



**OSSBA Annual Conference
Transgender Students & Schools
August 26, 2016
Karen L. Long¹**

Notes

The Law and Transgender Individuals

Federal law

- Title IX of the Education Amendments Act of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity regarding federal financial assistance.”

Oklahoma law

- No law specifically referring to gender identity or expression
- School Safety and Bullying Prevention Act

United States Department of Education Office of Civil Rights

- Dear Colleague Letter (10.26.10)
- Dear Colleague Letter (05.13.16)
- Q&A on Title IX and sexual violence (04.29.14)
- OCR Resolution agreements

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OCR /DOJ Resolution Agreements (one of several with the parallel findings)

- Downey Unified School District
(November 2011 complaint –Resolution Agreement October 2014)
 - Use of female designated facilities
 - Agreement to treat the student as a girl in all respects
 - Amendment of policies
 - Training of staff
 - Age appropriate student instruction
 - Surveying of parents and students about harassment
 - Assuring appropriate supports for transgender students
 - Hiring of 3rd party consultant with expertise in child and adolescent gender identity to assist district
 - Offer opportunity to develop student success plan to ensure equal access and opportunity to district programs and activities

Success Plans

- Team based [principal, counselor, teacher(s), parent(s), student, student’s therapist or private counselor (at parent’s option), athletic director (if sports are at issue)]
- Invite an open exchange of issues
- Provide a framework for constructive decisions
- Ensure a plan for on-going exchanges

Common Student / District Issues

- Restroom access
- Overnight trips
- Sports (OSSAA has adopted policies concerning transgender athletes)

- Locker rooms
- Extracurricular activities
- Sex-segregated education
- Dress codes
- Bullying, harassment, intimidation
- Discrimination
 - Peers
 - Staff
 - Third parties
- Privacy / confidentiality
- Names / pronouns
- Record keeping
- Discipline

Recommended Actions and Practices to Minimize Legal Disputes

- Policies that include gender expression or identity
- Training of staff consistent with rights and obligations
- Age-appropriate education of students
- Transition or success plans addressing common and unique issues
- Prompt investigation of complaints or reports of harassment, intimidation or bullying
- Prompt remedial action
- Documentation of disclosures, conferences, plans, and responses to student/parent requests or reports of mistreatment