



Transgender Students!

If you go to public school in Massachusetts,
YOU HAVE THE RIGHT:

- To attend school in safety on equal terms as all other students. This means no discrimination, sexual harassment or harassment based on your gender identity or expression by peers or faculty.
- To express your point of view, even on controversial issues, and to feel safe in doing so!
- To wear clothing and otherwise present yourself in a way that fits your gender identity.
- To have access to bathrooms and locker rooms consistent with your gender identity.

Are you a student in Boston?

In 2002, the City of Boston passed a non-discrimination ordinance specifically prohibiting discrimination based on gender identity and expression. In addition to other state and federal protections, this ordinance applies directly to educational settings and secures your rights at school, as well as in many other contexts. GLAD worked with community partners in advocating for this ordinance.

For more information about your rights as a student, or to discuss legal issues related to gender identity or expression at your school, call GLAD's legal information hotline at: **(800) 455-GLAD** or e-mail us at: **gladlaw@glad.org**.

www.glad.org

GLAD
equal justice under law

Schools are Obligated to Protect Transgender Students

Discrimination & Harassment

Under both state and federal statutes (Title IX and Massachusetts General Laws ch. 76, section 5) and state and federal Constitutional equal protection principles, **sex discrimination in school is prohibited**. This includes discrimination based on stereotypical ideas of “appropriate” male or female behavior or expression. A school may not discriminate against a student or exclude him or her from any aspect of school-based activities or opportunities based on that student’s gender identity or expression.

These prohibitions also apply to sex-based harassment, whether sexual in nature or otherwise based on a student’s expression of maleness or femaleness. (See also Mass. Gen. Laws ch. 151C). Unlawful harassment compromises a student’s ability to take advantage of educational opportunities and often interferes both with a student’s academic performance and emotional and physical well-being. A school must protect a student from both faculty and peer harassment.

Once notified of harassment, the school administration is legally required to take immediate and appropriate steps to investigate the situation and take steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. If an appropriate official knew of the misconduct and, acting with deliberate indifference, failed to stop the misconduct, the school administration may be held liable for the harassment and its effects.

Freedom of Expression

The **1st Amendment of the US Constitution**, state constitutional protections of free speech, and Massachusetts General Laws ch. 71, sec. 82 all guarantee a student’s right to freely communicate his or her thoughts and opinions through speech, symbols, or other forms of expression.

Gender Appropriate Attire

In GLAD’s case, *Doe v. Yunits*, a judge ruled that statutory and constitutional protections of free expression and against sex and disability discrimination prohibited a Brockton, Mass. public school from preventing an 8th grade transgender student “from wearing any clothing or accessories that any other male or female student could wear without being disciplined.” The judge rejected the school’s justification that Ms. Doe’s wearing “female” clothing was disruptive and made other students uncomfortable, holding that this excuse was not sufficient to overcome Ms. Doe’s freedom to dress consistently with her gender identity.

Access to School Facilities

Prohibitions against discrimination in public schools require that transgender students must have equal access to “the advantages, privileges and courses of study” of those schools. (Mass. Gen. Laws ch. 76, sec. 5). This must include access to safe, clean, appropriate restroom and locker room facilities. Constitutional principles may apply to the same effect.