

Department of Education's Office For Civil Rights Offers Guidance on the Rights of Transgender Students  
May 2016

Dear Colleagues,

The U.S. Departments of Education and Justice released joint guidance today to help provide educators the information they need to ensure that all students, including transgender students, can attend school in an environment free from discrimination based on sex.

Recently, questions have arisen from school districts, colleges and universities, and others about transgender students and how to best ensure these students, and non-transgender students, can all enjoy a safe and discrimination-free environment.

Under Title IX of the Education Amendments of 1972, schools receiving federal money may not discriminate based on a student's sex, including a student's transgender status. The guidance makes clear that both federal agencies treat a student's gender identity as the student's sex for purposes of enforcing Title IX.

The guidance explains that when students or their parents, as appropriate, notify a school that a student is transgender, the school must treat the student consistent with the student's gender identity. A school may not require transgender students to have a medical diagnosis, undergo any medical treatment, or produce a birth certificate or other identification document before treating them consistent with their gender identity.

The guidance also explains schools' obligations to:

- Respond promptly and effectively to sex-based harassment of all students, including harassment based on a student's actual or perceived gender identity, transgender status, or gender transition;
- Treat students consistent with their gender identity even if their school records or identification documents indicate a different sex;
- Allow students to participate in sex-segregated activities and access sex-segregated facilities consistent with their gender identity; and
- Protect students' privacy related to their transgender status under Title IX and the Family Educational Rights and Privacy Act.

At the same time, the guidance makes clear that schools can provide additional privacy options to any student for any reason. The guidance does not require any student to use shared bathrooms or changing spaces, when, for example, there are other appropriate options available; and schools can also take steps to increase privacy within shared facilities.

In addition to the Departments' joint Title IX guidance, the Department of Education's Office of Elementary and Secondary Education also released Examples of Policies and Emerging Practices for Supporting Transgender Students, a compilation of policies and practices that schools across the country are already using to support transgender students. The document shares some common questions on topics such as school records, privacy, and terminology, and then explains how some state and school district policies have answered these questions, which may be useful for other states and school districts

that are considering these issues. In this document, the Education Department does not endorse any particular policy, but offers examples from actual policies to help educators develop policies and practices for their own schools.

Many parents, schools, and districts have raised questions about this area of civil rights law. Together, these documents will help navigate what may be a new terrain for some. Government resources for transgender and gender-nonconforming students are available [here](#).

Thank you,

U.S. Department of Education, Office for Civil Rights