[Date]

[Name]

[Title]

[School]

[Address Line 1]

[Address Line 2]

 Re: [Student’s Name]

Dear [Name],

 [Student’s Name] graduated from [School] in [Year] / is enrolled at [School]. The permanent file and transcripts currently kept by [School] reflect his/her former name and former sex designation (female/male). Although [Student’s Name]’s was designated female/male at birth, she/he has taken steps to bring his/her legal gender into conformity with his/her male/female lived gender, including getting a court-ordered name change, changing his/her name on his/her social security card and on all credit cards, and changing his/her name and gender on his/her driver’s license and employee records.

[Student’s Name] is a transgender man/woman. This means that he/she was assigned the female/male sex at birth but identifies and lives as a man/woman. In order to complete his/her transition, it is vitally important that [Student’s Name] be able to update his/her school records to accurately reflect his/her name and gender. Every time [Student’s Name] applies to a college or for a job, the admissions officer or prospective employer will see his/her former name and gender marker on his/her diploma and transcript. This discrepancy between [Student’s Name]’s current gender expression and his/her school records could lead to embarrassing questions, harassment, or discrimination.[[1]](#footnote-1) The federal government and the [State] have recognized the importance of accurate identity documents for transgender people by providing statutory and regulatory mechanisms for people to amend their name and gender on a variety of documents, including social security cards,[[2]](#footnote-2) passports,[[3]](#footnote-3) birth certificates,[[4]](#footnote-4) and driver’s licenses.[[5]](#footnote-5)

Under FERPA, students have a right to seek to amend their school records if said records are “inaccurate, misleading, or in violation of the student’s rights of privacy.”[[6]](#footnote-6) Here, the records are misleading and inaccurate because they do not accurately reflect [Student’s Name]’s court-ordered legal name change or his/her lived gender identity, both of which are reflected on his/her social security card, credit cards, driver’s license, and employee records. In addition, by maintaining the records as they are, the District is violating [Student’s Name]’s right to keep private the fact that he/she is transgender. As the Court of Appeals for the Second Circuit held in *Powell v. Schriver*, “the excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond a doubt.”[[7]](#footnote-7) By not correcting [Student’s Name]’s name and gender marker on his/her school records, the school board is actively disclosing its former student’s transgender status, potentially placing [Student’s Name] in harm’s way. Exposure of transgender status is directly linked to high rates of discrimination, harassment, and even violence.[[8]](#footnote-8)

In addition to being legally indefensible, any refusal to correct [Student’s Name]’s school records would be emotionally harmful. When an organization or agency is unwilling to issue identification that reflects a person’s identity, it is making a value judgment on the legitimacy of that identity.[[9]](#footnote-9) It is essentially denying the validity of that person’s own gender identity. There is no reason for [Student] to suffer such indignity.

 Thank you for your prompt attention to this pressing matter. For the sake of [Student’s Name]’s privacy, safety, and dignity, it is our sincere hope that he/she will receive the record change he/she is entitled to.

Kind regards,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. *See* Dean Spade, *Documenting Gender*, 59 Hastings L.J. 731, 750-61 (2008). [↑](#footnote-ref-1)
2. *See Change Gender on Your Social Security Record*, subpage to *Frequently Asked Questions*, Social Security Online (Apr. 18, 2012, 12:27PM), http://ssa-custhelp.ssa.gov/app/answers/detail/a\_id/1667/~/change-gender-on-your-social-security-record. [↑](#footnote-ref-2)
3. *7 FAM 1300 Appendix M: Gender Change*, *in* US State Department Foreign Affairs Manual (Jun. 29, 2012), http://www.state.gov/documents/organization/143160.pdf. [↑](#footnote-ref-3)
4. *See Sources of Authority To Amend Sex Designation on Birth Certificates*, Lambda Legal, http://www.lambdalegal.org/publications/sources-of-authority-to-amend; [Relevant State statute or regulation to change birth certificate gender marker]. [↑](#footnote-ref-4)
5. *See Driver’s License Policies by State*, National Center for Transgender Equality (2007), http://transequality.org/Resources/DL/DL\_policies.html; *see also* [Relevant State regulation to change driver’s license gender marker]. [↑](#footnote-ref-5)
6. *See* 20 U.S.C. § 1232g(a)(2); 34 C.F.R. § 99.20-21. [↑](#footnote-ref-6)
7. 175 F.3d 107, 111 (2d Cir. 1999). [↑](#footnote-ref-7)
8. These risks are present in nearly every aspect of life as an out transgender or gender non-conforming person. In a recent survey of over 6,000 transgender and gender non-conforming people:

90% of those surveyed reported experiencing harassment, mistreatment or discrimination on the job or taking actions like hiding their transgender status to avoid it.

47% said they had experienced an adverse job outcome, such as being fired, not being hired, or being denied a promotion because of their status as transgender or gender non-conforming.

53% reported being verbally harassed or disrespected in a place of public accommodation.

19% reported having been refused a home or apartment, and 11% reported being evicted, because of their status as transgender or gender non-conforming.

22% of respondents who had interacted with police reported police harassment.

19% of respondents reported being refused medical care due to their transgender or gender non-conforming status.

Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, Executive Summary, 2-5 (2011), *available at* http://www.thetaskforce.org/downloads/reports/reports/ntds\_summary.pdf. [↑](#footnote-ref-8)
9. *See* Andrew Cray and Jack Harrison, Center for American Progress, *ID Accurately Reflecting One’s Gender Identity Is a Human Right* (Dec. 18, 2012), available at http://www.americanprogress.org/wp-content/uploads/2012/12/TransgenderID-4.pdf. [↑](#footnote-ref-9)