

## WHAT HB 2 MEANS FOR TRANS STUDENTS AND THEIR FAMILIES IN NORTH CAROLINA

Governor McCrory approved a law that prohibits trans students from using restrooms that match their gender. Here's what you need to know about the new law and how you can defend your rights or the rights of trans students in your life.

### WHAT THIS LAW SAYS

This law says that students need to use restrooms and locker rooms according to the sex on their birth certificate. That means that, according to this law, most trans kids can't use restrooms and locker rooms that match their gender identity. Schools can let trans kids whose parents make a request use alternative restrooms if they're available, like single-user or faculty restrooms.

### HERE'S THE GOOD NEWS

- **We're still fighting.** We know this is a huge setback, but trans kids and their families aren't going to be fighting this alone. Our community—both in North Carolina and around the country—will continue to fight until this law is overturned. And until then, the ACLU of North Carolina will work with any trans student who's denied access to the restrooms that match their gender to stand up for their rights.
- **Many schools are still willing to do the right thing.** Schools in North Carolina have been letting trans kids use the right restrooms for years before the state government decided to interfere, and many will still work with you to find a solution.
- **Trans students are still protected by federal law.** Federal law requires schools to treat students according to their gender identity, including by giving them access to restrooms based on who they are. The North Carolina law can't trump federal law. Many schools will still let trans students use the right restrooms in spite of the North Carolina law so that they don't break federal law.
- **This law only applies to restrooms and locker rooms.** According to federal law, schools need to treat trans kids according to their gender identity in every way—from using the right names and pronouns to letting them dress and participate in sports teams according to their gender. This new state law just tries to restrict one aspect: restroom and locker room use. There is absolutely no basis for schools to refuse to treat trans kids according to their gender in any other respect.

## HOW TO PROTECT YOUR RIGHTS AT SCHOOL

- **Talk to the ACLU of North Carolina.** They can work with you to come up with a game plan, help you talk to your school administrators, and challenge schools who refuse to let you use the right restrooms. Email [contact@acluofnc.org](mailto:contact@acluofnc.org) or call (919) 834-3466.
- **Talk to your principal or other school authorities.** No matter what the state government says, many schools may still be willing to do the right thing and let students use restrooms according to their gender identity. If you're not sure if your principal or school will be on board, here are some things you can make sure to tell them:
  - o This law denies more than just restroom use. Using the restroom is a basic need, and trans students who can't use the right restrooms might not be able to attend school or learn properly.
  - o Hundreds of school districts all over the country have been letting trans students use the right restrooms without any problems.
  - o Many trans students feel unsafe or anxious using restrooms that don't match their gender identity, and get harassed, bullied and even attacked if they do.
  - o Title IX, the federal nondiscrimination law, *requires* schools to let students use restrooms according to their gender identity. Schools that violate federal law can lose their federal funding and get bogged down in expensive federal investigations and lawsuits.
- **If your school won't let you use the right restrooms, file a complaint with the U.S. Department of Education.** The Department of Education has already been able to get many settlements for trans students when schools have not respected students' gender identity. Get in touch with the ACLU of South Dakota to talk about filing a complaint or exploring other legal options, and take a look at NCTE's [Know Your Rights Guide](#) for more information.
- **If it's right for you, make sure your school lets you use an alternative restroom.** Many schools have a separate single-stall or faculty restroom. But if a single-user restroom is right for you—or if it's an option you can live with until we can get your school to let you use a restroom that matches your gender—make sure that you ask your school to give you access to one if it's available.
- **Establish and strengthen your support network. Identify adults and students at school who will have your back.** It's totally normal to feel upset, sad or angry at the new state law, so reach out to friends, family, teachers, school staff or anyone else for support, or for help advocating to your school. There are often more supportive people than you realize. If you have a trans student in your life, express your support for them as clearly as you can. This is a tough time. Use this [Model Policy](#), this [Best Practices Guide](#), and these [resources](#) to fight for them.
- **If you choose to use the right restroom anyway:** In practice, many trans students will be able to continue to use restrooms that match their gender. However, if your school decides to follow the state law instead of federal law, you could face discipline. It is even possible, though unlikely, that the school could call the police. Disobeying school rules could have serious consequences that you should consider carefully. If you choose to do so anyway, explain politely why you are not following the rules, and do not resist if staff try to remove you. If you are disciplined or face other negative consequences, reach out to the ACLU of North Carolina for help.