



## Supporting Transgender and Gender Nonconforming Students

Schools should be safe and supportive spaces that give every student the opportunity to thrive and learn. With this shared value, we want to ensure that transgender and gender nonconforming (TGNC) students are protected in schools throughout New Mexico. By achieving this goal, TGNC youth will have the same educational opportunities as all other students.

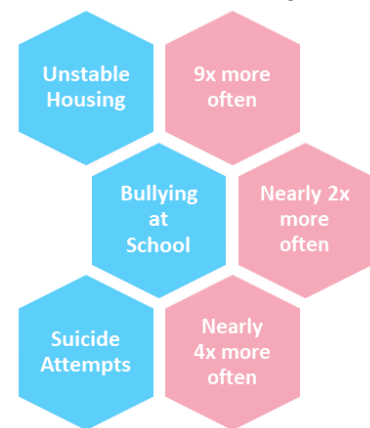
To this end, it is important for anyone working in schools to understand how Title IX supports TGNC students. As federal law, Title IX protects students against sex-based discrimination across the country. Although there has been some disagreement in the courts, as well as in the current administration, regarding Title IX's applicability to TGNC students, many courts have ruled that TGNC individuals are protected from discrimination and harassment under Title IX. During the Obama Administration, schools were notified in writing through a "Dear Colleague" letter that TGNC students were to be supported and could not be discriminated against based on their gender identity or transgender status.

Unfortunately, recent national developments have seen these broad protections for TGNC students questioned, with the "Dear Colleague" letter having been rescinded in 2017. However, Title IX has not been altered and is still current federal education law. Local schools and districts are in the unique position to protect their TGNC students, regardless of what happens at the federal level. What follows are several concrete ways that your school can protect and support TGNC students.

**School Policies:** Administrators and boards of education can support and pass bullying prevention and nondiscrimination policies to protect students based on sexual orientation, gender identity, and gender expression. Explicitly defining characteristics like sexual orientation, gender identity, and gender expression in these policies is essential to ensure all students have safe school environments. Policies can be adopted at both the district- and school-level. Examples of policies that can be adopted and implemented include: School District Policy on Transgender and Gender Nonconforming Students, District LGBTQ-Inclusive Anti-Bullying and Harassment Policy, and School Anti-Bullying and Harassment Policy. For more information and to access model policies created by the [Gay, Lesbian, and Straight Education Network \(GLSEN\)](#), see the resources section of this document. Also, as a local example, Albuquerque Public Schools developed and adopted a [procedural directive on nondiscrimination for students based on gender identity and expression](#) in 2016.

**Individual Student Support Plans:** School personnel can work with parents and students to develop Individual Support Plans that facilitate arrangements related to gender identity, gender expression, and/or gender transition. Individual student support plans (sometimes called *transition support plans* or *gender support plans*) are put in place at the school level to create the necessary conditions to make a student's experience as positive as possible. Factors such as the student's age, personality and emotional state, level of family support, school's organizational design, and even time of year all can affect how a student's transition unfolds. Each plan is tailored to the student, consulting with, at minimum, the student, their guardians (if they are supportive), school administration, and school health professionals. Many individual support plans are also facilitated at the district level, involving the Title IX coordinator, or other relevant personnel, and school-level staff. Arrangements may include but are not limited to: name and pronouns, accommodations for gender-segregated areas like bathrooms/locker rooms, who has access to confidential information about the student's gender transition status, and participation in athletics. Individual support plans are an excellent way to ensure TGNC

### Compared to cisgender students, transgender, genderqueer, or genderfluid students experienced...



Data: 2017 New Mexico Youth Risk and Resiliency Survey

students have equitable access to a safe and supportive learning environment. For more information, including templates for gender support plans, see [Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools](#).

**Individualized Education Plan or Section 504 Plan:** If a TGNC student is having trouble in school, they may be able to gain support through special education laws (i.e., Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act). These laws provide concrete pathways for school professionals to support TGNC students, either through an individualized education plan or Section 504 Plan. Although these are special education laws, they can also be applied to better support TGNC students. For example, many TGNC students may qualify due to gender dysphoria or from other qualifying factors like psychological distress (e.g., anxiety and depression). A key aspect in developing such plans is to ensure that the student receives consistent support, regardless of any school- or district-level changes. Also, these plans can be put in place to secure supports for students in districts and schools without adequate policies supporting TGNC students. For more information, see [Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools](#).

**Nursing Healthcare Plans:** Some school nurses report using nursing healthcare plans to address some of the concerns noted above (e.g. access to bathrooms). While this approach is supportive and may be useful in the short term, it should be supplemented with other protections afforded through Section 504 Plans or school- or district-level policy to address the broader issues that TGNC students face.

## Resources

Transgender Resource Center of New Mexico

<https://www.tgrcnm.org/>

Model School District Policy on Transgender and Gender Nonconforming Students

<https://www.glsen.org/article/transgender-model-district-policy>

Transgender Inclusion in High School Athletics Policy Brief

[https://www.glsen.org/sites/default/files/Transgender%20Inclusion%20in%20High%20School%20Athletics\\_0.pdf](https://www.glsen.org/sites/default/files/Transgender%20Inclusion%20in%20High%20School%20Athletics_0.pdf)

Model District LGBTQ-Inclusive Anti-Bullying and Harassment Policy

<https://www.glsen.org/sites/default/files/Model%20District%20LGBTQ-Inclusive%20Anti-Bullying%20%26%20Harassment%20Policy.pdf>

Model School Anti-Bullying and Harassment Policy

[https://www.glsen.org/sites/default/files/Model%20Policy%20-%20School%204.12.13\\_0.pdf](https://www.glsen.org/sites/default/files/Model%20Policy%20-%20School%204.12.13_0.pdf)

Enumeration: What It Is and Why It Matters

[https://www.glsen.org/sites/default/files/Enumeration\\_0.pdf](https://www.glsen.org/sites/default/files/Enumeration_0.pdf)

U.S. Department of Education Examples of Policies and Emerging Practices for Supporting Transgender Students

<https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>

Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools

<https://www.aclu.org/report/schools-transition>

Albuquerque Public Schools Procedural Directive on Non-Discrimination for Students: Gender Identity and Expression

<http://www.aps.edu/about-us/policies-and-procedural-directives/procedural-directives/j.-students/non-discrimination-for-students-gender-identity-and-expression>

Know Your Rights: A Guide for Transgender and Gender Nonconforming Students

<https://www.aclu.org/other/know-your-rights-guide-trans-and-gender-nonconforming-students>

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