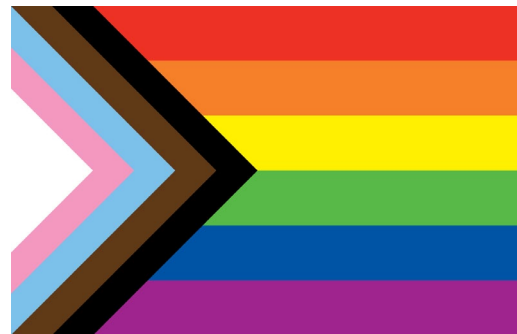


# Rights of LGBTQ+ Students in New York



**PRESENTED BY:  
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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](http://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



# Key NYS Guidance



## NYSED Guidance on Supporting Trans and Gender Expansive Students



# Recent Statements



Joint Statement from  
NYS AG and NYSED  
on Transgender  
Students' Rights  
2/18/25

Message for Families  
on NYCPS Supports  
for LGBTQ+ Students  
2/24/25





# NYS AG & NYSED Statement

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- In response to EOs 14190 & 14201, which purport to restrict K-12 schools from support trans students' social transition and their access to athletics
- These EOs do **NOT** affect rights of trans students in NYS public schools
  - How? 1) EO cannot restrict meaning of "sex" in Title IX to exclude gender identity – would need act of Congress to do so
  - AND 2) New York State law offers protections and school districts **MUST** follow State law
  - AND 3) Funding levels from federal gov't are decided through a process involving Congress



# 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](mailto: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



- FERPA protections apply to info about student's transgender or gender expansive identity and sexual orientation
  - But, schools must consider whether it is necessary/relevant to disclose that info, even to someone with FERPA permissions
- Only the student knows whether it is safe to share their identity with caregivers
  - Schools must consider the student's health and safety as they balance supporting a student with keeping their parents informed.
- 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](mailto:respectforall@schools.nyc.gov) or call (718)935-2288

Get Support

- Email [lgbtq@schools.nyc.gov](mailto:lgbtq@schools.nyc.gov)

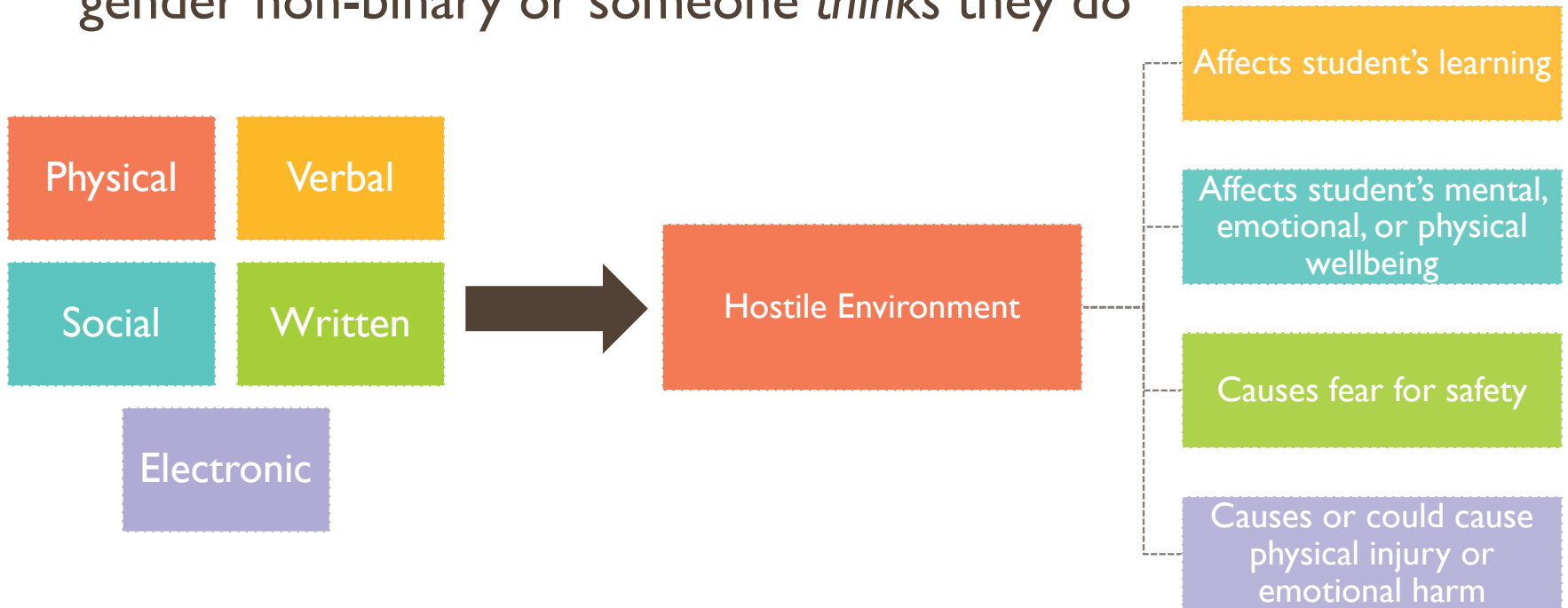
Enforce

- 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](mailto: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](mailto: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](mailto: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](mailto:RespectForAll@schools.nyc.gov)
  - Call school district's [Superintendent's](#) office
  - Email [lgbtq@schools.nyc.gov](mailto: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](mailto:RespectForAll@schools.nyc.gov)
- Email Title IX Coordinator at [Title\\_IX\\_Inquiries@schools.nyc.gov](mailto: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



Find a School - New York City De x +

schoolsearch.schools.nyc

NYC Department of Education

Select Language

Powered by Google Translate

Home ▶ Find a School

## Find a School

Submit your feedback

School Name or Address

Grade: All

Borough: All

Search

Map Schools Filters

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

Go to:

[schoolsearch.schools.nyc](https://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
----------	----------------	---------

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](mailto: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](https://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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School Website

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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](mailto: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](#)
- [Joint Statement](#) from NYS Attorney General and NYSED on Transgender Students' Rights



# Advocates for Children of New York

Protecting every child's right to learn

**SIGN UP** to get monthly updates in your inbox!



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



<https://bit.ly/AFCsignup>



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**Please fill out this survey:**



**Call us with questions!**

**Helpline: 866-427-6033 (toll free)  
Monday-Thursday, 10am-4pm**

[info@advocatesforchildren.org](mailto:info@advocatesforchildren.org)