

Affirming LGBTQI+ Students' Identities in School

72%

of LGBTQI+ youth hear teachers or school staff make negative remarks about gender expression¹

11

states encourage or require schools to out students to their parents²

53%

of transgender students are prevented from using their preferred name/pronoun³

GLSEN recommends that school policies default to affirming LGBTQI+ students in their identities, respecting students' preferred name, pronoun, and appearance. Schools should take steps to safeguard students' privacy to avoid inadvertent disclosure of a student's LGBTQI+ identity to parents, classmates, or others.

School policies can have a profound impact on the mental health of LGBTQI+ students, especially at the critical time when students are first publicly expressing their sexual orientation or gender identity. To ensure that all children are set up for success, K-12 schools should foster inclusive climates in the classroom and beyond where students are affirmed in their identities and the focus is centered on learning in an environment free from judgment or discrimination.

Protecting Students from Being Outed

Schools are one of the earliest places where youth will come out to others, often providing a separate space for children to gain self-confidence before expressing their sexual orientation or gender identity to family. 60% of LGBTQ+ youth share their sexual orientation with friends before family, and 74% of LGBTQI+ youth have yet to share their identity with all family members.⁴

While some youth may simply need time to approach their family, many LGBTQI+ students have different concerns about how their identity will be received at home. In 2023, only 38% of LGBTQI+ youth reported their home was affirming.⁵ Students often refuse external support out of fear of being outed to their parents: 44% of LGBTQI+ children who never reported harassment at school are fearful that school staff will out them to their family⁶ and 41% of LGBTQI+ children who want mental health support do not pursue care because they will need to obtain their parent's permission.⁷ These concerns are often justified, as 57% of LGBTQI+ youth report that they have faced parental rejection.⁸ This can range from parents mocking their child's LGBTQI+ identity to more extreme actions that impact the well-being of LGBTQI+ children, including physical abuse and being kicked out of the home.⁹

School policies vary widely on how best to support LGBTQI+ students in navigating the coming out process. Unfortunately, eleven states have passed laws that require or encourage school staff, including teachers and principals, to notify parents when a student expresses their sexual orientation or gender identity.¹⁰ **GLSEN opposes these state and local policies, which amount to forcibly outing students to their parents.** Interfering with a child's coming out process and violating their privacy could have significant impacts on their mental health and risk unanticipated familial rejection.¹¹ Youth who are rejected by their families are more likely to have depression and eight times more likely to attempt suicide.¹²

Honoring Students' Identities in the Classroom

Instead of outing children to their parents, schools should let students guide the pace of their coming out process and affirm their identities in the classroom setting. 55% of LGBTQ+ students and 57% of transgender students have come out to at least some of their teachers.¹³ Educators should quickly work to identify the student's privacy expectations, especially as to whether the student's parents, siblings, or other school staff know of the child's sexual orientation or gender identity. Classroom policies should then focus on how best to meet the expressed needs of the LGBTQI+ student, especially for transgender or nonbinary students who may ask to be recognized by a different name or pronoun.

59% of LGBTQI+ youth report facing discriminatory policies or practices at school, including 29% of LGBTQI+ students who are prevented from using their chosen name or pronouns.¹⁴ This school-based discrimination falls disproportionately on gender-expansive students, with 53% of transgender youth and 49% of nonbinary students stating that schools will not allow them to use their chosen name or pronouns.¹⁵ At least 10 states have passed laws that interfere with a student's ability to be recognized by their chosen name or pronoun.¹⁶ This effort to undermine the most basic recognition of a student's identity has severe impacts: within families, refusal to use a transgender or nonbinary youth's correct pronouns is associated with a 32% greater likelihood of depression¹⁷ and a 75% greater likelihood of attempting suicide.¹⁸ When schools have a policy that allows students to modify their name or pronoun, transgender and nonbinary students report a 71% lower likelihood of facing discrimination at school.¹⁹

Honoring a student's identity is not the only best step for their well-being, but also can deter victimization and ensure a safer learning environment. Schools should consider their own legal obligations to remedy discrimination. In April 2024, the U.S. Department of Education updated Title IX regulations to clarify that harassment on the basis of sexual orientation and gender identity violates federal law.²⁰ In October 2023, the Department's Office for Civil Rights found that a college's failure to address a transgender student's complaints when school staff intentionally and repeatedly misgendered them violated Title IX.²¹

Educators should also honor other aspects of a student's gender expression. 21% of LGBTQI+ students have been prevented by educators from wearing clothes that are deemed "inappropriate" based on gender, leading to higher rates of discipline.²² In 2022, the U.S. Department of Education's Office for Civil Rights investigated a school district in Pennsylvania when their dress code prohibited boys from wearing earrings, indicating that gender expression in dress and appearance is likely protected by federal law.²³ GLSEN recommends that any school district policy on dress and appearance should be gender-neutral to avoid unlawful gender stereotyping of LGBTQI+ students.

Student Privacy in School Records and Systems

In addition to seeking affirmation in the classroom, students may wish to request a name change or different gender marker in the school system. Formal amendment of a student's name or gender marker often helps to adjust official school records, such as a yearbook, transcript, or diploma. Under the Family Education Rights and Privacy Act (FERPA), parents retain the right to review and request amendments to school records for minor children.²⁴ States and school districts can afford similar rights to students and are not required by federal law to seek permission or otherwise notify parents.²⁵ School staff should ensure that any student seeking to formally change their school records is aware of parents' ongoing rights under FERPA to review records; in some cases, where a student is not yet out to parents, seeking formal amendments to school records may not best address the student's needs. To the greatest extent possible, schools should accept a student's request to amend name and gender markers and avoid requirements to produce documents, including parental permission, a court-ordered name change, or medical/psychological documentation.

FERPA also protects personal information in student records, including LGBTQI+ status or a student's legal name, from being disclosed to anyone other than the student and their parents.²⁶ School staff should initiate a collaborative conversation with the student and, where applicable, the parents to assess if certain school staff, such as a school nurse, would benefit from knowing the student's gender identity. With certain exceptions, other disclosure - to additional parents, students, siblings, school staff, school board members, the media, and others - is a violation of a student's privacy rights under FERPA unless authorization is obtained from the family. Schools should update record security policies to evaluate the necessity of gender markers on specific records and secure records of LGBTQI+ students to prevent unintentional disclosure of a student's gender identity.

"Educators should ensure every student in the room is included. That inclusion has to be purposeful; it doesn't work on accident. Students need to be accepted for their whole selves. They shouldn't have to hide parts of themselves."

Matthew, K-12 educator
Maplewood, New Jersey

School efforts to secure student data should also be mindful of new technologies. Student activity monitoring software, increasingly adopted during the COVID-19 pandemic, may compromise student privacy. 19% of all students who use such software, including 29% of LGBTQI+ students, know a student who has been outed as a result of school-based technologies.²⁷ 40% of teachers also indicate that schools monitor students on their personal devices, often when a student is still logged into a school account or when they use a school network.²⁸ Especially as schools work to address higher rates of cyberbullying, with 47% of LGBTQI+ students reporting online harassment from students in their school,²⁹ school policies should adapt to account for new technologies, reduce the risk of inadvertent outing, and safeguard the privacy of LGBTQI+ youth.

ENDNOTES

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- 2 Movement Advancement Project. Forced Outing of Transgender Youth in Schools. https://www.lgbtmap.org/equality-maps/youth/forced_outing (last updated Aug. 2023).
- 3 GLSEN NSCS, *supra* n.1, at 92.
- 4 Human Rights Campaign Foundation. 2023 LGBTQ+ Youth Report (Aug. 2023). <https://reports.hrc.org/2023-lgbtq-youth-report>.
- 5 The Trevor Project. 2023 U.S. National Survey on the Mental Health of LGBTQ Young People (2023). <https://www.thetrevorproject.org/survey-2023/>.
- 6 GLSEN NSCS, *supra* n.1, at 27.
- 7 The Trevor Project, *supra* n.5.
- 8 Human Rights Campaign Foundation, *supra* n.4.
- 9 Human Rights Campaign Foundation, *supra* n.4.
- 10 Movement Advancement Project, *supra* n.2.
- 11 Hyatt J. Maintaining the privacy of a minor's sexual orientation and gender identity in the medical environment. *Journal of Healthcare Risk Management* 35(1):31-36 (2015). <https://doi.org/10.1002/jhrm.21176>.
- 12 Ryan C, et al. Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults. *Pediatrics* 123(1):346-352 (2009). <https://doi.org/10.1542/peds.2007-3524>.
- 13 Human Rights Campaign Foundation, *supra* n.4.
- 14 GLSEN NSCS, *supra* n.1, at 32.
- 15 GLSEN NSCS, *supra* n.1, at 92.
- 16 See Pendharkar E. "Pronouns for Trans, Nonbinary, Students: The States With Laws that Restrict Them in Schools." *Education Week* (June 14, 2023). <https://www.edweek.org/leadership/pronouns-for-trans-nonbinary-students-the-states-with-laws-that-restrict-them-in-schools/2023/06>.
- 17 Human Rights Campaign Foundation, *supra* n.4.
- 18 The Trevor Project, *supra* n.5.
- 19 GLSEN NSCS, *supra* n.1, at 74.
- 20 U.S. Department of Education. Final Rule: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (April 2024).
- 21 U.S. Department of Education, Office for Civil Rights. Letter to Brock McMurray, Superintendent/President of Taft College. OCR Case No. 09-21-2010 (Oct. 19, 2023). <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09212010-a.pdf>.
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- 23 U.S. Department of Education, Office for Civil Rights. Letter to Gregory Frigoletto, Superintendent of Wayne Highlands School District (July 5, 2022). <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03201279-a.pdf>.
- 24 34 C.F.R. §99.10.
- 25 See 34 C.F.R. §99.5(b).
- 26 34 C.F.R. §§99.30-99.39.
- 27 Center for Democracy and Technology. Off Task: EdTech Threats to Student Privacy and Equity in the Age of AI (Sept. 2023). <https://cdt.org/wp-content/uploads/2023/09/091923-CDT-Off-Task-web.pdf>.
- 28 Center for Democracy and Technology, *supra* n.29, at 28.
- 29 GLSEN NSCS, *supra* n.1, at 23.