

# FREE TO BE ME

## A Toolkit to Protect LGBTQIA+ Students' Rights

### Introduction

Welcome! We're glad you're here. This toolkit is designed to help students, parents, guardians, and advocates seek full equality and dignity for LGBTQIA+ students in Texas schools.<sup>[1]</sup> Across the state, tens of thousands of LGBTQIA+ students are learning and thriving as their true and authentic selves, with the support of countless teachers, counselors, school administrators, coaches, and staff. But we know that it's not easy being openly LGBTQIA+ in Texas schools, and it's especially difficult for students who are transgender, non-binary, and gender diverse.

Across the state, among LGBTQIA+ students:

- 40% report hearing school staff make negative remarks about someone's gender expression.
- 74% report experiencing verbal harassment due to sexual orientation.
- 59% report experiencing verbal harassment due to gender expression.
- Over a quarter of students experience physical harassment due to gender, gender expression, or sexual orientation.
- Over a third of LGBTQIA+ students (36%) and over half of transgender students (58%) have been prevented from using their gender-affirming name or pronouns in school.<sup>[2]</sup>

The purpose of this toolkit is to make Texas schools safer and more affirming by giving you the tools you need to fight against discrimination.

- The first part of the toolkit explains what LGBTQIA+ students' rights are in Texas schools, with a particular focus on transgender, non-binary, and gender

diverse students, and discusses how these rights have been applied across the state.

- Part two outlines how students, parents, and guardians can take action to protect their rights in Texas schools through both informal and formal means, including by filing complaints with school districts or the federal government.
- We also include a resource list with organizations and support groups that you can reach out to if you need more support, as well as our own contact information in case you have any questions or want to get in touch.

We hope that you'll find this toolkit to be informative and empowering and that you'll join us in advocacy and action for Texas LGBTQIA+ students. We must all work together to ensure that LGBTQIA+ students are safe, supported and affirmed in Texas schools.

The content in this toolkit is intended to serve as general information and is not legal advice nor intended as legal advice. You should contact an attorney directly if you are seeking legal advice or legal services, and you may do so by contacting the Lawyer Referral and Information Service from the State Bar of Texas or reaching out to some of the resources at the end of this toolkit.<sup>[3]</sup>

## **Part 1: Know Your Rights**

The first step in ensuring that LGBTQIA+ students are protected and respected in Texas schools is to know what your rights are in the first place. In this section, we discuss students' rights regarding bullying and harassment, names and pronouns, gender and sexuality alliances, dress codes, access to gender-separated facilities like restrooms and locker rooms, sports, school events, and free speech. The rights described below apply to all students, but we focus primarily on the rights of transgender, non-binary, and gender diverse students since this is where we have seen the most discrimination here in Texas.

Because many of these rights come from the U.S. Constitution and federal law, they apply the most to public school districts and charter schools. Private schools might also be bound by federal law if they receive federal funding, and students at private schools may have some protections under Texas law and their own school policies, but most of this toolkit focuses on students' rights in public and charter schools.

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LGBTQIA+ students should be respected, affirmed, and protected in Texas schools, even if they do not have the full support of their parents or guardians. But some of the steps described in this toolkit are more difficult for a young person to take without the support of a parent or guardian, since some legal rights can only be exercised when someone reaches the age of 18 or is legally emancipated. Even if some legal rights cannot yet be exercised, every LGBTQIA+ young person still has rights and can seek help through some of the resources at the end of this toolkit.

## **Bullying and Harassment**

Every school district in the state has a legal obligation to protect students from bullying and harassment. Under federal and state law, as well as school district policies, every student has a right to be safe and supported at school.

The Constitution and Title IX both prohibit school districts from being deliberately indifferent to any bullying or harassment that is severe or pervasive. A school district is required to take action to stop bullying or harassment, especially if teachers or administrators know what is happening. It is very important to document and report bullying and harassment, since that is typically what triggers the school district's legal obligation to respond.

The Texas Education Code defines bullying as an act or pattern of acts in which one or more students “exploit(s) an imbalance of power” to engage in conduct that creates an intimidating, threatening, or abusive learning environment for a student.<sup>[4]</sup> If you report bullying or harassment to your school, your district has an obligation to investigate what happened and take actions to keep you safe. Teachers and staff should also take proactive steps to reduce power imbalances before bullying occurs, and to foster learning environments where every student is safe and respected. Texas state law also protects students from cyberbullying and allows for school districts to address student behavior off campus.<sup>[5]</sup> If you or someone you know are experiencing bullying or harassment and need help, you can visit [StopBullying.gov](http://StopBullying.gov) and other resources at the end of this toolkit.<sup>[6]</sup>

## **Names and Pronouns**

Every Texas student has the right to be called by their gender-affirming name and pronouns. Schools have a legal obligation to respect every student's gender identity, even before students are able to legally update their names or gender markers.<sup>[7]</sup>

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The Texas Education Code requires that school districts refer to students by their surname, but it allows for educators to call students by their chosen first name.<sup>[8]</sup>

Misgendering occurs when someone uses language to describe a person that does not align with their affirmed gender; and deadnaming is the act of using someone's name before they transitioned. Students have a right not to be misgendered or deadnamed at school under both federal law and school district policies. Courts across the country have found that refusing to use someone's name and pronouns can constitute gender-based harassment in violation of the Equal Protection Clause of the U.S. Constitution.<sup>[9]</sup> The Department of Education's Office for Civil Rights and the Department of Justice's Civil Rights Division have stated that they will investigate the refusal to use a student's affirming name and pronouns as gender-based harassment in violation of Title IX.<sup>[10]</sup>

The Texas Association of School Boards (TASB) has also confirmed that Texas educators should use students' affirming name and pronouns at all times, including when speaking with the student or referring to them in class, and for unofficial records like class rosters, yearbooks, ID badges, online learning platforms, e-mail, extracurricular activities, and awards.<sup>[11]</sup> Most school districts in the state have also adopted a policy called FFH that protects all students from gender-based harassment regardless of the student's "actual or perceived sexual orientation or gender identity."

Respecting names and pronouns is necessary to protect transgender and non-binary students from bullying and the harmful effects of gender dysphoria.<sup>[12]</sup> When teachers or staff deadname or misgender a student, it opens the door for the student's peers to do the same and engage in harassment or bullying. By contrast, when transgender students' names and pronouns are respected at school and in other environments, they report 71% fewer symptoms of severe depression, a 34% decrease in reported thoughts of suicide, and a 65% decrease in suicide attempts.<sup>[13]</sup>

## **Gender and Sexuality Alliances**

Gender and Sexuality Alliances (formerly known as Gay-Straight Alliances),<sup>[14]</sup> or GSAs, are student-led and student-organized clubs that aim to create a safe, welcoming, and accepting school environment for all young people, regardless of sexual orientation or gender identity.

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You have a right to start a GSA at a public school if your school allows clubs to be created that aren't directly tied to academics and what is taught in school. The federal Equal Access Act and Constitution allow public secondary school students to create clubs equally, and also states that your club can't be treated differently than other groups.<sup>[15]</sup> For example, school administrators typically can't force your GSA to change its name, make parents sign waivers for students to attend, or stop you from holding events like other student groups. Studies have shown that having GSAs on campus also leads to safer, more supportive, and more enjoyable school environments for LGBTQIA+ students.<sup>[16]</sup>

## **Dress Codes**

School districts may require students to follow dress and grooming codes, and can even require students to wear uniforms, but they can't discriminate on the basis of race, gender, religion, or other aspects of students' identities. Every student has a right to dress in accordance with their gender identity at school. A school district may not force students to conform to gender stereotypes, nor require a student to dress in accordance with the student's gender assigned at birth.<sup>[17]</sup>

Federal courts across the country have found it to be unconstitutional and to violate Title IX for school districts to impose different dress and grooming requirements for students of different genders. In *De'Andre Arnold v. Barbers Hill ISD*, a federal court here in Texas made a preliminary ruling that it is unconstitutional for a school district to require boys, but not girls, to wear short hair and not to allow Black male students to wear locs.<sup>[18]</sup> Although this ruling is not yet final, it follows decisions from the U.S. Supreme Court that have repeatedly found that government entities, like school districts or charter schools, cannot treat students differently based on gender without an exceedingly persuasive justification.<sup>[19]</sup> Forcing students to conform to gender norms does not meet this exceedingly persuasive justification and is illegal under federal law. The Texas Association of School Boards (TASB) has recognized recent changes in federal law and recommends that school districts refrain from making distinctions based on gender in their dress and grooming codes.<sup>[20]</sup>

## **Access to Facilities**

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Every student deserves a safe place to use the restroom and locker room, and many school districts across the state are allowing transgender students full and equal access to restrooms and locker rooms that align with their gender identity.

The U.S. Constitution and Title IX both protect students from gender discrimination at school, and courts across the country have found that this prohibition on gender discrimination fully protects transgender students. In June 2020, the U.S. Supreme Court ruled in a 6-3 decision that transgender people are shielded from discrimination “because of sex” in Title VII, and federal agencies have applied this ruling to protect LGBTQIA+ students from discrimination in schools under Title IX.<sup>[21]</sup> Federal appeals courts across the country have unanimously found that the Constitution and Title IX prohibit school districts from excluding transgender students from multi-user, gender-separated facilities that align with their gender identity.<sup>[22]</sup> Although some students may prefer to use a single-user, all-gender restroom or changing room, federal courts have found that forcing students to use these separate facilities ostracizes them from their peers and often leads to bullying and harassment.<sup>[23]</sup>

School administrators’ fears about allowing transgender students to use multi-user restrooms and locker rooms are often unfounded. Across the country, many thousands of transgender students have used multi-user facilities that align with their gender identity without any incident.<sup>[24]</sup> In some situations, school districts have added curtains and privacy dividers to showers and locker rooms, which benefit all students equally and help alleviate privacy concerns that any student might have. Many school districts have also added all-gender and single-user restrooms to ensure that all students, including non-binary and intersex students, have access to safe and gender-affirming restrooms at school.

## **Sports**

Every student has a right to participate in sports and extracurricular activities. Under the U.S. Constitution and Title IX, school districts may not ban students from participating in sports or other activities because of their gender. Across the country, many transgender, non-binary, and gender diverse students are playing sports and participating in school activities as their authentic selves, in accordance with their gender identity.

In Texas, the University Interscholastic League (UIL) governs most interscholastic sports competitions, including eligibility requirements. Under current UIL rules,

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participation in gender-specific sports teams is based on the gender listed on the student's current birth certificate.<sup>[25]</sup> This means that transgender students who have amended their birth certificate (which requires a court order in Texas) may participate in sports based on their gender identity, but students who have not yet updated their birth certificate are often assigned to teams based on their gender assigned at birth. This rule is already discriminatory and causes immense harm to Texas students who are forced to play on sports teams that do not align with their gender identity.<sup>[26]</sup>

Across the country and here in Texas, some legislators and anti-LGBTQIA+ groups have sought to use the inclusion of transgender women and girls in sports as a way to discriminate against transgender people. Many of these individuals urge school districts to completely exclude transgender people from participating in sports and ask state legislatures to pass discriminatory laws that would force transgender students to sit on the sidelines. Many of the bills targeting transgender student athletes allow for the invasion of privacy and gender policing of all student athletes, and these bills have particularly harmful effects on students who are Black.<sup>[27]</sup> At least two federal courts have preliminarily found it to be unconstitutional to exclude transgender women from participation in women's sports,<sup>[28]</sup> and there are several active lawsuits against states that have recently passed laws seeking to ban transgender students from playing sports.

## **School Events**

LGBTQIA+ students have a right to participate fully and equally in school activities like dances, homecoming, and prom, and they have a right to be their true and authentic selves when participating in these events. The U.S. Constitution and Title IX prohibit schools from discriminating against students based on gender or forcing students to conform to gender stereotypes. This means that schools can't prohibit students from joining homecoming court or becoming prom royalty, regardless of their gender identity or sexual orientation. Although many of these positions remain gender-specific, such as "Homecoming Queen" or "Prom King," many school districts are now adopting gender-inclusive language to ensure that all students are able to participate in these activities without being misgendered.<sup>[29]</sup>

LGBTQIA+ students also have a right to bring same-gender dates with them to school activities. Federal courts have found that it is unconstitutional under the First and Fourteenth Amendments to prohibit students from bringing same-gender dates to events like homecoming and prom.<sup>[30]</sup>

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## **Free Speech**

Students don't lose their right to free speech and expression just by walking into school, and the First Amendment allows for students to be themselves and to express their ideas and opinions. In June 2021, the U.S. Supreme Court issued a landmark decision on students' free speech rights in schools, finding that K-12 students have broad discretion to express their opinions and views to friends online without school interference.<sup>[31]</sup>

Although school districts may impose certain rules that regulate the “time, place, and manner” of expression, and can respond to any speech that causes a substantial and material disruption to the learning environment — such as bullying or cyberbullying — teachers and staff cannot discriminate based on the content of speech. For example, if a school dress code allows for students to wear words and messages on their clothing, the school can't punish students for wearing a shirt that says “Black trans lives matter” or “Gay OK.” Schools also can't retaliate against students for exercising their constitutional right to protest and seeking to oppose discrimination or change school district policies. School officials disproportionately targeting or punishing LGBTQIA+ students may be an example of retaliation that violates the Constitution or Title IX.

## **Part 2: Advocating for Yourself**

If you are an LGBTQIA+ student who has been discriminated against or faces challenges in school because of your gender identity or sexual orientation, we are here to help. This section describes what you can do to defend your rights if you are a student, parent, guardian, or a supporter of LGBTQIA+ students.

### ***Step 1: Remember that you have rights***

The first thing to do is to remember that LGBTQIA+ students have rights. Some people mistakenly believe that Texas schools can freely discriminate against LGBTQIA+ students, and many people might not realize that federal nondiscrimination law protects Texas students. So look back to Part 1 to learn what your rights are in different areas. If you have any questions you can always reach out to us by contacting us at the links below.

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## ***Step 2: Stay calm and document what happens***

The next thing to do is to stay calm and document what happens. If you or someone you know has been discriminated against, it is helpful to record what happens so that you are better equipped to advocate for yourself and in case you need to provide documentation or evidence later on. If a principal or superintendent has said something discriminatory, try to write down exactly what they said as soon as possible. It is often better to get things in writing and ask school officials to respond to you via e-mail or letter whenever possible. If you have to meet with someone in person, you can take notes during or right after a meeting. And if you're allowed to use your phone or other electronic devices under your school rules, recording your conversations with school officials might be helpful.<sup>[32]</sup>

If you or someone you know is being bullied or harassed at school, it can also be important to record or write down as much as possible. If someone has sent you threats of any kind, try to save or screenshot them, if you can do so safely. If you are able to report bullying or harassment, it may be helpful to do so as quickly as you can, since your school's legal obligation to protect you is strongest when they know what is happening.

## ***Step 3: Try to resolve things informally***

It is usually a good idea to try to resolve things informally with administrators at your school. Discrimination is often rooted in ignorance or indifference, and many Texas educators like principals, teachers, and counselors may be willing and eager to help.

It can be enormously helpful to find allies at your school to help you solve problems. When trying to address an issue at school, try to ask yourself who might be willing to listen to you and assist you. Is there a teacher, counselor, or assistant principal you think might be helpful? When in doubt, you can also report things to the campus principal, since they have the ultimate responsibility to respond to incidents of discrimination, bullying, and harassment in most Texas schools.

When you try to resolve things informally, it is often helpful to create a record to document what has happened. If you want to make a report of what happened and ask a principal, counselor, or teacher to help, try to do so in writing or over e-mail. When writing this e-mail, be sure to include enough details that they can

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understand what’s happening, ask specifically for what you want to happen in response, and set a deadline to ask them to respond to you before your deadline expires for filing a formal complaint.

#### ***Step 4: File a formal complaint***

Sometimes you might find that informal resolution only goes so far. If you’ve tried to reach out to the principal or other school administrators to explain what’s happened and ask them to help, but they either haven’t taken action or haven’t responded in time, you should consider filing a formal complaint or grievance.<sup>[33]</sup>

Every school district in Texas has a process for filing a complaint that allows students and parents or guardians to express their grievances to the school district. This process has several benefits that go beyond sending an e-mail or trying to resolve things informally, since filing a formal complaint requires the school district to listen to you and respond.

#### **Research your school district’s policies**

The first step when considering whether to file a complaint is to look up your school district’s policies. Every district’s policies are available online through your school district website and the Texas Association of School Boards (TASB) policy database.<sup>[34]</sup> Once you search for your school district, you can find policies on discrimination and harassment (FFH), bullying (FFI), and the ins and outs of your district’s complaint process (FNG). The policies called “local” are those that are adopted by the school district; and the “legal” policies explain what the law is in a given area.

It is important to read these policies carefully since some school districts have very short deadlines for filing a complaint. Most FNG (local) policies require that you file a grievance within 10 or 15 business days from when you first knew of the decision or action giving rise to the complaint. This means that if you discover that your school district is discriminating against you on a certain date, it is typically best to file a grievance within two or three weeks depending on the deadline for your district. But if the discrimination, bullying, or harassment is ongoing and there are continuing “decisions or actions” giving rise to your complaint, such deadlines could be extended. For example, if you are being repeatedly deadnamed or misgendered in class,

then you may be able to file a grievance based on the most recent occurrence, though it still can be helpful to file a complaint as promptly as possible.

## **Types of complaints**

Complaints are typically filed with the campus principal at Level One, but they can go directly to the superintendent at Level Two if the action or decision you are challenging was decided by the district. For example, if you're facing discrimination related to the school district's dress code policy that was established by the school board, you can likely go straight to Level Two. But if you are challenging the enforcement of that dress code, which is often determined by the campus principal, then it's likely best to file at Level One.

## **Filing a complaint**

Most school districts have a short complaint form that is often available on the school district's website or as an exhibit to the FNG policy that you can fill out and turn in to the campus principal. When making a complaint, it is important to include as much detail as possible, describe all of the facts that you have personal knowledge about, attach any documents, photographs, or other evidence that you want to be considered as part of the complaint, submit your complaint within the deadline, and ask specifically for what you want the school to do to respond to your complaint. Including legal language could be useful for educating your school district on what the law is pertaining to LGBTQIA+ students' rights, but it's also okay if you don't include any legal language at all since your school district is still obligated to follow the law.

The main purpose of the complaint is to enable students and parents or guardians to share their stories and ask for the remedies that they are seeking. For example, you can ask that the district stop engaging in discrimination, take a particular action, change or revise a district policy, accommodate your needs better in school, or take affirmative steps to create a safer learning environment — and there are no limits on the type of relief that you can seek.

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## **Grievance hearings**

Once you file a complaint, the campus principal (or superintendent) will get in touch with you within ten business days to schedule your Level One (or Level Two) conference. This meeting is a chance for you to explain what has happened and what you would like your school to do in response. These meetings are typically recorded, and you may be able to ask for it to be recorded if it is not. Sometimes these initial conferences are collaborative, and you can have a discussion with your principal or superintendent about how to remedy what's going on. Other times, district officials stay silent and give you a chance to speak. The district isn't required to respond until up to 10 business days after the hearing, when they must respond to you in writing with their decision. But they can respond sooner and sometimes are willing to discuss collaboratively how to resolve things during the grievance hearing itself.

Grievance hearings are a chance for you to share your story and to present any facts or evidence that you want to share. For example, if you are challenging a school district's dress or grooming policy, it could be helpful to show photos of why a particular type of dress and grooming is important to you, or how the district has enforced its policies in arbitrary or discriminatory ways. Similarly, if you are advocating for the district to respect the rights of a transgender student, it could be helpful to submit letters of support from the student's doctor or counselor — if they have one — but such letters are also not required.

## **The grievance appeal process**

One of the primary benefits of filing a formal grievance is your right to appeal. Once again, you'll want to read your school district's policies closely, since some districts have slight differences in their procedures. But every school district in the state has some process that allows students and parents or guardians to appeal a grievance decision all the way up to the school board, which is the final policymaker for a school district under Texas law.<sup>[35]</sup>

You typically have a right to file an appeal within 10 business days from when you receive the written grievance response decision from the school district. This same timeline applies when you are appealing a Level One

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decision from the principal to the superintendent at Level Two, or appealing a Level Two decision from the superintendent to the school board at Level Three. Most school districts have a form that you fill out and submit to file your appeal. You normally don't need to write too much in your appeal beyond attaching the facts, documents, and arguments you made below, but you might want to respond to and address any arguments that the district may have raised in its written response or during the previous hearing.

Just like the initial grievance, appealing your complaint gives you a right to a hearing that will be scheduled with the superintendent or another representative from the district at Level Two, or before the school board at Level Three. The Level Two meeting typically must be scheduled within 10 business days from when you file your appeal, but the Level Three scheduling depends on the meeting times for the school board. Most school boards meet monthly, but in some circumstances your grievance appeal could be scheduled for the following month.

When you're appealing to the school board, you have a choice about whether to ask for an open or closed hearing.<sup>[36]</sup> Sometimes students and parents or guardians might prefer for a grievance to be heard in closed session before the school board if it concerns things that they want to keep confidential and private from the general public. Because school districts may not disclose personally identifiable information without your permission under the Family Educational Rights and Privacy Act (FERPA), holding a closed meeting before the school board keeps such information confidential.

But some students and parents or guardians may also want to hold an open grievance hearing before the school board, which allow members of the public and the media to watch the proceedings. During any school board meeting — whether open or closed — any member the public has a right to give public comments at the start of the meeting, pursuant to the Texas Open Meetings Act. So if your grievance is going up to the school board, it can be very helpful to ask other students, parents, and allies to sign up to testify and voice their support of your grievance, if you are comfortable with them voicing that support in public. Many school board meetings are also recorded, so you should be aware that there may be a record of whatever you or others say.

### ***Step 5: File a complaint with the federal government***

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While it is often helpful to try to resolve situations informally and directly with your school district, there are also federal civil rights agencies whose job it is to ensure equal access and opportunities for students in schools, and you do not have to file a grievance with your school before seeking help from the federal government to enforce your civil rights. Both the U.S. Department of Education and the U.S. Department of Justice recently stated that they will vigorously enforce Title IX to protect LGBTQIA+ students from discrimination based on gender identity and/or sexual orientation in accordance with the U.S. Supreme Court's decision in *Bostock v. Clayton County*.<sup>[37]</sup>

The Office of Civil Rights for the U.S. Department of Education (OCR) is tasked with enforcing federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance. OCR accepts complaints involving discrimination based on race, color, disability, or national origin. OCR also accepts complaints involving discrimination based on sex, gender identity, gender expression, and sexual orientation, including claims involving bullying, harassment, and retaliation.

OCR has its own guide on how to file complaints of discrimination that you should read before filing a complaint.<sup>[38]</sup> One important thing to remember is that most OCR complaints must be filed within 180 days of the last act of discrimination. This means that if your complaint is based on a single incident, it must be filed within six months of when that incident took place. You are not required to file a grievance with your school district before going to OCR, but if you choose to utilize your district's grievance process, you must then file an OCR complaint within 60 days of the conclusion of the grievance process.

There are several ways to file OCR complaints, either online, through mail, or via e-mail. OCR has the power to open an investigation into your complaint of discrimination, and the agency can take steps to protect you from retaliation during the complaint process. Depending on the results of an investigation, OCR might be able to negotiate with your school district to require them to abide by federal law and it can impose certain penalties against districts, including the loss of federal funding. While OCR has several strong tools at its disposal and is tasked with investigating cases of discrimination against LGBTQIA+ students, it does not act very quickly. Some complaints can take months or even years to resolve, and if you are in need of more immediate assistance, you may want to reach out to an attorney or seek other resources that are described below.

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In addition to OCR, the Educational Opportunities Section of the Department of Justice's Civil Rights Division (EOS) also accepts and investigates complaints relating to discrimination in schools. Unlike OCR, EOS does not respond to every complaint it receives and is more selective in the issues that it seeks to investigate. But EOS has expressed a willingness to assist LGBTQIA+ students who face discrimination in schools, and there is information on how to file a complaint on EOS's website.<sup>[39]</sup>

### ***Step 6: Going public over social or traditional media***

Some school districts respond to students' needs and concerns without any external pressure, and many LGBTQIA+ students, parents, and guardians want to resolve issues they face without having to share private information with other people. At the same time, some school districts here in Texas have responded positively to public pressure, and sharing your story online, in a petition, or with the media can be a powerful tool to advocate for change. Across Texas, and across the country, we have seen students, parents, and guardians effectively use traditional and social media to advocate for fairness and equality for LGBTQIA+ students.

While using the media and internet can be an effective way to share your story, advocate for change, and put pressure on your school district, there are also certain risks and tradeoffs. Sharing your story could lead to cyberbullying, harassment, and threats online. Your safety should be kept in mind when deciding whether and how to share your story. Whatever you post online also exists forever, often even if you later try to delete it. Make sure that you are comfortable with what you are sharing and stick closely to the facts of what happened. While you have free speech rights to criticize your school and push for it to change, you should be careful not to say anything untrue about any individual person, the school, the teachers or staff, and also never make any kind of threat. It's often best just to focus on what happened to you and what needs to change.

### ***Step 7: When you should contact an attorney or other resources***

Through this toolkit, you now have a lot of tools at your disposal, and many students, parents, and guardians will find that they are well-equipped to pursue the grievance process and resolve situations on their own. But the ACLU of Texas, Lambda Legal, Equality Texas, the Transgender Education Network of Texas

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(TENT), and other groups are here to help. We want to support you, and please don't hesitate to reach out to us at the links below as soon as you have questions or need assistance.

If you have already tried to resolve a situation informally but have encountered roadblocks, or you haven't received any support from your principal or other administrators at your school, then it might be a good time to reach out to us. Even if you end up pursuing the grievance process on your own or decide not to file a grievance, it could still be helpful to touch base and let us know what you're experiencing. The best way to get in touch with us is by contacting us at the links below.

### **Part 3: Resource list and contacts**

The ACLU of Texas, Lambda Legal, Equality Texas, and TENT all operate a website called [TxTransKids.org](https://TxTransKids.org) where you can find additional resources and information. You can also contact our organizations in the following ways:

Visit the [ACLU of Texas' website](#) if you want to get connected, and seek legal assistance [here](#).

Visit [Lambda Legal's website](#) for more information, and seek legal assistance [here](#).

Visit [Equality Texas' website](#) for more information and to [get in touch](#).

Visit [TENT's website](#) for more information and to [get in touch](#).

The below list of resources was developed in September 2021 and some information may be subject to change. By providing the resources below, we cannot vouch for these programs and some crisis hotlines may contact 911 or first responders when required to under the law. With that said, we hope these resources are useful and that you can find the help that you need.

### **Mental health resources**

#### *LGBTQIA+ specific hotlines*

- [LGBTQ+ National Suicide Prevention Hotline](#): 1-800-273-8255
- [Trevor Project Lifeline](#): 1-866-488-7386

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- [Trans Lifeline](#): 1-877-565-8860
- [LGBT National Hotline](#): 1-888-843-4564

### *General crisis hotlines*

- [Crisis TextLine](#): Text “START” to 741-741
- [Teen Line](#): 1-800 -TLC-TEEN, Text "TEEN" to 839863
- [Texas Youth Hotline](#): 1-866-969-7191
- [National Domestic Violence Hotline](#): 1-800-799-7233
- [National Sexual Assault Hotline](#): 1-800-656-4673
- [National Drug and Alcohol Treatment Hotline](#): 1-844-289-0879
- [National Runaway Safeline](#): 1-800-786-2929

## **LGBTQIA+ organizations in Texas**

### **Statewide**

[allgo](#)

[Black Trans Advocacy Coalition](#)

[Black Trans Men Inc.](#)

[Black Trans Women Inc.](#)

[Human Rights Campaign](#)

[LGBT Law Section, State Bar of Texas](#)

[Organización Latina de Trans en Texas](#)

[Texas Competes](#)

[Texas Freedom Network](#)

[Texas GSA Network](#)

[Texas Transgender Alliance Resource Guide](#)

[Texas Transgender Nondiscrimination Summit](#)

[Trans-Cendence International, Inc.](#)

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[Trans Pride Initiative](#)

**Abilene**

[Abilene Pride Alliance](#)

**Amarillo**

[Amarillo Area Transgender Advocacy Group](#)

[Panhandle Pride](#)

**Austin**

[Austin Outpost](#)

[Gender & Sexuality Center at UT Austin](#)

[OutYouth](#)

[PFLAG Austin](#)

**Beaumont**

[PFLAG Beaumont](#)

**Brownsville**

[South Texas Equality Project](#)

**Bryan/College Station**

[LGBTQ+ Pride Center at Texas A&M](#)

[Pride Community Center](#)

**Corpus Christi**

[Coastal Bend Pride Center](#)

**Dallas**

[DFW Trans Kids and Families](#)

[North Texas Gay and Lesbian Alliance](#)

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[PFLAG Dallas](#)

[Resource Center](#)

[Women and LGBT Center at SMU](#)

## **El Paso**

[Borderland Rainbow Center](#)

[PFLAG El Paso](#)

[Transfronterizx](#)

## **Fort Worth**

[LGBTQ Saves](#)

[PFLAG Fort Worth](#)

## **Houston**

[Gender Infinity](#)

[Hatch Youth](#)

[The Houston Intersex Society](#)

[LGBT Resource Center at University of Houston](#)

[Montrose Center](#)

[Montrose Grace Place](#)

[PFLAG Houston](#)

[Trans Legal Aid Clinic-Houston](#)

## **Lubbock**

[Out in West Texas](#)

[PFLAG Lubbock](#)

## **Odessa**

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[Pride Center West Texas](#)

**San Angelo**

[Open Arms](#)

[PFLAG San Angelo](#)

**San Antonio**

[Fiesta Youth](#)

[PFLAG San Antonio](#)

[The Pride Center](#)

[San Antonio Gender Association](#)

**Tyler**

[Tyler Area Gays](#)

**Waco**

[InterWaco LGBT](#)

**Wichita Falls**

[The Opal Center](#)

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<sup>[1]</sup> LGBTQIA+ stands for lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other gender identities and sexual orientations. For more information on terminology, please visit <https://www.hrc.org/resources/glossary-of-terms>

<sup>[2]</sup> *School Climate for LGBTQ Students in Texas*, GLSEN (2019), <https://www.glsen.org/sites/default/files/2021-01/Texas-Snapshot-2019.pdf>

<sup>[3]</sup> The Texas State Bar runs the Lawyer Referral & Information Service (LRIS), which can help you find attorneys across the state: [https://www.texasbar.com/AM/Template.cfm?Section=Lawyer\\_Referral\\_Service\\_LRIS](https://www.texasbar.com/AM/Template.cfm?Section=Lawyer_Referral_Service_LRIS)

<sup>[4]</sup> See Tex. Education Code § 37.0832.

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<sup>[5]</sup> For more information on bullying and cyberbullying under Texas law, please see *Bullying, Cyberbullying, and Hazing*, TASB (August 2020), <https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/bullying-cyberbullying-and-hazing.pdf>

<sup>[6]</sup> You can find anti-bullying and harassment resources at <https://www.stopbullying.gov/resources/get-help-now>

<sup>[7]</sup> A gender marker refers to someone’s gender listed on legal documents, such as a birth certificate or driver’s license. For more information on name and gender marker updates in Texas, check out the Texas Name and Gender Marker Change Guide created by the Texas Legal Services Center at <https://texaslawhelp.org/article/texas-name-and-gender-marker-change-guide>.

<sup>[8]</sup> Tex. Education Code § 25.0021.

<sup>[9]</sup> See, e.g., *Doe v. City of New York*, 976 N.Y.S.2d 360 (N.Y. Sup. Ct. 2013) (holding transgender woman had sufficiently alleged discrimination under state sex discrimination law when the state HIV/AIDS Service Administration continued to address her by her former male name and male pronouns); *Burns v. Johnson*, 829 F.3d 1 (1st Cir. 2016) (plaintiff’s allegations, including employer’s purposeful and condescending use of the pronoun “she” to a male transgender employee, supported a reasonable inference of discrimination on the basis of sex).

<sup>[10]</sup> *Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families*, U.S. Department of Education and U.S. Department of Justice (June 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>

<sup>[11]</sup> *Legal Issues Related to Transgender Students*, TASB at 6 (July 2021), [https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal\\_issues\\_related\\_to\\_transgender\\_students.pdf](https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal_issues_related_to_transgender_students.pdf)

<sup>[12]</sup> Gender dysphoria is a medical condition characterized by clinically significant distress associated with the incongruence between one’s gender identity and gender assigned at birth. There is medical consensus that appropriate treatment for gender dysphoria includes living in accordance with one’s gender identity in all aspects of life, which is known as social transition.

<sup>[13]</sup> Stephen T. Russell, et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth*, *Journal of Adolescent Health* (October 2018), <https://pubmed.ncbi.nlm.nih.gov/29609917/>

<sup>[14]</sup> See *GSA Network Unveils New Name and Tagline*, GSA Network (April 17, 2016), <https://gsanetwork.org/press-releases/gsa-network-unveils-new-name-and-tagline/>

<sup>[15]</sup> See 20 U.S.C. § 4071(a)

<sup>[16]</sup> *National Climate Survey*, GLSEN (2019) at 99, [https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web\\_0.pdf](https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf)

<sup>[17]</sup> See, e.g., *Sturgis v. Copiah County School District*, No. 3:10-CV-455-DPJ-FKB, 2011 WL 4351355, at \*1 (S.D. Miss. Sept. 15, 2011) (finding it unconstitutional for a school district to force a student to follow the school dress code based on sex assigned at birth).

<sup>[18]</sup> *Arnold v. Barbers Hill Indep. Sch. Dist.*, 479 F. Supp. 3d 511, 515 (S.D. Tex. 2020).

<sup>[19]</sup> See, e.g., *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 135 (1994); *United States v. Virginia*, 518 U.S. 515, 533 (1996); *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1686 (2017).

<sup>[20]</sup> See *Student Dress and Appearance*, TASB (August 2021), <https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/dress-and-appearance-of-students.pdf>

<sup>[21]</sup> *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 (2020); *Federal Register Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual*

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*Orientation and Gender Identity in Light of Bostock v. Clayton County*, U.S. Dept. of Education (June 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>.

<sup>[22]</sup> See, e.g., *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 613 (4th Cir. 2020), as amended (Aug. 28, 2020), cert. denied, No. 20-1163, 2021 WL 2637992 (U.S. June 28, 2021), *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034 (7th Cir. 2017); *Dodds v. United States Dep't of Educ.*, 845 F.3d 217 (6th Cir. 2016); *M.A.B. v. Bd. of Educ. of Talbot Cty.*, 286 F. Supp. 3d 704, 708 (D. Md. 2018); *J.A.W. v. Evansville Vanderburgh Sch. Corp.*, 323 F. Supp. 3d 1030 (S.D. Ind. 2018); *A.H. by Handling v. Minersville Area Sch. Dist.*, 290 F. Supp. 3d 321 (M.D. Pa. 2017).

<sup>[23]</sup> As the Third Circuit recently explained, forcing transgender students to use separate restroom facilities from all of their peers “would very publicly brand all transgender students with a scarlet ‘T.’” *Doe by & through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 530 (3d Cir. 2018).

<sup>[24]</sup> Brief of Amici Curiae School Administrators from Thirty-One States and the District of Columbia at 7, *Gloucester Cnty. Sch. Bd. v. G.G.*, 136 S. Ct. 2442 (2017) (No. 16-273), [http://www.scotusblog.com/wp-content/uploads/2017/03/16-273\\_bsac\\_school\\_of\\_administrators\\_from\\_thirty-one\\_states\\_and\\_the\\_dis.pdf](http://www.scotusblog.com/wp-content/uploads/2017/03/16-273_bsac_school_of_administrators_from_thirty-one_states_and_the_dis.pdf) (describing numerous examples in which transgender students have been able to use multi-user bathrooms without problems).

<sup>[25]</sup> Non-Discrimination Policy, UIL, <https://www.uiltexas.org/policy/constitution/general/nondiscrimination>

<sup>[26]</sup> See Elijah Smith, *Opinion: Transgender children like me are not political pawns*, Austin American-Statesman (May 24, 2021), <https://www.statesman.com/story/opinion/columns/your-voice/2021/05/24/transgender-children-like-me-not-political-pawns/7414513002/> (explaining severe harm and bullying coming from being forced to be on a sports team that does not align with a transgender student athlete’s gender identity).

<sup>[27]</sup> Derrick Clifton, *Anti-Trans Sports Bills Aren’t Just Transphobic — They’re Racist, Too*, Them (March 31, 2021), <https://www.them.us/story/anti-trans-sports-bills-transphobic-racist>

<sup>[28]</sup> *Hexoc v. Little*, 479 F. Supp. 3d 930, 988 (D. Idaho 2020); *B. P. J. v. W. Virginia State Bd. of Educ.*, No. 2:21-CV-00316, 2021 WL 3081883, at \*1 (S.D.W. Va. July 21, 2021).

<sup>[29]</sup> For examples of school districts adopting gender-neutral homecoming and prom titles, see Rebecca Macias, *Westwood High adopts gender-neutral homecoming court*, Austin American-Statesman (Nov. 27, 2020),

<https://www.statesman.com/news/20201127/westwood-high-adopts-gender-neutral-homecoming-court>; Angie Leventis Lourgos, *Homecoming goes gender-neutral: More schools ditching king, queen traditions*, Chicago Tribune (Sept. 29, 2018), <https://www.chicagotribune.com/suburbs/ct-met-homecoming-non-traditional-gender-neutral-20180927-story.html>

<sup>[30]</sup> See, e.g., *Fricke v. Lynch*, 491 F. Supp. 381 (D.R.I. 1980); *McMillen v. Itawamba County School District*, 702 F.Supp.2d 699 (N.D. Miss. 2010)

<sup>[31]</sup> *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 141 S. Ct. 2038, 2043 (2021) (upholding a student’s right to use the “F” word on Snapchat to her friends while criticizing her school and extracurricular activities).

<sup>[32]</sup> Texas law generally allows for you to record conversations that you are a part of or to film or record in a public place, but some school districts may prohibit the use of cell phones or other recording devices on campus.

<sup>[33]</sup> “Complaint” and “grievance” are used interchangeably and mean the same thing.

<sup>[34]</sup> In order to find your school district’s policies, check your district’s website or Google the name of your school district along with “TASB” and “policy.” Almost all school district policies in

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Texas are available through the [TASB Policy Service](#), but there is not a search function directly on the site.

<sup>[35]</sup> Another benefit of filing a formal grievance is that the school board is required to vote on your issue and take a position. In the event that they decide against you and you ultimately want to pursue legal action, it can be very helpful to have the final policymaker for the district weigh in on the issue, since this can sometimes be a requirement for holding the school district itself accountable in court.

<sup>[36]</sup> See Tex. Gov't Code § 551.082.

<sup>[37]</sup> *Federal Register Notice of Interpretation: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, U.S. Dept. of Education (June 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>; *A Back-to-School Message for America's Transgender Students*, U.S. Dept. of Education (Aug. 2021), <https://www2.ed.gov/about/offices/list/ocr/blog/20210827.html>.

<sup>[38]</sup> *How to File a Discrimination Complaint with the Office for Civil Rights*, U.S. Dept. of Education, <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

<sup>[39]</sup> Civil Rights Division Educational Opportunities Section, U.S. Dept. of Justice, <https://www.justice.gov/crt/educational-opportunities-section>.

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