

Rights of LGBTQ+ Students in NYC



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Advocates for Children of New York
Protecting every child's right to learn



Today's Training



- Introduction and Overview
- Gender & Sexuality at School
- Bullying, Harassment, and Discrimination
- School Options
- LGBTQ+ Students and Discipline
- LGBTQ+ Students in Temporary Housing
- Resources, Guidance, & School-Based Supports





What is Advocates for Children (AFC)?



AFC is an independent agency that protects the rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Free legal services to students and families of low-income



Defining Shared Language



- **LGBTQ+**: lesbian, gay, bisexual, transgender, and queer or questioning.
- **Gender Identity**: a person's experience of their own gender; a person's innermost concept of self as masculine, feminine, a blend of both, another gender(s), or none. *Who someone is.*
 - E.g. agender, cisgender, genderqueer, gender nonconforming, transgender, non-binary
- **Sexual Orientation**: a person's identity in relation to who they are attracted to physically, romantically, and/or emotionally. *Who someone is attracted to.*
 - E.g. asexual, bisexual, gay, lesbian, queer, questioning



Key Laws and Regulations



- Title IX
 - Sexual and Gender-Based Harassment and Discrimination
- New York State Human Rights Law
- [Chancellor's Regulation A-830](#)
 - DOE's Anti-Discrimination Policy for Staff-to-Student Discrimination
- [Chancellor's Regulation A-831](#)
 - Student-to-Student Sexual Harassment
- [Chancellor's Regulation A-832](#)
 - Dignity for All Students Act (DASA)
 - Student-to-Student Discrimination, Harassment, Intimidation, and/or Bullying, including based on gender or sexual orientation



Key NYCPS Policies



Guidelines to Support Transgender and Gender Expansive Students

Guidelines on Gender Inclusion

Student Bill of Rights



Know Your Rights!



LGBTQ+ students have the right to

Feel safe at school

Be safe from bullying, harassment, and discrimination

Be out (or not!) at school

Freely express their gender



Names and Pronouns at School



Schools must address students by the name and pronoun they use

- Does not require parent's consent or legal name/gender marker change
- Refusing to do so and intentionally referring to student (verbally or in writing) by wrong name or pronouns = bullying or harassment
- The Principal is responsible for enforcing this policy with staff
- Staff must ensure other students use student's name and pronouns

If enrolling in DOE school:

- Student can and should give their pronoun and preferred name
- Name and gender are self-reported and don't require documentation



Names & Pronouns: Updating School Records



Non-permanent Records

Just ask! School *cannot* require documentation to update name or gender marker

- Ex: school ID cards, middle school diplomas, guidance logs, graduation programs, sporting rosters, yearbooks

Permanent School Records

Requires updating ATS and getting parental consent (unless student is emancipated or 18+)

- Ex: report cards, transcripts, special education evaluations or IEPs

School has questions?
Email lgbtq@schools.nyc.gov



Updating Permanent School Records

While still enrolled:

- With legal name/gender marker change:
 - Bring court order showing name change or documentation of legal change of gender marker to school and ask that ATS be updated
- Without legal name/gender marker change
 - Submit [Name and Gender Change Request Form](#) signed by parent
 - If emancipated or over 18, student can submit form themselves

After graduating or leaving school:

- Contact old school with documentation of legal change of name or gender marker
- School will forward request to the assigned Academic Policy, Performance, and Assessment Specialist, who can update ATS



Bathroom & Locker Rooms at School



- Students can use the bathroom or locker room that aligns with their gender identity
- Schools cannot force student to use alternative facility, such as gender neutral or single-occupancy restroom or changing area
 - If student **needs or wants** extra privacy because of gender identity, school must let the student use a gender neutral or single stall bathroom (like an accessible bathroom, teacher's bathroom, bathroom in nurse's office)
- If student wants to keep their transgender status confidential, their bathroom, changing area, or changing schedule must allow them to do so



Gender Inclusive School-Wide Policies



According to the *DOE Style Guide*, schools should use gender-neutral language in all written communication

Admission to single-gender schools

- Students are eligible based on their gender identity asserted at school, even if not in ATS

Gender-based policies, rules, & practices

- Schools should remove any policies or practices that do not serve a clear instructional purpose, like gender-based superlatives, graduation attire, lining up by gender, etc.
- Students must be allowed to participate in all school activities according to their gender identity



Gender Inclusive School-Wide Policies



Dress codes must be gender neutral

Student clubs must be open to all

Health classes and sex-ed must be inclusive, affirming and *cannot* be segregated by gender

Physical Education/Sports

- Schools may not separate by gender, except for contact sports
- Students must be permitted to participate in PE, intramural sports, athletic competitions, *and* contact sports based on their gender identity
- For paired/partner activities, cannot use gender-specific roles



Privacy and Supporting Students



- Protections of FERPA (Family Education Rights and Privacy Act) apply to info about student's transgender or gender expansive identity and sexual orientation
- Schools must consider the student's health and safety as they balance supporting a student with keeping their parents informed. The student's health and safety are paramount.
- Supporting students in transition
 - Where appropriate, trusted school staff can meet with student (and, if safe, their parent)
 - Topics to discuss: timeline for formal gender transition at school, changing info in school records, measures to create sensitive, inclusive environment



Gender and Sexuality Alliances (GSAs)



Student-run clubs that provide a safe place for LGBTQ+ students and allies to meet, find support, and plan activities

Can decrease anti-LGBTQ+ bullying and harassment and make students feel safer and more comfortable

Under federal law (Equal Access Act), public schools cannot prohibit students from starting a GSA if there are other non-academic clubs at the school



What if...a school doesn't follow these policies?



Share

- Refer school to DOE's [Guidelines to Support Transgender and Gender Expansive Students](#) or [Guidelines on Gender Inclusion](#)

Connect

- Talk to the school's Respect For All Liaison (more to come) or principal.

Contact

- Email respectforall@schools.nyc.gov or call (718)935-2288

Get Support

- Email lgbtq@schools.nyc.gov

Enforce

- File a complaint with the Office of Equal Opportunity [online](#) or call (718) 935-3320



Bullying, Harassment, & Discrimination

- Like all NYC students, LGBTQ+ students are entitled to protection from bullying, harassment, and discrimination
- Students are protected whether they self-identify as LGBTQ+ or gender non-binary or someone *thinks* they do





Bullying



DOE is responsible for addressing bullying that happens:

On school grounds or property, even before or after school

At school-sponsored events

On school buses

Outside of school if it disrupts learning or harms the school community



Schools Must Prevent Bullying



Plan

Create plan to prevent and address harassment, intimidation & bullying

Publicize

Share Respect for All with students and parents annually

Make CRA-832 available to parents

Train

RFA-trained liaison on staff at school

Train all students and staff on bullying policies by 10/31 annually

Act

Report
Investigate
Stop



Schools Must Prevent Bullying



- *Respect for All*
 - DOE program to promote respect for diversity and create inclusive school environments
 - Goal: Provide a safe and supportive learning environment for all students by preventing discrimination, harassment, intimidation, and bullying
- Every school must have a **Respect for All (RFA) Liaison**
 - School staff member trained in bullying, discrimination, and harassment issues and reporting, investigation, and responses.
 - Goal: *Prevent* bullying, harassment and discrimination in schools



Reporting Bullying



Report the incident to the school, [online](#), by calling 311, or emailing RespectForAll@schools.nyc.gov.

Anyone can report

Can report to any school staff

Can report in person or by phone, but easiest to track when in writing

Can report in any language

Provide as much detail as possible



Responding to Bullying





What if...the school says it isn't bullying?



Contact
principal again

Email
RespectForAll
@schools.nyc.
gov

Call school
Superintendent's
office

File appeal with
Commissioner
of Education
within 30 days



Schools Must Address and Prevent Bullying



Schools should recommend supports for **all** students involved

Individual counseling

Positive behavioral supports

Academic supports/services

Social skills training

Emotional coping skills training

Collaborative problem solving between students

Restorative practices, conflict resolution, or mediation

Safety plan

If cyberbullying, training on digital citizenship

School has questions?

Email lgbtq@schools.nyc.gov



Preventing Bullying: Safety Plans



Ask the school for a meeting to create a safety plan.

- Changing student's seat, schedule, program, or lunch time
- Changing arrival/dismissal times
- Designating a safe adult at school if student needs help
- Notifying staff of bullying history
- Asking staff to keep lookout for conflict
- Ways school will teach student to self-soothe
- Ways school can address tensions/conflicts
- Buddy system for student



Bullying and Students with Disabilities



- Family has the right to ask for an IEP meeting to talk about incidents and their concerns
- Can ask IEP team to mention bullying in the IEP and add supports and services that would help, such as
 - Counseling, social skills group, learning emotional coping skills, positive behavioral supports, paraprofessional, safety plan, academic supports, or changing the student's special education program
 - If the student's behavior is affecting their ability to learn, ask for a Functional Behavior Assessment (FBA) and Behavioral Intervention Plan (BIP)



What if...



- If school does not address and prevent future bullying:
 - Talk to principal again
 - Email RespectForAll@schools.nyc.gov
 - Call school district's [Superintendent's](#) office
 - Email lgbtq@schools.nyc.gov
 - Call AFC!
- If you are not satisfied with the response, you have the right to:
 - File [complaint](#) with NYS Department of Human Rights (DHR)
 - ✦ Hotline: 1-888-392-3644
 - File [complaint](#) with federal Office of Civil Rights (OCR)
 - ✦ Must be within 180 days of incident(s)



Student-to-Student Sexual Harassment



Title IX and Chancellor's Regulation A-83 I protect students against sexual harassment by other students.

To report:

- Contact principal, school's Sexual Harassment Prevention liaison, or any school staff member
- Submit [complaint form](#) to any school staff member
- Submit complaint [online](#)
- Email RespectForAll@schools.nyc.gov
- Email Title IX Coordinator at Title_IX_Inquiries@schools.nyc.gov.



Bullying or Discrimination by School Staff



Actions by school staff toward students and families can also be considered bullying, harassment, or discrimination

- To report **corporal punishment or verbal abuse by staff:**
 - Tell the principal
 - Submit Office of Special Investigations (OSI) complaint [online](#)
 - Call 718-935-3800
- To report **discrimination or harassment by staff:**
 - Submit Office of Equal Opportunity (OEO) complaint [online](#)
 - Call (718) 935-3320



Changing Schools



Safety Transfer

- Doesn't require incident of physical harm or police report. Risk to physical, emotional, or mental health is sufficient
- To request, ask school or FWC

Guidance Transfer

- If student is not progressing or succeeding academically or socially and new school would address concerns
- To request, go to FWC with supporting documents (report cards, assignments, progress reports, suspension letters, incident reports)

Medical Transfers

- If student needs new school because of physical disability, illness, pregnancy, or mental health needs
- To request, submit letter from doctor, therapist or healthcare provider explaining medical condition and why student needs to change schools

Travel Hardship Transfer

- If student lives more than 75 minutes from school by public transportation
- To request, bring proof of address to FWC

Leaving Charter School

- Students have the right to leave charter schools and attend a DOE school instead
- Can request a placement in a DOE school from the FWC or register at zoned school for grades K–8



Alternative School Options



Transfer Schools

- For students who are behind in credits. Often have smaller classes and give more individualized attention to students.
- Harvey Milk HS is a transfer school specifically designed for LGBTQ+ students and families
- James Baldwin HS is a supportive and inclusive transfer school
- Broome Street Academy is a charter transfer school at the Door

Young Adult Borough Centers (YABCs)

- Evening programs for students who can't go to class during the day
- Students can earn a Regents diploma

High School Equivalency Programs

- DOE and community organizations offer free programs to earn HS Equivalency Diploma by passing GED exam



LGBTQ+ Students and Discipline



- Research suggests that LGBTQ+ students experience higher rates of school discipline
- Schools **cannot**:
 - Discipline students based on gender, gender identity, gender expression, or sexual orientation
 - Retaliate against students for reporting bullying
- If student faces school discipline for one of these reasons
 - File a complaint with Office of Equal Opportunity

TIP: Call AFC about any suspension hearings!



LGBTQ+ Students in Temporary Housing



- Responses from the 2019 Youth Risk Behavior Survey indicated that:
 - **LGBQ** high school students were **2.18x more likely to experience homelessness** than their straight peers
 - **Transgender** high school students were **9.22x more likely to experience homelessness** than cisgender peers
 - **LGBQ youth** experiencing homelessness **miss school at 2x the rate** of their straight housed peers due to safety concerns
 - **LGBQ youth** are **3x more likely to be bullied on school property** and 2x more likely to be cyber bullied than straight peers

Source: SchoolHouse Connection



LGBTQ+ Students in Temporary Housing



- Students without fixed, regular, or adequate housing are considered students in temporary housing (STH)
 - May be staying in a [Runaway & Homeless Youth Shelter](#), temporarily sharing the housing of others ("couch-surfing"), or in other temporary housing
- STH are protected by the McKinney-Vento Act and [DOE Chancellor's Regulation A-780](#)
- STH are entitled to:
 - Choose to remain at or return to their school of origin or enroll in a new school near where they are staying
 - Immediate enrollment (without documents)
 - Transportation to school



LGBTQ+ Students in Temporary Housing



Unaccompanied youth = STH + Not living with parent or guardian

- Have the right to make decisions about school enrollment without parental consent, with the help of an STH Regional Manager
- Can apply for federal financial aid for college as an independent student, without providing parent or guardian's financial information on [FAFSA](#)



Finding School-Based Supports



The screenshot shows the DOE School Directory website. The browser address bar displays 'schoolsearch.schools.nyc'. The page header includes the NYC Department of Education logo and a 'Select Language' dropdown menu. The main heading is 'Find a School' with a 'Submit your feedback' button. The search form contains a text input field for 'School Name or Address', two dropdown menus for 'Grade' (set to 'All') and 'Borough' (set to 'All'), and a 'Search' button. Below the search form are three tabs: 'Map', 'Schools' (which is selected), and 'Filters'. Annotations include a red arrow pointing to the URL, a yellow arrow pointing to the search input field, and a purple arrow pointing to the 'Search' button.

Use the DOE School Directory to view the specific supports available at your school:

Go to:

schoolsearch.schools.nyc

Type in name of school or address and any information you have, then select “Search”



Finding School-Based Supports



Jill Chaifetz Transfer High School

Transfer

- 778 Forest Avenue, Bronx, NY 10456
- 718-402-2429
- 718-402-3120
- School Website

Overview	School Quality	Reports
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School Number: X379	Accessibility: Partially Accessible
Grades: 09,10,11,12	2020–2021 Enrollment: 208
Geographic District: 07	Borough: Bronx
School Contacts and Information	
Superintendent and District Contacts	
Mental Health and Wellness	



Mental Health and Wellness

Ask your Parent Coordinator, School Social Worker, or School Counselor for more information about your school's mental health program.

School-Based Mental Health Clinic

Astor Services for Children & Families: [917-921-2570](tel:917-921-2570)

Community School

Quinna McNair: 718-402-2429 Ext: 1242, qmcnair@bronxworks.org

NYC Mental Health for All

Mental Health for All is a central hub where every New Yorker can connect to care and find mental health resources for themselves and their loved ones. No matter the age, ZIP code, ethnicity, or gender, we want every New Yorker to be able to live their best life.

NYC Well Hotline

NYC Well offers free-confidential-24/7 support for problems like stress, depression, anxiety, and drug or alcohol use. NYC Well services include: counselors who will respond without judgment; connection to suicide prevention, crisis counseling and emotional support for you or someone you care about; and referrals to Mobile Crisis Teams for people experiencing a behavioral health crisis. Text and chat available in English, Spanish, and Chinese; for service in other languages please call number provided below.

- Talk: 1-888-NYC-WELL (1-888-692-9355)
- For Relay Service for Deaf/Hard of Hearing: Call [711](tel:711)
- Text WELL to 65173
- Chat: nyc.gov/nycwell

Crisis Supports

- Suicide Prevention Lifeline : 1-800-273-TALK (1-800-273-8255)
- Crisis Text Line : Text HOME to 741741

Hite Site

Hite Site offers a citywide online search for mental health, social services, and healthcare agencies.



Click on Mental Health and Wellness tab!



Finding School-Based Supports



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Transfer

778 Forest Avenue, Bronx, NY 10456

718-402-2429

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School Website

Overview

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School Number: X379



Accessibility: Partially Accessible



Grades: 09,10,11,12



2020-2021 Enrollment: 208



Geographic District: 07



Borough: Bronx



School Contacts and Information



Superintendent and District Contacts



Mental Health and Wellness



School Contacts and Information

School Leader

Jessy Simon,Principal

Parent Coordinator

Yanely Henriquez

Respect for All Liaison

Michael Wolach

Sexual Harassment Prevention Liaison

Virgilio Aponte

How to report bullying



Click on the School
Contacts Tab



More Resources for LGBTQ+ Students



- LGBTQ@schools.nyc.gov
- DOE [Guidelines to Support Transgender and Gender Expansive Students](#)
- DOE [Guidelines on Gender Inclusion](#)
- DOE [Student Bill of Rights](#)
- [NYSED Guidance on Supporting Trans and Gender Expansive Students](#)
- AFC [Guide for LGBTQ+ students](#)
 - Many resources listed at the end of the AFC guide!
- DOE LGBTQ+ Support [InfoHub Page](#)
- DOE [Inclusive Curriculum Resources](#)



Advocates for Children of New York

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SIGN UP to get weekly updates in your inbox!



- Future Workshops
- Changes in the Law
- Know-Your-Rights Materials

<https://bit.ly/AFCsignup>



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Call us with questions!

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Monday-Thursday, 10am-4pm

info@advocatesforchildren.org