

# A Teachers' Guide to Recent Federal Action Against LGBTQ+ Students



What to Know and Resources to Share

## Changes to federal protections against discrimination



- The US Department of Education has directed states to stop enforcing Biden-era Title IX civil rights protections based on sexual orientation and gender identity. Consequently, **LGBTQ+ students are no longer protected from discrimination under federal law.**
- However, **LGBTQ+ students may be protected from discrimination under state law** depending on where you live, and regardless, you are allowed to continue to support and defend your LGBTQ+ students.

## Changes to policies impacting transgender students



- President Trump's "[Ending Radical Indoctrination in K-12 Schooling](#)" and "[Keeping Men Out of Women's Sports](#)" Executive Orders (EO) set out a process to **eliminate federal funding for schools that "directly or indirectly" support the social transition of a student** by allowing transgender students to use facilities, participate in sports, or identify by names or pronouns aligned with their gender identity.
- [Some states](#) already had laws in place preventing transgender students from doing these things. If you live in one of those states, those policies are still in effect, and this EO does not change anything in your state.
- **If you live in a state that did not have such a policy, this EO does impact you: your state must now also prohibit transgender students from these activities.** However, in order to eliminate federal funding for your school for violating this rule, the Education Department's civil rights office must investigate allegations, find a violation, and find that the school is refusing to address the violation.
- **It is possible that lawsuits could challenge the legality of these EOs.** Regardless, the EOs will embolden efforts to restrict the rights of LGBTQ+ youth. Conservative state legislatures will likely continue to legislate against personal freedoms for LGBTQ+ students, and bullying and other forms of discrimination will likely increase in this political climate.

## What should I do in response to this?



- **Find out** if your state or local district have laws or policies that prohibit transgender students using school facilities or participating in sports in line with a student's gender identity.
- **Find out** if your state or local municipality have laws or regulations prohibiting sexual orientation or gender identity discrimination or bullying in schools.
- If you witness an incidence of bullying or a violation of a student or teacher's rights -- in addition to intervening -- keep detailed notes documenting the time, place, and circumstances of any incidents of harassment and discrimination.

## Resources to share with families and other educators



- [The NEA's LGBTQ+ Guidance](#)
- [Know Your Rights and Know Your Students' Rights PDF](#) (Printable)