

What Educators Should Know About LGBTQIA+ Rights

This guidance provides general legal information about the rights of LGBTQIA+ students, educators who advocate for these students' rights, and LGBTQIA+ educators themselves as employees. Nothing in this guidance should be considered legal advice about any particular situation; you should always consult with a union representative or legal counsel who has knowledge of the specific facts and the governing state and local laws and school district policies.

Because this area of the law is changing rapidly, we begin with an overview of the current legal trends and political climate at the federal level and major developments at the state level. When this guidance is updated, new developments will be highlighted here at the beginning of the document for easy reference.

Key Updates in This Document as of April 28, 2025:

- Summaries of the executive orders signed by President Trump since January 20, 2025 that target LGBTQIA+ people. These orders include attempting to redefine “sex” in a narrow and biologically incoherent manner; threatening to punish schools and teachers who advance “gender ideology”; banning gender-affirming care for minors; banning transgender participation in sports; and barring transgender people from serving in the military. Lawsuits are ongoing, and some of these orders have already been temporarily blocked by judges.
- Updated summary of Title IX regulations to reflect that the 2024 Title IX Rule by the Biden Education Department has been enjoined nationwide by two district courts. Although that litigation is ongoing, the 2020 Trump regulations are the effective federal rules nationwide. ED's OCR has stated it will follow the 2020 Rule, but also has embraced a narrow definition of sex that was not included in the 2020 Rule but was announced as the Administration's position in its January 20th [Gender Identity Executive Order](#). The 2020 Rule is relatively narrow, addressing only sexual harassment (not other types of sex-based discrimination). And, notably, there is nothing in the Rule prohibiting schools from adopting LGBTQIA+-protective policies or exempting them from their obligations to protect all students—including LGBTQIA+ students—from sexual harassment.
- Federal agencies such as OCR and the EEOC have begun dismissing complaints predicated on gender identity, indicating that those federal agencies will no longer enforce those rights. Further, they are focusing enforcement efforts on protecting non-LGBTQIA+ people's rights to single-sex spaces, etc.
- Updates to state laws, in particular where states have passed purported anti-LGBTQIA+ laws so far in the 2025 legislative session, including by removing gender identity as a protected category in civil rights law (Iowa).

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Overview of Federal Developments

Immediately upon taking office, President Trump issued a series of executive orders (EOs) targeting LGBTQIA+ people, especially the transgender community. Executive orders are a way for presidents to quickly announce a policy initiative and get media attention, but they rarely have immediate force of law. To have the force of law, most of these orders will require action by federal agencies. And, in some cases, the orders call for actions that can only occur if Congress passes a new law or the Supreme Court makes new law. No president can rewrite federal law including the civil rights laws or bypass the Supreme Court simply by issuing an executive order. Multiple lawsuits have been filed challenging these executive orders and their implementation. Although those legal challenges will take time to be fully resolved, in many cases courts have issued orders restraining these actions during the pending litigation.

1. January 20th EO on “[Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)”

This order establishes as the policy of the Executive Branch of the federal government the recognition of two sexes, male and female, and directs all agencies to enforce federal laws accordingly. To that end, the EO defines “sex” for all federal government purposes to mean a binary designation of “male” or “female” that is unchangeable and based on the reproductive cells a person has “at conception.” By way of this definition, the EO effectively erases federal legal recognition of transgender, nonbinary, or intersex individuals and rewrites civil rights laws to exclude such individuals from legal protections.

Agencies are directed to enforce this policy, including by way of issuing this “[guidance](#)” by the Department of Health and Human Services. The Attorney General is directed to issue guidance that *Bostock v. Clayton County* (2020) does not prevent these policy changes as well as guidance “to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces.” By way of these provisions, the President directed federal agencies to prohibit schools, universities and all federally funded education programs and activities (as well as employers) from maintaining trans-inclusive bathroom and facilities policies, and from enforcing anti-harassment policies that prohibit misgendering others. The President further is directing the Attorney General to establish a broad “freedom” to misgender and harass coworkers and students, at the expense of the rights of those individuals to be free from harassment.

But the President has no authority to unilaterally change the text of Title IX or long-standing judicial interpretations of Title IX, nor to rewrite other federal statutes that have been interpreted to include gender identity as a form of sex-based discrimination, nor the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. Accordingly, various organizations have filed lawsuits challenging this EO and its implementation and several have secured preliminary wins at the district court level although the litigation continues. For more information about this executive order, see this [explainer](#).

2. January 29th EO on [“Ending Radical Indoctrination in K-12 Schooling”](#)

This order calls for agencies to eliminate Federal funding or support, direct or indirect, of “gender ideology” or “discriminatory equity ideology” in the K-12 curriculum, instruction, programs, activities, teacher education, certification, licensing, employment, or training.

a) Definitions

“Gender ideology” is defined by reference to the January 20th EO detailed above, meaning that this order also depicts identifying as transgender, nonbinary, or intersex as “false.” “Discriminatory equity ideology” is defined by way of reference to a list of concepts that the EO states treat “individuals as members of preferred or disfavored groups, rather than as individuals.”

“Social transition” is defined by the order as the process of adopting a “gender identity” or “gender marker” that differs from a person’s sex, including through counseling or name or pronoun changes, and providing access to athletic teams and facilities consistent with one’s gender identity.

b) Prohibitions

The order’s prohibition on federal funding or support of these concepts includes a direction that agencies must prevent or rescind federal funds from being used by schools to violate Title VI or Title IX as defined by the EO or “to directly or indirectly support or subsidize the social transition of a minor student, including through school staff or teachers or through deliberately concealing the minor’s social transition from the minor’s

parents.” Similarly, agencies must ensure funding does not support “interference with a parent’s statutory right to information” regarding things like the school curriculum, records, and physical examinations.

c) Implementation

The Departments of Education, Defense and Health & Human Services, in consultation with the Attorney General, are to provide an “Ending Indoctrination Strategy” to the President by April 28th with a plan for implementation. The Administration has already begun taking some targeted actions to attempt to withdraw federal funding pursuant to its reinterpretation of Title IX. These actions, which have targeted a narrow category of trans-inclusive policies including access to athletic teams in certain states (ME, MN and CA) and restroom access in one school, have been challenged in court on various procedural and substantive grounds.

The EO also directs the U.S. Attorney General to “coordinate with State attorneys general and local district attorneys in their efforts to enforce the law and file appropriate actions against K-12 teachers and school officials who violate the law” by “sexually exploiting minors,” “unlawfully practicing medicine by offering diagnoses and treatment without the requisite license,” or “otherwise unlawfully facilitating the social transition of a minor student.” This last category is concerning given the EO’s broad definition of “social transition,” as it appears to be directing the Attorney General to act with state and local law enforcement to

investigate and take action against teachers, school counselors, and school officials for affording transgender students the respect and dignity of using their appropriate names and pronouns; implementing or acting in accordance with trans-inclusive bathroom policies; allowing participation in school athletics or extracurricular activities; or recognizing the existence of nonbinary students.

This portion of the EO is an extreme overreach. There is no federal law criminalizing actions by educators that support and affirm transgender, nonbinary, and intersex students. Rather, state and local laws and school district policies—not federal law—govern how educators instruct and support students. Those state and local laws and policies often impose professional, legal, and ethical obligations on educators to support all their students. In recognition of this reality, a number of state attorneys general and school boards have already forcefully rejected this call to target educators and have reaffirmed state law protections and policies that affirm the dignity of and respect for all students.

Nevertheless if you learn that states or school districts are taking actions in response to this order, please notify us immediately at AskOGC@nea.org.

For more information about this executive order, see this [NEA explainer](#).

3. February 5th EO “[Keeping Men Out of Women’s Sports](#)”

This order seeks to reinterpret Title IX to ban transgender and intersex women and girls from playing on women’s and girls’ sports teams and accessing locker rooms consistent with their gender identity. It directs the Secretary of Education to take “all appropriate action to affirmatively protect all-female locker rooms” by targeting enforcement actions against schools with trans-inclusive athletic policies, and to issue official regulations and policy guidance that all-female athletics teams may not include transgender or intersex women or girls. It also encourages the Secretary to advocate this position within international bodies governing women’s sports, and it instructs the Secretaries of State and Homeland Security to ensure that trans women are denied entry into the U.S. to participate in women’s sports.

Again, these EOs do not create law and do not change existing law. In fact, in March 2025 Senate Democrats [successfully filibustered](#) (blocked) an attempt to codify this order into statute. Title IX continues to prohibit sex discrimination in school for all students, and many courts have confirmed this in light of the Supreme Court’s *Bostock* decision (discussed below).

4. January 28th EO “[Protecting Children from Chemical and Surgical Mutilation](#)”—Enjoined by District Courts

This order seeks to prevent transgender and intersex youth from accessing recommended health care by removing coverage for gender-affirming care from federal health insurance policies, modifying requirements under the Affordable Care Act, and preventing hospitals or other medical providers who accept

Medicare or Medicaid (or who receive federal funding for research or education) from providing gender-affirming care of any kind to people under the age of 19.

Although the order did not directly bar the receipt or provision of care, many hospitals and health centers across the country preemptively acquiesced and halted care that medical professionals and advocates deem essential, often life-saving medical treatment. In response, many state attorneys general stated that they would continue enforcing state laws that protect access to gender-affirming care, such as state anti-discrimination laws.

In two lawsuits filed challenging the order, federal judges have issued injunctions blocking implementation of the order. One of the opinions, issued [March 4, 2025](#), blocks the order nationwide.

5. January 27th EO “[Prioritizing Military Excellence and Readiness](#)”—Enjoined by District Court.

This order paves the way for a ban on transgender people serving in the military. Building on the first trans military ban from 2017, the order creates procedures to identify service members with gender dysphoria and “begin separation actions.” In language cited by a federal judge as evidence of animus, the order claims that transgender people are not fit for military service and are inherently untrustworthy again on the basis of labeling such gender identities as “false” and therefore inconsistent with “an honorable, truthful, and disciplined lifestyle.”

On [March 18, 2025](#), a federal judge issued a nationwide preliminary injunction halting the order’s enforcement. The judge criticized the order as “soaked in animus”: “its language is unabashedly demeaning, its policy stigmatizes transgender persons as inherently unfit, and its conclusions bear no relation to fact.”

Project 2025 outlines many additional steps the federal government might take that would be detrimental to LGBTQIA+ people.¹ We can expect that the federal government will continue to attempt to roll back rights. Advocates should focus on enforcing and strengthening LGBTQIA+ protections in state and local laws and collective bargaining agreements. Private enforcement of Title IX protections remain available through private lawsuits, but advocates should not expect the federal government to enforce these protections, particularly to counter discrimination against transgender, non-binary or intersex individuals.

Overview of State Law Developments

Just as the legal landscape is changing at the federal level, there are also ongoing developments at the state level.

New Protective Laws

In addition to the specific laws providing additional protections against discrimination in employment and education (see below in the sections on employment protections and protections for students), many states have passed other laws protecting LGBTQIA+ rights. As of this writing:

¹ See [Project 2025 Mandate for Leadership Chapter 11 \(Department of Education\)](#); [Agenda 47/2024 RNC Platform](#).

- [16 states](#) and the District of Columbia protect access to transgender health care.
- [24 jurisdictions](#) ban conversion therapy for minors entirely, and an additional 5 jurisdictions ban it partially.
- [8 states](#) explicitly require LGBTQIA+ inclusion in state curricular standards.

States and municipalities that want to protect their LGBTQIA+ communities against attacks by the federal government may pass additional laws in the upcoming legislative sessions.

State Laws Restricting Civil Rights

In the past several years, many states defied long-standing interpretations of federal law, Supreme Court precedent, and the Biden Administration's directives as to how federal civil rights laws should be interpreted, to pass laws restricting the rights of LGBTQIA+ students, families, and educators. Many of those laws have been successfully challenged in court, but with the changing political landscape, more such state laws are expected.

As of this writing:

- [19 states](#) have passed some form of bathroom ban affecting K-12 schools.
- [18 states](#) have passed laws that attempt to erase LGBTQIA+ history and individuals from the curriculum, including "Don't Say Gay" laws and parental notification/opt-outs for LGBTQ-related content.
- [27 states](#) have enacted laws or regulations preventing transgender youth from participating on sports teams that align with their gender identity.
- [5 states](#) have laws forcing the outing of transgender youth in schools, and 9 more states have laws requiring it in certain situations.

- [27 states](#) have enacted bans on gender affirming care for transgender minors, denying medical treatment to transgender youth that their parents and treating medical professionals support.
- [15 states](#) have laws or executive orders that define "sex" in a narrow, permanent way that effectively allows discrimination against transgender people.

Tracking of state proposed legislation can be found [here](#) and [here](#).

What Employment Protections Do I Have As A Public School Employee?

Employees have protections against discrimination in employment under federal law, often also under state and/or local law, and frequently under collective bargaining agreements or state tenure laws. Federal civil rights laws apply broadly to all public school employees. However, state and local laws may contain stronger protections, and it may be easier to remedy discrimination under collective bargaining agreements or by directly invoking school district policies and procedures. These more local and direct ways to enforce rights are particularly important when federal agencies cannot be counted on to vigorously defend against LGBTQIA+ discrimination.

The various sources of protections are described below in order of how generally they apply—starting with federal law, then the state or local level, and then the individual collective bargaining agreement and/or school district policy level.

Know Your Rights As An Employee

If you have been discriminated against or harassed based on your sexual orientation or gender identity:

- ☐ Consider filing a complaint with your state civil rights agency under Title VII and the Supreme Court's decision in *Bostock v. Clayton County*. This automatically “cross-files” your complaint with the EEOC. You can also file with the EEOC itself, but at this time it is unclear whether they will act to investigate claims of SO/GI discrimination. Filing with the EEOC/state agency must be done within 180 days (or 300 days, depending on the state) of the discrimination, and you must file with the administrative agency before you can file a lawsuit in court.
- ☐ Check your school district or higher education institution's Title IX and/or harassment policies, and consider filing a complaint through this process.
- ☐ Consider whether your state or local law provides better protections than federal law, such as longer time periods to file complaints or better enforcement prospects. This may be particularly important when cases are not being vigorously pursued through the EEOC.
- ☐ Look at your collective bargaining agreement and/or school district/institution policies, especially any policies about reporting harassment. It may be faster and easier to get relief under your internal policies, and in some cases, it may be important to show that you complained to your employer.
- ☐ In all cases, keep detailed notes documenting the time, place and circumstances of any incidents of harassment and discrimination, including any witnesses. If you raise complaints with your administration, keep records (such as copies of emails) of these complaints.
- ☐ Contact your union representative or legal counsel with any questions about your rights.

Federal Law

Educators are protected against sex discrimination under both Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment, and Title IX of the Education Amendments of 1972, which prohibits sex-based discrimination in any school or education program that receives federal funding.

Title VII: Title VII forbids discrimination against employees based on numerous characteristics, such as race, color, sex, religion, and national origin. Title VII is enforced by the Equal Employment Opportunity Commission (EEOC).

Under federal law—as confirmed by the U.S. Supreme Court in its 2020 decision in *Bostock v. Clayton County*²—discrimination based on sexual orientation and/or gender identity is considered a type of sex discrimination and is therefore illegal

² [*Bostock v. Clayton County, Georgia*](#), 590 U.S. 644 (2020).

under Title VII. This means that employers cannot consider an employee's sexual orientation or gender identity when deciding who to hire, fire, or promote, or in assigning responsibilities, setting salary, providing benefits, or determining any other significant aspect of employment. Employers also cannot harass employees based on their LGBTQIA+ status or allow others to create a hostile work environment for LGBTQIA+ employees.

However, the current leadership of the EEOC has rolled back its enforcement of claims of anti-LGBTQIA+ discrimination, and in particular has expressed hostility to the rights of transgender people. It has scrubbed its website of much of its guidance regarding LGBTQIA+ worker protections (including about *Bostock*), signaling a change in priorities. The acting chair announced a priority to “defend the biological and binary reality of sex and related rights,” and the agency then moved to dismiss six of its own cases that had been filed on behalf of workers alleging gender identity discrimination.

Title IX: Title IX is typically thought of as a statute protecting students' rights, but it also applies to employees of all public schools and institutions of higher education, as well as all private institutions that receive any kind of federal funding. Title IX is enforced by the OCR.

Although educators as employees are covered by Title IX, because complaints of sex-based discrimination in employment are also covered by Title VII, if you file a Title IX complaint with OCR, it will typically be referred to EEOC to handle. For

this reason, and because of the unsettled scope of protections under Title IX (see below in “What Protections Do My Students Have?”), it is probably best to pursue claims of sexual orientation and gender identity discrimination primarily under Title VII if you are filing a complaint with a federal agency. You should be aware though that Title IX does protect against some forms of discrimination not specifically included in Title VII, such as discrimination in fringe benefits; selection and financial support for training and conferences; employer-sponsored activities, including those that are social or recreational; and leave related to pregnancy, childbirth and termination of pregnancy.³

Because the current administration and its Title IX enforcers including the Education Department's Office for Civil Rights (“OCR”) has openly expressed hostility toward transgender rights, advocates should not rely on federal agencies to investigate and redress gender identity discrimination. In fact, OCR has initiated investigations into schools that have *pro*-LGBTQIA+ policies such as all-gender restrooms, and other trans-inclusive policies.

Outside of the OCR process, Title IX requires schools to have policies and procedures for internally addressing sex-based harassment, so it is always a good idea to check your school district or institution's Title IX policy. Depending on the institution's policies and practices, it may be effective to bring a complaint using the school's reporting procedures, in addition to any employment policies for reporting discrimination.

³ Employees also have rights to pregnancy-related leave under the [Pregnant Workers Fairness Act](#).

State and Local Laws

States and municipalities often have anti-discrimination laws of their own that go beyond the protections of federal law.

- ▶ Currently, 28 states/jurisdictions have state laws that explicitly prohibit employment discrimination based on sexual orientation and/or gender identity:

| | |
|----------------------------------|---------------------------------------|
| ■ California | ■ Minnesota |
| ■ Colorado | ■ Nevada |
| ■ Connecticut | ■ New Hampshire |
| ■ Delaware | ■ New Jersey |
| ■ District of Columbia | ■ New Mexico |
| ■ Guam | ■ Oregon |
| ■ Hawaii | ■ Puerto Rico |
| ■ Illinois | ■ Rhode Island |
| ■ Iowa (sexual orientation only) | ■ Utah |
| ■ Maine | ■ Vermont |
| ■ Maryland | ■ Virginia |
| ■ Massachusetts | ■ Virgin Islands |
| ■ Michigan | ■ Washington |
| | ■ Wisconsin (sexual orientation only) |

- ▶ An additional 10 states with laws prohibiting sex discrimination in employment explicitly interpret the state law to include sexual orientation and/or gender identity:

| | |
|------------|----------------|
| ■ Alaska | ■ Nebraska |
| ■ Arizona | ■ North Dakota |
| ■ Florida | ■ Ohio |
| ■ Kansas | ■ Pennsylvania |
| ■ Kentucky | ■ Texas |

Keep in mind that because the protections in the ten states listed above are based on statutory interpretations (rather than expressly prohibiting discrimination based on sexual orientation and gender identity in the law itself), these state

law protections are more vulnerable to re-interpretation by politicians and judges that are hostile to LGBTQIA+ rights. It is important for activists and civil rights lawyers in these states to continue to advocate for LGBTQIA+ protections that are in line with existing state law precedent.

You can check the [status of laws in your state here](#).

In addition to state law protections, in all but two states, local municipalities may pass non-discrimination ordinances that provide protections against discrimination based on sexual orientation and gender identity. (Arkansas and Tennessee state laws prohibit municipalities from passing or enforcing local nondiscrimination ordinances).

- ▶ Municipalities with such protections include cities and towns within states that lack protections and may even be openly hostile to LGBTQIA+ rights at the state level, including:

| | |
|----------------------------------|-------------------|
| ■ Birmingham, AL | ■ Kansas City, MO |
| ■ Atlanta, GA | ■ St. Louis, MO |
| ■ Savannah, GA | ■ Bozeman, MT |
| ■ Bloomington, IN | ■ Missoula, MT |
| ■ Indianapolis-Marion County, IN | ■ Durham, NC |
| ■ New Orleans, LA | ■ Greensboro, NC |
| ■ Shreveport, LA | ■ Charleston, WV |
| ■ Jackson, MS | ■ Morgantown, WV |

An updated list of [local ordinance coverage can be found here](#).

Be aware, however, that states may pass laws that preempt (override) local ordinances. If your state passes a law restricting LGBTQIA+ rights, be sure to check with an attorney at your state or local affiliate about whether the local ordinance conflicts with the state law and would be overridden by the state law.

Rights Under Collective Bargaining Agreements, Tenure Protections, and School District Policies

In jurisdictions with bargaining rights, collective bargaining agreements can be an important source of rights and often provide the easiest and quickest way to address employment discrimination. Your collective bargaining agreement may contain explicit nondiscrimination provisions that include sexual orientation or gender identity. Even where there are no such explicit protections, if your employer takes an action against you for a discriminatory reason, you may be able to use evidence of discriminatory motives to show that the employer has not met the standard for “just cause.” Be aware that even if your collective bargaining agreement contains protections against discrimination, you also have individual rights under federal (and often state) civil rights laws, but you need to assert those rights within certain time periods. State tenure laws may also provide general protections that could apply to discriminatory discipline or termination. Consult with your union representative or an attorney if you have any questions about your options for pursuing a claim of discrimination.

Whether or not you are covered by a collective bargaining agreement, it is also important to look at school district or institution policies to see if there are any protections that may apply to your particular situation. For example, nearly all employers have policies for preventing and addressing sex discrimination and harassment, and these policies typically contain a reporting procedure for raising complaints. Also, school districts and higher education institutions are required to have policies for reporting and addressing sex-based harassment under Title IX. Although the requirements for these policies will vary from state to state (see “[What Protections Do](#)

[My Students Have?](#)”), if your complaint is about something that the school has an obligation to address under its own Title IX policy or a general sexual harassment policy, the reporting procedures specified in your district policies may be your best starting place.

In any case, members should contact their union representative or legal counsel for questions about state and local law, district policies, and any rights under collective bargaining agreements or tenure laws.

What Protections Do My Students Have?

LGBTQIA+ students and allies are also protected against discrimination and harassment based on sexual orientation, gender identity or expression, and other ways that individuals may be targeted based on sex. As with protections against employment discrimination, student rights may be found at the federal, state, and local levels, including within individual district or institutional policies.

--- Federal Law

Title IX is the primary federal law protecting students against sex-based discrimination in schools. There are, however, other federal statutes and protections under the U.S. Constitution that may also provide rights for students who are targeted based on their gender identity or sexual orientation. These other sources of federal protections may become increasingly important—particularly for transgender, nonbinary, and intersex students—as the federal government seeks to reinterpret Title IX to deny protections to these students.

Know Your Students' Rights

If you are concerned about discrimination or harassment of LGBTQIA+ students:

- ☐ Look at your school/higher education institution's Title IX policy and any other policies about discrimination or harassment of students.
- ☐ Don't forget that there may be other constitutional or federal law protections in addition to Title IX. For example, student expressions of their gender identity or support for LGBTQIA+ inclusivity may be protected speech under the First Amendment.
- ☐ Find out if your state or local municipality have laws or regulations prohibiting SO/GI discrimination in schools.
- ☐ Find out whether there are anti-bullying or harassment state or local laws or school district policies that may apply.
- ☐ Consider advocating for school board policies that express support for LGBTQIA+ students' rights and inclusion, and that seek to ensure a safe, affirming and welcoming environment for all students.
- ☐ In all cases, keep detailed notes documenting the time, place and circumstances of any incidents of harassment and discrimination, including any witnesses. If your school/institution has anti-LGBTQIA+ policies, note and keep records of the negative impact of these policies on students, for example, any observations of students missing more school, being excluded from activities, or having challenges academically. If you raise complaints with your administration, keep records (such as copies of emails) of these complaints.
- ☐ Contact your union representative or legal counsel with any questions about the law in your state and specific policies that may apply.

Title IX—Federal Civil Rights Statute

Title IX is a federal civil rights law prohibiting sex-based discrimination. The language of the statute itself is quite simple: it prohibits exclusion from participation in, being denied the benefits of, or being subjected to discrimination under any federally funded program or activity “on the basis of sex.” All public and private elementary and secondary schools, school districts, colleges and universities that receive federal funds are required to comply with Title IX. Title IX covers a student's entire school experience, meaning that schools cannot discriminate against students on the basis

of sex in extracurricular activities, school sports, dress codes, and facilities—including bathrooms.

Title IX rights can be enforced in a few different ways. First, schools are required by the regulations interpreting Title IX to have policies and procedures to address certain violations of Title IX. The first level of possible enforcement of Title IX will be at the level of the school district or higher education institution. Second, an individual claiming a violation of their rights under Title IX, or an individual or group challenging a school policy or practice that conflicts with Title IX, can file a complaint with the Department of Education

Office for Civil Rights (OCR)—the administrative agency with authority to enforce the statute. Third, because Title IX contains a “private right of action,” an individual or group can bring a lawsuit directly in federal court.

As discussed above, this second level of enforcement is not available for claims of gender identity discrimination because OCR [has indicated](#) that it will interpret Title IX to conform with the gender identity executive order, which purports to eliminate [gender identity as a protected status under Title IX](#).

Rather such claims will need to be brought and redressed at the school level or through private enforcement of Title IX. As explained above, the President cannot use an executive order to rewrite Title IX’s statutory prohibitions against discrimination “on the basis of sex,” which courts have interpreted to prohibit discrimination on the basis of gender identity. This means that even if the Title IX regulations are changed or OCR refuses to enforce certain protections, individuals and civil rights organizations will be able to continue to bring cases in federal court to protect and vindicate the rights of LGBTQIA+ students. It also means that school districts and higher education institutions will continue to have potential liability for violating LGBTQIA+ students’ Title IX rights.

Many federal courts that have considered cases involving Title IX claims have interpreted Title IX to provide protections against discrimination based on sexual orientation and gender identity, including federal appellate courts in the Fourth,

Seventh and Ninth circuits to date, with more appellate courts likely to weigh in on the issue.⁴

► This means that federal courts in the following states are bound by precedent holding that discrimination based on sexual orientation, gender identity, or both are prohibited under Title IX:

Fourth Circuit

- Maryland
- North Carolina
- South Carolina
- Virginia
- West Virginia

Seventh Circuit

- Illinois
- Indiana
- Wisconsin

Ninth Circuit

- Alaska
- Arizona
- California,
- Hawaii
- Idaho
- Montana
- Nevada
- Oregon
- Washington

District courts in additional states have also found that Title IX prohibits sexual orientation and gender identity discrimination.⁵

Title IX Regulations

With all general civil rights statutes that provide broad rights under federal law, one or more administrative agency is charged with issuing regulations that specify how that law is interpreted, applied and enforced. In the case of Title IX, the Department of Education—specifically its Office for Civil Rights—is responsible for drafting, implementing and enforcing Title IX regulations.

The process for issuing new regulations or amending existing ones often takes anywhere

⁴ *B.P.J. by Jackson v. W. Va. State Bd. of Educ.*, 98 F.4th 542 (4th Cir. 2024), petition for cert. filed (July 16, 2024) (24-44); *Grabowski v. Ariz. Bd. of Regents*, 69 F. 4th 1110 (9th Cir. 2024); *A.C. by M.C. v. Metro. Sch. Dist. of Martinsville*, 75 F.4th 760 (7th Cir. 2023), cert. denied, 144 S. Ct. 683 (2024); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586 (4th Cir. 2020), cert. denied, 141 S. Ct. 2878 (2021); *Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd of Educ.*, 858 F.3d 1034 (7th Cir. 2017).

⁵ *E.g., Tirrell v. Edelblut*,—F. Supp. 3d—, 2024 WL 389544, at *5 (D.N.H. Aug. 22, 2024) (New Hampshire); *Dimas v. Pecos Indep. Sch. Dist. Bd. of Educ.*, 2022 WL 816501, at *4 (D.N.M. Mar. 17, 2022) (New Mexico).

from several months to a year or more, as agencies are required to first issue a Notice of Proposed Rulemaking, spelling out what they intend to do; must then allow for members of the public to comment on that proposal; must review and take into consideration all the comments they receive; and then issue a final rule, along with an analysis explaining the agency's rationale for various parts of the rule and responding to the feedback received in public comments. Final regulations under Title IX are frequently challenged in federal court, where opponents of the rule bring claims about the process undertaken by the agency as well as the substance of the rule itself, including claims that the regulation is not consistent with the Title IX statute or that it violates other federal laws or infringes on constitutional rights. OCR also issues guidance and statements about its interpretation of the statute, but these documents do not have the force of law.

In 2024, the Biden Administration issued updated Title IX regulations that, among other things, codified that under Title IX, "sex discrimination" includes discrimination based on sexual orientation, gender identity, sex characteristics, and sex stereotypes (as well as pregnancy and related conditions) ("the 2024 Rule").⁶ Although this was not a new interpretation, it was the first time that explicit protections against sexual orientation and gender identity discrimination were formalized in Title IX regulations. This interpretation was based

on the statutory text, a long history of caselaw and guidance, and the Supreme Court's *Bostock* decision's reasoning that discrimination "based on sex" necessarily includes discrimination based on sexual orientation and gender identity.⁷ However, the 2024 Rule was immediately saddled with lawsuits by states that were already hostile to LGBTQIA+ rights, as well as right-wing activist groups like Moms for Liberty.⁸ On January 9, 2025, a federal district court judge issued [a decision](#) in *Tennessee v. Cardona* invalidating the entire 2024 Rule nationwide.

Therefore, the Title IX regulations have reverted back to the [2020 Rule](#) issued by the first Trump Administration. Trump's current OCR issued a Dear Colleague Letter stating that it will enforce Title IX according to the 2020 Rule. This 2020 Rule was more limited in scope than the 2024 Rule, addressing only how schools and higher education institutions deal with claims of sexual harassment.⁹ Although there was a background of federal court decisions and prior OCR guidance about specific protections for LGBTQIA+ students (which was temporarily withdrawn during the first Trump Administration),¹⁰ the 2020 Title IX Rule does not address one way or another what Title IX's protections are for individuals who face discrimination based on sexual orientation or gender identity. Indeed, the Rule states that "[t]hese final regulations focus on prohibited

⁶ [Final Rule, Issued April 29, 2024.](#)

⁷ See [Preamble to the 2024 Final Rule, Section IV](#) (analyzing statutory text, referring to current and prior Department guidance, and collecting cases). The Department also cites cases that rely on a gender-stereotyping theory that courts had recognized long before *Bostock*. *E.g.*, *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Grabowski*, 69 F.4th at 1117; *Whitaker*, 858 F.3d at 1049; *Pederson v. La. State Univ.*, 213 F.3d 858, 880 (5th Cir. 2000); *Videckis v. Pepperdine Univ.*, 150 F. Supp. 3d 1151, 1160 (C.D. Cal. 2015); *Pratt v. Indian River Cent. Sch. Dist.*, 803 F. Supp. 2d 135, 152 (N.D.N.Y. 2011).

⁸ *Louisiana v. U.S. Dep't of Educ.*, No. 3:24-cv-563 (W.D. La.); *Tennessee v. Cardona*, No. 2:24-cv-72 (E.D. Ky.); *Kansas v. U.S. Dep't of Educ.*, No. 5:24-cv-4041 (D. Kan.); *Texas v. United States*, No. 2:24-cv-86 (N.D. Tex.); *Alabama v. Cardona*, No. 7:24-cv-533 (N.D. Ala.); *Oklahoma v. Cardona*, No. 5:24-cv-461 (W.D. Okla.); *Arkansas v. U.S. Dep't of Educ.*, No. 4:24-cv-636 (E.D. Mo.).

⁹ [Final Rule, Issued May 19, 2020.](#)

¹⁰ See [May 13, 2016 Dear Colleague Letter on Transgender Students](#); [February 22, 2017 Letter Withdrawing Guidance](#).

conduct, irrespective of a person's sexual orientation or gender identity[.]”¹¹

Because the 2020 Rule *does not prohibit* states, localities, districts, schools, or institutions of higher education themselves from issuing policies that are more protective (provided these policies do not conflict with the 2020 regulations), school districts and higher education institutions may continue to adopt those protective policies that prohibit sex-based harassment, assault, bullying and discrimination based on sexual orientation and gender identity. In fact, as discussed below, many schools and institutions may be required to do so by state laws, local ordinances, or school district policies.

Additionally, private litigants may still bring lawsuits to enforce Title IX's protections and may draw on federal court precedents that have interpreted Title IX to prohibit discrimination on the basis of sexual orientation or gender identity, as well as precedents recognizing that gender stereotyping (and discrimination based on those stereotypes) is also a form of “sex discrimination.”¹² In addition, state and local laws (discussed below) may provide protections against sexual orientation and gender identity discrimination or harassment, as well as bullying, providing other potential bases for liability if a school fails to address such discrimination or harassment.

Other Federal Protections

Although Title IX is a very important source of rights for students, it is not the only federal protection against some of the ways in which discrimination on the basis of gender identity and sexual orientation can arise. There are other constitutional and statutory protections that may be available to counter discrimination against LGBTQIA+ students and educators by public schools and universities.

EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT

Discrimination against gay or transgender students or educators by public schools and universities may violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. As a general matter, where a public school is violating Title VII or Title IX by treating a transgender educator or student differently from cisgender individuals, this may also violate the Equal Protection Clause.¹³ There are also strong legal arguments that LGBTQIA+ should be considered a “suspect classification,” based on historical victimization by societal discrimination, which would require courts to subject statutes treating LGBTQIA+ people differently to heightened scrutiny, meaning such laws are more

¹¹ 85 F.R. 30026, 30179 (2020).

¹² See, e.g., *Grabowski*, 69 F.4th at 1117 (holding that discrimination against a student because they do not conform to a particular masculine or feminine sex stereotype is prohibited under Title IX); *Whitaker*, 858 F.3d at 1049 (“A policy that...punishes [an] individual for his or her gender non-conformance...violates Title IX.”); *Pederson v. La. State Univ.*, 213 F.3d 858, 880 (5th Cir. 2000) (recognizing that a university violated Title IX when its athletic funding decisions were based on “paternalism and stereotypical assumptions about [women’s] interests and abilities,” and a “remarkably outdated view of women and athletics”); *Videckis v. Pepperdine Univ.*, 150 F. Supp. 3d 1151, 1160 (C.D. Cal. 2015) (“It is undisputed that Title IX forbids discrimination on the basis of gender stereotypes.”); *Pratt v. Indian River Cent. Sch. Dist.*, 803 F. Supp. 2d 135, 152 (N.D.N.Y. 2011) (holding that allegations of peer harassment based on nonconformity or perceived nonconformity with sex stereotypes state a claim under Title IX).

¹³ “[T]he disparate treatment standard of Title VII applies as well to [sex discrimination] claims arising under the equal protection clause and Title IX.” *Lipsett v. Univ. of Puerto Rico*, 864 F.2d 881, 897 (1st Cir.1988). State-sanctioned “gender discrimination” is unconstitutional unless the discrimination is substantially related to an important government purpose and state action that perpetuates gender stereotypes likewise constitutes sex discrimination, See *Craig v. Boren*, 429 U.S. 190, 197, 198–99 (1976).

likely to be struck down.¹⁴ This is an evolving area of the law.

FIRST AMENDMENT

Under the First Amendment of the Constitution, students have free speech rights at school. Generally, schools cannot censor student speech unless there is reason to think that it will substantially disrupt school activities or infringe others' rights.¹⁵ That means students should be allowed to wear or display Pride gear and speak out about LGBTQIA+ issues.

There are also cases recognizing a First Amendment interest in expressing gender identity in how one wears their hair, clothing, and accessories.¹⁶ Although this is also an evolving area of law, it may be a basis on which a transgender, nonbinary or other gender expansive student may claim a constitutionally protected right to self-expression, regardless of restrictive school policies.

EQUAL ACCESS ACT

Under the federal Equal Access Act, students in secondary schools also have the right to form GSAs (Gay-Straight Alliances or Gender-Sexuality Alliances), so long as the school authorizes any other extracurricular student groups and the group is student-initiated. Schools cannot single out GSAs for extra restrictions or prevent them from using school bulletin boards, making announcements,

hosting fundraisers, or engaging in other activities that the school allows other extracurricular groups to do.¹⁷

RIGHT TO PRIVACY UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) protects the privacy interests of parents/guardians and students in a student's "educational records," which likely includes medical records that may be a part of a student's records. Transgender students who seek to change their name and gender marker on their educational records should be able to seek an amendment to their records under FERPA.¹⁸ Parents (for students under 18) or students (for those over 18) are entitled to a hearing to challenge the content of their records to ensure that they are not inaccurate, misleading or in violation of their privacy rights.¹⁹

State Laws

State laws may have explicit protections to prevent LGBTQIA+ students from being unfairly denied access to facilities, sports teams, or clubs. In addition, some states have passed laws that protect LGBTQIA+ students from bullying by other students or staff.

¹⁴ *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 610 (4th Cir. 2020), as amended (Aug. 28, 2020) ("transgender people constitute at least a quasi-suspect class"); see also James Casey Edwards, "Justifying the Margins: Granting Suspect Classification to Trans* Individuals in the U.S. Judicial System," 55 UIC L. Rev. 403, 407 (2022). In addition, some scholars have advocated for the application of the Equal Protection Clause to anti-trans laws as unconstitutionally motivated by animus towards transgender people. Scott Skinner-Thompson, *Trans Animus*, 65 B.C. L. Rev. 965, 968 (2024).

¹⁵ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

¹⁶ *E.g.*, *Monegain v. Virginia Dep't of Motor Vehicles*, 491 F. Supp. 3d 117 (E.D. Va. 2020); *McMillen v. Itawamba Cnty. Sch. Dist.*, 702 F. Supp. 2d 699, 705 (N.D. Miss. 2010); *Vuz v. DCSS III, Inc.*, No. 3:20-cv-246, 2020 WL 7240369 (S.D. Cal. Dec. 9, 2020).

¹⁷ 20 U.S.C. § 4071.

¹⁸ [A Transgender Advocate's Guide to Updating and Amending School Records | Lambda Legal Legacy](#)

¹⁹ 34 C.F.R. § 99.7(a)(2)(ii).

Non-Discrimination Laws

- ▶ 22 states/jurisdictions have state laws prohibiting discrimination against students on the basis of sexual orientation and/or gender identity:

| | |
|------------------------|---------------------------------------|
| ■ California | ■ Nevada |
| ■ Colorado | ■ New Hampshire |
| ■ Connecticut | ■ New Jersey |
| ■ District of Columbia | ■ New Mexico |
| ■ Hawaii | ■ New York |
| ■ Illinois | ■ Oregon |
| ■ Iowa | ■ Puerto Rico |
| ■ Maine | ■ Vermont |
| ■ Maryland | ■ Virginia |
| ■ Massachusetts | ■ Washington |
| ■ Michigan | ■ Wisconsin (sexual orientation only) |
| ■ Minnesota | |

- ▶ 3 states/jurisdictions prohibit sex discrimination and explicitly interpret that prohibition to include sexual orientation and gender identity:

| | |
|----------------|------------------|
| ■ North Dakota | ■ Virgin Islands |
| ■ Pennsylvania | |

Keep in mind that because the protections in these state laws are based on an interpretation of the statutory language (rather than listing sexual orientation and gender identity in the law itself), these state law protections are more vulnerable to re-interpretation by politicians and judges that are hostile to LGBTQIA+ rights.

- ▶ 4 states/jurisdictions have school regulations or teacher codes that prohibit discrimination based on sex discrimination and/or gender identity:

| | |
|----------------|----------------------------|
| ■ Delaware | ■ Northern Mariana Islands |
| ■ Rhode Island | |
| ■ Utah | |

Anti-Bullying/Harassment Laws

- ▶ 23 states/jurisdictions have laws prohibiting bullying on the basis of sexual orientation and/or gender identity:

| | |
|----------------------------------|--|
| ■ Arkansas | ■ Nevada |
| ■ California | ■ New Hampshire |
| ■ Colorado | ■ New Jersey |
| ■ Connecticut | ■ New Mexico |
| ■ District of Columbia | ■ New York |
| ■ Guam (sexual orientation only) | ■ North Carolina |
| ■ Illinois | ■ Oregon |
| ■ Iowa | ■ Rhode Island |
| ■ Maine | ■ Vermont |
| ■ Maryland | ■ Virgin Islands (sexual orientation only) |
| ■ Massachusetts | ■ Washington |
| ■ Minnesota | |

- ▶ 5 additional jurisdictions have school regulations or teacher codes that prohibit bullying based on sexual orientation and/or gender identity:

| | |
|----------------------------|-----------------|
| ■ Hawaii | ■ Puerto Rico |
| ■ Northern Mariana Islands | ■ Utah |
| | ■ West Virginia |

Explicit prohibitions on LGBTQIA+ bullying are important for ensuring that all students feel safe at school. However, keep in mind that even in states and localities where anti-bullying laws or policies do not explicitly address bullying based on sexual orientation or gender identity, LGBTQIA+ students should be protected because general anti-bullying policies should apply to *any* student who is bullied regardless of the reason.

Check the status of the [law in your state here](#).

District Policies and Procedures

Despite the rhetoric in the [“Radical Indoctrination” executive order](#), which seeks to impose the Trump Administration’s anti-inclusive education policy agenda on schools, educators are not prohibited from treating all students with dignity and respect, and fostering safe, welcoming, and inclusive learning environments for all students. State and local laws and school district policies—not federal law—govern how educators instruct and support students.

In all but two states, school districts and individual schools may provide additional protections for LGBTQIA+ students. Missouri and South Dakota have state laws prohibiting schools or districts from adding LGBTQIA+ protections to nondiscrimination and anti-bullying policies. In all other states, school districts should have flexibility to develop policies to protect LGBTQIA+ students as long as those policies are in line with other state laws and policies. Even in states with existing protections against anti-LGBTQIA+ discrimination, it may be helpful to have a local-level school board policy that articulates the values and rights recognized by the school district.

Check with your state or local affiliate for more information about what additional protections may exist at the local level, and encourage your school and/or district to adopt inclusive policies. See, for example, [NEA’s model school board resolution](#).

Do Educators Have Free Speech Rights To Advocate For The LGBTQIA+ Community?

Although some [states](#) and individual school districts have passed laws that censor what can be taught about LGBTQIA+ history and issues, educators still have rights to speak and write about their beliefs and values in their personal capacities and to advocate for inclusive policies that affirm the identities and rights of all students. Even where the [“Radical Indoctrination” executive order](#) attempts to censor teaching about gender identity in schools and prevent educators from supporting transgender students, it is state law and school district policy that determine what can be taught, not federal declarations. Therefore, educators should continue to follow their school district’s policies and seek guidance from their school district and local union regarding any questions related to the curriculum.

As employees, educators’ free speech rights are more limited than those of students. You have the strongest protections when you are speaking off school time as private citizens on matters of public concern. That means that educators generally have the right to advocate for the rights of their LGBTQIA+ students when they are off duty, for example, by attending a protest or a school board meeting.²⁰

However, when educators are performing their duties as school employees, school districts have the right to set policies around what teachers

²⁰ See *Connick v. Myers*, 461 U.S. 138, 146 (1983) (matters of public concern include those that can be “fairly considered as relating to any matter of political, social, or other concern to the community”).

say in the classroom, what curriculum to use, and what to display.²¹ If you are unsure about whether something complies with school policy, it is best to seek clarification from an administrator. Union representatives may also be able to advise you about past interpretations of school policies.

In states and districts that implement policies that censor LGBTQIA+-inclusive curricula, including banning books, if you are instructed to remove materials from classrooms or school libraries, you should comply with this directive and immediately notify your union and local or state legal counsel to discuss options for challenging the policy.

See NEA's [Educator Advocacy Rights](#) guidance for more information.

How Can I Support My Students?

Although some of the ways in which educators can affirm and support their LGBTQIA+ students may be restricted by some state laws and school district policies, there are many ways to show support and help students feel included in the school community.

- We know that inclusive curricula and pedagogical approaches are vital for LGBTQIA+ students to thrive at school. In states and districts where there are no specific policies prohibiting educators from implementing a more inclusive curriculum, talk to your school principal about the importance of doing so. Acting together with other educators and involving your union can greatly strengthen your advocacy for inclusive classrooms, school practices and curriculum. GLSEN and other

organizations have great [resources](#) for developing a more inclusive curriculum.

- Sponsor a GSA. GSAs should be student-initiated, but will often need a faculty sponsor. Sponsoring a GSA can help students know that you support them and are a safe person to talk to.
- Consider posting LGBTQIA+ Pride, Safe Space stickers, or other markers of inclusion. If you have not seen others posting similar items in their classroom, make sure to tell your principal in advance so that you can address any concerns they may have. If your principal or another school administrator prohibits you from posting such inclusive posters, consult your union representative about how best to proceed. Posting overtly political materials in your classroom without clear authorization to do so may result in disciplinary action.
- Unless there is a school policy that forbids referring to students by a name or pronoun that is not on their official school records, respect a student's request to use the pronouns or name that aligns with their gender identity. Consider asking all students at the beginning of the school year what name they prefer to be called, including any nickname or preferred name, so that transgender or gender non-binary students will not feel singled out.
- If a student is being harassed by other students, report it to your principal and the school's Title IX coordinator. Students and parents/guardians can also be advised of their rights to file a Title IX complaint for discrimination or harassment at school or school-related activities. School policies or practices that are having harmful effects

²¹ *Garcetti v. Ceballos*, 547 U.S. 410 (2006).

on LGBTQIA+ students can also be reported as possible Title IX violations. Even in districts where LGBTQIA+ harassment is not considered “sex-based harassment” under Title IX, you should still recognize it, report it, and try to stop it.

- Document any adverse effects of school policies or practices that exclude, marginalize or threaten LGBTQIA+ students. Information about ways that students are impacted in their ability to engage or participate in educational activities can be helpful in a Title IX investigation and in other legal actions to protect students’ rights. Details about harmful policies or unchecked harassment of students may be helpful in litigation challenging discriminatory policies or seeking damages for violations of students’ rights.
- Vote for and help elect local, state and national candidates who will pass laws to protect LGBTQIA+ rights.

How Do I File A Complaint About Employment Discrimination, Harassment, Or Retaliation?

If you believe you have been discriminated against or harassed based on your LGBTQIA+ status or for raising concerns about discrimination or harassment of others, including colleagues or students, you may file a complaint. If you are covered by a collective bargaining agreement, you may be able to file a grievance with your union. But if you want to enforce your rights under state

or federal law, you will still need to file a complaint with the appropriate state or federal agency.

Where to File

Equal Employment Opportunity Commission

At the federal level, you are required to file with the EEOC before bringing a private lawsuit for employment discrimination under Title VII. A list of EEOC offices, searchable by zip code, can be [found here](#).

There are strict filing deadlines of either 180 or 300 days (depending on the state) from the time of the discriminatory incident to the time when you must file a charge with the EEOC.

State and Local Civil Rights Agencies

Claims filed with state civil rights agencies are automatically “cross-filed” with the EEOC. This means that in states with their own civil rights agency, instead of filing with EEOC, you can file with your state agency, which will usually take the lead in the investigation. This may be a better option if the EEOC is not adequately enforcing protections, especially for discrimination based on transgender status or gender identity. State agencies may also be able to process complaints more quickly than the EEOC. In addition, state laws may offer broader protections and different options for pursuing discrimination complaints, in which case it is best to file directly with the state agency. A list of state agencies can be found [here](#).

What to Document

When filing a complaint, you will need to provide specific details about discriminatory or harassing conduct and keep records to support a claim.

Therefore, you should:

- Make notes of incidents, including time, location, details, and any witnesses.
- Record and document with a follow-up email any reports you make to the employer.
- Note the ways in which discriminatory actions impact your work and other aspects of your life.
- Observe and document any ways in which discrimination impacts students and the school environment, particularly noting if any students are absent more frequently, unable to participate in certain school activities, or otherwise impacted in their education.

Next Steps

After you file a complaint, make sure to keep a record of all communications with school administrators, and any other witnesses or individuals involved, including students, parents and co-workers. Keep copies of emails and make notes of any conversations. Be alert to and document any actions that appear to be intended to dissuade you from pursuing a complaint or seeking to remedy discrimination.

Can I Be Punished For Speaking Out?

Title VII, Title IX, and the First Amendment all prohibit retaliation against educators for expressing their support of students, complaining about discriminatory or harassing conduct aimed at them, other employees, or their students, or for filing a complaint with a civil rights agency.²²

Collective bargaining agreements and due process protections under state laws and tenure rights are also important sources of protection if you are disciplined for exercising legally protected rights.

If you believe you have been retaliated against for speaking out about your rights or those of your students, contact your union and consider filing a claim with a local, state or federal civil rights agency.

²² 42 U.S.C. § 2000e-3(a) (Section 704(a) of Title VII); 34 C.F.R. § 106.71 (Title IX Regulations).

Where Can I Go For More Information On LGBTQIA+ Rights?

- ▶ LGBTQIA+ Know Your Rights Guides
 - [NEA Member Guidance: the Gender Identity Executive Order](#)
 - [NEA Member Guidance: the Radical Indoctrination Executive Order](#)
 - [NEA LGBTQI+ Issues Letter Template](#)
 - [Bostock and Educator Rights](#)
 - [ACLU](#)
 - [GLAD—Primer on Establishing a GSA in Schools \(2021\)](#)
 - [Lambda Legal—Information on GSAs](#)
 - [Lambda Legal—FAQs re FERPA for Transgender Youth](#)
- ▶ Advocacy Rights Information
 - NEA [Educator Advocacy Rights Guide](#)
- ▶ Advocacy Resources
 - [EdJustice: Defending the Freedom of our LGBTQI+ Students to be Themselves](#)
 - [NEA Sample School Board Resolution](#)
 - [GLSEN Model School District Policies on Implementing Title IX and Other Federal Nondiscrimination \(2024\)](#)
- ▶ NEA [LGBTQI+ Resources Toolkit](#)
- ▶ National Women's Law Center—[Legal Help for Sex Discrimination and Harassment](#)
- ▶ Biden Administration Department of Education's Office for Civil Rights [Resources for LGBTQI+ Students](#) (Archived)

