students deserve to learn free from discrimination, to be treated with dignity, and to know they have the support of the federal government when their federal rights are violated.
- Donald Trump, Jeff Sessions, and Betsy DeVos are making clear that they will not defend or support the hundreds of thousands of transgender students all across the country. Transgender young people simply want to go to school and learn without being treated unfairly for being their true selves.
  - This will be one of DeVos' first actions as Education Secretary. Her priority should be promoting high-quality and welcoming schools; instead, she's enabling discrimination.
- Regardless of the Administration's actions, transgender students are [still protected by federal civil rights law](#).
  - Transgender students' rights stem from Title IX, a decades-old civil rights law prohibiting sex discrimination in education. Trump can't change the law on his own.
  - The guidance follows more than 15 years of case law. Five federal appeals courts and over a dozen district courts have found that federal sex discrimination laws, including Title IX, prohibit discrimination against transgender people.
  - Schools still have a legal (and moral) responsibility to ensure harassment and discrimination doesn't cost transgender students the opportunity to learn.



- By singling out transgender students for unequal treatment, the Administration is sending the message that they will turn a blind eye when schools discriminate against transgender students – giving schools free reign to flout civil rights law.
- 14 states, the District of Columbia, and hundreds of local school districts have policies in place that affirm the rights of transgender students in schools. Over 40% of public school students nationwide attend schools that support transgender students – and many of these policies have been working for years.
  - Education leaders and experts across the country – including the [National Education Association](#), [National Parent Teacher Association](#), [National Association of Elementary School Principals](#), the [American Academy of Pediatrics](#), the [American Psychological Association](#), and [American School Counselor Association](#) – support treating transgender students fairly, with dignity, and consistent with their gender identity.
- *[if applicable]* My city/state/district believes that all students deserve the opportunity to learn – so we will be maintaining/adopting strong nondiscrimination policies that protect transgender students from discrimination and harassment.
  - If the federal government won't stand with transgender students, we will.

**Bottom Line:** Transgender students deserve what every kid deserves – a fair shot at succeeding in school. It's cruel and wrong for the Administration to say they'll turn a blind eye to illegal discrimination that denies transgender students the opportunity to learn and negatively impacts their health and wellbeing.

**Key Data** from the [United States Transgender Survey](#) and [GLSEN 2015 National School Climate Survey](#):

- More than three-quarters (77%) of respondents who were out or perceived as transgender in K-12 school had at least one experience of mistreatment, such as being verbally harassed, prohibited from dressing according to their gender identity, or physically or sexually assaulted.
- Fifty-four percent (54%) of respondents who were out or perceived as transgender in K-12 school were verbally harassed, and 24% were physically attacked.
- Seventeen percent (17%) of respondents who were out or perceived as transgender left a K-12 school because the mistreatment was so bad.
- Over [50% of transgender students](#) have been prevented from using their preferred name or pronoun at school.
- [Two-fifths](#) of LGBTQ students heard negative remarks specifically about transgender people, like “tranny” or “he/she,” often or frequently.
- Transgender students who have had negative experiences in school are 15 percentage points [more likely to have attempted suicide](#) than transgender peers without negative experiences.