



# WHITE HOUSE TOOLKIT ON **TRANSGENDER EQUALITY**



Every person deserves the freedom to live with dignity, safety, and opportunity. But many transgender individuals, especially transgender women and girls of color, continue to face systemic discrimination and violence. The Biden-Harris Administration is working to root out discrimination and barriers that transgender, gender non-conforming, and non-binary Americans continue to face. On his first day in office, President Biden signed an [Executive Order](#) Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. The Executive Order established that it is the official policy of the Biden-Harris Administration to prevent and combat discrimination against transgender individuals, and to fully enforce civil rights laws to prevent discrimination on the basis of gender identity or sexual orientation. This Executive Order is one of the most consequential policies for LGBTQ+ Americans ever signed by a U.S. President.

This toolkit highlights steps that five key agencies are taking to implement the President's Executive Order and advance equity and justice for transgender individuals. It shares best practices for advancing inclusion, opportunity, and safety for transgender Americans, and provides Federal resources for transgender individuals who believe they have faced discrimination.



## U.S. DEPARTMENT OF EDUCATION SUPPORTING TRANSGENDER YOUTH IN SCHOOL

Every student deserves to learn in a safe and supportive setting, free from discrimination. As the Department of Education has reaffirmed, discrimination based on sex—including sexual orientation and gender identity—isn't just wrong, it's *prohibited* in America's schools. Yet many lesbian, gay, bisexual, transgender, and queer (LGBTQ+) students experience bullying, harassment, and other discrimination because of their sexual orientation or gender identity.

For transgender students in particular, this discrimination can threaten students' well-being and ability to thrive or even participate in school—one national [survey](#) found that transgender students were **three times** more likely to miss school than other students. Additional research cited in a [report](#) from the Department's Office for Civil Rights found transgender youth were more likely to report feeling unsafe at school and being bullied, and that the COVID-19 pandemic harmed their mental health. Some transgender students experience multiple forms of discrimination at once, including race, gender or disability discrimination, which amplify the challenges they face.

### HOW CAN SCHOOLS SUPPORT TRANSGENDER STUDENTS?

There are many ways for schools to ensure that all students, including transgender students, are safe and supported in school and have equal access to educational opportunities. Here are examples of policies and practices schools can consider developing in partnership with students, families, and advocates to support transgender students:

- Using **welcoming and inclusive language** in school, district, college, and university mission statements, such as a commitment to ensuring a safe and supportive campus that is free from discrimination and harassment for LGBTQ+ students.
- Ensuring that **school policies** clearly affirm students' right to be free from discrimination based on sexual orientation or gender identity in all aspects of school, including the nondiscriminatory use of discipline and equal access to school programs and activities.
- Adopting **policies that respect all students' gender identities**—such as the use the name a student goes by, which may be different from their legal name, and pronouns that reflect a student's gender identity—and implementing policies to **safeguard students' privacy**—such as maintaining the confidentiality of a student's birth name or sex assigned at birth if the student wishes to keep this information private, unless the disclosure is legally required.
- Adopting **policies or model plans to guide school staff on how to support students and communicate with families**, such as developmentally appropriate protocols to support students in any transition process, and a checklist of issues to discuss with the student or their family.
  - **Did you know?** Some schools and districts develop gender support plans to ensure a supportive environment for transgender students and create gender communication plans tailored to specific students' needs.



- Facilitating **opportunities for students to find support with peers, teachers, faculty, and staff**, such as student-led organizations, and **identifying safe spaces** on campus.
  - **Did you know?** According to one [survey](#), students who identified as LGBTQ+ at schools with a gay-straight alliance or gender and sexuality alliance reported that they heard anti-LGBTQ+ slurs, harassing language, and negative remarks at school less often; were less likely to report feeling unsafe because of their sexual orientation and gender expression; were less likely to report missing school due to safety concerns; and reported feeling a greater sense of belonging to their school community, among other benefits.
- Providing **professional development opportunities for educators** on equitable and supportive treatment of historically underserved students, including LGBTQ+ youth, and taking steps to promote **increased diversity among educators**.

### HOW DOES THE U.S. DEPARTMENT OF EDUCATION SUPPORT TRANSGENDER STUDENTS WHO EXPERIENCE DISCRIMINATION?

The Department of Education, through its Office for Civil Rights (OCR), helps protect the rights of all students to learn in school settings free from sex discrimination—including discrimination based on sexual orientation or gender identity. We do this by providing assistance and resources, and by enforcing Title IX of the Education Amendments of 1972.

Title IX protects all students at institutions that receive federal funding, including all public K-12 schools and almost all colleges and universities. To learn more about how Title IX protects LGBTQ+ students from discrimination, check out OCR’s [resources for LGBTQ+ students](#). Anyone who believes that a school receiving federal funding has discriminated against someone because they identify as LGBTQ+ or because they do not conform with sex stereotypes, or for another reason, can file a complaint with OCR within 180 days of the alleged discrimination. For more details, please visit [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

Public schools and school districts can also contact the Department funded regional [Equity Assistance Centers](#) to request technical assistance, including teacher training, in equity matters related to serving LGBTQ+ students in their schools. If you have questions or would like additional information or technical assistance, please visit us at [www.ed.gov/ocr](http://www.ed.gov/ocr) or contact OCR at 800-421-3481 (TDD: 800-877-8339) or at [ocr@ed.gov](mailto:ocr@ed.gov).

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## U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADVANCING HEALTH EQUITY FOR TRANSGENDER INDIVIDUALS

*“Fear of discrimination can lead individuals to forgo care, which can have serious negative health consequences. It is the position of the Department of Health and Human Services that everyone – including LGBTQ+ people - should be able to access health care, free from discrimination or interference.”*

**-- Secretary Xavier Becerra**

The U.S. Department of Health and Human Services is committed to advancing health care for the LGBTQ+ community. [Research](#) clearly shows that transgender, nonbinary, and gender nonconforming people disproportionately experience economic instability, poor health outcomes, violence, and discrimination. These experiences are often worse for transgender people of color, transgender immigrants, transgender people with disabilities, and others who hold multiple marginalized identities. The Affordable Care Act (ACA) has increased access to care among the LGBTQ+ population. Among lower-income LGBTQ+ people, for example, the uninsured rate [has been cut in half](#) since the ACA was first implemented. Yet coverage gaps persist: transgender adults are still [more likely](#) to be uninsured than other adults.

### HOW HHS IS ADVANCING HEALTH EQUITY FOR TRANSGENDER INDIVIDUALS

At HHS, we are working to advance the Biden-Harris Administration’s commitment to strengthening access to high quality, affordable health care across the country. We believe that our personnel, programming, and policies should all promote the dignity and rights of transgender people. Here are some ways we are working to further this vision:

- On January 28, 2021, President Biden announced that [HealthCare.gov](#) would be open for a Special Enrollment period through August 15, 2021, which will allow people, including those from the LGBTQ+ community to find affordable health coverage. More than 2 million current enrollees have returned to [HealthCare.gov](#) and reduced their monthly premiums by over 40 percent – and nearly 7 million uninsured Americans now qualify for coverage with no monthly premium. Finding good quality, affordable coverage is particularly important for transgender people, who are [more likely](#) than other people to avoid getting care because of cost concerns.
- On May 10, 2021, our Office for Civil Rights [announced](#) that it was updating its enforcement of Section 1557 of the Affordable Care Act’s prohibition on sex discrimination to include discrimination on the basis of sexual orientation and discrimination on the basis of gender identity. This means that if you believe you were discriminated against in health programs or activities that receive financial assistance from HHS because of your LGBTQ+ status, you can [file a complaint](#).
- In April 2021, our Department issued a new, [proposed regulation](#) for the Title X family planning program to strengthen our ability to deliver equitable, affordable, client-centered, quality family planning services for clients of all genders, especially for those with low-incomes. For 50 years, the Title X program has served as both the gold standard for quality, client-centered sexual and reproductive health care and as communities’ safety net and point-of-entry to care for those whose access to quality care may otherwise be out of reach. Until recently, [the program](#) served approximately 4 million individuals annually, with nearly two-thirds (65%) of the client population coming from households at or below the federal poverty level.
- The National Institutes of Health and the [Sexual & Gender Minority Research Office](#) are currently funding transgender community-related projects that are administered by institutions in both the United States and abroad, including as many as 52 research projects in 31 countries in South



America, Africa, Asia, and Australia and Oceania. The research focus spans a broad range of topics including the global HIV/AIDS pandemic, cultural influences on health outcomes, mental health, and prevention.

- We strive to take new initiatives to advance LGBTQ+ inclusive data collection and research efforts within the federal government. For example, the Centers for Disease Control and Prevention [published data](#) on transgender youth from the Youth Risk Behavior Survey, finding that transgender students are more likely than other students to report violence victimization, substance use, and suicide risk.

## **BEST PRACTICES FOR ADVANCING HEALTH EQUITY FOR TRANSGENDER INDIVIDUALS**

While we continue to make progress, we all have more work to do to truly transform health care to support transgender communities and address multiple disparities that persist between transgender and non-transgender communities - particularly for transgender people of color, transgender people with disabilities, transgender immigrants, and others. All institutions, providers, and community-based organizations can take steps to support transgender health issues, improve access, and build more inclusive systems of care which should include input from transgender communities:

- Use [best practices](#) to collect, analyze, and report on data on sexual orientation, gender identity, gender expression, and intersex status to identify the needs and experiences of diverse communities.
- Educate yourself and your colleagues about the health and human service needs of transgender communities and engage in regular [training opportunities](#) to stay current on the evidence-based and best practices for serving these populations.
- Provide services in an accessible, nondiscriminatory manner, in accordance with all [applicable state and federal laws](#).

To find out more about HHS' work to advance the health of LGBTQ+ communities, please visit <https://www.hhs.gov/programs/topic-sites/lgbtq/index.html>



## U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ADVANCING HOUSING EQUITY FOR TRANSGENDER INDIVIDUALS

*“Access to safe, stable housing-and shelter-is a basic necessity. Unfortunately, transgender and gender non-conforming people report more instances of housing instability and homelessness than cis-gender people... No person [should] be denied access to housing or other critical services because of their gender identity. HUD is open for business for all.”*

- **Secretary Marcia Fudge**

### HUD HAS A KEY ROLE TO PLAY IN ENSURING FAIR HOUSING FOR LGBTQ+ INDIVIDUALS, ESPECIALLY INDIVIDUALS WHO ARE TRANSGENDER

- While over 70% of non-LGBTQ+ adults own their own homes, [less than half](#) of LGBTQ+ adults own their homes. Transgender adults are far less likely to be homeowners – in one [survey](#), only 16 percent of transgender adults reported homeownership.
- The [majority](#) of the LGBTQ+ community fears discrimination when looking to purchase a home.
- Same-sex couples face system-wide discrimination by mortgage lenders, experiencing a [3% to 8% lower approval rates](#) and higher interest and fees.
- Transgender persons face barriers and discrimination in seeking rental housing, including being told about [fewer available rentals](#), being [refused](#) a home or apartment, and being evicted because of their gender identity or expression.
- Nearly [one-third](#) of transgender persons surveyed report having experienced homelessness or couch-surfing at some point in their lifetimes. One [study](#) found that transgender youth became homeless on average around age 13.
- Shelter housing is often inaccessible or unsafe for transgender and gender non-conforming people. [Studies show](#) that 19% of transgender persons who stayed in shelters were physically assaulted, and 17% were sexually assaulted by another resident or shelter staff.
- LGBTQ+ youth have a [120% higher risk](#) of reporting homelessness compared to those who are heterosexual or who are not transgender. Black LGBTQ+ youth face rates of homelessness double that of white LGBTQ+ youth.
- LGBTQ+ elders experience significant housing discrimination. [Studies show](#) that 48% of senior same-sex couples had experienced at least one type of adverse, differential treatment when applying for housing.

### HUD IS WORKING TO ADVANCE HOUSING EQUITY FOR TRANSGENDER INDIVIDUALS

**HUD formally recognized the LGBTQ+ Fair Housing protections required under the Supreme Court’s *Bostock Decision*.**

On February 11th, [HUD announced](#) that it would administer and enforce the Fair Housing Act (FHA) to prohibit discrimination on the basis of sexual orientation and gender identity. HUD’s Office of Fair Housing and Equal Opportunity informed funding recipients about this recognition and the requirement to enforce the housing rights of LGBTQ+ persons and families.



## **HUD is ensuring shelter access for vulnerable communities**

On April 27th, HUD published a notice in the Federal Register to announce its withdrawal of the previous Administration's harmful and discriminatory proposed Shelter Access rule. The proposed Shelter Rule would have created insurmountable barriers to shelter access for transgender and gender non-conforming people who already face serious discrimination and difficulty in safely accessing shelters.

HUD has also reaffirmed the agency's commitment to the 2016 Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs and the 2016 Equal Access to Housing in HUD's Native American and Native Hawaiian Programs-Regardless of Sexual Orientation or Gender Identity (hereafter referred to together as the Equal Access Rule). Under the Equal Access Rule, grantees must ensure that shelter access is provided to a person in accordance with that person's gender identity. The rule further requires that where legitimate consideration of gender is appropriate (e.g. in gender-segregated shelters) the individual's own self-identified gender identity will govern that individual's placement. This requirement is based on HUD's determination that any method of forcing someone to prove their gender identity would be intrusive, create insurmountable barriers to entry for shelter access, and result in unsafe and traumatizing situations for people seeking shelter.

HUD has also reposted [clear and practical technical assistance materials](#) that provide shelters with practical tips about how to ensure that transgender and gender non-conforming people are able to access shelter that is in line with their gender identity. HUD is also providing regular training to shelter providers on how to ensure they are protecting the privacy, safety and dignity of all residents.

## **HUD is collecting data and proactively listening to the discrimination concerns of LGBTQ+ communities**

HUD is working to ensure that LGBTQ+ communities are informed of their rights under the Equal Access Rule and the FHA. By engaging with community advocates and trusted groups, HUD is partnering to ensure that communities know their rights. HUD is also working to refine its data collection practices to better capture incidents of discrimination against LGBTQ+ communities, and to capture homelessness data for LGBTQ+ communities.



## U.S. DEPARTMENT OF JUSTICE PROTECTING THE RIGHTS OF TRANSGENDER INDIVIDUALS

The Department of Justice is committed to advancing equal justice under law, protecting the safety of all communities, and preserving the rights of all persons to receive equal treatment under the law, no matter their gender identity. This work is urgent. We are witnessing disturbing attacks on the rights and freedoms of transgender people across the country. Transgender individuals, especially transgender women of color, face harassment and violence. At school, in housing, in the workplace, and at the doctor's office, transgender people face laws and policies that penalize them just for being who they are. The Department is therefore taking action to protect transgender individuals' rights and to combat unlawful discrimination on the basis of gender identity.

### ENSURING THAT DOJ MAKES THE BEST USE OF ITS RESOURCES TO COMBAT HATE CRIMES AND HATE INCIDENTS, INCLUDING THOSE AGAINST TRANSGENDER INDIVIDUALS

- In March 2021, the Attorney General [called for](#) an expedited review of how the Department can improve enforcement of laws that prohibit hate crimes and hate incidents, including those based on actual or perceived gender identity. Based on that review, the Department [is working](#) to improve incident reporting, increase law enforcement training and coordination at all levels of government, and prioritize community outreach. No one should have to live in fear because of who they are.

### ADVOCATING IN COURT TO PROTECT TRANSGENDER INDIVIDUALS' RIGHTS

- In April 2021, the Department filed a [Statement of Interest](#) in a federal lawsuit brought by Ashley Diamond, a transgender woman who is serving time in a Georgia men's prison. Ms. Diamond alleges that she has repeatedly been sexually assaulted by other prisoners. Unfortunately, such incidents are all too common. Transgender people face alarmingly high rates of sexual violence and abuse generally, and those risks are even greater in our country's prisons and jails: transgender people are nine times more likely to be sexually assaulted by other inmates than the rest of the U.S. population. The Department's [Statement of Interest](#) explains that the Constitution requires prisons to provide reasonable protection to all prisoners, including transgender prisoners, from serious harm, including sexual abuse.
- In June 2021, the Department filed Statements of Interest in court cases in West Virginia and Arkansas to explain how federal civil rights laws protect the rights of transgender youth against discriminatory state actions.
  - In West Virginia, B.P.J., an 11-year-old girl who is transgender, is fighting for a chance to participate on her middle school's track and cross-country teams. She is from a family of runners, and like so many other kids, wants to follow in their footsteps. She wants to experience being on a team with her classmates and friends. But West Virginia has passed a law that bans middle-school girls who are transgender, like B.P.J., from participating on girls' sports teams. The Department of Justice and the Department of Education filed a [Statement of Interest](#) in B.P.J.'s lawsuit explaining how West Virginia's law violates both the Constitution and Title IX of the Education Amendments of 1972, which protects people from sex discrimination in federally-funded education programs.



- In Arkansas, the state legislature passed a law preventing transgender youth from receiving potentially lifesaving, medically necessary healthcare to affirm their gender identity. By banning gender-affirming care and punishing providers for even making referrals, the Arkansas law stands between transgender youth and their doctors, substitutes the judgment of lawmakers for that of medical professionals, and jeopardizes the physical and mental health of vulnerable young people. The Department filed a [Statement of Interest](#) explaining that Arkansas’s law violates the Constitution because it discriminates against transgender minors by denying them the ability to receive medically necessary care based solely on their sex assigned at birth.

### **ENSURING THAT DOJ’S LITIGATION POSITIONS ADHERE TO THE LAW AND PROTECT TRANSGENDER INDIVIDUALS’ RIGHTS**

- In February 2021, the Department withdrew previous court filings that had argued in support of an Idaho law that bars transgender women and girls from playing school sports on girls’ teams, and that had argued against a Connecticut interscholastic policy that allows transgender girls to compete on girls’ sports teams.

### **REVISING DOJ EMPLOYMENT POLICIES TO PROTECT TRANSGENDER INDIVIDUALS’ RIGHTS**

- In May 2021, the Department issued a new [Equal Employment Opportunity Policy](#) to affirm its commitment to equal employment and to ensure that neither applicants nor employees are denied equal opportunity because of gender identity and other characteristics. In addition, equal opportunity offices within the Department are updating complaint processing policies and procedures, trainings, materials, website information, and other resources to ensure that the Department fully implements the Supreme Court’s recent decision in *Bostock v. Clayton County* (2020), which held that the prohibition on discrimination because of sex in Title VII of the Civil Rights Act of 1964 covers discrimination on the basis of gender identity and sexual orientation.

### **SUPPORTING OTHER FEDERAL AGENCIES IN PROTECTING THE RIGHTS OF TRANSGENDER INDIVIDUALS**

- In February 2021, the Acting Attorney General issued a memorandum for heads of executive departments and agencies affirming that the Department stands ready to assist them in complying with Executive Order 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*. That Executive Order states that it is the policy of this Administration to “prevent and combat discrimination on the basis of gender identity or sexual orientation” and to “fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation.” Since the memorandum was issued, the Civil Rights Division has worked with agencies across government to help them implement Executive Order 13988’s requirements.
- In March 2021, the Civil Rights Division issued a [memorandum](#) to all agency civil rights directors and general counsels explaining that Title IX prohibits discrimination on the basis of gender identity and sexual orientation, and offering the Division’s assistance to all federal agencies as they “ensure the consistent and robust enforcement of Title IX.”



## PROVIDING RESOURCES TO HELP TRANSGENDER INDIVIDUALS UNDERSTAND THEIR RIGHTS

- On June 23, 2021—the 49<sup>th</sup> anniversary of Title IX—the Civil Rights Division and the Department of Education’s Office for Civil Rights issued [a resource](#) for LGBTQ+ students and families to help them understand how to file complaints about gender identity or sexual orientation discrimination.
- If you or someone you know is facing discrimination on the basis of gender identity, you can inform the Department of Justice at [civilrights.justice.gov](https://civilrights.justice.gov).



## CONSUMER FINANCIAL PROTECTION BUREAU ADVANCING PROTECTIONS FOR TRANSGENDER INDIVIDUALS

The Consumer Financial Protection Bureau (CFPB) is a U.S. government agency that makes sure people are treated fairly by banks, lenders, and other financial institutions. We fight discrimination in the financial marketplace, including discrimination against people who are transgender.

### TAKING ACTION TO PROTECT TRANSGENDER INDIVIDUALS FROM LENDING DISCRIMINATION

In March 2021, the CFPB [made it clear](#) that lenders cannot discriminate based on sexual orientation or gender identity. We enforce the rules that prohibit discrimination on this and other bases, so that people have equal opportunities to use credit to reach the goals they have for their own lives, whether it's to buy a home, finance a car, or start a small business.

#### **Everyone deserves equal access to economic opportunity**

The COVID-19 global pandemic laid bare the inequity in health care and wealth creation that have long existed in this country, much of it created by systemic and institutional racism and discrimination. See what we're doing to address systemic discrimination at [consumerfinance.gov/about-us/racial-equity](https://consumerfinance.gov/about-us/racial-equity).

### WARNING SIGNS OF DISCRIMINATION

You can more easily spot credit discrimination if you are prepared and aware of warning signs. Credit discrimination doesn't only happen in a face-to-face situation, which means it can be hard to spot. Pay attention to whether you are:

- Treated differently in person than on the phone or online
- Discouraged from applying for credit
- Encouraged or told to apply for a type of loan that has less favorable terms (for example, a higher interest rate)
- Hearing the lender make negative comments about race, color, religion, national origin, sex (including sexual orientation or gender identity), marital status, age, or protected statuses
- Refused credit even though you qualify for it based on advertised requirements
- Offered credit with a higher interest rate than you applied for, even though you qualify for a lower rate based on advertised requirements

For more information and resources on credit discrimination, including in languages other than English, see [consumerfinance.gov/fair-lending](https://consumerfinance.gov/fair-lending).

### CFPB IS HERE TO HELP

The COVID-19 pandemic has caused economic hardship and housing insecurity for many in the transgender community. If you are facing money struggles, especially with paying your mortgage or rent, see information on your rights and where to find help at [consumerfinance.gov/coronavirus](https://consumerfinance.gov/coronavirus). If you have a problem with a financial product or service, the CFPB encourages you to submit a complaint, including if you think that you have been discriminated against for being transgender. When you submit a complaint to the CFPB, we forward it to the company and work to get a response from them.

Consumer complaints also inform our work. To submit a complaint, visit [consumerfinance.gov/complaint](https://consumerfinance.gov/complaint) or call (855) 411-2372 or via TTY/TDD at (855) 729-2372.