

Checklist: LGBTQI+ Policies for School Districts

In April 2024, the U.S. Department of Education updated Title IX regulations to clarify protections for LGBTQI+ students. This is the first time that federal regulations specify that school districts must ensure equal access to education programs and activities on the basis of sexual orientation and gender identity. School districts should proactively review policies and consider revisions that protect LGBTQI+ students from harassment or discrimination to ensure compliance with Title IX.

Some state requirements may not be in compliance with the updated Title IX regulations. As a federal law, Title IX preempts discriminatory state policies to ensure equal educational opportunity for all students. School districts are encouraged to adopt the LGBTQI+-inclusive policies listed below, even if the State Education Agency may contest new policies. If your district has concerns or needs assistance, please reach out to policy@glsen.org for support.

Protecting LGBTQI+ Students from Bullying, Harassment, and Discrimination

- Revise *both* district nondiscrimination policies and district anti-bullying policies to enumerate protections on the basis of "sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."
- Update Title IX and other complaint procedures, forms, trainings, and data collection and retention policies to ensure that protected categories - including sexual orientation and gender identity - are thoroughly incorporated.
- Revise district or individual school dress code and activities (e.g., school dances) policies to be gender-neutral.

Sex-Separated Spaces and Activities

- Revise district policies to permit any individual to use a sex-separated facility (e.g., bathroom, locker room, changing room) that corresponds with their gender identity. Establish a process for anyone who is uncomfortable using a shared sex-separated space to, upon that individual's request, be provided with a safe and non-stigmatizing alternative.
- Designate any existing facility that is designed to be used by only one person at a time as "gender-neutral" or "all-gender."
- Revise district policies to permit students to participate in a sex-separated class, classroom activity, extracurricular activity, overnight accommodations, or student housing that corresponds with their gender identity.
- Revise district policies to permit students to participate in sex-separated physical education and athletics programs that correspond with their gender identity. Participation on a sex-separated team should not be conditioned on providing legal or medical documentation. For interscholastic sports, district policies should be governed by the statewide athletics association.

Student Privacy and Confidentiality

- Develop policies for a private and confidential Student Support Plan process to support LGBTQI+ students, including students who have expressed good-faith safety concerns.
- Revise policies and provide professional development for all staff to grow cultural competency in supporting LGBTQI+ youth and ensuring the privacy and safety of LGBTQI+ students.
- Revise policies to clarify that staff informed of a student's LGBTQI+ status should take guidance from and work collaboratively with the student to ensure that the student remains safe, including in determining what information to share with a student's parent(s) or guardian(s). Where parents are informed, establish policies to ensure collaborative engagement to determine which school staff should be informed of the student's LGBTQI+ status.
- Revise policies to allow for students to change their name, pronouns, and gender marker in the district's database. Policies should, to the extent possible, avoid asking for required documentation, such as parental notification, court-ordered name changes, and/or medical or psychological documentation.
- Update policies and systems to secure the privacy of student records to avoid inadvertent disclosure of a student's transgender or gender-expansive status. The high school transcript is the only official record that requires a student's legal name.