



CONNECTICUT STATE DEPARTMENT OF EDUCATION

**Guidance on Civil Rights
Protections and Supports for
Transgender Students**

June 2017

Motivation for this Guidance

- School districts want to do right by all of their kids, but how to do that is not always clear. This is where state education agencies come in. SEAs play a critical role in providing legal/policy guidance to districts.
- CSDE regularly addresses questions from districts on supporting and protecting transgender students in various contexts. There is a need for guidance that proactively addresses major recurring questions.
- The U.S. DOJ and DOE met this need in 2016 with a comprehensive guidance on the rights of transgender students under federal law.



Motivation for this Guidance

- CSDE relied on the DOJ/DOE guidance until Feb 2017, when the Trump Administration rescinded it.
- The Trump Administration's decision gave States both the authority and responsibility to develop their own guidance on these issues
 - “the Departments believe that, in this context, there must be due regard for the primary role of the States and local school districts in establishing educational policy.”



Motivation for this Guidance

- In Executive Order 56, Governor Malloy charged CSDE with the responsibility of developing a guidance for CT school districts, and directed CSDE to present the guidance to SBE
 - EO 56 also made similar directives to State universities



Scope of this Guidance Project

- Two Phases
 - We have completed Phase One – Legal heavy-lifting & development of core guidance document
 - We are starting Phase Two – distribution and communication
 - Critical that we communicate these principles effectively so we can really reach schools and districts
 - Breaking down the legal doctrines into user-friendly, digestible FAQs and aides for schools
 - Stakeholder input (CABE, CAS, etc.)
 - Webinars, training, PD, highlight at events, etc.



Development of Core Guidance Document

- Civil rights protections for transgender students under State law and Federal law
 - Connecticut law and Federal law (primarily Title IX) protect against discrimination on basis of gender identity in the school setting
 - Trump Admin decision to rescind prior guidance did not change federal law



Development of Core Guidance Document

- Development process
 - Robin Cecere, CSDE Legal, took the lead in researching, analysis and drafting
 - Input from:
 - CHRO, per EO 56
 - the Performance Office (Kendra Shakir, Ajit) re data and student records issues
 - Dr. Adrian Wood, CSDE Civil Rights/Title IX coordinator



Goals of this Guidance

- To support schools in meeting their obligations under state/federal law. But this is not merely a compliance issue . . .
- Primary goal is helping schools provide a safe, welcoming and healthy learning environment
 - Treating a student consistent with the student's gender identity is essential for the student's psychological/emotional health and development
 - Studies and examples demonstrate this
 - E.g., Ash Whitaker case, Wisconsin



Goals of this Guidance

- By helping schools address issues affecting transgender students, we are advancing our goal of ensuring that all kids feel welcome at school so they stay in school and are engaged in learning



Issues Covered by this Guidance

- Over-arching principle: equal treatment for all students
- All students should be treated consistent with their gender identity, regardless of the student's sex at birth
- Our guidance shows how this principle applies in a variety of common situations affecting transgender students
- Name, pronoun and gender used at school
- Changes to student educational records to conform to gender identity
- Privacy implications re student's birth name and sex



Issues Covered by this Guidance

- Access to restrooms, locker-rooms consistent with gender identity
 - All students have the same options: may use the restroom/locker-room consistent with gender identity – OR
 - Privacy option available to all students
- Dress code, graduation attire
- Establishing gender identity
- Resources re best practices
- Enforcement agencies – CHRO, OCR, DOJ



Phase Two – Distribution & Communication

- Cross-divisional team of key CSDE contacts:
 - Scott Newgass, Student Supports
 - Dr. Adrian Wood, Civil Rights & Discrimination concerns
 - Kendra Shakir, Student Records and Data issues
 - Atty. Robin Cecere, Legal
- Work collaboratively with stakeholders to communicate the key principles to schools and districts in effective ways → so we can empower and support educators, who are key front-line players in this collective effort
- Continue listening to districts and families so we can be responsive to their needs

