



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Texas

Transgender Students and Rights in Schools

Texas is home to thousands of transgender, non-binary, and gender diverse students, and school districts large and small have an obligation to ensure safety and success for every student.

What does it mean for students to be transgender?

A transgender person is someone whose gender identity is different from the sex they were assigned at birth. Gender identity is a person's deeply held sense of their own gender that has been scientifically linked to brain patterns and hormone levels.¹ To learn more, check out the Human Rights Campaign's [Glossary of Terms](#).

Where can I find guidance on how school districts must treat transgender students?

The TASB School Law eSource has guidance titled "[Legal Issues Related to Transgender Students](#)" and "[Student Dress and Appearance](#)." These outline most of the legal obligations that school districts in Texas have regarding transgender students.

What are my district's obligations regarding names and pronouns?

Transgender students have a right to be called by their affirming name and pronouns (those that align with the student's gender identity). Although a school district does not need to update a student's official academic records until the student has legally changed their name or gender marker (which happens through a court order in Texas), TASB's guidance states that "the student's preferred first name and gender should be used in speaking with the student and for class rosters, identification badges, awards, and any other similar purpose."

What are my district's obligations regarding bathrooms and locker rooms?

Across the state and across the country, school districts are allowing transgender students to use the bathroom or locker room that aligns with their gender identity. While some students may prefer accessing a single-user, all-gender restroom, federal courts have repeatedly found that school districts cannot force transgender students to be separated and ostracized from their peers or deny them access to multi-user facilities

that align with their gender identity.ⁱⁱ TASB’s guidance recommends a “case-by-case approach” where administrators work closely with students and their families to find a way to meet their needs in a safe and non-discriminatory way.

What are my district’s obligations regarding dress and grooming codes?

Federal courts recognize that school districts cannot force students to conform to gender stereotypes and students have a right to dress and groom themselves in accordance with their gender identity. This August, a school district’s gender-specific grooming code requiring male, but not female, students to wear short hair was declared unconstitutional by a Texas federal court.ⁱⁱⁱ TASB currently recommends that in light of recent case law, “districts may want to consider having a dress code that does not make distinctions based on gender.”

Where can I go to learn more and access additional resources?

- Visit [TXTTransKids.org](https://www.txttranskids.org) to learn more about transgender students’ rights here in Texas
- Check out the [Trans Youth Handbook](#) from the National Center for Lesbian Rights
- Access numerous educator resources from [Gender Spectrum](#)
- Find educator guides and a Safe Spaces Kit from [GLSEN](#)
- Read guidance and recommendations from the [National Association of Secondary School Principals \(NASSP\)](#)

ⁱ Leslie P. Henderson, *Check the Science: Being Trans Is Not a ‘Choice’*, OZY (Feb. 24, 2017), <https://www.ozy.com/news-and-politics/check-the-science-being-trans-is-not-a-choice/69726/>

ⁱⁱ See, e.g., *Grimm v. Gloucester Cty. Sch. Bd.*, No. 19-1952, 2020 WL 5034430, at *18 (4th Cir. Aug. 26, 2020), as amended (Aug. 28, 2020); *Adams by & through Kasper v. Sch. Bd. of St. Johns Cty.*, 968 F.3d 1286, 1304 (11th Cir. 2020); *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034 (7th Cir. 2017); *Dodds v. United States Dep’t of Educ.*, 845 F.3d 217 (6th Cir. 2016).

ⁱⁱⁱ *Everett De’Andre Arnold, et al., v. Barbers Hill Independent School District, et al.*, No. 4:20-CV-1802, 2020 WL 4805038 (S.D. Tex. Aug. 17, 2020).