

WHAT DOES THE EQUALITY ACT MEAN FOR SCHOOLS AND EDUCATORS?

What is the Equality Act?

The Equality Act prohibits discrimination based on an individual's sexual orientation or gender identity at work and in the context of housing, credit, education, and jury service. It also prohibits discrimination based on sexual orientation, gender identity, and sex in programs that receive federal funding (such as schools) and places of public accommodations, while also expanding the list of protected places of public accommodations to include retail stores, transportation services like airports, taxis and bus stations, and service providers like accountants.

How does the Equality Act reach schools?

The Equality Act amends Title VI of the Civil Rights Act of 1964 by adding sex, sexual orientation, and gender identity to the list of protected categories. It explicitly prohibits exclusion from participation in, denial of benefits, and discrimination under federally assisted programs on the basis of sex, sexual orientation, and gender identity. Any school receiving federal funding would not be able to discriminate against students or prospective or current employees.

What schools are covered by the Equality Act?

Any school receiving federal funds is covered by the Equality Act. This includes all public schools and many private schools.

What does this mean for students?

The Equality Act codifies protections that the Department of Education has already put in place through case law and guidance, including the right to form Gay-Straight Alliances/Gender and Sexuality Alliances (GSAs) and protection from discrimination on the basis of sex stereotyping. The Equality Act prohibits discrimination against any LGBTQ youth. Discrimination can take many forms including bullying and harassment by other youth or by educators and staff.

What does this mean for transgender students?

The Equality Act codifies current case law ensuring that transgender students are treated consistent with their gender identity, including when accessing locker rooms and restroom facilities.

What does this mean for educators?

The Equality Act prohibits discrimination in employment by any school receiving federal funds. This means that schools will be prohibited from discriminating against an educator on the basis of sexual orientation or gender identity in the context of hiring, firing, or promotion.



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