

Your Right to be Free from Gender Identity Discrimination

August 2018

“Gender identity” is a person’s sense of themselves as a boy, a girl, both a boy and girl, or neither boy or girl.

ACCESS TO FACILITIES

- Some school districts have a policy that says transgender and gender-nonconforming students may use the bathrooms and locker rooms that match their gender identities.
- There are laws that protect your right to use gender-affirming bathrooms and locker rooms even if your school district does not have a policy that talks about transgender and gender-nonconforming students. Call ELC if you have concerns at your school.

EXPRESSING YOUR GENDER IDENTITY

- Your school should not discipline you for expressing your gender identity.
- Your school should not stop transgender or gender-nonconforming students from wearing clothes that they let cisgender students to wear.
- Your school should not restrict the clothing you may wear based on your gender. For example, if you are a girl and want to wear pants, your school should not stop you from wearing pants if they allow boys to wear pants. The laws about dress codes are complicated, so call ELC if you are uncomfortable with your school’s dress code.

RIGHT TO BE SAFE AT SCHOOL

- You have the same right to be safe in school as every other student. If you are being bullied:
 - keep notes for yourself of when and where you are bullied;
 - tell a teacher, a principal, or counselor about it;
 - report the bullying in writing to your principal or superintendent; and
 - read our [bullying factsheet](#).
- Your school’s actions may be discrimination if:
 - a school staff member is treating you badly because of your gender identity, or
 - another student is treating you badly because of your gender identity and your school does not stop it.
- Call ELC if you feel unsafe at school.

The Education Law Center-PA (“ELC”) is a non-profit, legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general idea of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC or an attorney of your choice. Visit www.elc-pa.org/contact or call 215-238-6970 (Philadelphia) or 412-258-2120 (Pittsburgh).