

Department of Education Recommends Steps to Ensure Inclusivity of Intersex Students

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Meet the Authors



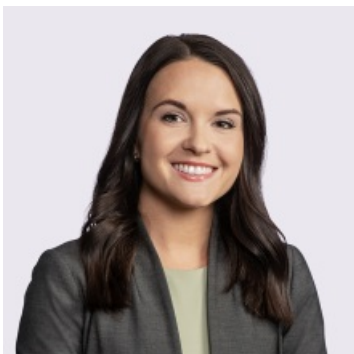
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The U.S. Department of Education's Office for Civil Rights (OCR) has published [a fact sheet](#) that addresses key issues intersex students face in schools and provides recommendations on how schools can support intersex students.

This publication was released on Intersex Awareness Day, and it advances the Biden Administration's efforts to ensure equal educational opportunity in the form of safety, well-being, and inclusivity for all students.

The OCR fact sheet serves as a resource for school leadership, educators, staff, and students. It provides that federal civil rights laws protect all students, including intersex students, against sex discrimination. According to OCR, the term "intersex" generally refers to individuals with variations in physical sex characteristics, including anatomy, hormones, chromosomes, and other traits that may differ from expectations or stereotypes associated with male or female bodies. The OCR fact sheet expressly addresses issues intersex students may face in school and offers examples of ways schools can support all students to foster an environment of safety and well-being.

Examples of issues intersex students may face in school include:

- Bullying or harassment
- Discrimination related to non-conformity of sex stereotypes
- Concerns around maintaining confidentiality of personal health information
- Skepticism from others about their bodies or gender identities
- Social isolation or exclusion

Examples of ways schools can support all students include:

- Inclusive language in school mission statements
- Affirm students' rights to be free from sex discrimination at school
- Adopt policies that respect students' gender identities
- Maintain confidentiality of student medical information (absent necessary legal disclosures)
- Provide training and professional development opportunities to teachers on supportive treatment of intersex students

Educational institutions should consider reviewing their mission statements and relevant policies, such as anti-discrimination policies, to ensure inclusivity of all students. Additionally, schools may consider revising any harassment prevention training to include information on the protections of intersex students under federal civil rights laws.

The Jackson Lewis Higher Education Team continues to analyze ongoing developments in this area and from the U.S. Department of Education. Please contact a Jackson Lewis attorney with any questions about the recently issued fact sheet and other Title IX-related

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