

KNOW YOUR RIGHTS

LGBTQ+ STUDENTS

YOU HAVE THE RIGHT TO BE YOURSELF

LGBTQ+ Students' Rights at School in Maryland

Know Your Rights about gender, dress codes, self-expression, and more.

NEED LEGAL ASSISTANCE?

Contact ACLU-MD's Civil Rights Legal Advocacy team.

- Use our online intake form: bit.ly/aclumd-needhelpform
- Call Civil Rights Complaint Line at on Tuesdays and Thursdays from 1-3 p.m.: **(443) 524-2558**
- Learn more: aclu-md.org/needhelp

FREEDOM OF EXPRESSION IN SCHOOLS

Your Rights

- Some schools try to silence students who express their opinions about LGBTQ+ issues. If you go to a public school, you have a constitutional right to express your views and identity.
- If your school allows students to wear t-shirts, buttons, wristbands, or other garments or accessories that express their views, then all views are protected by the First Amendment. Schools shouldn't ban rainbows, Pride symbols

or slogans, or messages about LGBTQ+, feminist, or political issues or identity.

- School officials often try to justify censoring student expression by claiming it's disruptive, when really they don't like the content of the message, or they're worried about what other students or their parents think. But courts have consistently ruled that a school's concern about other students' reactions to a LGBTQ+ or political message or image doesn't justify censoring it.

HOW TO GET HELP

If you believe your rights have been violated, **remain calm.** Complying with an order from a school official doesn't affect your right to challenge it later on. But arguing or not cooperating might make it harder to advocate for your rights later. Keep copies of any paperwork the school gives you and contact the ACLU of Maryland.

Contacting the ACLU of Maryland is confidential – any communication between you and the ACLU will be kept private. The ACLU works hard to respond to every request by considering requests for assistance, providing information, and/or offering referrals.

TRANSGENDER & GENDER-NONCONFORMING STUDENTS

Your Rights

- Transgender and gender-nonconforming students often face discrimination over dress codes, access to restrooms and locker rooms, and their chosen names and pronouns. See the "How To Get Help" section for what to do if you or others experience this type of discrimination.
- You have the right to not answer invasive questions regarding your LGBTQ+ status

and set your own personal boundaries regarding your identity.

- You have the right to use the restroom or locker room that matches your gender identity, as opposed to a nurse's office, staff restroom, teacher's office, or other secluded area.
- You have the right to play sports according to your gender identity.

GAY-STRAIGHT ALLIANCES / GENDER-SEXUALITY ALLIANCES

Your Rights

- A Gay-Straight Alliance (GSA) is a non-curricular student-led club – just like the Chess Club or Key Club – for students with a shared interest in LGBTQ+ issues.
- Federal law requires public high schools that allow any other non-curricular clubs to allow GSAs and treat them no differently from other clubs.



Check out
 ACLU of Maryland's
**KNOW YOUR
 RIGHTS – LGBTQ+
 Students'**
 information here:
**bit.ly/
 kyrlgbtqstudents**

HARASSMENT

Your Rights

- If you're being harassed or threatened, go to the principal or another school staff member right away.
- Your school has the duty to reasonably respond to harassment, including when peers or teachers misgender you, ask invasive questions about your LGBTQ+ status, or intentionally use your deadname.
- Keep detailed notes with dates of all incidents. Put the school on notice that you are being harassed.
- Schools are prohibited from retaliatory action against a parent or student who filed a complaint based on discrimination.

PRIVACY

Your Rights

- Schools should not disclose your LGBTQ+ status by outing you to anyone without your permission, even if you're out to some people at school.
- Schools, staff, or peers should not ask uncomfortable questions or make inappropriate comments regarding your sexuality and/or gender identity.

SCHOOL DRESS CODES

Your Rights

- Public schools can have dress codes, but federal law says dress codes can't treat genders differently, force students to conform to gender stereotypes, or censor particular viewpoints.
- That means that schools can't force someone to conform to a dress code based on gender. For example, your school can require that skirts must be a certain length, but not that some students can wear skirts and others can't, based on the students' sex or gender expression. That also applies to pants, ties, or any other clothing associated with traditional gender roles.
- Dress codes should not only be gender neutral on paper, they must also be enforced equally. For example, rules against "revealing" clothing, such as bans on tank tops or leggings, shouldn't be enforced only or disproportionately against girls. Nor should they be enforced more harshly against certain groups of girls, like transgender girls and/or girls who are Black, Indigenous, or People of Color.

PROM, HOMECOMING, GRADUATION & OTHER SCHOOL EVENTS

Your Rights

- Schools shouldn't require different types of clothing for special events such as prom or graduation based on students' sex or gender identity – for example, requiring tuxedos for boys and prom dresses for girls. All students should be allowed to wear clothing consistent with their gender identity and expression.
- Public schools can't stop you from bringing a date to prom, homecoming, or school dances who is the same gender and otherwise allowed to attend. Public schools also can't tell you to dress a certain way or that you can't run for prom king/queen because it doesn't fit traditional gender roles.

ACLU Maryland

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LGBTQ+ STUDENTS

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