

# Checklist: LGBTQI+ Policies for State Agencies

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 state education agencies (SEAs) and local school districts must ensure equal access to education programs and activities on the basis of sexual orientation and gender identity. SEAs should proactively review policies and consider revisions that protect LGBTQI+ students and ensure compliance with Title IX.

Some state requirements, including state laws, may not be in compliance with the updated Title IX regulations. As a federal law, Title IX preempts discriminatory state laws to ensure equal educational opportunity for all students. SEAs are encouraged to adopt LGBTQI+-inclusive policies and guidance to the greatest extent possible. If your agency has concerns or questions or needs further assistance, please reach out to [policy@glsen.org](mailto:policy@glsen.org) for support.

## Updating State Policies to Protect LGBTQI+ Students from Bullying and Harassment

- Revise state nondiscrimination policies to expressly prohibit discrimination, harassment, and bullying on the basis of “sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”
- Revise or otherwise issue anti-bullying policies that enumerate protections on the basis of sexual orientation, gender identity, and sex characteristics.
- Revise or otherwise issue policies to ensure that students are affirmed in their gender identity and can access sex-separated spaces and activities in a manner consistent with their gender identity, including facilities (e.g., bathrooms) and school sports. Coordinate with the state athletics association to ensure inclusive access to interscholastic sports.
- Adopt policies to allow for students to request access and the ability to amend student records, even if they are minors.

## Holding Schools Accountable for Title IX Compliance

- Require that LEAs submit their nondiscrimination and bullying prevention policies for review at least every two years.
- Publish a state biennial report on bullying and harassment in schools, inclusive of disaggregated data on the basis of sexual orientation and gender identity.
- Evaluate all sex-separated programs and activities every two years to ensure they comply with Title IX. Encourage gender-neutral approaches where possible, such as in dress and appearance codes, activities such as school dances and classroom assignments, and single-use facilities.
- Publish data on private schools receiving federal funding that have or intend to claim an exemption from Title IX prohibitions on sex-based discrimination.

## Supporting Schools in Fostering LGBTQI+ Inclusion

- Issue comprehensive guidance on implementing Title IX updates, including required and recommended practices for preventing and effectively responding to anti-LGBTQI+ discrimination, harassment, and bullying. Guidance should clarify that failure to respond or effectively address complaints could violate Title IX, while also advising on how schools can best support LGBTQI+ youth with respect to affirmation of chosen name and pronouns, updates to student records, access to facilities like bathrooms and locker rooms, access to sex-separated sports teams, and procedures to develop student support plans to ensure that the student is affirmed in all stages of the school experience.
- Ensure any statewide student information system is programmed to include data fields relevant to transgender and nonbinary students, such as chosen name and updated gender markers.
- Issue guidance to underscore the importance of privacy for student records and provide clear guidance on how schools should report gender/gender identity data in state and federal collections.
- Provide trainings, professional development opportunities, and technical assistance to support educators and school staff in growing cultural competency in supporting LGBTQI+ youth and implementing Title IX grievance procedures.
- Reiterate guidance on the Equal Access Act to ensure that all student-led clubs and organizations are treated equally, including Gay-Straight Alliances or Gender-Sexuality Alliances (GSAs)