

FAQ: TRANSGENDER STUDENT RIGHTS IN NEW JERSEY

DOES NJ LAW PROTECT TRANSGENDER STUDENTS?

Yes. The New Jersey Law Against Discrimination (NJ LAD) protects transgender students in NJ public schools. The New Jersey Division of Civil Rights provides clear information on this [here](#). The law says that you cannot be discriminated against on the basis of gender identity or gender expression. Furthermore, under the law, schools are places of public accommodation, and transgender students must be permitted access to sex-segregated facilities such as restrooms and locker rooms on the basis of gender identity (Read more about ["Gender Identity and School Law"](#) in New Jersey).

WHAT CAN I DO IF I AM DENIED ACCESS TO THE BATHROOM OR LOCKER ROOM THAT MATCHES MY GENDER IDENTITY?

If you are denied access to the bathroom or locker room that matches your gender identity or are excluded from any educational opportunity or activity because you are transgender, please let us know! Garden State Equality is here to fight for you, just go to our website, fill out this [form](#) and we'll be in touch right away.

CAN TRANSGENDER STUDENTS PARTICIPATE IN SCHOOL ATHLETICS?

Absolutely. The New Jersey State Interscholastic Athletic Association (NJSIAA) oversees participation in interscholastic athletics for high school athletes. Their organization rule on the participation of transgender students in high school sports can be found at <http://www.njsiaa.org/sites/default/files/document/NJSIAATransgenderPolicy.pdf>

WHAT CAN I DO IF MY SCHOOL REFUSES TO REFER TO ME BY THE CORRECT NAME AND PRONOUNS?

State and federal courts have found that refusal to refer to a transgender student by their correct name and pronouns constitutes sex discrimination under Title IX. This would also be considered discrimination on the basis of gender identity or gender expression under the NJ LAD. You do not need a legal name change in order for your school to refer to you by the correct name and pronouns. While your school will likely keep a permanent file with your legal name and sex assigned at birth (until you have completed the legal name change and gender marker change process) your school should put your correct name and gender into the student information system (SIS). This will be done on a case-by-case basis to protect your privacy, with you, the student, having input on the process.

While inadvertent slips or honest mistakes in the use of names or pronouns may occur, staff or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory. If your school refuses to refer to you by the correct name and pronouns, contact Garden State Equality by filling out [this form](#). If you simply need an advocate to help you communicate this to the school, contact us at chiappano@gardenstateequality.org

DOES TITLE IX STILL PROTECT TRANSGENDER STUDENTS?

Yes. For years federal courts have interpreted “sex” discrimination under Title IX to include discrimination on the basis of gender identity, gender expression, and sex stereotyping. In May of 2016 the U.S. Department of Education and the Justice Department affirmed this interpretation, sending guidance to school districts across the country about how to interpret Title IX’s mandates. While the Trump administration has rescinded that guidance, the courts remain the final decision makers of these cases. It is still a violation of Title IX to discriminate against students on the basis of sex, and courts will determine the meaning of sex in accordance with case law. Furthermore, in New Jersey, schools can be found guilty of discrimination under the NJ LAD, which clearly states that schools may not discriminate on the basis of gender identity or gender expression. For more information on your rights under Title IX, what the Obama administration did for transgender students and what the Trump administration’s recent action against transgender youth means, see the National Center for Transgender Equality’s [FAQ on federal guidance](#), and Lambda Legal’s [FAQ: What did Obama do for transgender students and how did Trump take it away?](#)

WHY ARE POLICIES THAT SUPPORT TRANSGENDER STUDENTS IMPORTANT?

Transgender individuals make up approximately .7% of the U.S. population, meaning that in New Jersey, there are an estimated 13,962 transgender students in K-12 schools. We know from census data, as well as from our experiences working in NJ schools, that LGBT youth, including transgender youth, reside in every part of the state. Research shows that when transgender children and adolescents are supported by family and community, they do well, with levels of anxiety, depression, and suicidality matching their non-transgender peers. However, transgender youth frequently face persistent discrimination and this has a profoundly negative effect on their well-being. Policies that support transgender students provide a roadmap that helps everyone involved, from school administrators and teachers to parents, community, and friends, to understand what the law is and what best practice is and to work together to support all students, including transgender students.

WHAT RESOURCES EXIST FOR SCHOOLS THAT WANT TO SUPPORT ALL STUDENTS, INCLUDING TRANSGENDER STUDENTS?

There are many resources out there to aid schools in supporting transgender students. Garden State Equality has drafted [guidance](#) and [policy](#) on working with transgender students. Garden State Equality’s guidance document contains links to national and local resources to aid your school in supporting all students, including transgender students.