



Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students:

2023 Legal Update and Best Practices

EDUCATION RESPECT SAFETY
PEACE DIGNITY HOPE
HUMANITY INCLUSION EQUALITY
JUSTICE



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Arrowood Law

Capital Region Board of Cooperative Educational Services

Empire Justice Center

New York Civil Liberties Union

New York State Association of School Psychologists

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Phyllis B. Frank Pride Center of Rockland County

Pride for Youth

Riverstone Consulting

Students from across New York State, who shared their lived experience with us

Trevor Project

Disclaimer

The Department supports the efforts of school communities to implement this update, which is intended to be both a resource and an important reminder for New York State public schools to adhere to the Dignity for All Students Act and other non-discrimination laws and regulations discussed throughout the update. It includes links to websites that contain information, resources, and tools to assist public schools. Please evaluate each resource to determine if it is developmentally and age appropriate for your school population. The State Education Department does not endorse any of the programs cited herein. The intent of this document is to provide information only. Public schools and Boards of Cooperative Educational Services (BOCES) should consult with their school attorneys regarding specific legal questions. Analyses of examples contained herein do not represent official determination(s) or interpretation(s) by the Department. Actions of a public school or BOCES may be the subject of an appeal to the Commissioner of Education under section 310 of the Education Law; as a result, the information contained herein is advisory only and does not necessarily represent an official legal opinion of the Commissioner of Education or the State Education Department.

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Introduction

The New York State Education Department (NYSED) is committed to providing all public school students, including transgender and gender expansive (TGE) students, with an environment free from discrimination and harassment, fostering civility and ensuring that every student has equal access to educational programs and activities.^{1, 2}



*I WISH TEACHERS WOULD BE ABLE TO
KNOW WE ARE PEOPLE.
THIS “DIFFERENCE” SHOULD NOT
AFFECT OUR ACADEMIC CAREER.*

NYS Student

All students need a safe and supportive school environment to progress academically and developmentally. Administrators, faculty, staff, and students play an important part in creating and sustaining a healthy and respectful environment.

This update will assist public schools in cultivating an educational environment for all students that is safe and free from discrimination regardless of sex, gender identity, or expression. It also facilitates compliance with state and federal laws concerning bullying, harassment, discrimination, and student privacy, complementing existing NYSED resources relating to the implementation of the Dignity for All Students Act (the “Dignity Act”). This resource is designed to help public school administrators continue to take proactive steps to create a culture in which TGE, nonbinary, and intersex students feel safe, supported, and included.

The [2021 National School Climate Survey](#) by the Gay, Lesbian, Straight, Education Network (GLSEN), the leading national education organization focused on ensuring safe schools for all students, underscores the importance of this update. The survey shed light on significant concerns regarding the safety and well-being of students who identify as Lesbian, Gay, Bisexual, Transgender, and/or Queer (LGBTQ). From the sample of 22,295 students between the ages of 13-21, 68% felt unsafe at school due to their sexual orientation, gender identity and/or gender expression (SOGIE). Feeling unsafe was attributed to experiences including anti-LGBTQ remarks at school, harassment and assaults at school, and discriminatory school policies and practices that restricted students’ gender affirming decisions. The effects of hostile school environments on LGBTQ students were well documented. Students who reported victimization experienced lower academic outcomes and poorer mental well-being. Students also noted avoiding school and school events, feeling unwelcome and disconnected, diminished academic performance, lower self-esteem, higher levels of depression, increased likelihood of dropping out, and a reduced likelihood of attending post-secondary education. The detrimental effects of LGBTQ harassment and discrimination in schools are life changing and warrant immediate attention.³



*I UNDERSTAND
YOU KNEW ME
BEFORE
I TRANSITIONED,
OR I MIGHT NOT PASS
VERY WELL,
BUT DON’T TREAT ME
LIKE I’M A SCARY
TOPIC.
IF YOU HAVE A
QUESTION,
ASK ME,
AND I’LL TELL YOU
IF I DON’T WANT TO
ANSWER.*

NYS Student

Illustrative examples that highlight frequently asked questions appear throughout the update in italics. The update includes example scenarios, remedies, and comments that are meant to illustrate common issues. They are based on real-life examples from New York students during interviews conducted in fall of 2022 and are not meant to be exhaustive of all potential scenarios or remedies appropriate for each school community.



I'M GLAD WE ARE MAKING A CHANGE
AND MAKING SCHOOLS BETTER
FOR PEOPLE WHO WILL COME AFTER US.
BUT IT IS A LITTLE FRUSTRATING
THAT NOTHING WAS DONE BEFORE NOW.

I AM EXCITED TO BE THE CHANGE.
BUT IT'S TAKING SO MUCH TIME OUT OF OUR LIVES.
I'VE HAD TO HAVE THE SCHOOL ASK THE LEGAL TEAM ABOUT THINGS.

EVEN WITH ALL WE HAVE DONE,
THERE ARE NO PROACTIVE MEETINGS
HAPPENING TO EDUCATE THE TEACHERS.
IT'S ALL US.

NYS Students

Laws to Protect Students

New York State's robust anti-discrimination laws illustrate the state's commitment to ensuring that all students are educated in a safe and supportive school environment.

[New York State Human Rights Law \(HRL\)](#), amended by the [Gender Expression Non-Discrimination Act \(GENDA\)](#), expressly prohibits discrimination by educational institutions against students and applicants based on their actual or perceived sex and gender identity or expression—meaning their actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.⁴ The following types of educational institutions are covered under this law:

- Public school (pre-kindergarten through high school and continuing education);
- Charter schools;
- Boards of Cooperative Educational Services (BOCES);
- Public colleges and universities;
- Universal Pre-K;
- Head Start or other publicly funded pre-kindergarten programs;
- Private schools at all educational levels (excluding those which are run by a religious organization); and
- For-profit non-sectarian colleges, universities, licensed career schools, or certified English as a second language schools.⁵

[The Gender Recognition Act \(GRA\)](#) is a comprehensive bill that updates and clarifies many issues related to name changes and correcting sex designations/gender markers on identity documents for transgender and nonbinary New Yorkers.⁶

[New York State Education Law §3201-a](#) prohibits discrimination based on sex with respect to admission into or inclusion in courses of instruction and athletic teams in public schools. Discrimination based on sex includes discrimination based on gender identity and expression⁷ with respect to admission into or

inclusion in courses of instruction and athletic teams in public schools.⁸

[The Dignity for All Students Act \(The Dignity Act\)](#)⁹ provides that “no student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function.”¹⁰ Pursuant to the Dignity Act, reports of harassment, bullying, and/or discrimination may include, but are not limited to:

- A report regarding the denial of access to school facilities, functions, opportunities, or programs, but not limited to, restrooms, changing rooms, locker rooms, and/or field trips.
- A report regarding the application of a dress code, specific grooming, or appearance standards.
- A report regarding the use of a name(s) and pronoun(s) or the pronunciation of name(s)
- A report regarding any other form of harassment, bullying, or discrimination.¹¹

The Dignity Act defines gender as “a person’s actual or perceived sex and includes a person’s gender identity or expression.”¹²

[Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681–1688](#) (“Title IX”) has long prohibited discrimination on the basis of sex in federally funded education programs and activities.¹³ Recent landmark court decisions have made clear that sex, as used in Title IX, includes sexual orientation and gender identity.¹⁴ ¹⁵The United States Department of Education has committed to ensuring that all students, including transgender students have the opportunity to learn in an environment free of sex discrimination in public schools.¹⁶

Terminology

Understanding the common terminology associated with gender identity is important to providing a safe and supportive school environment for students. Although these are the most commonly used terms, students may use other terms to describe their gender identity, appearance, or behavior.

Terminology and language describing TGE and intersex individuals can differ based on region, language, race or ethnicity, age, culture, and many other factors. School staff and educators should ask students which terms they use and generally use the term the student uses to describe themselves.

Affirmed name: A name that is validated by the individual. At times you may see this referred to as chosen name.

Agender: Refers to a person who does not identify with or experience any gender. Agender is different from nonbinary because many nonbinary people do experience gender.¹⁷

Assigned name: A name that is given at birth. At times you may see this referred to as birth name.

Assigned sex at birth: The sex, male, female, or intersex, that a doctor or midwife uses to describe a child at birth based on their external anatomy¹⁸

Bisexual: A person emotionally, romantically, or sexually attracted to more than one sex, gender, or gender identity though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with pansexual.¹⁹

Cisgender: A term used to describe a person whose gender identity aligns with that typically associated with the sex assigned to them at birth.²⁰ At times you may see this referred to as cis,

pronounced “sis.”

Cisnormative: The assumption that everyone is cisgender and that being cisgender is superior to being gender expansive. This includes the often implicitly held idea that being cisgender is the norm and that other genders are “different” or “abnormal.”²¹

Coming out: The process in which a person first acknowledges, accepts, and appreciates their sexual orientation or gender identity and begins to share that with others.²²

Gay: A person who is emotionally, romantically, or sexually attracted to members of the same gender.²³

Gender: Socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate.²⁴ Includes a person’s gender identity or expression.²⁵

Gender binary: A system in which gender is constructed into two strict categories of male or female.²⁶

Gender expansive: A person with a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Often used as an umbrella term when referring to young people still exploring the possibilities of their gender expression and/or gender identity.²⁷

Gender expression: The way a person communicates their gender identity through behavior, clothing, hairstyle, name, pronouns, and activities. External appearance of one’s gender identity, usually expressed through behavior, clothing, body characteristics, or voice and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.²⁸ For more information, see the section “Understanding Gender Identity.”

Gender identity: One’s innermost concept of self, how one perceives and identifies themselves, including, but not limited to, male, female, trans, transgender, queer, nonbinary, gender nonconforming, or gender expansive. Gender identity can exist on a spectrum where some individuals feel entirely male, some entirely female, some somewhere in between, some a blend of both, and some neither.²⁹ One’s gender identity can be the same or different from their sex assigned at birth. Gender identity is a mental, emotional, and spiritual state, which is not determined by a person’s external anatomy. For more information, see the section “Understanding Gender Identity.”

Gender nonconforming (GNC): An umbrella term for those who do not follow gender stereotypes, or who expand ideas of gender expression or gender identity. Gender nonconforming does not mean nonbinary. Cisgender people can be GNC as well.³⁰

Intersex traits or variations in sex characteristics: The umbrella term for differences in reproductive or sex anatomy that may appear in an individual’s chromosomes, genitals, secondary sex characteristics, or internal organs such as testes or ovaries and may be identified at birth or may not be discovered until puberty or later in life.³¹

Lesbian: A woman who is emotionally, romantically, or sexually attracted to other women.³²

LGBTQ: An acronym for lesbian, gay, bisexual, transgender, and queer.³³

Legal name: The formal name by which a person is identified on a birth certificate or that has been changed through a legal process.

Misgendering: Attributing a gender to someone that is incorrect or does not align with the person’s

gender identity.³⁴

Nonbinary: An adjective describing a person who does not identify exclusively as a male or female. Nonbinary people may identify as being both a female and a male, somewhere in between, or as falling completely outside these categories. While many also identify as transgender, not all nonbinary people do. Nonbinary can also be used as an umbrella term encompassing identities such as agender, bigender, genderqueer, or gender fluid.³⁵ In New York State, state agencies provide an option for individuals to mark their gender or sex as a nonbinary “X.”

Queer: A term used to express a spectrum of identities and orientations. Queer is often used as a catch-all to include many people, including those who do not identify as exclusively straight and/or people who have nonbinary or gender-expansive identities. This term was previously used as a slur but has been reclaimed by many in the LGBTQ movement.³⁶

Sexual orientation: An emotional, romantic, or sexual attraction to other people. Note: An individual’s sexual orientation is independent of their gender identity.³⁷

Transgender (umbrella term): An inclusive term for people whose gender identity is different from the sex they were assigned at birth. This term encompasses people who identify with the gender binary, such as transgender women and transgender men, as well as people who are gender-expansive and non-binary. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, pansexual, etc. For more information, see the section “Understanding Gender Identity.”

Transgender (person): A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth. For example, someone who was assigned male at birth and grew up to be a female, might describe herself as transgender, a transgender female, or a female. Someone who was assigned female at birth and grew up to be a male, might describe himself as transgender, a transgender male, or a male.³⁸ Sometimes this is shortened to “trans.” For more information, see the section “Understanding Gender Identity.”

Transitioning: A series of processes that some transgender people may undergo in order to live more fully as their true gender. An umbrella term that includes social transition, such as changing name and pronouns; medical transition, which may include hormone therapy or gender affirming surgeries; and legal transition, which may include changing legal name and sex on government identity documents. Transgender people may choose to undergo some, all, or none of these processes.³⁹ For more information, see the section “Understanding Gender Identity.”

Understanding School Climate, Transgender and Gender Expansive Students

Schools are not only places of learning, but also “miniature societies,” the climate of which directly affects how well students learn and how well they interact with their peers.⁴⁰ Since school is where students spend the majority of their time, their experiences in school have a critical impact on their overall health and well-being.⁴¹ Although teachers and administrators work hard to make their classrooms welcoming places where every student feels recognized and included, quite often TGE students continue to face hostility and physical violence while at school.⁴²

56%

OF LGBTQ STUDENTS SURVEYED
REPORTED
HARASSMENT
BASED ON THEIR
GENDER
EXPRESSION.

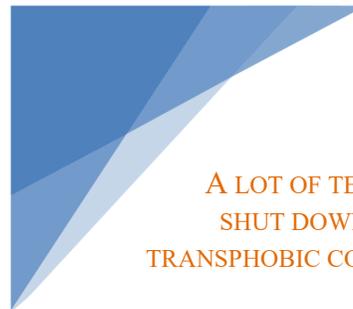
In a 2019 national survey, most LGBTQ students in New York reported having had experienced anti-LGBTQ victimization at school. 56% of students surveyed reported harassment based on their gender expression and more than half of the LGBTQ students surveyed reported having had experienced at least one form of anti-LGBTQ discrimination at school during the prior school year.⁴³ These high rates of bullying, whether based on the actions of peers, teachers and administrators, or an overall hostile school climate, correspond to adverse health and educational consequences for TGE students.⁴⁴ A large body of research provides evidence that the ongoing stigma, stress, and systemic discrimination—which is being experienced by the majority of LGBTQ students in schools—undermines their sense of safety and has lifelong detrimental psychological, social, medical, and epigenetic effects.^{45,46}

Studies have shown that LGBTQ youth experience much higher rates of depression, anxiety, alcohol and drug use, and lower self-esteem as compared to their non-LGBTQ peers.^{47,48} In addition, LGBTQ students who experienced victimization due to their sexual orientation and gender expression achieved lower grade point averages than students who were less often harassed, were nearly three times as likely to have missed school in the past month, and reported a decreased sense of school belonging.⁴⁹

The mental health disparities evidenced in the data are explained by the Minority Stress Model, which suggests that LGBTQ youth are not inherently prone to negative health outcomes but are placed at higher risk because of LGBTQ-based victimization. The internalization of these experiences and anti-LGBTQ messages can produce and exacerbate negative mental health outcomes. LGBTQ youth who hold additional marginalized identities based on race, ethnicity, and/or ability face further victimization that compounds discrimination based upon their sexual orientation or gender identity.⁵⁰

Adverse Consequences for TGE Students who Experience Harassment, Assault, and/or Unjust Treatment at School

- Adverse Educational Consequences
 - Lower GPAs
 - Increased truancy
 - Increased likelihood of dropping out
 - Decreased likelihood of attending post-secondary education
- Adverse Social Consequences
 - Avoiding school functions
 - Feeling unwelcome and disconnected from others
 - Lower self-esteem
 - Increased risk of contact with the juvenile justice system
- Adverse Health Consequences
 - Higher rates of anxiety
 - Higher rates of depression
 - Higher rates of alcohol and drug use



A LOT OF TEACHERS DON'T SHUT DOWN NEGATIVE OR TRANSPHOBIC CONVERSATIONS.

SOME TEACHERS ENABLE THE TRANSPHOBIA.

TEACHERS DON'T SAY MUCH OF ANYTHING WHEN "LITTLE" MICROAGGRESSIONS HAPPEN.

TAKING A NEUTRAL GROUND IS NOT INHERENTLY A GOOD THING.

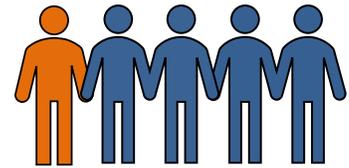
NYS Student

Disparities in the application of school discipline policies to LGBTQ students are also well documented. Emerging data shows that LGBTQ students experience disproportionate disciplinary consequences, both exclusionary and non-exclusionary, as compared to their heterosexual and/or cisgender peers. For example, studies show that LGBTQ students are often disciplined for public displays of affection that do not result in similar action against non-LGBTQ students.⁵¹ According to a national report by the Government Accountability Office, LGBTQ students are also disproportionately affected by school dress codes targeting clothing, hair styles, and head coverings.⁵²

It has also been reported that when students try to protect themselves from LGBTQ bullying, teachers seldom intervene, and when they do, it is often the LGBTQ students who are punished and blamed for their own victimization.⁵³ The 2021 GLSEN National Survey noted that teachers/staff usage of anti-LGBTQ remarks has increased since 2019 and that they appeared less supportive and less likely to intervene when anti-LGBTQ remarks were made by others.⁵⁴

It is important to note that the disparate use of exclusionary discipline practices has been associated with a variety of negative outcomes including, but not limited to, decreased academic achievement, increased truancy, increased dropout rates, and increased risk of contact with the juvenile justice system.^{55,56}

According to a 2022 national survey, nearly 1 in 5 transgender and nonbinary youth attempted suicide last year and more than half seriously considered attempting to do so, with rates being even higher for youth of color when compared to their white peers. However, schools can play an important role in student wellbeing by creating a supportive school culture that establishes school as a safe space for all students.



LGBTQ youth who found their school environment to be LGBTQ affirming reported lower rates of attempted suicide.⁵⁷ LGBTQ youth who reported having at least one accepting adult in their lives were 40% less likely to attempt suicide.⁵⁸ Accepting and safe school environments and supportive adults in the school community can make a real difference in a student's wellbeing.

There are several supports schools should implement to improve the lives and academic futures of LGBTQ students. Based on the 2021 GLSEN National School Climate Survey, students expressed strong desire for the following resources and supports to provide a safer and more affirming school environment:

- school personnel that provide safe and affirming relationships and environments;
- staff that respond effectively and consistently to anti-LGBTQ behaviors;
- supportive school administration;
- inclusive and supportive school policies and practices;
- policies to address bullying, harassment, and assault;
- policies that specifically address TGE students;
- student-centered supportive clubs such as Gender-Sexuality Alliances/Gay Straight Alliances (GSAs), Queer Straight Alliances, Gender and Sexuality Networks;
- access to LGBTQ instruction and inclusive curricula and materials; and
- visible displays of support (Safe Space stickers, Pride flags, posters).

Understanding Gender Identity



I WANT OTHERS TO KNOW IT'S NOT WRONG
TO THINK YOU WERE BORN THE WRONG GENDER,
OR TO LIKE PEOPLE OF ALL GENDERS.

NYS STUDENT

Gender identity is one's innermost concept of self and how one perceives and identifies themselves, including, for example, male, female, trans, transgender, queer, nonbinary, gender non-conforming, and gender expansive. Gender identity can exist on a spectrum where some individuals feel entirely male, some entirely female, and some somewhere in-between.⁵⁹ Gender identity is a mental, emotional, and spiritual state that is not determined by a person's anatomy.

Gender expression is the way a person communicates their gender identity through behavior, clothing, hairstyle, name, pronouns, and activities.

Transgender students include those whose gender identity is different from their assigned gender at birth such as an individual who was assigned female at birth but identifies as male. Nonbinary students do not identify with one specific gender but may identify as either a blend of genders or neither gender. Gender expansive students identify as a wider, more flexible range of gender identities or expressions than those typically associated with a binary gender system.⁶⁰

The individual student is the sole person who will establish their gender identity. School staff should be careful and respectfully use the language chosen by each student. Schools should also be aware that the language of self-identity differs from person to person based on a range of factors such as age, location, race, ethnicity, culture etc. and may be flexible over time.

It is essential that schools accept and respect a student's assertion of their own gender identity. School employees should take every effort to avoid utilizing gender stereotypes with all students.

Gender Transition

Social Transition

A student's gender transition and gender expression may begin with social transition. Social transition involves the student living how they identify. This process is different for every student. There is no right or wrong way to transition. Transgender students who are in the process of social transition often choose a new name and gender pronouns. They may begin to dress and style their hair in ways that better reflect their gender identity and as all young people do, seek social affirmation of their gender identity from peers and other important figures in their lives.

Medical Transition

Some TGE students may express readiness to reinforce their social transition with medical treatments, sometimes referred to as medical transition. The decision for a TGE student to access gender affirming medical treatment is left up to the student, their parent/guardian, and their medical care team. School personnel may provide an affirming space for TGE students to share opportunities, challenges, and aspirations for their future including medical transition. However, there is no basis to inquire about a student's medical status unless directed by the student or in case of emergency medical situations.

Coming Out at School

Coming out is a common area of concern for TGE students. They are a diverse community and differ in how they present, how they express their gender, and how or if they come out. Coming out is an individual choice and process for everyone. It is a lifelong process of understanding, acknowledging, and sharing one's gender identity and/or sexual orientation with others.⁶¹ Students are likely to come out to friends and teachers, as they spend most of their time within the school community growing and exploring their identities. Schools will want to create a culture of acceptance and respect for all students where gender identity and expression is understood, valued, and respected.⁶²

School personnel's acceptance of a student's asserted gender identity should require no more than a statement from the student expressing their preference. Schools do not need to require permission, letters from professionals, or other proof of gender identity.

EXAMPLE: In one middle school, a student explained to her school counselor that she was a transgender girl who has only been able to express her female gender identity while at home. The stress associated with having to hide her female gender identity by presenting as male at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents met with the school counselor to discuss the steps she wanted to take to express her female identity at school. The school counselor responded favorably and helped to create a supportive plan. The fact that the student presented no documentation to support her gender identity was not a concern.



AT OUR HIGH SCHOOL THE TEACHERS ARE SUPPORTIVE BY DEFAULT,
SO, YOU CAN CHOOSE WHO YOU'RE MOST COMFORTABLE WITH.
AT OTHER SCHOOLS STUDENTS REALLY NEED TO KNOW HOW TO FIND THE SAFE TEACHER.

NYS Student

TGE students may not come out to the entire school, or all teachers and/or administrators at once, instead choosing one or more trusted individual at a time. They may also have school staff they never come out to during their school career and there are some TGE students who go their entire school career without coming out or transitioning at all. In every case, the school's role and by extension the trusted individual's role, is to support the student.

EXAMPLE: Aliyah is a transgender girl but decides not to come out at school except to a few friends; therefore, in the school's database her name is Alfonzo, and her gender marker is designated as Male. During high school, Aliyah asks a trusted teacher and classmates to call her by Aliyah. The teacher uses Aliyah (she/her) to address the student in class but uses Alfonzo (he/him) when talking to other staff, faculty, and her parents. Aliyah goes her entire high school career without telling most teachers about her name and pronouns.

In some cases, schools will need to provide extra assistance for TGE students to support them and keep them safe. Schools will want to work closely with the student and their parents/guardians, if given permission by the student to involve them in the planning, in devising an appropriate plan regarding the confidentiality of the student's TGE status. Each student has an individualized life situation that requires different school plans and responses, based on the needs, and wants of the student. It is paramount that schools are cautious about understanding each student's sense of safety and ability to be "out" at home and school.



“ADMINISTRATORS ARE NOT THE BEST AT SUPPORTING TRANS PEOPLE. MY PARENTS INFORMED ME THEY HAD TO SET UP A SAFETY PLAN AT SCHOOL FOR STUFF LIKE BATHROOMS AND LOCKER ROOMS, WHICH IS COMPLETELY UNDERSTANDABLE, BUT I WAS NEVER INFORMED THAT IT EVEN HAPPENED. I WAS NEVER TOLD ANYTHING ABOUT IT. AND THE ADMINISTRATORS WHO PERSONALLY CHANGED MY NAME IN THE SYSTEM HAVE DEAD-NAMED* ME AND MISGENDERED ME.”

NYS Student

*Dead-named is when a trans person gets called by their assigned name, rather than their affirmed name .

When some TGE students decide to come out at school, they may feel supported and safe if other students are already aware that they are transgender. In these cases, school staff will want to work closely with the student, and whomever else the student chooses, on a plan to inform and educate the student’s peers and school staff. It may also be appropriate to engage with community resources to assist with educational efforts.

Students of all identities must navigate situations and evaluate the safety of expressing their full selves. Young people are the best judges of their own sense of personal safety. For TGE students, the stakes may be higher, so it is common for these students to adapt their gender expression and tolerate being misgendered in order to move through spaces safely. Schools should not consider this adaptation as “proof” that the student is “not really” transgender or gender expansive.

EXAMPLE: A young transgender woman participates on the debate team. At her home school she feels safest using the women’s restroom, but her debate coach didn’t arrange for her to use the restroom safely when they are competing at other schools. While visiting another school for a debate, she chooses to use the men’s restroom out of fear that she will get in trouble for using the women’s room.

Family Knowledge of the Student Transition

The student is in charge of their gender transition and the school’s role is to provide support. If a student has formally requested to transition at school, the school administrator or another trusted adult, preferably trained in supporting LGBTQ and Gender Expansive students, can meet with the student and determine the steps the student is comfortable taking. During this conversation, school administration or the trusted adult may want to inquire with whom the student is comfortable discussing their transition. Some TGE students have not talked to their families about their gender identity because of safety concerns or lack of acceptance and may begin their transition at school without parent/guardian knowledge.

Only the student knows whether it is safe to share their identity with caregivers, and schools should be mindful that some TGE students do not want or cannot have their parents/guardians know about their transgender status. The paramount consideration in those situations is protecting the health and safety of the student, assuring that the student’s gender identity is affirmed and that their privacy and confidentiality are safely maintained. These situations should be addressed on a case-by-case basis, accounting for the student’s age and maturity. Prematurely disclosing a student’s gender identity can have severe consequences for the student.

If school personnel suspect child abuse or maltreatment of the student at home, they should report it to the State Central Registry at 1-800-635-1522.

According to a recent Human Rights Campaign report, 64% of TGE students surveyed reported their families made them feel wrong for their gender identity.⁶³ Due to parent/guardian rejection, TGE youth reported higher rates of homelessness and housing instability. According to the Trevor Project 38% transgender females, 39% transgender males, and 35% nonbinary youth reported homelessness or housing instability.

EXAMPLE: A student with the legal name Kevin comes out as a transgender girl and asks teachers to call her Kimi and use she/her pronouns. She is not out to her parents and requests that teachers and administration continue to use her legal name with her parents for the time being. The teachers call her Kimi and use she/her pronouns at school. When calling home for any reason, teachers use the name Kevin and he/him pronouns. Kimi writes “KD” on her papers to avoid her parents seeing her affirmed name.

At a planning meeting, whether the parents/guardians attend or not, the school will want to:

- discuss the school’s role in supporting the student’s transition;
- make resources available to the student to address questions or concerns;
- discuss, as appropriate, the timing of the transition, planning responses to questions from school staff and students, changing the student’s information in school records, and any other relevant matters;
- put in place measures for supporting the student and creating a safe environment;
- update student education records with the student’s affirmed name and appropriate gender marker, and not circulate records with the student’s legal name to ensure consistency among teachers, school administrators, substitute teachers, and other staff(For more information see educational records.); and
- discuss with the student how the student should be referred to, e.g., appropriate pronoun use, in written communication to the student’s parent/guardian. Schools will want to adopt a flexible approach, given that transgender students may not feel comfortable or safe being their authentic selves in all contexts.

A Gender Support Plan is a document that can help schools systematically address various aspects of a transgender or gender expansive student’s experiences at school. It can also be used to help schools create a shared understanding among students, school staff, and parents/guardians about the ways in which the student’s authentic gender will be recognized and supported at school. Students should be included in the creation of these plans, even in cases where their parents/guardians/family are supportive.

Tips for When a Student Comes Out to You

Teachers, school counselors, coaches, or other adults who are known allies will often be the first person within a school community to whom a student will come out. When a student comes out as TGE, it is recommended that the trusted individual and the student have a conversation concerning the student’s needs, concerns, goals, and safety. The first questions to ask a student who has come out are, “What do you need from me?” and “How can I help you?” Each student will have different reasons for coming out to each individual.

EXAMPLES:

- *José comes out as genderfluid to his math teacher because he trusts her, and just wants her to know.*

He comes out as genderfluid to his P.E. teacher because he needs a private area to change for class.

He comes out as genderfluid to his school counselor because he feels unsafe at home and needs help.

When TGE students disclose their gender identity to school personnel, it is because they feel safe. However, as students may not have disclosed their gender identity to parents/guardians, friends, or even other school staff, it is important that school personnel receiving this information keep it confidential, unless the student explicitly states otherwise. School personnel can ask questions to elicit information to inform whether the student consents to further disclosure, such as:

- Have you disclosed your gender identity to/at school, home, or the community?
 - If so, with whom did you share this, other than me?
 - If you want to tell me, what was the reaction of those you told?
- Who else would you feel comfortable sharing your gender identity with?
 - What can we do or say that this person does that makes you feel more comfortable?
- Are there people in school or at home you are not ready to share this information with?
 - Are there people at home or in school you are not ready to share your transition with? Why not?



“I HAD A TEACHER TELLING ME THAT THEY WOULDN’ T CALL ME A BOY OR MAN, OR BY MY PREFERRED NAME. THEY WOULD ONLY CALL ME BY MY DEAD NAME UNTIL THEY ABSOLUTELY HAD TO. WHEN IT WAS IN THE SYSTEM”

NYS Student

School personnel will also want to assess the student’s safety and wellbeing using public school protocols when necessary. Assessment of the student should include, but is not limited to:

- thoughts of suicidal ideation,
- child abuse or neglect,
- threats of violence/bullying at school, and
- risk of homelessness.

Considerations for Student Support Professionals

All school personnel are responsible for promoting the safety and well-being of TGE students. Student support professionals (i.e., school counselors, psychologists, social workers, and nurses) can play a crucial role in ensuring the safety and well-being of TGE students, given their knowledge, skills, and abilities. All school personnel should strive to express warmth, genuineness, empathy, and unconditional positive regard for TGE students.

School-Based Providers

Schools can be a community resource hub for students and families by hosting or referring to community partners for specific service provisions (i.e., health, mental health, afterschool programming, etc.). Before making referrals to such services or programs, schools should ensure TGE students can safely access services provided by school-based and community partners. Schools should explicitly inquire about a provider’s capacity (i.e., inclusive practices, policy statement, professional development, etc.) to serve TGE students.

Developmentally Expected Transitions

TGE students, like all students, will make developmentally expected school transitions (i.e., elementary to middle school, middle school to high school, high school to college). TGE students should be included in all activities that can support the transition to a new school (i.e., school tours, college fairs, classroom lessons related to moving up, etc.). Student support professionals should pay special attention to the needs of TGE students. In situations where a TGE student has socially transitioned at school, school personnel will want to ensure confidentiality is maintained by having a discussion with the student to determine the scope of information to share with their new school. Moreover, if a student is open about their transition, it is still important to discuss any unique circumstances related to developmentally expected transitions.

Common Areas of Concern Relating to Transgender Students

Names and Pronouns

Determining a name and gender pronouns corresponding to their gender identity is a significant facet of social transitioning for TGE students. It is a form of gender expression unique to their identity. Some students may decide to keep using their assigned names. Other students will use a different name from the one assigned to them at birth or a name that is a combination of the two. TGE students may also decide to transition to using gender-affirming pronouns. Pronouns chosen may be on the binary, male (he/him/his/Mr.) or female (she/her/hers/Ms.), or nonbinary (they/them/their/Mx., ze/zir/zim/Mx., or other gender-neutral pronouns). All students and staff should be addressed by the name and gender pronouns they have expressed.

Examples of Gender Pronouns

Subjective	Objective	Possessive	Reflexive	Example
She	Her	Hers	Herself	She is speaking. I listened to her. The backpack is hers.
He	Him	His	Himself	He is speaking. I listened to him. The backpack is his.
They	Them	Theirs	Themselves	They are speaking. I listened to them. The backpack is theirs.
Ze	Hir/Zir	Hirs/Zirs	Hirself/Zirself	Ze is speaking. I listened to hir. The backpack is zirs.



NORMALIZE AND ACCEPT PRONOUNS AND NAME CHANGES.
DON'T MAKE A BIG DEAL OUT OF IT, EVEN IF YOU MAKE A MISTAKE.
IT MAKES IT AWKWARD, LIKE I HAVE TO APOLOGIZE TO YOU FOR YOUR MISTAKE.
AND IT WOULD BE A GOOD THING TO NOT KEEP BRINGING IT UP.
WHEN PEOPLE REALLY WANT TO BE ALLIES, THEY SOMETIMES OVERCOMPENSATE.
THEY DRILL HOME THAT STUDENTS ARE TRANSGENDER OR QUEER.
THERE SHOULDN'T BE DIFFERENT TREATMENT. BECAUSE THEN YOU ARE GETTING INTO A
PLACE WHERE YOU ARE SINGLING OUT THE PERSON,
AND THAT IS THE OPPOSITE OF WHAT WE WANT.

NYS Student

Students are not required to obtain parental/guardian consent or a court-ordered name and/or gender change before being addressed by their affirmed name and pronouns. All school staff members, including Bilingual Education and World Language instructors and students should refer to students by their affirmed names and pronouns. Schools will want to normalize practices that foster opportunities to affirm students' and staffs' gender identity, giving students opportunity to share their affirmed pronouns. School staff are responsible for ensuring students are referred to correctly. Intentionally referring to a student, verbally or in writing, by a pronoun inconsistent with the student's gender identity or by a name other than the student's affirmed name is a NYS Human Rights Law violation and is unacceptable.⁶⁴

EXAMPLE: A school sent their student roster to the yearbook company in the beginning of the year but then had a transgender student who changed their name midyear. The school took the initiative to reprint all yearbooks with the correct name.

Personal Challenges to Changing Names

Affirming a student's self-identity creates a safe and supportive environment which, as indicated above, is associated with better student outcomes. It is recommended that teachers continually affirm the student's self-identity. Doing otherwise could cause stress and emotional harm to the student. Committing to a legal name change is a major step in a TGE student's transition. TGE students may encounter many challenges with the process of legally changing their name and they may have to consider adverse implications when making those changes. Some challenges include:

- needing parent/guardian consent to change their name,
- systemic discrimination,
- misalignment of identification documents,
- economic burden of paying fees associated with the change,
- lack of knowledge of the laws associated with changing their name,
- premature disclosure of their gender identity,
- displacement from home, and
- overall negative attitude toward their transition.



MY SCHOOL ALLOWS OUR AFFIRMED NAMES TO BE ADDED AS NICKNAMES. BUT E-SCHOOL DIDN'T SAVE THE NICKNAMES FROM LAST YEAR. I ASKED MY COUNSELOR BEFORE SCHOOL STARTED TO ADD IT. IT TOOK OVER A MONTH AND THE GSA ADVISOR HAD TO ASK AND SAY, "I KNOW HIM. THIS IS HIS NAME."

NYS Student

Some TGE students may feel their assigned name has sentimental meaning (e.g., being named after a relative) and may decide to continue to be legally recognized by this name; however, in their daily lives they may prefer to be addressed by an affirmed name that accurately affirms their gender identity.

EXAMPLE: Michelle (she/her) has the legal name Michael and has no plans to legally change her name to Michelle.

Normalizing Name and Pronoun Changes

Name changes occur often and sometimes without much consideration in heteronormative and cis-normative spaces. People may use nicknames that accurately reflect their identity.

EXAMPLES:

- *A student named Joseph was named after his dad, Joseph. So, the student goes by "Junior."*
- *A student named Patricia is called "Pat" or "Tricia."*

Schools can normalize all students, including TGE students, using affirmed names that are different from their legally assigned names. Everyone should share their name and pronouns at the beginning of each school year, the start of meetings, and regularly throughout the year.

In the classroom, teachers should update items that have each student's affirmed name, such as attendance lists, name plates, seating charts, or participation popsicle sticks throughout the year. If participating in virtual classrooms, schools should adjust their settings so that TGE students can edit their display names for virtual classrooms and virtual calls.

EXAMPLES:

- *In the welcome activity on the first day of school, a teacher privately asks students to write down the name they can find on the roster, as well as the name the student wants to be called and their pronouns. A cisgender student named Christopher writes "Christopher, Chris, he/him/his."
A transgender student writes "Christopher, Christine, she/her/hers."*
- *Megan is a virtual student, but her legal first name is still showing up on the school's online learning platforms. At the request of Megan and her parents, the school consults with their student management system and Megan's legal first name is changed to her affirmed first name in the online learning platform. Her grades are still associated with her student id within the school's grading system.*

Gender-Based Activities, Rules, Policies, and Practices

Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, stereotyping, and excluding students, whether they are TGE or not. For these reasons, public schools should consult with their Title IX coordinator; Diversity, Equity, and Inclusion and Accessibility staff; or committee, as well as school attorneys to review their policies, rules, and practices. Any that do not serve

a clear pedagogical purpose should be eliminated. Schools will want to avoid practices and events based on gender, instead opting for gender neutral activities. The use of colors, images, or symbols that have been traditionally associated with one gender (e.g., pink vs. blue, construction hats vs. tiaras) to divide or otherwise categorize students by gender is not recommended.

Instead of this Gender-Based Practice	Try this Gender-Neutral Option
Referring to students as “boys and girls,” “ladies and gentlemen” Or Referring to a group as “guys”	Refer to students as friends, learners, scholars, pals, folks, humans, people, everyone Refer to students as experts in the field they’re working in (Readers, writers, scientists, mathematicians, historians, artists, athletes, etc.)
Assuming someone’s gender means they will like something (A girl student is asked if her favorite color is pink. A boy student is asked if he likes football.)	Ask students what their interests are without making assumptions about the answer
Separating by boys/girls for two groups	Separating by last names (A-L and M-Z) Separating by birthday month (January-June and July-December) Separating by a “this or that” question (Fall or Winter? Carrots or broccoli? French toast or Pancakes?) Count off by 2s Equity Sticks (Popsicle sticks) ⁶⁵
Events such as Father-Daughter Dances	Family Dances
Prom King and Prom Queen	Royal Court
Boys play with trucks and blocks Girls play dress up and with cooking toys	Let all children participate in all activities
Blue graduation gowns for boys White graduation gowns for girls	One color for all graduates or let students choose
For formal events, boys must wear pants and girls must wear dresses	For formal events, wear white tops and black bottoms

Restrooms

All students desire privacy and safety when using school facilities such as changing rooms and restrooms. TGE students are entitled under Title IX and the NYS Human Rights Law to use the restroom that aligns with their gender identity. The United States Department of Education has stated that:

[u]nder Title IX, discrimination based on a person’s gender identity, a person’s transgender status, or a person’s nonconformity to sex stereotypes constitutes discrimination based on sex. As such, prohibiting a student from accessing the restrooms that match [their] gender identity is prohibited

sex discrimination under Title IX. There is a public interest in ensuring that all students, including transgender students, have the opportunity to learn in an environment free of sex discrimination.⁶⁶

The most common solution for this is alternative accommodations, such as a single “all gender” restroom or private changing space. These spaces may be made available to students who request them but should never be forced upon students or presented as the only option. There are many reasons a student may choose to use a particular restroom, regardless of it being a girls’, boys’, or gender-neutral restroom.

EXAMPLES:

- *Joaquin is a transgender student who prefers to use a single-stall restroom for privacy.*
- *Meghan is a cisgender student who uses the girls’ restroom, but she uses a single-stall restroom when she has her period.*
- *Marcus is a transgender student who uses the boys’ restroom.*
- *Nakia is a transgender student who uses the girls’ restroom.*
- *Soleil is a nonbinary student who uses the girls’ restroom.*
- *Colton is a cisgender student who uses either the boys’ restroom or a single-stall restroom, depending on which is closer to his classroom at the time.*
- *Rory is a nonbinary student who uses the single-stall restroom.*
- *Nicole is a transgender student and prefers to use the girls’ restroom, but she uses a single-stall restroom to change for P.E. class.*
- *Mrs. Wood has a class of twenty third graders who all use the single-stall restroom located in their classroom.*

Denying the use of restrooms or other facilities because of a person’s gender identity is a violation of NYS Human Rights Law and is unlawful discrimination. Arrangements should be provided in a non-stigmatizing manner that protect student privacy and are not marginalizing or disruptive for the student. Under GENDA, schools may not ask a TGE person to use a single-stall restroom because of someone else’s concerns or condition the use of facilities such as restrooms, locker rooms, or residential facilities upon students’ provision of medical or other specific documentation.

EXAMPLE: Jordan is a high school student who is nonbinary. Jordan feels safest using the girls’ restroom. The school administration initially told Jordan to use single-occupancy restrooms only. According to the NYS Human Rights Law, the school must allow Jordan to access the facilities most consistent with Jordan’s gender identity or expression. No one can be limited to using single-occupancy restrooms; therefore, Jordan is entitled to use the girls’ restroom.⁶⁷



IN MIDDLE SCHOOL
MY COUNSELOR TOLD ME THEY DIDN’T THINK I WAS READY TO TAKE THE NEXT STEP.
I WASN’T ALLOWED TO USE THE BOYS’ BATHROOM.
I GOT SCREAMED AT IN THE GIRLS’ BATHROOM.
I GOT JUMPED AND THREATENED.
SO, I HAD TO USE THE NURSE’S BATHROOM, AND THEN A SUBSTITUTE TOLD ME I COULDN’T GO TO
THE NURSE’S UNLESS I ADMITTED I WAS “SPECIAL.”

NYS Student

Schools will want to make available gender affirming facilities including designating all single stall

restrooms gender neutral in accordance with [Education Law Section 409-M](#). Schools will want to make available multiple facility options for TGE students to use throughout the school day that are convenient to reduce disruption to their academics and social emotional well-being.

EXAMPLES:

- *A three-story high school had one gender-neutral restroom for students to access on the second floor, which caused students who choose to use the gender-neutral restroom to be late for class and constantly harassed by hall monitors for not being near their classroom. To be more accommodating the school constructed one gender-neutral restroom on each floor.*
- *At the start of the year, a student came out as Dominique, a transgender girl. While Dominique used to use the boys' restroom, this year she feels more comfortable using the girl's restroom. Sometimes Dominique uses a single-stall restroom as she builds her comfort and confidence in her transition, or if she feels unsafe; this does not undermine her choice to primarily use the girls' restroom*

Students must be permitted to participate in all school activities (for example, day and overnight field trips) in accordance with their gender identity asserted at school. Requests for arrangements to address privacy concerns should be made on a case-by-case basis. When planning an out of state or country field trip, teachers and school administrators should take into consideration the impact of the field trip on all who attend (students, teachers, chaperones) and consult with their school attorney regarding the laws of the state or country being traveled to.

Inclusive Curricula and Supports

The 2021 GLSEN National Survey reports that a significant number of students are being prevented from writing or talking about LGBTQ+ issues in school projects or in extracurricular activities.⁶⁸ Education is most effective when it takes a positive student development approach; builds on young people's existing strengths, skills, and competencies; incorporates social, emotional learning; addresses the mental well-being of students; and is inclusive of all lived experiences.

Social Emotional Learning (SEL) is the process through which children, youth, and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.⁶⁹ NYSED's [NY Social Emotional Learning Benchmarks - Equity Revisions](#) provides a starting point for district and school integration of SEL and aligns with NYSED's [Culturally Responsive-Sustaining Education Framework](#).

Inclusive curriculum supports a student's ability to empathize, connect, and collaborate with a diverse group of peers and encourages respect for all members of a school community.⁷⁰ NYSED's [Culturally Responsive-Sustaining Education Framework](#) (CR-S) helps educators create student-centered learning environments that affirm racial, linguistic, and cultural identities; prepare students for rigor and independent learning, develop students' abilities to connect across lines of difference; elevate historically marginalized voices; and empower students as agents of social change. The core principles of CR-S include creating a welcoming and affirming environment, fostering high expectations and rigorous instruction, identifying inclusive curriculum and assessment, and engaging in ongoing professional learning and support.

Schools utilizing CR-S and SEL can provide a foundation for a welcoming and affirming learning environment where all students, including TGE students, see authentic and positive representation of their lived experiences reflected in the school curriculum and culture.

[Education Law §801-A](#) requires that students receive instruction in civility, citizenship, and character education that shall include instruction in the principles of honesty, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity, and other traits which will enhance the quality of student experiences in and contributions to the community. Respect and dignity for others includes awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices mental or physical abilities, sexual orientations, genders, and sexes. The law places an emphasis on discouraging acts of harassment, bullying, and discrimination.

To satisfy these requirements, schools will want to consider adding inclusive curricula; for example, teaching about and reading books by authors of diverse identities and including a multicultural representation of images, decorations, and artwork around their classrooms. If offered, sexual health curriculum must be inclusive of all identities. There are opportunities and avenues for diverse identities to be included in every academic discipline.

Physical Education & Athletics

Physical education is a required component of P-12 education and an important part of many students' school lives. The New York State Physical Education Learning Standards are universal and not segregated by gender.⁷¹ New York State Education Law §3201-a prohibits discrimination based on sex, including gender identity and expression, with respect to inclusion in physical education classes and athletics.^{72 73} Therefore, teachers will want to provide inclusive opportunities for all students and phase out the practice of separating physical education classes or activities by gender, as it marginalizes TGE students and marks them as "others." Separating classes by gender can be eliminated, as most sports have the same rules for all participants, even if there are slight differences in equipment (e.g., golf, basketball, volleyball, soccer, handball, ice skating, track and field, gymnastics, swimming, etc.). Instead, teachers could group students by characteristics more applicable to physical education activities, such as skill level or experience, to greater assist with student development in the sport.

Teachers should only run gender-segregated activities after careful consideration and students should be allowed to participate in a manner most consistent with their gender identity without penalty. For example, gender-specific lacrosse equipment and rules may necessitate gender-segregated practices to allow students to learn the necessary skills should they wish to pursue the sport at the post-secondary or professional level. However, teachers should provide inclusive opportunities for all students to learn how to use the equipment and explain the various rules for a given sport. Physical education teachers can use such sports as an opportunity to examine gender bias in sports, the pros and cons of gender segregation, and current events.

Health Education

Health education helps adolescents acquire functional health knowledge, to make good decisions about their health and wellbeing and practice skills needed to adopt and maintain healthy behaviors throughout their lives. Schools play a critical role in reducing adolescent health risks through the delivery of effective health education.⁷⁴

[Education Law § 804](#) (1) requires that all schools ensure their health education programs recognize the multiple dimensions of health by including mental health and the relation of physical and mental health so as to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

The [Mental Health Education Literacy in Schools: Linking to a Continuum of Well-Being Comprehensive](#)

[Guide](#) provides guidance for developing effective mental health education instruction and well-being which can be incorporated into the entire school environment.

For public school's sex education curriculum, teachers should consult the [National Sex Education Standards](#) to ensure their instruction is inclusive of TGE and nonbinary students identities and is responsive to the needs of TGE and nonbinary students. The National Sex Education Standards provide clear, consistent, and straightforward guidance on the essential, minimum core content and skills needed for sex education that is age-appropriate for students in grades K–12.

What was Health Class like for you as a trans student?

Real answers from NYS Students

- When the school separated us into boys and girls for “the talk,” they didn’t know where to put me, so my mom had to keep me home from school those days.
- Gender identity was brought up as an example of what not to harass people about, and that’s it.
- Transgender was brought up in middle school as a definition that was vague and not entirely correct.
- I wasn’t able to learn about nonbinary in school. I had to go to the internet.
- There weren’t a lot of resources for anyone, but definitely none for us.
- The only time LGBTQ people were brought up was in a matching activity. It seemed like they pulled a random, and inaccurate, Quizlet or Kahoot to check a box that they covered that part of the curriculum.

Privacy and Confidentiality

The federal Family Educational Rights and Privacy Act (FERPA) prohibits the improper disclosure of personally identifiable information (PII) derived from students’ educational records. PII includes, but is not limited to, the student’s name, date of birth, sex, gender, indirect identifiers, and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student⁷⁵. In New York, Education Law [section 2-d](#) exceeds certain FERPA requirements and also prohibits the unauthorized release of a student’s PII.⁷⁶

When TGE students use an affirmed name in school, the legal name must be kept confidential by school staff. FERPA only authorizes the release of PII from education records to school officials (including teachers, among others) who have a *legitimate educational interest* in the information. Therefore, once a legal name is made confidential, the student’s legal name should only be shared with school officials who have a legitimate educational interest in knowing this information.⁷⁷



I DON'T FEEL COMFORTABLE GOING TO ADMINISTRATORS OR TEACHERS. THEY CONTROL MY GRADES AND MY FUTURE. HAVING A BIAS AGAINST ME BECAUSE I USE "THEY/THEM" PRONOUNS AND GO BY A DIFFERENT NAME THAN ON AN OFFICIAL PIECE OF PAPER CAN HAVE A HUGE IMPACT AND POTENTIALLY CHANGE MY FUTURE. THAT'S WHY I HAVEN'T CHANGED MY NAME IN THE SYSTEM.

NYS Student

School Records

Education Records

FERPA defines education records as records that are directly related to a student and maintained by an educational agency or institution (public school or college) or a party acting on its behalf. Education records can come in many different formats, in addition to paper.



I MIGHT SKIP GRADUATION BECAUSE MY NAME ISN'T LEGALLY CHANGED, AND I DON'T WANT TO WALK ACROSS THE STAGE AND BE CALLED THE WRONG NAME. I'VE WORKED SO HARD TO ESTABLISH MY IDENTITY AND BECOME SOMEONE I LOVE. IT WILL FEEL LIKE I'M BEING KNOCKED BACK DOWN TO HEAR MY OLD NAME BE CALLED OUT ON THAT STAGE.

NYS Student

Updating Student Information in Education Records

Legal Name Change on Education Records

In compliance with the Gender Recognition Act, a name change order is sufficient documentation to change a student's name on any and all school records. Failure to do so may be a violation of NYS Human Rights Law. A student who has obtained a legal name change may present a court order, amended birth certificate, or government ID that reflects the name change and have the school update their name on their student record. When such documentation is submitted to a school, the school must promptly update the student's records to reflect the name change. All previous records that do not reflect the student's new, legal name should be kept in a separate, confidential folder and/or maintained in archived data in the student information system. A school's failure or refusal to amend such records could create unforeseen consequences for the student and may violate the NYS Human Rights Law.



IT TOOK 7 OR 8 MONTHS FOR ALL THE FORMS TO COME IN TO LEGALLY CHANGE MY NAME AT SCHOOL. THEY WILL LET YOU PUT IN A NICKNAME IN THE SYSTEM, BUT TEACHERS NEVER REALLY USE IT, ESPECIALLY IN THE BEGINNING OF THE YEAR.

NYS Student

Request to use Affirmed Name on Education Records

If a transgender student requests a change to educational records to reflect the stated gender identity and affirmed name and pronouns, the school should honor that request, regardless of whether a student has completed a legal name change. Schools should clearly and unambiguously advise the student that their parents/guardians may become aware of the use of an affirmed name in school and on school records, through school communication or if their parent/guardian seeks to review the student's education records. Schools can utilize a Gender Support Plan to help systematically address various aspects of a TGE student's experiences at school. It can also be used to help schools create a shared understanding among students, school staff and parents/guardians (only with student permission), about the ways in which the student's authentic gender will be recognized and supported at school. By advising the student of these potential issues, the student can make an informed decision regarding the implications of changing school records to reflect their affirmed name and gender identity and if it is a concern, schools can plan appropriately for the student's safety. With the student's consent, this may also provide an opportunity for a trusted trained school professional to facilitate a conversation between the student and their parent/guardian regarding the student's affirmed name and gender identity. Schools may want to reach out to organizations such as the [Trevor Project](#) or the [Family Acceptance Project](#) for the assistance in bridging communication between students and their parents/guardians. These agencies also provide educational resources for school staff. The most important consideration in these situations is the health and safety of the student.

Currently neither federal nor state law provides a clear rule for school districts to follow as to whether a school should change a minor student's permanent educational records upon request by the TGE student. Public schools should, therefore, consult with their legal counsel regarding their obligations and what policy the school district should adopt as to whether parental consent is necessary to change the limited records deemed to be permanent records (e.g., student transcripts). Schools may change a minor student's non-permanent educational records and call the student by their affirmed name upon request by the TGE student.

Schools will want to work with their student management system or if still using a paper system, add a space for a second/affirmed/preferred name on student records. Schools should be aware that by having two names on student education records they may inadvertently disclose the student's gender identity without the knowledge and consent of the student.

Schools should use a form, such as the model Student Name and Gender Change Request Form (Appendix A) to create a record of request.

EXAMPLES:

- *One school administrator dealt with information in the student's file by starting a new file with the student's affirmed name, entering previous academic records under the student's affirmed name, and creating a separate, confidential folder that contained the student's past information and legal name.*
- *A student with the legal name Samantha is transgender and goes by Sean (he/him). Sean*

wants his name changed in the school's technology systems. Sean's parents know about his transition and are supportive but are not ready for him to legally change his name, so they do not want the school to change his name on his records. Sean, his parents, and the school met to discuss a plan for Sean's transition needs and the school suggested having both names in their database, as both could be associated with Sean's unique student identification number. Sean's parents agreed and the school consulted with their IT department and database manager to make this happen.

Post-Graduation Name Change Request:

If a student is 18 years of age or older, has graduated, and is requesting that their educational records be updated to reflect a legal name change, schools should request the legal name change documentation, such as amended birth certificate, government issued ID, or court order and make the change as requested.

If a student under the above circumstances has *not* legally had their name changed and is requesting that their affirmed name be on their school records, schools should utilize a Student Name and Gender Change Request Form, such as the one provided in Appendix A.

Records with the student's legal name should be kept in a separate, confidential file or archived in the student information system.

Updating of Gender Marker

Public schools are discouraged from including gender on student- and school-facing records where there is little or no benefit to its inclusion. Public schools should implement a clear process to update the student's gender in school records in the limited places where gender is stored. In addition to male/female, SED has added X as a nonbinary option when reporting student gender. To assist with accurate reporting to NYSED, schools should work with their student management system vendors to offer an X gender option in addition to male/female. Referring to a student by a gender marker inconsistent with their gender identity, for example, using an X gender marker for TGE students who prefer M or F, in the student management system leads to inaccurate data and may also be discriminatory. See the [New York State Information Repository System \(SIRS\) Manual](#) for more information.

Working Papers

Employment certificates and permits, commonly referred to as working papers, are official employment documents that must reflect a minor's current legal name. An employer will need to confirm that the employment certificate matches the student's identification and other legal employment documentation. Identification can be a birth certificate, state issued photo ID, driver's license, or passport. When issuing employment papers, the school should explain to the student the need to use their legal name and suggest, if the student feels comfortable, they can have a conversation with their employer asking that they be referred to by their affirmed name and have their identification badge reflect their affirmed name.

Diplomas

Graduating from high school is a tremendous accomplishment in a student's school career. A student who requests that their affirmed name be placed on their diploma should have their request respected. A diploma is a ceremonial certificate and NYSED permits an affirmed name be used on a diploma. Prior to placing a student's affirmed name on a diploma, schools should explicitly advise the student that their parents/guardians may become aware of the use of an affirmed name on a ceremonial certification and if it is a concern, should discuss the student's safety. Alumni who had their legal name on their diploma can return after graduation and request that the school reissue their diploma with their affirmed name. Schools

should utilize the Student Name and Gender Change Request form, Appendix A, to document the student's request.

EXAMPLE: A student who has graduated and has begun to transition, returned to the school they graduated from and requested the school reissue their diploma with their affirmed name on it. To facilitate the name change, the school has the student complete a Student Name and Gender Change Request Form (such as the one provided in Appendix A) and subsequently issues the diploma with the student's affirmed name.

Standardized Test/Answer Sheets/Student Management Systems

NYSED permits the use of a student's affirmed name on state standardized tests/answer sheets. Student information on the standardized test answer sheet is driven by the student information (name) that is in a public school's student management system. Public schools will want to work with their student management system provider to associate necessary student identification data with the SED unique student identifier number, as names and genders are not sufficient in establishing a unique record. SED encourages public schools and student management system providers to collect affirmed names and X gender markers and/or male/female gender information when necessary.

Students are vulnerable before a test and anything they see that makes them uncomfortable or upset before an exam, such as seeing their legal, non-affirmed name on the test papers can impact their performance.

Student Health Records

School health records should note the student's affirmed name and gender along with the student's legal name and sex assigned at birth. This is necessary to ensure the student's wishes are respected and affirmed while also addressing the legal requirements of health professionals to keep records that contain all pertinent information which identifies a patient and that accurately documents clinical information relating to their patients pursuant to section [29.2\(3\)](#) of the Rules of the Board of Regents. Schools are reminded that health records are part of the student's education records and therefore are protected under FERPA. Disclosure of any record should only occur when there is signed consent by a parent/guardian or eligible student, a school official has a legitimate educational interest in the record, or when explicitly authorized or required by state or federal law.

It is imperative that school health professionals (nurses, nurse practitioners, physician assistants, physicians, occupational therapists, physical therapists, and speech language pathologists) only use the legal name of the student when required.

For all other situations, school health professionals must use the name and pronouns consistent with the gender identity a student asserts at school, such as when communicating with the student or about the student to others.

School health personnel must ensure privacy and confidentiality of all students and be particularly cognizant of that importance regarding the health needs of transgender students to ensure their dignity and positive health outcomes.

Public schools that access a student's or parent's public benefits or insurance (e.g., Medicaid) to bill for special education-related services under the Individuals with Disabilities Education Act (IDEA), should inform the student that for billing purposes, the school is required to use their legal/birth name when billing Medicaid.

When discussing safety planning with the student, the student should be made aware that school health professionals must document all health-related reports from the student along with the professional's assessment and care provided. The student should also be made aware that FERPA requires that a parent/guardian can review educational records which includes the health record maintained by the school. For additional information, see the Privacy Confidentiality section.

Special Education

Special education records under IDEA including IEPs and Section 504 records under Section 504 of the Rehabilitation Act of 1973 including Section 504 accommodation plans, must meet legal requirements while balancing respect for student privacy. All IDEA and Section 504 plan records should reflect a student's affirmed name and accurate gender as asserted by the student, including in the sex or gender marker designation and in pronoun use throughout the documentation. Public Schools should take care to provide a respectful environment which honors a student's identity when updating records.

Both IDEA and Section 504 require the maintenance of historical documentation which may have the consequence of disclosing a student's gender identity against their will. Districts must maintain historical records consistent with the requirements of state and federal law, which could include amending them to accurately reflect a student's gender identity when requested by a parent/guardian or eligible student.

Districts as well as CSEs and Section 504 committees should take care to ensure that historical records are stored in an appropriately confidential manner, that access is restricted to only those with a legitimate educational interest, and that, whenever possible, student permission is obtained prior to reviewing any records that may disclose a student's gender identity. In the event that the district cannot amend the prior document to reflect a student's affirmed gender, districts should ensure that the IEP, Section 504 plan, and/or assessment documentation following a student's gender transition are thoroughly and comprehensively reviewed and that all prior information is updated to reflect the accurate student gender. New York State's [mandated IEP form](#) does not include a field for gender. The [optional Student Summary Form](#), which public schools have the discretion to use as a supplement to a student's IEP, has been updated to provide three options to the gender field (M/F/X), consistent with New York State's Gender Recognition Act.

Note that during committee on special education (CSE) meetings and in other circumstances relevant to IEP implementation, the student's affirmed name should always be used.

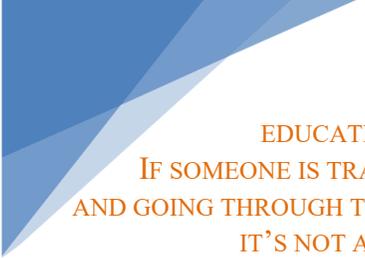
Resources, Education, and Training for Public School Personnel and Communities

As with other efforts to promote a positive school culture, school administrators and all school personnel, should become familiar with applicable laws, regulations, guidance, and related resources, and communicate and model respect for the gender identity of all students. Schools should continue to have an open dialogue with their school community when working together to foster an inclusive school environment.



JUST BE POLITE TO EVERYBODY.
TREAT SOMEONE LIKE A PERSON,
AND NOT LIKE THEY'RE STRANGE OR
OUT OF PLACE.
SMALL THINGS LIKE THAT
WILL GO A LONG WAY.

NYS Student



EDUCATE YOURSELF.
IF SOMEONE IS TRANSITIONING
AND GOING THROUGH THE PROCESS,
IT'S NOT A BAD THING.
IT'S NOT SCARY.
BE RESPECTFUL,
OTHERWISE, YOU WILL
ACCIDENTALLY HURT SOMEONE'S
FEELINGS,
EVEN IF YOU DON'T MEAN TO.

NYS Student

The Department is committed to providing all public school students with an environment free from discrimination and harassment, to fostering civility in public schools, and to ensuring that every student has equal access to educational programs and activities. To ensure that all students—including those who identify as TGE—are provided with such an environment, public schools are required to incorporate training on these issues (e.g., cultural sensitivity/competency and legal protections) into their professional development curricula. In addition, LGBTQ inclusive curriculum is in furtherance of the requirements and objectives of the Dignity Act.⁷⁸ Schools should refer to [The New York State Dignity for All Students Act: A Resource and Promising Practices Guide for School Administrators and Faculty](#) and the [DASA Training for School Employees](#) for additional resources in creating an inclusive school community.

Public schools are encouraged to provide this update and other resources, such as training and information sessions, to the school community including, but not limited to, parents/guardians, students, and community-based organizations. These efforts will help to ensure that the school community understands the importance of a safe and supportive school environment for all students and how they can play an active role in fostering such an environment. This update cannot anticipate every situation in which questions may arise relating to TGE students. However, the Department provides assistance, support, and resources as we work together to create a safe and supportive school environment for all students. For further information or questions about the content of this update, please contact the Student Support Services Office at (518) 486-6090.

For additional information and resources regarding transgender students in schools please see below for a small sample of available government and advocacy resources:

New York State Education Department

[The Dignity for All Students Act](#)

The Dignity for All Students Act seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus, and/or at a school function.

New York City Department of Education

[Guidelines to Support Transgender and Gender Expansive Students](#)

The New York City Department of Education (NYC DOE) guidance supports transgender and gender expansive students attending NYC DOE public schools. While the guidance does not apply statewide, it is offered as a resource.

[Guidelines on Gender Inclusion](#) and [Dress Code Guidelines](#) may also be a helpful resource for public schools.

United States (US) Department of Justice, Civil Rights Division

Memorandum to Federal Agency Civil Rights Directors and General Counsels

[Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972](#)

US Department of Education

[U.S. Department of Education Supporting Transgender Youth in Schools](#)

Document outlining how schools can support transgender students and how the U.S. Department of Education supports transgender students who experience discrimination.

Centers for Disease Control and Prevention

[Creating Safe Schools for LGBTQ+ Youth](#)

This brief provides key learning objectives that public schools can incorporate into their professional development offerings to help teachers and other school staff build core competencies for supporting LGBTQ+ youth in schools.

[Transgender Identity and Experiences of Violence, Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students- 19 States and Large Urban School Districts, 2017](#)

A pilot health survey which identifies multiple areas in which transgender youth experience disproportionately negative health outcomes as compared to their cisgender peers.

[High School YRBS, New York 2019 Results](#)

The Youth Based Behavioral Surveillance System national survey results for New York State high school students covering health behaviors that contribute markedly to the leading causes of death, disability and social problems among youth and adults in the United States.

[Center of Excellence LGBTQ+ Behavioral Health Equity](#)

The Center of Excellence provides a guide entitled, [Language Guidance When Serving LGBTQ+ Populations](#) as well as other resources. The language guidance provided the most recent language used in the LGBTQ communities.

Presidential Executive Orders

[Executive Order 13988 of January 20, 2021](#)

Executive Order by President Biden on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

[Executive Order 14021-Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity March 8, 2021](#)

The Equity Project at Indiana University

[Documenting Disparities for LGBT Students: Expanding the Collection and Reporting of Data on Sexual Orientation and Gender Identity](#)

A report produced by the Discipline Disparities Research to Practice Collaborative addressing discipline disparities faced by LGBT students and offering recommendations to rectify the situation.

Facing Today A Facing History Blog

[How to Build an Affirming Classroom in the Face of Anti-Trans Legislation](#)

A blog post that includes strategies and resources for educators in creating a classroom environment that is inclusive, welcoming, and affirming for all students.

Gender Inclusive Biology

A site created and maintained by a team of science teachers offering lesson materials, teaching guides and other resources for educators across the world who wish to grow a more gender-

inclusive biology curriculum for the future.

[Gender Spectrum](#)

A national organization committed to the health and well-being of gender-diverse children and teens through education and support for families, and training and guidance for educators, medical and mental health providers, and other professionals.

[Gender Support Plans](#)

A detailed form that helps to create a shared understanding among school staff, parents/guardians, and the student about the ways in which the student's authentic gender will be accounted for and supported at school.

[Chicago Public Schools Gender Support Plan](#) for Transgender and Gender Nonconforming Students

[Gender Spectrum Gender Support Plan](#)

[New York City Guidelines to Support Transgender and Gender Expansive Students - Supporting Students](#)

[San Diego Unified School District's Gender Support Plan](#)

[Stockton Unified School District Gender Support Plan](#)

[Salt Lake City Confidential Gender Support Plan](#)

[GLAAD](#)

[GLAAD 2022 Social Media Safety Index](#)

The SMSI provides recommendations for the social media industry at large and reports on LGBTQ user safety across five major social media platforms.

[GLSEN](#)

[2021 National School Climate Survey](#)

[2019 National School Climate Survey](#)

The results of two nationwide surveys documenting the experiences of LGBTQ youth in schools.

[Gender Affirming and Inclusive Athletics Participation](#)

A report supported by evidence-based, peer-reviewed research on the importance of gender affirming and inclusive athletics programs including recommendations for inclusive athletic guidance and additional resources.

[Educator Resources](#)

A collection of guides, lesson plans, policy, and advocacy resources, and professional development material for educators.

[Professional Development Resources](#)

An offering of tools and resources for educators who seek to make their classrooms and schools safe for all students.

[Human Rights Campaign](#)

[2018 LGBTQ Youth Report](#)

A comprehensive nationwide survey capturing the experiences of LGBTQ youth in their family settings, schools, social circles, and communities.

[Schools In Transition: A Guide for Supporting Transgender Students in K-12 Schools](#)

A guide for administrators, teachers, parents/guardians, and other adults who work with youth

covering topics ranging from basic concepts of gender and the importance of affirming gender identity to best practices for restroom access and work with unsupportive parents/guardians.

[Creating Safe and Welcoming Schools](#)

A comprehensive bias-based bullying prevention program which provides LGBTQ and gender inclusive professional development training, lesson plans, booklists, and resources specifically designed for educators and youth-serving professionals.

[Learning for Justice](#)

[Creating an LGBT-Inclusive School Climate](#)

A guide for school leaders on building inclusive and supportive school climates for LGBT students.

[Being There for Nonbinary Youth Sometimes the "T" in the LGBTQ Gets Overlooked](#)

An article illustrating how transgender student's feel, the importance of mentorship and the support they need.

[National Center for Transgender Equality](#)

[Identification Documents and Transgender People: An Overview of the Name and Gender Marker Change Process in the United States](#)

A brief overview of the types of documents one may consider updating and check lists covering the process to change them.

[Name Changes for Minors in New York](#)

A review of the legal requirements for and the process of legal name changes for minors in the state of New York.

[Questionable Questions About Transgender Identity](#)

A guide intended to help people decide whether a particular question is appropriate to ask a transgender person along with answers to common specific questions and an explanation regarding why a transgender person may be uncomfortable if asked those questions directly.

[National Association of Secondary School Principals](#)

[Position Statement: Transgender Students](#)

An outline of the organization's acknowledgement of the marginalization and institutional bias faced by transgender students, its opposition to legislation and policies that discriminate against these students, and recommendations to federal, state, and local policy makers and school leaders on how to better support transgender students in the K-12 education system.

Pronoun use in Languages Other than English

[Introducing a gender-neutral pronoun in a natural gender language: the influence of time on attitudes and behavior](#)

This is a study of the introduction of the gender-neutral pronoun "hen" and how it was introduced to the Swedish language. The study also provides citations to other research, on the role gender plays in language and its meaning/interpretation by those using the language.

[A Simple Guide to the Complex Topic of Gender-Neutral Pronouns](#)

An article discussing the assignment of masculine and feminine articles to nouns and the use of the singular they.

[How Gender-Neutral Language has Evolved Around the World](#)

A blog post that discusses grammatical gender and gendered language, where gender shows up in language, gender neutral language, and diversity of language.

[Public Broadcasting System \(PBS\) for New York Educators](#)

[Understanding LGBTQ+ Identity: A Toolkit for Educators](#)

A series of digital media resources to help teachers, administrators, school counselors, and other educators understand and effectively address the complex and difficult issues faced by LGBTQ students.

[San Francisco State University](#)

[Family Acceptance Project](#)

A research, intervention, education, and policy initiative to prevent health and mental health risks and to promote well-being for LGBTQ youth including suicide, homelessness, drug use, and HIV – in the context of the families, cultures, and faith communities.

[Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)

[Moving Beyond Change Efforts: Evidence and Action to Support and Affirm LGBTQI+ Youth](#)

The report provides comprehensive research and important information on behavioral health concerns within the LGBTQI+ community. The report provides a road map centered on evidence-based care and helpful interventions for clinicians/providers, educators, and families to improve the behavioral health of LGBTQI+ youth.

[The Trevor Project](#)

[2022 National Survey on LGBTQ Youth Mental Health](#)

The results of a national survey on the mental health of LGBTQ youth ages 13-24.

[Accepting Adults Reduce Suicide Attempts Among LGBTQ Youth](#)

A 2019 evidence based, peer reviewed report on the study of LGBTQ youth mental health and suicidal ideation.

[Ally Training](#)

Is designed to create dialogue around being an adult ally for LGBTQ youth by informing participants about common terminology, the “coming out” process, and challenges at home, in school, and the community.

[CARE \(Connect, Accept, Respond, Empower\) Training](#)

Is an interactive training for adults with an overview of suicidal ideation among LGBTQ youth and the different environmental stressors that contribute to their heightened risk for suicide.

[Behaviors of Supportive Parents and Caregivers for LGBTQ Youth](#)

A study of the importance of accepting behaviors and supportive actions by caregivers to LGBTQ youth.

[Resilience and Mental Health Among LGBTQ Youth](#)

A report on the association of higher resilience and better mental health outcomes among LGBTQ youth.

[Bullying and Suicide Risk among LGBTQ Youth](#)

A report which articulates the strong correlation between negative treatment by others and increased risk of suicide among LGBTQ youth.

[Diversity of Youth Gender Identity](#)

A report on the youth self-reported gender identity and diversity data from the Trevor Project's 2019 Nation Survey on LGBTQ Mental Health.

[Women's Sports Foundation](#)

[The Foundation Position: Participation of Transgender Athletes in Women's Sports](#)

A policy statement by the Women's Sports Foundation in support of the participation of transgender athletes in school sports.

Appendix

The following appendix is provided to schools to afford easy access to a resource that can be used to support TGE students in school.

Appendix A: Student Name and Gender Change Request Form

The Student Name and Gender Change Request Form can be used by a parent/guardian, or a student 18 years of age or older to change a student's name and/or gender in the student's permanent educational records when there is no documentation of legal name change and/or government ID indicating the updated gender.

MODEL Student Name and Gender Change Request Form

Directions: This form must be submitted by a parent/guardian, or a student 18 years of age or older, to change a student's name and/or gender in the student's permanent educational records when there is no documentation of a legal name change and/or government ID indicating the updated gender.

The _____ will archive your student's legal name in their student
name of school/school district
management system (SMS) to accurately identify their records. Once their name is updated in the SMS, their chosen name will appear on the student's permanent education records going forward.

Parents/guardians must use this form to request a change in SMS to any of the following:

- The student's gender marker, and/or
- The student's chosen name, when there is no documentation of legal name change (for example, if you do not have a court order, amended birth certificate, or government ID reflecting the name change)

Current and former students who are 18 years of age or older must also use this form to change their gender marker and/or chosen name.

Updating Your Student's Gender Marker

To update your student's gender where gender is recorded, select the option that best describes your student's gender. The option you select does not have to match your student's birth certificate or other documentation. Select only one option:

- F-Female: My student identifies as female
- M-Male: My student identifies as male
- X-Neither Female or Male: My student does not identify as female or male (for example, identifies as nonbinary, gender expansive or gender fluid)

Updating Your Student's Chosen Name

If your student uses a chosen name (a different first name than what appears on legal documentation), you can choose to have this name displayed on report cards, transcripts, attendance rosters, and other important documents.

I would like to update my student's chosen first name to: _____

By signing below, you understand that:

- Updating a chosen name and/or gender in the SMS is not a legal name change.
- A student's legal name may be required for certain benefits and services. School records with a different name than the student's legal name may create delays or issues. You can obtain a letter from your school to help explain how your student's name appears on their records.
- All previous records generated from the SMS prior to the date of the change will reflect the student's previous name and/or gender.
- The student's legal name and/or previously designated gender will be archived to enable records to be cross-referenced, while maintaining confidentiality.

Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Student Name: _____

Student Signature: _____

Date: _____

School use only: Date entered into student management system: _____

Adapted from the NYC Student Name and Gender Change Request Form 8/22

¹A.G. Schneiderman And State Education Commissioner Elia Issue Reminder That New York State Protects Transgender Students. (n.d.). New York State Education Department. <http://www.nysed.gov/news/2017/ag-schneiderman-and-state-education-commissioner-elia-issue-reminder-new-york-state>

² Schneiderman, E., & Elia, M. (2018). STATE OF NEW YORK NEW YORK STATE EDUCATION DEPARTMENT OFFICE OF THE ATTORNEY GENERAL THE UNIVERSITY OF THE STATE OF NEW YORK. <http://www.nysed.gov/common/nysed/files/nysed-oag-joint-guidance-letter-2-28-18.pdf>

³ Kosciw, J. G., Clark, C. M., & Menard, L. (2022). The 2021 National School Climate Survey: The experiences of parent+ youth in our nation's schools. New York: GLSEN.

⁴ N.Y. EXEC. LAW §§ 292(35) (defining “gender identity or expression”), 296(4) (requirements for educational institutions); 9 NYCRR §§ 466.13 (“Discrimination on the basis for gender identity), 466.13(b)(d) (“Discrimination on the basis of gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out below is disability discrimination.”).

⁵ N.Y. EXEC. LAW § 292(39) (defining “educational institution”); New York State Division of Human Rights, *Educational Institutions: Your Rights Under the Human Rights law as a Student or Applicant*, available at <https://dhr.ny.gov/sites/default/files/pdf/nysdhr-education-discrimination.pdf>

⁶ New York State Gender Recognition Act FAQs (2022). <https://ahihealth.org/wp-content/uploads/2022/03/NYS-Gender-Recognition-Act-FAQS.pdf>

⁷ U.S. Department of Education Confirms Title IX Protects Students from Discrimination Based on Sexual Orientation and Gender Identity | U.S. Department of Education. (2021, June 16). Www.ed.gov. <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity> (Discrimination based on sex includes discrimination based on gender identity.)

⁸ N.Y. EDUC. LAW §3201-a. Retrieved February 9, 2023, from <https://www.nysenate.gov/legislation/laws/EDN/3201-A>

⁹ N.Y. EDUC. LAW ART 2; 8 NYCRR §§100.2(c), (l), (jj), (kk).

¹⁰ N.Y. EDUC. LAW §12.

¹¹ 8 NYCRR 100.2(kk)(1)(x).

¹² N.Y. EDUC. LAW § 11(6). For an extensive resource on the implementation of the Dignity Act, please see the New York State Education Department's (NYSED) publication: *The Dignity Act, A Resource and Promising Practices Guide for School Administrators & Faculty* available at <https://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.pdf>

¹³ 20 U.S.C. § 1681(a); 34 C.F.R. § 106.31(a); 28 C.F.R. § 54.400(a)

¹⁴ See, e.g., *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731 (2020) (holding that gender identity and sexual orientation are protected under the “sex” provisions of Title VII); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), as amended (Aug. 28, 2020), reh'g en banc denied, 976 F.3d 399 (4th Cir. 2020), petition for cert. filed, No. 20-1163 (Feb. 24, 2021), petition for cert. denied, No. 20-1163 (June 28, 2021); *Adams v. Sch. Bd. of St. Johns Cnty.*, 968 F.3d 1286, 1305 (11th Cir. 2020), petition for reh'g en banc pending, No. 18- 13592 (Aug. 28, 2020) (Title IX protects transgender students from discrimination on the basis of gender identity). See also, *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1049–50 (7th Cir. 2017) (transgender boy was likely to succeed on his claim that school district violated Title IX by excluding him from the boys' restroom); *Dodds v. U.S. Dep't of Educ.*, 845 F.3d 217, 221–22 (6th Cir. 2016) (per curiam) (school district that sought to exclude transgender girl from girls' restroom was not likely to succeed on the claim because Title IX prohibits discrimination based on sex stereotyping and gender nonconformity); Pamela S. Karlan, Memorandum on Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972, (Mar. 26, 2021), <https://www.justice.gov/crt/page/file/1383026/download>.

¹⁵ *Soule by Stanescu v. Connecticut Ass'n of Sch., Inc.*, 57 F.4th 43, 47 (2d Cir. 2022) (affirming lower court decision and finding discrimination against transgender students violates Title IX consistent with *Bostock*, claims that cisgender girls were denied opportunities or championships are moot and unfounded (on multiple occasions, the cisgender young women placed first, including when competing against transgender athletes), those cisgender students lacked standing to challenge the athletic association's gender inclusion policy).

¹⁶ See, e.g., U.S. Dep't of Educ., Letter from Suzanne B. Goldberg, (Apr. 6, 2021), <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/20210406-titleix-eo-14021.pdf>

¹⁷ PFLAG. (2022, June 1). Pflag.org. <https://pflag.org/glossary>

Endnotes

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- ¹⁸ Human Rights Campaign. (2011, August 16). *Glossary of Terms | Human Rights Campaign*. Human Rights Campaign. <https://www.hrc.org/resources/glossary-of-terms>
- ¹⁹ See Endnote 18.
- ²⁰ See Endnote 18.
- ²¹ See Endnote 18.
- ²² See Endnote 18.
- ²³ See Endnote 18.
- ²⁴ See Endnote 18.
- ²⁵ See Endnote 13.
- ²⁶ See Endnote 18.
- ²⁷ Terminology LGBTQ+» Undergraduate Programs» College of Public Health and Health Professions» University of Florida. (n.d.). Retrieved November 10, 2022, from <https://undergrad.php.ufl.edu/php-undergraduate-diversity-caucus/terminology-lgbtq/#:~:text=Gender%20dysphoria%3A%20Clinically%20significant%20distress>
- ²⁸ See Endnote 18.
- ²⁹ 2022 National Survey on LGBTQ Youth Mental Health. (n.d.). *The Trevor Project*. Retrieved May 23, 2022, from https://www.thetrevorproject.org/survey-2022/?c_src=email&c_src2=dt-20220519-c-MayNewsletter-mc-5215e704fd
- ³⁰ See Endnote 18.
- ³¹ Legislative Memo: Intersex Education and Outreach. (2022, May 3). *New York Civil Liberties Union*. <https://www.nyclu.org/en/legislation/legislative-memo-intersex-education-and-outreach>
- ³² See Endnote 18.
- ³³ See Endnote 18.
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Endnotes

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The New York State Archives, [Student Records: Academic Records](#) and [Commissioner's regulation §185.12 A1.\[275\]](#), provide complete listings of records retention.