



Transgender Students with Disabilities

Federal Disability Rights and Education Laws

Fact Sheet



Federal Disability Rights and Education Laws and Transgender K-12 Students with Disabilities

Transgender (trans) and nonbinary people are facing a wide array of harmful and discriminatory state laws, court rulings, and administrative actions. The current federal administration and many state governments and legislatures have adopted policies that are hostile toward trans and nonbinary people.¹ Young people who are trans and nonbinary, including K-12 students, often experience particularly intense scrutiny and adverse policies. Many of these students also have disabilities.

Federal disability rights laws, including Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), protect all students from disability discrimination and harassment. Further, Section 504 and the Individuals with Disabilities Education Act (IDEA) require schools to provide students with disabilities access to a free, appropriate public education.

Federal disability rights and disability education laws remain in effect and continue to protect transgender K-12 disabled students

Enforcing these laws can help ensure that trans and nonbinary students with disabilities receive the accommodations, services, and supports they need to learn and succeed in school. Enforcement can also protect students from bullying and harassment and improve their school experiences. Access to K-12 education, in turn, prepares students for opportunities such as higher education and employment.

What does it mean if a K-12 student is transgender?

Transgender people are people whose gender identity is different from the gender they were thought to be at birth.² Transgender is an umbrella term that includes nonbinary people, trans women, trans men, and additional people who are gender diverse. “Trans” is often used as shorthand for transgender.

¹ Trump Anti-LGBTQ+ Executive Order Litigation Tracker, <https://lgbtqbar.org/programs/advocacy-resources/trump-executive-order-tracker/>; 2026 anti-trans bills tracker, <https://translegislation.com/>; Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions (updated Apr. 9, 2026), <https://www.kff.org/lgbtq/gender-affirming-care-policy-tracker/>.

² A4TE, Understanding Transgender People: The Basics, <https://transequality.org/issues/resources/understanding-transgender-people-the-basics>.

What does it mean if a K-12 student is nonbinary?

Some people do not neatly fit into the categories of “man” or “woman,” or “male” or “female.”³ People whose gender is not male or female use many different terms to describe themselves, with nonbinary being one of the most common. Other terms include genderqueer, agender, bigender, and genderfluid. None of these terms mean exactly the same thing – but all speak to an experience of gender that is not simply male or female.

Why are federal disability rights laws relevant to transgender K-12 students?

Many transgender K-12 students also have disabilities and therefore have rights and protections under federal disability rights and education laws. Students with disabilities are entitled to accommodations and supports needed to access their education and other programs and activities at school. Disabled students are also protected from discrimination and harassment at school.

Some transgender students have gender dysphoria, a condition characterized by distress or impairment related to an incongruence between one’s gender identity and assigned sex at birth. Some students receive this diagnosis in the context of accessing transition-related care. Depending upon the facts, and how the law is interpreted, a student with gender dysphoria may have a disability as defined by the ADA and Section 504.⁴ This means that the student is protected from disability discrimination and is entitled to the reasonable accommodations they need.

³ A4TE, About Nonbinary People, <https://transequality.org/trans-101/about-nonbinary-people>.

⁴ See *Williams v. Kincaid*, 45 F.4th 759 (4th Cir. 2022), cert. denied, 143 S. Ct. 2414 (2023) (holding that the plaintiff “has plausibly alleged that gender dysphoria does not fall within the ADA’s exclusion for ‘gender identity disorders not resulting from physical impairments.’”); *Doe v. Triangle Doughnuts, LLC*, 472 F. Supp. 3d 115, 134–35 (E.D. Pa. 2020); *Doe v. Mass. Dep’t of Corr.*, No. 17–12255-RGS, 2018 U.S. Dist. LEXIS 99925, at *17–18 (D. Mass. June 14, 2018); *Blatt v. Cabela’s Retail, Inc.*, No. 5:14-cv-04822, 2017 U.S. Dist. LEXIS 75665, 2017 WL 2178123 (E.D. Pa. May 18, 2017) (interpreting the statutory exclusions narrowly such that they do not “exclude from ADA coverage disabling conditions that persons who identity with a different gender may have—such as Blatt’s gender dysphoria, which substantially limits her major life activities of interacting with others, reproducing, and social and occupational functioning”); cf. *Parker v. Strawser Construction, Inc.*, 307 F. Supp. 3d 744 (S.D. Ohio 2018) (holding that plaintiff’s “disability claims under the ADA . . . are foreclosed[,]” because the plaintiff failed to “allege that her gender dysphoria was caused by a physical impairment or that gender dysphoria always results from a physical impairment”); *Doe v. Northrop Grumman Systems Corp.*, 418 F. Supp. 3d 921 (N.D. Ala. 2019) (holding the lack of “clear allegations[]” that plaintiff’s gender dysphoria results ‘from a physical impairment[]’ . . . is fatal to plaintiff’s ADA claim”); U.S. Dep’t of Health and Hum. Serv., Notice of proposed rulemaking, 90 Fed.Reg. 59483 (Dec. 19, 2025) (proposing rule that, under Section 504, the term disability excludes “gender dysphoria not resulting from physical impairments”).

Some transgender students have conditions other than gender dysphoria that are disabilities. Studies and surveys show that people who are transgender are more likely to self-identify as disabled and to have diagnoses such as autism, ADHD, and mental health conditions like depression and anxiety.⁵ These conditions are typically disabilities as defined by the ADA and Section 504.⁶ A student with one or more of these disabilities is protected from disability discrimination and entitled to reasonable accommodations.

A student with gender dysphoria, autism, ADHD, a mental health condition, or another disability who needs special education may also be eligible for educational services under the IDEA. For example, a trans or nonbinary student with autism who needs additional services and supports to access their education is eligible for an individualized education program (IEP).⁷

How can federal disability rights and education laws support transgender and nonbinary students with disabilities?

Supports to Access Education

Under Section 504 and the IDEA, schools must provide all K-12 students with disabilities – including trans and nonbinary disabled students – a free appropriate public education in the least restrictive environment appropriate to the student’s needs.

Under Section 504, the school must provide the accommodations and supports needed for the student to have equal access to school programs and activities. These accommodations and supports are typically documented in a Section 504 plan developed by the school district and the student’s parents or guardians.

Under the IDEA, disabled students who need additional services to access their education are entitled to a more comprehensive set of supports. The school

⁵ National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey*, (2016), at 57, <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>; Health and Wellbeing: A Report of the 2022 U.S. Transgender Survey (June 2025), at 24, https://transequality.org/sites/default/files/2025-06/USTS_2022Health%26WellbeingReport_WEB.pdf; Jennifer R. Pharr and Kavita Batra, “Physical and Mental Disabilities Among the Gender-Diverse Population Using the Behavioral Risk Factor Surveillance System, BRFSS (2017–2019): A Propensity-Matched Analysis,” *9:10 Healthcare* (Basel) 1285 (Sept. 2021).

⁶ 28 CFR § 35.108(d)(2)(iii); (“[I]t should easily be concluded that . . . Intellectual disability substantially limits brain function; . . . Autism substantially limits brain function; . . . Major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia each substantially limits brain function.”); *Glaser v. Gap Inc.*, 994 F. Supp. 2d 569, 575 (S.D.N.Y. 2014) (autistic employee); *Adams v. Crestwood Med. Ctr.*, 504 F. Supp. 3d 1263, 1293 (N.D. Ala. 2020) (employee with intellectual disability); *Hebert v. Ascension Par. Sch. Bd.*, 396 F. Supp. 3d 686, 698 (M.D. La. 2019) (employee with PTSD and depression).

⁷ 34 CFR § 300.8.

district must provide a set of individualized services and supports to ensure that the student can make meaningful progress at school and learn alongside their peers. The plan for services and supports must be written in an Individualized Education Program (IEP), which is reviewed and updated regularly. The district must pay for needed evaluations to identify those supports. The IDEA also gives the parents and student procedural rights and remedies, such as the right to see records, attend meetings, participate in decisions, and receive notices ahead of time about any proposed changes. If there is a dispute, the family can access mediation and an administrative complaint process.

The following are examples of accommodations and supports that might be included in a Section 504 plan or an IEP:

- extended time on tests;
- alternative testing formats;
- preferential seating (near instruction);
- access to quiet testing environments;
- notetaking support;
- modified or reduced assignments;
- additional or different breaks from classes or activities, including sensory breaks and bathroom breaks;
- shortened school days;
- speech-to-text technology;
- augmentative and alternative communication (AAC) methods and devices;
- visual supports;
- assistance with medication administration;
- access to a designated support person such as a school counselor during the school day;
- flexibility with attendance and deadlines, including excused absences or late arrivals for mental health appointments or when symptoms interfere with the student's ability to attend or complete work;
- opportunities to make up missed assignments without penalty;
- scheduled breaks during the school day; and
- when necessary, medical leave to allow the student to receive treatment.⁸

⁸ U.S. Dep't of Educ., Section 504 Protections for Students with Depression, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocr-factsheet-depression-202409.pdf>.

An IEP may include even more robust supports such as: specially designed instruction; modified curriculum; classroom aides; speech, occupational, and physical therapy; counseling (including parent counseling), behavioral supports, and transportation.

Protection Against Bullying and Harassment

Transgender K-12 students are more than twice as likely than other students to experience bullying at school.⁹ Transgender students with disabilities may experience bullying and harassment at school that can make it harder to learn or participate. Bullying can exacerbate disabilities.

Under the IDEA, schools must prevent and remedy bullying of students with disabilities whenever the bullying interferes with the student's ability to receive a free appropriate public education.¹⁰ Courts applying the IDEA have ruled that schools must address bullying regardless of the reason or motivation for the bullying.¹¹

Under Section 504, schools must prevent and remedy bullying based on a student's disability that interferes with the student's ability to participate in or benefit from school.¹² Schools must act whenever they know or reasonably should know about disability-based harassment.

Further, courts have ruled that schools violate Section 504 if they are deliberately indifferent to another form of bullying experienced by a disabled

⁹ Nicolas A. Suarez, MPH, et al., Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students — Youth Risk Behavior Survey, United States, 2023, Morbidity and Mortality Weekly Report Suppl. (Oct. 10, 2024), <https://www.cdc.gov/mmwr/volumes/73/su/su7304a6.htm>.

¹⁰ See, e.g., *Cianciotto v. N.Y.C. Dep't of Educ.*, 600 F. Supp. 3d 434, 450-51 (S.D.N.Y. 2022) (reviewing administrative determination that school violated IDEA by failing to mitigate homophobic bullying of child with disabilities); *T.J. ex rel. B.W. v. Bd. of Educ.*, No. 3:17-cv-9592 (JCH), 2019 U.S. Dist. LEXIS 171583, at *47 (S.D.N.Y. Sep. 30, 2019) (same); *Shore Reg'l High Sch. Bd. of Educ. v. P.S.*, 381 F.3d 194, 202 (3d Cir. 2004) (reversing district court and reinstating administrative determination that homophobic and transphobic bullying of child with disabilities violated IDEA); *T.K. v. N.Y.C. Dep't of Educ.*, 779 F. Supp. 2d 289, 317-18 (E.D.N.Y. 2011) (under IDEA, school must take prompt and appropriate action in response to bullying of disabled child "that it is likely to affect the opportunity of the student for an appropriate education").

¹¹ *Cianciotto v. N.Y.C. Dep't of Educ.*, 600 F. Supp. 3d 434, 458 (under IDEA, "the bullying itself need not be based on a disability—i.e., the object of the bullying need not be the victim's disability"); *T.K.*, 779 F. Supp. 2d at 317 (under IDEA, "[t]he bullying need not be a reaction to or related to a particular disability").

¹² *McCann v. York Sch. Dep't*, 365 F. Supp. 3d 132 (D. Me. 2019) (plaintiff stated claim under Section 504 based on allegation that school's failure to respond to child's bullying complaints was based on disability); U.S. Dep't of Educ., Office of Civil Rights, OCR Complaint No. 03-22-1240-A (Sept. 2023) (finding that Allegheny Valley School District violated Section 504 when it failed to respond appropriately to notice ongoing disability-based harassment of a disabled child), <https://ocras.ed.gov/sites/default/files/ocr-letters-and-agreements/03221240-a.pdf>.

student – such as sexist, homophobic, anti-trans, or violent bullying – that is interfering with the student’s education.¹³ A school may violate this standard if the student or their parent reports the harassment but the school fails to respond with accommodations or other steps to mitigate the abuse.

Steps to prevent and remedy harassment can include schedule changes and a change or transfer to another classroom.

Access to Restrooms and Other Facilities

Transgender students with disabilities are entitled to accommodations and supports needed to access restrooms and other facilities that are appropriate and safe for them. Accommodations may include a modification to generally applicable school policies such as permission to use a restroom that is not usually available. Appropriate access to restrooms and related supports are frequently requested by families and included in Section 504 plans and IEPs.¹⁴ Courts have held that schools must address environmental conditions that

¹³ *Cianciotto*, 600 F. Supp. 3d at 460 (holding that school violated Section 504 by failing to mitigate homophobic bullying of child with PTSD and learning disabilities with deliberate indifference and thereby denying him FAPE); *see also id.* at 459 (rejecting defendants’ argument that it did not violate Section 504 because student was not bullied because of his disabilities); *Doe v. Abington Friends Sch.*, Civil Action No. 24-1127, 2024 U.S. Dist. LEXIS 150267, at *22 (E.D. Pa. Aug. 22, 2024) (holding that student alleged claim under Section 504 based on allegations that school knew of her disabilities, failed to evaluate or convene a section 504 meeting, and failed to issue a Section 504 plan or provide accommodations, including a request to be separated from perpetrator of violent bullying and sexual harassment); *J.A. v. S.F. Unified Sch. Dist.*, No. 4:20-cv-03701-KAW, ECF 85 (N.D. Cal. Feb. 7, 2023) (denying defendants’ motion for summary judgment under Section 504 where school knew of student’s need for accommodation to avoid bullying, and student testified that he was discouraged from using the accommodation); *see also* U.S. Dep’t of Educ., Office of Civil Rights, Dear Colleague Letter (Oct. 21, 2014) (“the bullying of a student with a disability on *any* basis can similarly result in a denial of FAPE under Section 504 that must be remedied”) (emphasis in original), <https://demarleinc.com/wp-content/uploads/2025/11/14-10-21-Dear-Colleague-Letter-from-The-Assistant-Secretary-Catherine-E.-Lhamon-PDF-colleague-bullying-201410.pdf>.

¹⁴ *See, e.g.*, U.S. Dep’t of Educ., Section 504 Protections for Students with Inflammatory Bowel Disease (IBD) (describing restroom access and other reasonable accommodations that may be required under Section 504 for student with IBD), <https://www.ed.gov/media/document/ocr-factsheet-inflammatory-bowel-disease-108820.pdf>; Cystic Fibrosis Foundation, Individualized Education Programs (IEPs) and 504 Plans (“Sample IEP or 504 Plan Accommodations ... Give access to a private bathroom”), <https://www.cff.org/managing-cf/individualized-education-programs-ieps-and-504-plans>; Adams & Associates, Inclusion Placement Upheld as FAPE – OAH 2014070012, Student v. Los Angeles Unified School District - District Prevailed (reviewing dispute about access to bathrooms in IEP), <https://www.californiaspecializedlaw.com/oah-2014070012-inclusion-fape-upheld/>; Belmont-Redwood Shores USD Health Services and IEP Dispute – OAH 2024110856, Student v. Belmont-Redwood Shores School District - Student Prevailed (describing IEP providing access to accessible bathroom facilities), <https://www.californiaspecializedlaw.com/belmont-redwood-shores-iep-health-services-oah-2024110856/>; Dispute Over FAPE and IEP Implementation – OAH 2024110401, Student v. Redondo Beach Unified School District - District Prevailed (reviewing dispute over whether IEP provided adequate support for toileting and access to the bathroom), <https://www.californiaspecializedlaw.com/folsom-cordova-oah-2024110401-special-education-case/>; Stockton Special Education FAPE & Assessment Dispute – OAH 2024050096, Student v. Stockton Unified School District - District Prevailed (same), <https://www.californiaspecializedlaw.com/stockton-fape-assessment-dispute-oah-2024050096/>.

interfere with a student’s education, including those that exacerbate a student’s disability.¹⁵

For example, a transgender girl with generalized anxiety disorder may need and be entitled to an accommodation to use an alternative restroom if a policy or rule would otherwise require her to use the boys’ restroom, which would worsen her anxiety and interfere with her ability to participate in school. To provide another example, some trans and nonbinary students avoid drinking liquids to minimize the chance they will need to use the restroom while at school. If such a student has a disability exacerbated by dehydration, they may need and be entitled to an accommodation to access a restroom they feel safe enough to use.

The specific accommodations provided by a school district to a trans disabled student may vary depending on the needs of the individual student and where the student lives. More than 20 states have laws barring K-12 trans students from using restrooms and facilities consistent with their gender identity at school.¹⁶ Some school districts have faced anti-trans challenges under Title IX (a federal law that prohibits sex discrimination in education) to policies permitting trans students to use restrooms that align with their gender identity.¹⁷ While some school districts may offer access to the restrooms that align with the student’s gender identity, others may offer access to all-gender or single-user restrooms. Whatever the agreed-upon accommodations, the student must have safe and appropriate access to restrooms and other facilities and be able to access their education.

What about private schools?

Some K-12 private schools are organized as “charter schools” and are officially part of a school district. The ADA, Section 504, and the IDEA apply to students attending charter schools.¹⁸

¹⁵ See *nn. 9-12, supra*; *E.P. v. Twin Valley Sch. Dist.*, 517 F. Supp. 3d 347 (E.D. Pa. 2021).

¹⁶ Movement Advancement Project, Bans on Transgender People Using Public Bathrooms and Facilities According to their Gender Identity (data as of June 4, 2026), <https://mapresearch.org/equality-map/bans-on-transgender-people-using-public-bathrooms-and-facilities-according-to-their-gender-identity/>.

¹⁷ See, e.g., U.S. Department of Education’s Office for Civil Rights Finds Denver Public Schools Violated Title IX (Aug. 28, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-denver-public-schools-violated-title-ix>; *John & Jane Doe No. 1 v. Bethel Local School District Board of Education*, No. 23-3740 (6th Cir. Aug. 6, 2025), <https://www.opn.ca6.uscourts.gov/opinions.pdf/25a0410n-06.pdf>.

¹⁸ U.S. Department of Justice, Civil Rights Division, Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools (archived), https://archive.ada.gov/doe_doj_eff_comm/doe_doj_eff_comm_faqs.htm.

Some K-12 private schools are designed to educate public school students with disabilities referred to them by school districts. These schools may be referred to as “nonpublic schools” in California or by another term such as “approved private special education schools.” Section 504 and the IDEA apply to the students with disabilities attending these schools.

Students with disabilities who are placed by their parents into other private schools have limited rights under the IDEA.¹⁹ These private schools are also covered by Title III of the ADA and must provide reasonable accommodations to students with disabilities.

Get more information and help

If you need more information and technical support on the rights of trans disabled K-12 students at school, please contact Disability Rights Education and Defense Fund (DREDF) at info@dredf.org, Advocates for Trans Equality (A4TE) at a4te@transequality.org, or (for California students) Disability Rights California (DRC) at 1-800-776-5746.

If you are filing a complaint or considering litigation on any issue regarding trans K-12 students, **we urge you** to reach out to A4TE or another trans advocacy organization for guidance.

¹⁹ U.S. Dep’t of Educ., Office of Special Education and Rehabilitative Services, Office of Special Education Programs, Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools (rev. Feb. 2022), https://sites.ed.gov/idea/files/OA_on_Private_Schools_02-28-2022.pdf.