

PAYING AN UNFAIR PRICE

The Financial Penalty for Being Transgender in America

February 2015



Center for American Progress



MAP

movement advancement project ▶

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The Movement Advancement Project (MAP) is an independent think tank that provides rigorous research, insight and analysis that help speed equality for LGBT people. MAP works collaboratively with LGBT organizations, advocates and funders, providing information, analysis and resources that help coordinate and strengthen efforts for maximum impact. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families.

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This report was developed in partnership with:

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The Center for Community Change's mission is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better. Its focus areas include jobs and wages, immigration, retirement security, affordable housing, racial justice and barriers to employment for formerly incarcerated individuals. The Center empowers the people most affected by injustice to lead movements to improve the policies that affect their lives. For more information, visit www.communitychange.org.

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Transgender Law Center

Transgender Law Center (TLC) changes law, policy and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression. Founded in 2002, TLC employs an integrated multidisciplinary approach—including impact litigation, policy advocacy, public education, and movement building—to protect and advance the rights of transgender and gender nonconforming people from coast to coast. For more information, visit www.transgenderlawcenter.org.

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INTRODUCTION

The financial outlook for millions of Americans remains bleak. Recently released figures show the gap between the best-off and the poorest Americans is larger than it has ever been.¹ Two in five Americans live in a state of economic insecurity. This means they have lost a job or had their work hours reduced, they are skipping meals or are unable to pay monthly bills, they are receiving food assistance or unemployment benefits, or they are putting off seeing a doctor because of the cost.² Many more Americans worry about the future: half believe they are better off than their children will be,³ and only one in four still believe in the American Dream—that if you work hard, you will get ahead.⁴

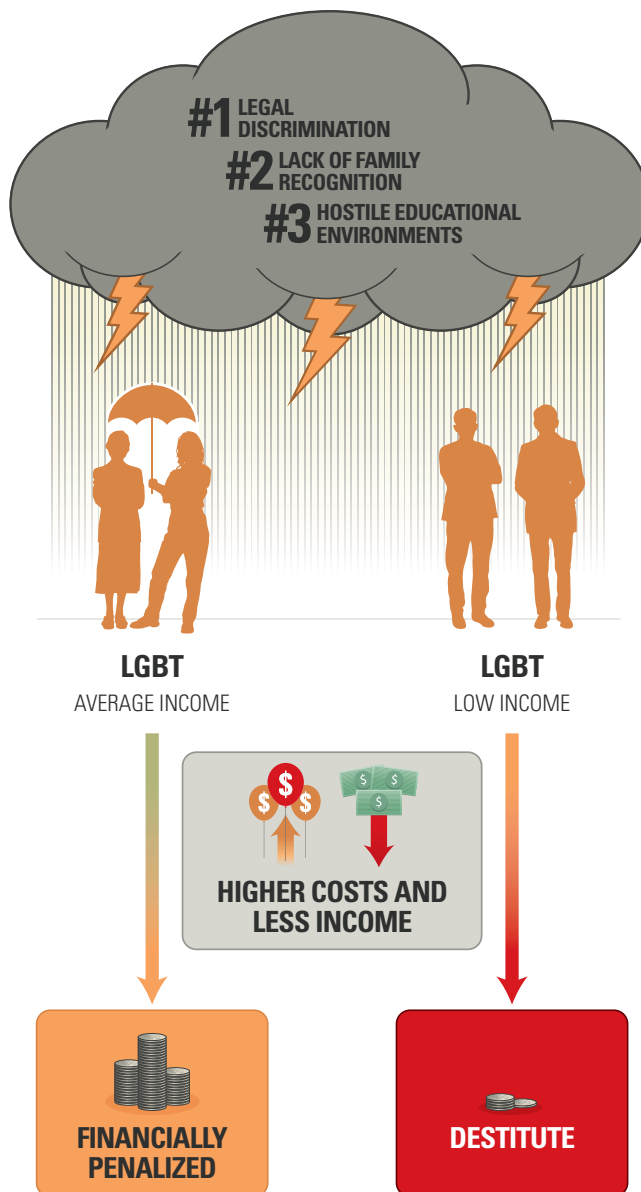
LGBT people in the United States have the same concerns as other Americans when it comes to achieving financial well-being and paying for basic needs. But LGBT people face another set of challenges that can jeopardize economic security. As detailed in the September 2014 report authored by MAP and the Center for American Progress, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, LGBT people face added financial penalties because of the impact of outdated and discriminatory laws at the local, state and national levels. Three primary failures of law financially penalize LGBT people, and low-income LGBT people are particularly vulnerable (see *Figure 1*).

This is particularly true for transgender people, who are among the most vulnerable in the LGBT community. Numerous studies show that transgender people experience incredibly high rates of poverty, harassment, violence, poor health, limited job opportunities and isolation from their larger communities.^a This companion report to *Paying an Unfair Price* focuses specifically on the experiences of transgender people in the United States and the price they pay because they are transgender.^b

As shown in *Figure 2* on the next page, transgender people in the United States face clear financial penalties and are left economically vulnerable because of two primary failures of law^c:

1. **Pervasive discrimination and a lack of clear legal protections** means that transgender people struggle to find work and safe housing, make less on the job, and have higher medical costs than their non-transgender peers.

Figure 1: Three Failures of Law That Financially Penalize LGBT People

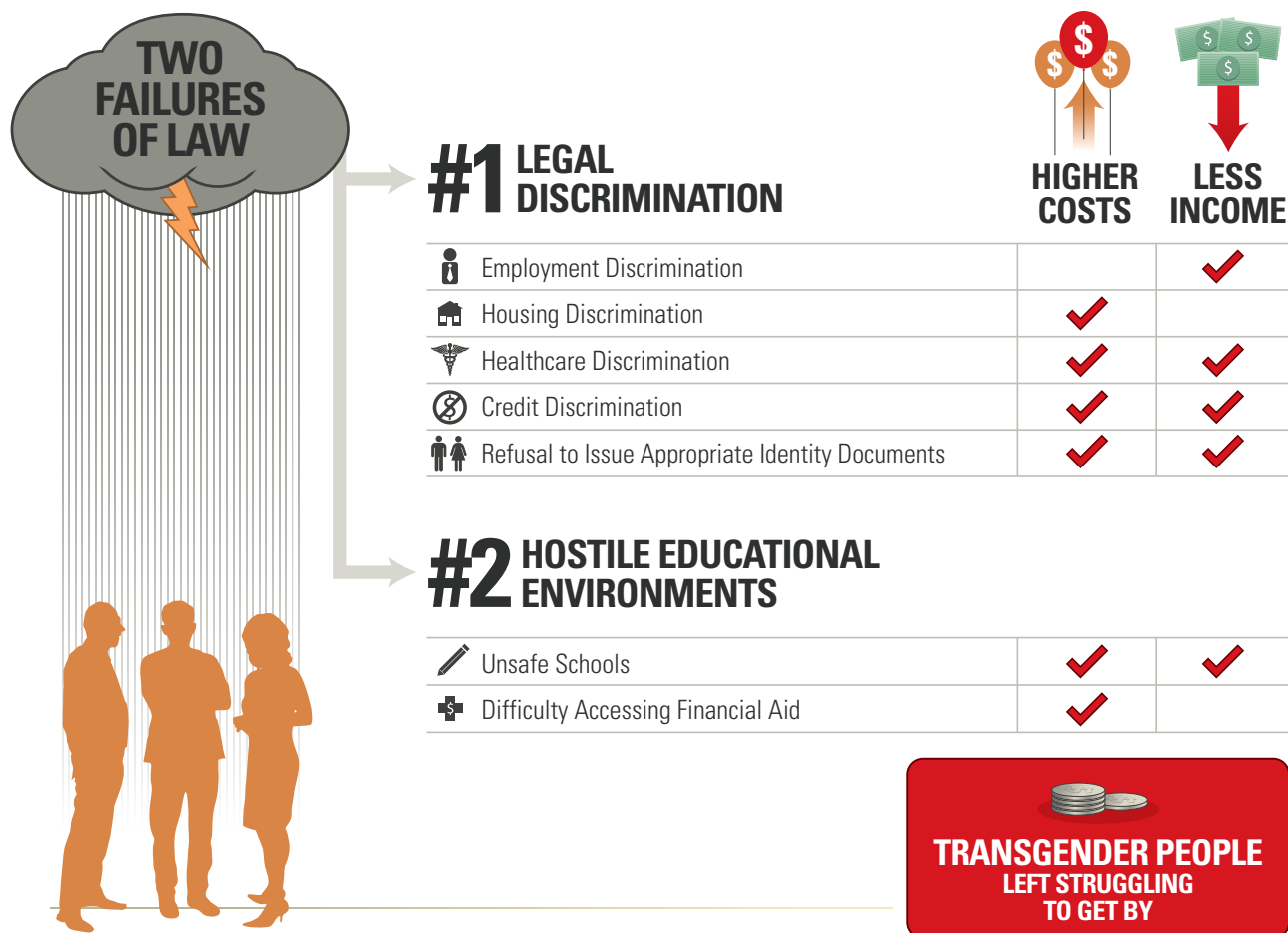


^a For more about the challenges facing transgender people, see *Understanding Issues Facing Transgender Americans* co-released with this report. This report focuses primarily on the barriers to economic security for transgender people, and it is not meant to be an exhaustive review of the many obstacles transgender people face.

^b In this report, we use the term transgender to describe individuals whose sex at birth is different from who they know they are on the inside. At some point in their lives, many transgender people decide they must live their lives as the gender they have always known themselves to be, and transition to living as that gender.

^c Note that transgender people can face economic challenges related to lack of family recognition, particularly those who are in same-sex couples. For more about those challenges, please see pages 33-59 of the full report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*.

Figure 2: Unfair Laws Mean Higher Costs and Less Income for Transgender People



2. Failure to adequately protect transgender students means that transgender people and their families often face a hostile, unsafe, or unwelcoming school environments. Harassment, bullying, and violence make it difficult, if not impossible, for transgender students to obtain the skills and education they need to succeed. As a result, they are ill-prepared to compete for good jobs and see reduced earnings and fewer opportunities for successful jobs and careers.

In some cases, these failures of law result in *lower incomes* for transgender people, such as lower wages due to employment discrimination, as shown in the infographic above. This makes it harder for transgender people to cover basic necessities like rent, food, clothing and healthcare, let alone save for the future. In other instances, legal inequalities mean that transgender people are forced to pay *higher costs* for needs like housing, healthcare and education.

This report describes how transgender Americans pay an unfair price simply for being transgender. It also shows how pervasive discrimination and a lack of legal protections result in increased economic insecurity for transgender people.

THE FINANCIAL PENALTY FOR BEING TRANSGENDER IN AMERICA

While research about transgender people is limited because so few surveys ask questions about gender identity or expression, the picture that is emerging shows extreme financial insecurity for this population. What's more, poor transgender people, transgender people of color and older transgender adults are at heightened financial risk due to anti-transgender laws described in this report.

Studies show that transgender people are more likely to have extremely low incomes, compared to both the general population and the LGBT population. A study of transgender Americans found they are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%) (see *Figure 3*).⁵ This is true despite the finding that 87% of transgender people have completed at least some college and 47% have obtained a college or graduate degree—rates that are much higher than those for the general population. Transgender people of color report even higher rates of extreme poverty.⁶ For example, Asian and Pacific Islander (API) transgender people were six times as likely to report extremely low incomes compared to other API people, while 34% of black transgender respondents reported incomes at this level, compared to 9% percent of all African Americans.⁷

HOW TRANSGENDER PEOPLE ARE FINANCIALLY PENALIZED

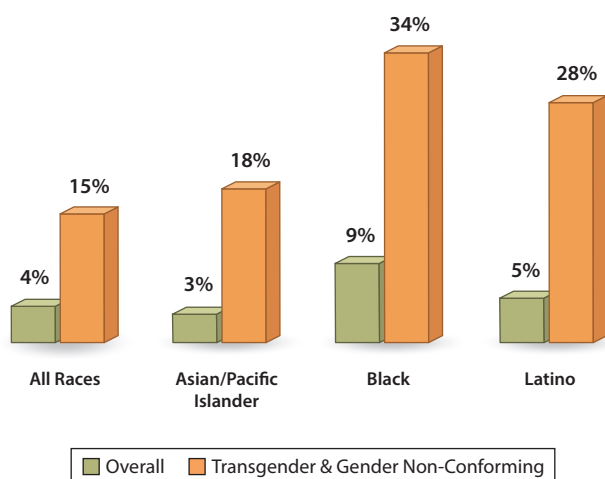
Transgender people are forced to pay an unfair price—and one that many cannot afford—simply because of who they are. The culprit: Anti-transgender laws and limited protections against discrimination that together create added financial penalties for transgender people.

Pervasive Discrimination and Lack of Protections

Research finds that transgender people face extreme discrimination in virtually all areas of life—when looking for jobs or housing, trying to find decent and affordable healthcare and health insurance, opening lines of credit, and obtaining accurate identity documents. This section highlights the ways in which pervasive discrimination and inadequate legal protections in many areas leave transgender people economically vulnerable.

Figure 3: Extremely Low Income

Percentage of Transgender Respondents Reporting Extreme Poverty Incomes Less Than \$10k Per Year



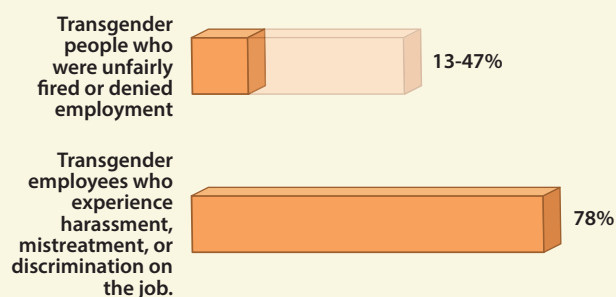


Employment Discrimination

The Problem

Denial of jobs, plus harassment and mistreatment at work. Employment discrimination is a fact of life for transgender people and has serious economic consequences. Between 13-47% of transgender workers report being unfairly denied a job,⁸ and 78% report being harassed, mistreated, or discriminated against at work, as shown in *Figure 4*.⁹ Transgender workers of color report higher rates of job loss and employment discrimination compared to white transgender workers.¹⁰

Figure 4: Many Transgender Workers Report Employment Discrimination



Source: M.V. Lee, Badgett, Holning Lau, Brad Sears, and Deborah Ho, "Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination," The Williams Institute, June 2007; 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*, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

A lack of clear legal protection. No federal law explicitly prohibits discrimination based on gender identity and expression. Both the U.S. Attorney General and the Equal Employment Opportunity Commission (EEOC) have interpreted Title VII of the Civil Rights Act of 1964, which prohibits discrimination "because of sex," to protect transgender workers. However, while the EEOC often mediates discrimination claims between employers and employees, and EEOC attorneys can prosecute employers in court, courts are not strictly bound to follow its interpretation of the law. And without a clear law, discrimination persists and many workers aren't aware of their rights. Currently, only 18 states have clear laws prohibiting employment discrimination on the basis of gender identity or expression (see *Figure X*).

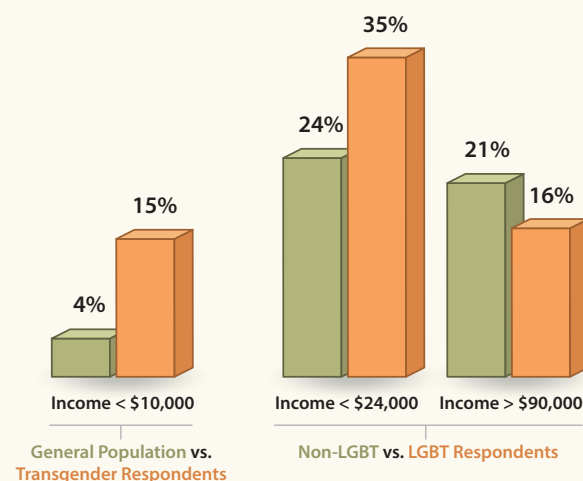
The Financial Penalties



Lower wages. As shown in *Figure 5*, transgender people, along with LGB people, are more likely to report incomes of less than \$24,000 per year and are less likely to report incomes of more than \$90,000 per year, compared to their non-LGBT peers.¹¹

According to the National Transgender Discrimination Survey, 15% of transgender respondents have household incomes under \$10,000 per year, compared to just 4% of the general population.¹²

Figure 5: Transgender People More Likely to Report Lower Wages



Source: Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012; 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*, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.



Higher unemployment. Bouts of unemployment take a toll on lifetime earnings; an episode of unemployment during a recession can result in more than \$100,000 in lost earnings over one's career.¹³ In 2008, transgender people reported

twice the unemployment rate of the general population (14% compared to 7%), with much higher rates for transgender people of color.¹⁴



Reduced savings. When workers make less on the job or lose their jobs, they may be forced to tap into short- and long-term savings or take on more debt, leaving them and their families less financially secure. For example, 31% of unemployed workers relied on credit cards to cover routine expenses,¹⁵ and 63% withdrew funds from retirement accounts, as did 34% of workers who were underemployed after a job loss.¹⁶

Transgender People Forced Into Underground Economies

With high rates of employment discrimination, challenges obtaining accurate identity documents, and other barriers to employment, some transgender people are forced into underground, “survival economies,” where they struggle to earn enough to cover even basic necessities. According to the National Transgender Discrimination Survey, 16% of transgender and gender non-conforming respondents said they have engaged in sex work, drug sales, or other activities for income, with higher rates for transgender women (19%) and transgender people of color.¹⁷

When transgender people are forced into underground economies, they are at increased risk of interactions with law enforcement, which can make it even more difficult to obtain secure, stable employment. Making matters worse, transgender people are at increased risk of harassment and abuse by law enforcement. In fact, some transgender women report that police profile them as engaging in sex work and are arrested without cause, often called “Walking While Transgender.” One-fifth of transgender respondents who interacted with police report being harassed.¹⁸



Housing Discrimination

The Problem	The Financial Penalties
Denial of rental and ownership opportunities. Nearly one in five transgender people report being refused a home or apartment because of their gender identity or expression, and 11% have been evicted for the same reasons.¹⁹ A lack of legal protection. No federal statute explicitly prohibits evicting someone, refusing to rent to someone, or refusing to loan to someone because of gender identity/expression. The federal Department of Housing and Urban Development (HUD) issued guidance and regulations in recent years that provide transgender people with limited protections.^d In addition, only 18 states and the District of Columbia have clear laws that protect transgender people from discrimination in housing.²⁰	Limited, more costly, or less desirable housing options. Forty percent of transgender people report they moved into less desirable homes or apartments as a result of anti-transgender bias. Rates for transgender people of color were even higher.²¹ Research from Michigan shows that LGBT people are frequently quoted higher prices than non-LGBT people for comparable housing.²² Longer, more costly searches. When transgender people are turned away unfairly from housing, they have to keep looking. Alternative options often are more expensive, and prolonged housing searches are more costly. Older transgender adults in particular may struggle to find senior housing where they are treated fairly.²³ In a survey of LGBT older adults, family members and friends, and social service providers, more than 10% said a long-term care facility staff member had refused to call a transgender resident by his or her preferred name or pronoun.²⁴

^d In 2010 HUD announced it would investigate complaints of housing discrimination against transgender people if the discrimination is based on gender stereotypes, which would be covered under the existing prohibition against sex discrimination. And in 2012, HUD issued regulations explicitly prohibiting discrimination in federally funded housing programs based on sexual orientation, gender identity, and marital status.

Transgender People Face Increased Risk of Homelessness and Difficulty Accessing Shelters

A recent survey of agencies serving youth who are homeless or at risk of homelessness found that transgender youth were disproportionately at risk for homelessness.²⁵

While the reasons why people end up homeless vary, transgender people often end up homeless as the result of discrimination and mistreatment. Transgender people facing employment or housing discrimination can be left without the financial means to afford housing or the ability to find stable housing. In addition, transgender youth may be forced out of their homes by unwelcoming family members.²⁶

Research finds that shelters can be difficult places for transgender youth and adults, when they are able to access them. LGBT youth may worry that shelters will contact the local child and family services office and try to reconnect them with their families, who may be openly hostile about a youth's sexual orientation or gender identity.²⁷ Transgender people also may be unable to stay in a shelter that matches their gender identity as opposed to their birth sex, making them less likely to seek shelter altogether; 29% of transgender people reported being turned away from a shelter because of their transgender status.²⁸

Struggling To Find Shelter After Being Kicked Out Of Home



Printed with permission from We Are The Youth.

A lot has happened with my family. The story starts in my hometown: Mobile, Alabama. I came out as gay to my mother at 13. She knew my stepfather wouldn't like the fact that he had a gay son, so she didn't tell him until I was 18. She was right. I got kicked out when he found out.

The next night I had to sleep in one of the sheds at Home Depot. I walked 23 miles to get to my grandfather on the other side of town. My grandfather paid my way to come up to New York by bus.

In New York I was living with my cousins, but we got into some arguments and disagreements and I had to leave. My grandfather had to go back to India, so I didn't have his help in the same way anymore.

After I left my cousin's place I went to the Bellevue Men's Shelter, but I was too young. They referred me to Sylvia's Place, where you have to sleep on the floor. Then I got accepted into Ali Forney (a program for homeless LGBT youth in New York City).

Through friends at Ali Forney, I became a member of the activist group, Fierce. It was actually at Fierce's annual Halloween party that I first dressed up as a woman. I feel more comfortable in women's clothes. Ever since I was a kid, I've always played with my mother's high heels.

Fierce has helped me become an activist and a better person. Through Fierce, I also volunteer for Queers for Economic Justice. Now I want to become a psychiatrist. I want to defend the people who can't really defend themselves. I want to give them what I learned.

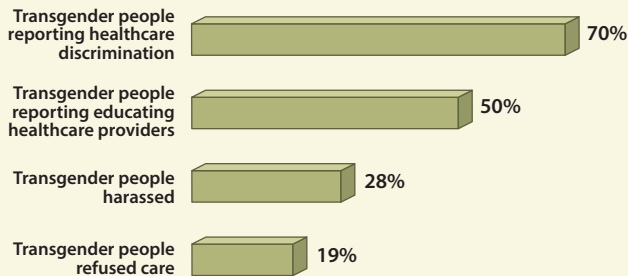
— Michelle

Printed with permission from We Are The Youth.

**The Problem**

Discrimination by healthcare providers. Extremely high numbers of transgender or gender non-conforming people report being discriminated against in healthcare settings.²⁹ One in five transgender respondents had been refused care because of their transgender status, and one in four had been harassed in medical settings.³⁰ Among transgender people, Latino/a respondents had the highest rate of discrimination by physicians or hospitals (32% of respondents compared to 24% of all respondents). These statistics paint a bleak picture of the discrimination faced by transgender patients when seeking medical care.

Figure 6: Transgender People Report High Rates of Healthcare Discrimination



Source: Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010; National Center for Transgender Equality and the National Gay and Lesbian Task Force, "National Transgender Discrimination Survey Report on Health and Health Care," October 2010.

Discriminatory healthcare policies that target transgender people. Despite important protections resulting from the Affordable Care Act,^e most insurance companies in the majority of states continue to exclude coverage for transition-related care, including vital, medically necessary services such as hormone replacement therapy, mental health services, and reconstructive surgeries even when the same services are covered for non-transgender people. As shown in *Figure 7* on the next page, few states explicitly prohibit gender identity-based discrimination in health insurance. Similarly, few states have issued guidance explicitly prohibiting discrimination against transgender people and requiring insurance companies to remove anti-transgender exclusions from their plans.

(continued on the next page)

The Financial Penalties

Delayed (and more costly) medical care. More than one-quarter of transgender and gender non-conforming people postponed or avoided medical treatment when they were sick or injured, and 33% delayed necessary preventive care, because of discrimination by health providers.³¹ Half of transgender respondents (50%) delayed preventive care because of cost. Lack of timely access to prevention and treatment services results in poorer health outcomes and added costs by opening the door to life-threatening consequences such as advanced-stage cancer diagnoses, HIV infection, and serious complications of conditions such as heart disease or diabetes.³²



Higher out-of-pocket expenses for critical medical care. The costs of transition-related care or other care for transgender people can be substantial. For example, hormone treatments and lab tests can cost as much as \$1,000 annually, and surgical care can cost even more.³³ When health insurance doesn't cover these costs, many transgender people forgo needed care or delay care because they are unable to afford it. Alternatively, many dig into savings, drop out of school, or borrow money from others to pay for these services. Paying for healthcare is a leading driver of "underground" economy work for transgender people.

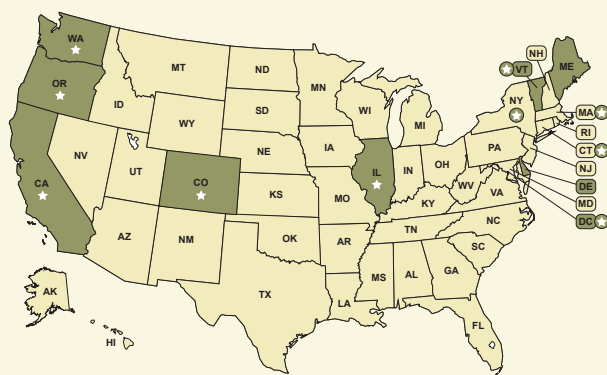
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^e It is against the law for any health program that receives federal funding or is administered by a federal agency to discriminate on the basis of sex, among other characteristics. This prohibition against sex discrimination has been interpreted by the U.S. Department of Health and Human Services to include gender identity and sex stereotypes. Plans offering "essential health benefits" are prohibited from designing these benefits in a manner that discriminates on the basis of sexual orientation and gender identity. In addition, plans sold through the health insurance marketplaces (also referred to as health exchanges) in every state are prohibited from discriminating against LGBT people in any of their activities.



The Problem

Figure 7: State-Level Insurance Nondiscrimination Laws



- ☒ Transgender exclusions in health insurance service coverage prohibited (9 states + D.C.)
- ☒ Law prohibits health insurance discrimination based on sexual orientation and gender identity (8 states + D.C.)
- ☐ Law prohibits health insurance discrimination based on sexual orientation (0 states)
- ☐ No law or policy prohibiting discrimination in insurance protections (39 states)

Note: This map does not reflect states which may have removed transgender exclusions from state Medicaid programs.

Source: Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws."

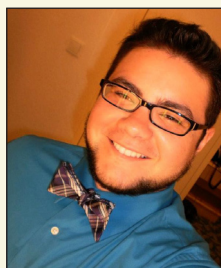
Discriminatory leave policies for transgender workers. Employers may deny transgender workers personal medical leave available under state or federal law for leave related to transition-related healthcare. An incorrect reason for denying such care is that transition-related health issues do not constitute a "serious medical condition." As a result, transgender workers may have to put their jobs at risk to care for themselves or make do without leave and put their health in jeopardy.

The Financial Penalties



Lost productivity and more time away from work. Many workers are eligible for medical leave through federal and/or state laws. However, transgender workers may be denied job-protected time off of work for transition-related care. These workers are left with a wrenching choice: take time off anyway and risk losing a job; or put off vital care and be less productive at work.

Flexible Leave Makes Transition Easier



As I prepared for gender confirmation surgery, our human resource manager did some research to see if our health benefits could help cover the surgery or hormone replacement therapy, but as I expected, the answer was no. And although we have a clear nondiscrimination policy that includes sexual orientation and gender identity/expression, our existing leave provisions didn't specifically cover leave for the surgery. I had intended to rely on sick leave and vacation to get me through, but my supervisor and director didn't want me to exhaust all my personal time. So, they sought and received permission from our board of directors to allow me to take two weeks under a flexible interpretation of the paid leave policy, and I worked a third week from home. While I was out, my coworkers independently organized a "meal train" and took turns cooking and bringing meals to me at home.

—Leo Kattari, Denver

The Financial Penalties



Unfavorable, more expensive lending. The combination of outright discrimination and a possible history of job challenges, encounters with law enforcement and other factors explored in this report can mean that transgender people may be subject to unfair, predatory lending practices. They may be charged higher interest rates or offered shorter loan terms compared to similarly situated non-transgender borrowers. As a result, many transgender people may face higher credit costs while those who decide credit is too expensive are forced to raid individual or family savings to find the resources to pay for major life expenses.



Difficulty obtaining credit. Transgender people may be unfairly turned down when they apply for a mortgage, student loan, credit card, business or other type of loan. This means transgender people often do not have access to credit that could support them to get an education, start a business, buy a home, or take other steps to try and build a better future.





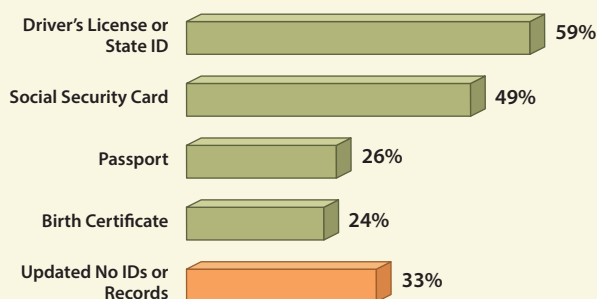
Refusal to Issue Appropriate Identity Documents to Transgender People

The Problem

Lack of accurate documents. Transgender people face an ongoing struggle to obtain identity documents that match their lived gender. Having official, government-issued identity documents is crucial to many aspects of everyday life, including driving a car, paying with a credit card, applying for a job or school, voting, or boarding a plane.

According to the National Transgender Discrimination Survey, only one-fifth (21%) of transgender people who had transitioned were able to update all of their identification documents and records with their new gender, and one-third hadn't updated any of their documents.³⁴

Figure 9: Percent of Transgender People Who Have Successfully Updated Identity Documents



Source: 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*, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

The Financial Penalties



Higher costs to obtain accurate identity documents. Filing and processing fees associated with updating identity documents accumulate and can add up to hundreds or thousands of dollars. Transgender people are forced to bear these costs or struggle with the economic and social consequences of not having accurate documents.

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Refused a Driver's License



Trudy Kitzmiller



Kristen Skinner

Two women in West Virginia were denied new driver's licenses because the staff at the Division of Motor Vehicles told them they had to remove their makeup. Trudy Kitzmiller was called "it" by the staff and told that she had to take off her makeup, jewelry, and wig before she could receive a new license. "As a transgender woman, I have overcome a lot of obstacles to become my true self," Trudy explained. "The DMV staff not only denied me the right to appear in my license photo as myself, they dehumanized me. I left the DMV depressed and I still have my old driver's license with an incorrect name and a photo that doesn't even look like me." Kristen Skinner had a similar experience at another DMV in the state.

The Transgender Legal Defense & Education Fund is working with the women to make sure they have driver's licenses that allow them to accurately express who they are. Without accurate documentation, transgender people can struggle to obtain employment and access programs and services.

Adapted from Tony Merevick, "West Virginia DMV Refused to Photograph Two Transgender Women Until They Removed Makeup," *Buzzfeed*, July 7, 2014.

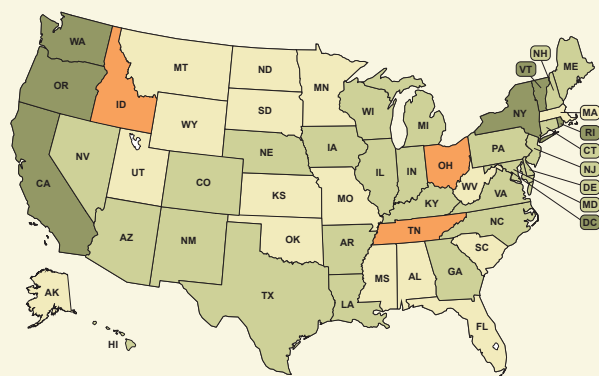


Refusal to Issue Appropriate Identity Documents to Transgender People (continued)

The Problem

A patchwork of state policies. Each state has its own policy on issuing new birth certificates and driver's licenses, and the processes are complicated and costly, frequently requiring proof of medical care for changing the gender marker on official documents. Currently, 41 states require proof of surgery to issue a new birth certificate. Three states will not change gender markers on birth certificates.

Figure 10: State Birth Certificate Policies



- State issues new birth certificate and does not require sex reassignment surgery (6 states + DC)
- State requires proof of sex reassignment surgery to issue new birth certificate (25 states)
- State requires proof of sex reassignment surgery to amend birth certificate (16 states)
- State does not issue new birth certificate or amend existing documents (3 states)

Source: Movement Advancement Project, "LGBT Equality Maps: Birth Certificate Laws."

The Financial Penalties



Employment and public assistance challenges without accurate documents. Adding to the substantial discrimination that transgender people face when applying for jobs is the fear that a prospective employer may discover an applicant's transgender status by checking identification documents as part of routine employment verifications. In addition, low-income transgender people who lack accurate identity documents might be reluctant to seek public assistance in the form of job training or other benefits because of the fear of discrimination.

Judge Denies Woman's Request for a Name Change and Filing Fee Waiver

In December 2013, Mikell Puglisi applied to a court in Niagara County, New York, to have her name legally changed—a first and necessary step to obtain accurate identity documents. Local police had recently harassed Mikell because her documents still reflected her name and gender assigned at birth. Because of medical issues, Mikell wasn't working and lived on a very tight monthly budget. She applied to the court for a fee waiver. The court initially denied her request, saying that fee waivers could not be granted for name-change requests.

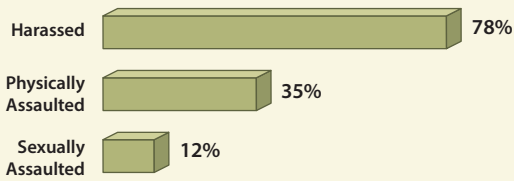
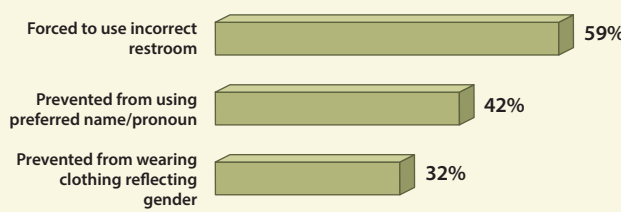
With advocacy from the Transgender Legal Defense & Education Fund, the Supreme Court of Niagara County reversed its decision and granted Mikell both a fee waiver and a name change.

"I'm so relieved that I can finally bring my legal documents in line with who I am," said Mikell. "Living on a limited income, I could not meet the financial burden associated with changing my name. I appreciate the court reconsidering its previous decision and granting me the fee waiver so that I can move forward with my life."

Adapted from Transgender Legal Defense & Education Fund, "Transgender Woman Secures Name Change After Judge Initially Denies Filing Fee Waiver Request," May 5, 2014.

Hostile Educational Environments

Studies show that the ability to graduate from high school and pursue a two- or four-year degree is a key indicator of an individual’s future earning power.³⁵ For many transgender people, however, unsafe and unwelcoming schools, combined with unequal access to financial aid, can make completing high school and pursuing a higher education more difficult.

Unsafe Schools							
The Problem	The Financial Penalties						
High rates of bullying and harassment. Research finds that transgender youth report staggering rates of bullying, harassment, and violence in America’s schools. More than three-quarters of transgender students reported harassment (78%), one-third reported physical assault, and 12% had been sexually assaulted.³⁶ In a survey of “gender-expansive” youth,^f only 30% said their peers at school accepted them, while 40% were frequently excluded by their peers, and 37% had been verbally harassed.³⁷ Discrimination by school officials. Many schools refuse to treat transgender students with respect and dignity. More than half (59%) of transgender students reported they were required to use a restroom or locker room of their legal sex rather than their current gender. Four in ten were prevented from using their preferred name or pronoun, and one-third were unable to wear clothing that reflected their gender.³⁸	 Higher costs for transgender students seeking safe learning environments. In some schools, the climate for transgender students is not only unsupportive but also dangerous. Yet geographic constraints mean that many parents cannot send their children to another public school. When a family can’t change schools or school districts, the only other educational option may be a private school. And, there is no guarantee that a private school will be a better learning environment. The average private-school tuition is more than \$10,000 annually and even more costly (\$16,000 annually) for non-religious private schools.³⁹ <i>(continued on the next page)</i>						
Figure 11: Transgender Students Unsafe at School  <table><tr><td>Harassed</td><td>78%</td></tr><tr><td>Physically Assaulted</td><td>35%</td></tr><tr><td>Sexually Assaulted</td><td>12%</td></tr></table> Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, <i>Injustice At Every Turn: A Report of the National Transgender Discrimination Survey</i>, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.		Harassed	78%	Physically Assaulted	35%	Sexually Assaulted	12%
Harassed	78%						
Physically Assaulted	35%						
Sexually Assaulted	12%						
Figure 12: Discriminatory Policies Harm Transgender Students  <table><tr><td>Forced to use incorrect restroom</td><td>59%</td></tr><tr><td>Prevented from using preferred name/pronoun</td><td>42%</td></tr><tr><td>Prevented from wearing clothing reflecting gender</td><td>32%</td></tr></table> Source: Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, “The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation’s Schools,” GLSEN, 2014.		Forced to use incorrect restroom	59%	Prevented from using preferred name/pronoun	42%	Prevented from wearing clothing reflecting gender	32%
Forced to use incorrect restroom	59%						
Prevented from using preferred name/pronoun	42%						
Prevented from wearing clothing reflecting gender	32%						

^f In this survey, the term “gender expansive” is used to refer to youth who may have identified as transgender or who wrote in their own understanding of their gender. As the researchers explain, the term is used to “classify youth who did not identify with traditional gender roles but were otherwise not confined to one gender narrative or experience. This term allows us to talk about youth who don’t meet our ‘traditional’ understandings of gender without putting their identity in a box.” For more, see Joel Baum, Stephanie Brill, Jay Brown, Alison Delpericio, Ellen Kahn, Lisa Kenney, and Anne Nicoll, “Supporting and Caring for our Gender-Expansive Youth,” Human Rights Campaign and Gender Spectrum, 2012, <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Gender-expansive-youth-report-final.pdf>.



Unsafe Schools (continued)

The Problem

Missed classes, staying at home. When students feel unsafe at school, they are more likely to skip class or stay home. Nearly one in three LGBT students (30%) reported missing an entire day of school in the past month because they felt unsafe or uncomfortable.⁴⁰

Lower grades. Missing classes and skipping school, of course, can make it more difficult to perform academically and eventually graduate. Students who were frequently harassed about their sexual orientation or gender identity had lower grade point averages than students who were less frequently harassed (2.8 vs. 3.3).⁴¹ LGBT youth who have experienced high levels of harassment and violence were half as likely to aspire to attend college compared to youth who experienced less violence and harassment.⁴²

Lack of clear protections. Only 13 states have laws that clearly protect students against discrimination because of their gender identity and/or expression, and only 18 states expressly prohibit bullying on the basis of gender identity and/or expression. Nationally, the U.S. Department of Education in 2014 issued guidance confirming that the Title IX's prohibition on sex discrimination law protects transgender students.

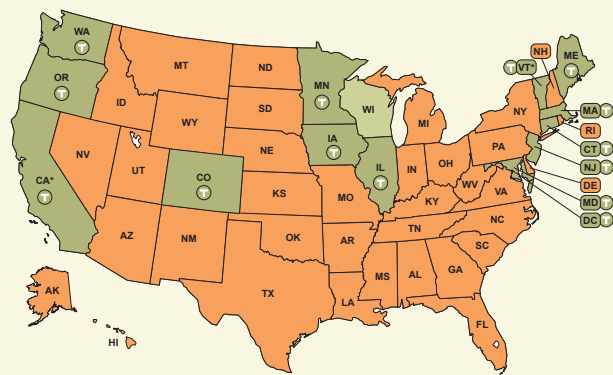
The Financial Penalties



Reduced graduation rates, diminished job prospects and lower earnings. Research has shown a direct connection between completing high school and some higher education and one's earning potential. Individuals lacking a high school diploma, on average, earn \$7,840 less per year than high school graduates and a staggering \$27,390 less than college graduates.⁴³ Additionally, workers lacking higher education or job training are less likely to find jobs that offer health insurance⁴⁴ and are at greater risk for unemployment, particularly during recessions.⁴⁵ In addition to these impacts, individuals who leave or are pushed out of the education system before finishing high school experience higher rates of incarceration and homelessness.⁴⁶

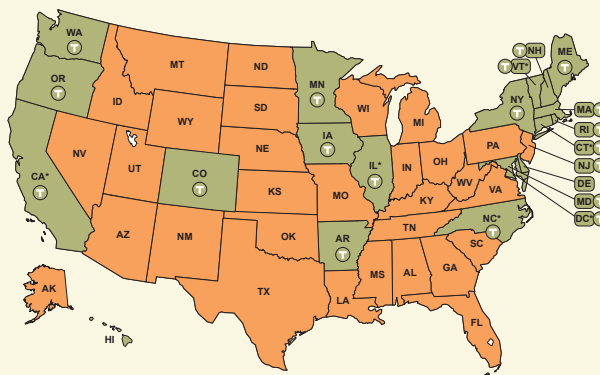
Figure 13: Safe School Laws

School Nondiscrimination Laws



- Law prohibits discrimination in schools based on sexual orientation and gender identity (13 states + D.C.)
- Law prohibits discrimination in schools based on sexual orientation only (1 state)
- * Law prohibits discrimination in schools based on association with someone with a listed characteristic (2 states)
- No law protecting LGBT students (36 states)

Anti-Bullying Laws



- Law prohibits bullying based on sexual orientation and gender identity (18 states + D.C.)
- * Law prohibits bullying based on association with someone with a listed characteristic (5 states + D.C.)
- No law protecting LGBT students (32 states)

Source: Movement Advancement Project, "LGBT Equality Maps: Safe Schools Laws."



Difficulty Accessing Financial Aid

The Problem	The Financial Penalties
The federal government and most colleges and universities require students applying for financial aid to complete the Free Application for Federal Student Aid (FAFSA). Transgender students can have difficulty applying for aid. Aid forms may be difficult to complete for transgender students. A transgender student may not be able to satisfy the strict legal and medical requirements in many states to obtain a new birth certificate and updated Social Security record. Because the information on the FAFSA must match the information on one's Social Security record, transgender applicants may be forced to report their sex at birth, rather than the gender they live every day, in order to complete the form. And, because the FAFSA is sent to colleges, completing the FAFSA using a student's sex at birth may "out" a transgender student to college staff, who may discriminate against the student. Conversely, when a transgender student fills out application forms with her lived gender as opposed to her sex at birth, the inconsistencies in identification can mean a student's application is rejected outright or there can be delays in processing, which can result in a reduction in aid or not receiving any aid at all. Additionally, in order to receive federal financial aid, any student who was assigned male at birth must register for the selective service. However, transgender people currently are not eligible to serve in the military. This creates confusion for many transgender students and can result in delays processing financial aid applications. Tough relationships with parents can prevent LGBT students from filling out aid forms. When youth reveal their LGBT status to their parents, many are kicked out of their families and their homes.⁴⁷ As a result, these young people may not be able to count on their families to help pay for college. What's more, applications for financial aid require information from parents to calculate a student's eligibility for grants, loans, and work-study opportunities. While students may apply without their parents' information, it is a more difficult process and in some cases, students may not receive the aid they need to make affording college a possibility. To omit parental information and still be able to apply for financial aid, applicants must receive permission from a financial aid administrator at a college. This is usually limited to students who are homeless or cannot obtain information about their parents.	Less financial aid. When LGBT students cannot accurately complete financial aid applications and cannot reflect their family's financial reality, they may miss out on valuable financial aid (averaging a total of \$22,745 annually) designed to make college more affordable.⁴⁸ This, in turn, can lead to any of a number of adverse outcomes: a student is simply unable to afford college; a student attends college but struggles to make ends meet; and/or a student has less time to focus on education because he or she is also working many hours each week to try and cover tuition and other expenses.

Family's Commitment To Granddaughter's Education Proves Costly

Six-year-old Alex is being raised by her grandparents in Michigan. One day, she told them that “she was born with a boy’s body but a girl’s brain.” Based on their years raising her, her grandparents knew they needed to allow Alex to be who she really was. They contacted Alex’s school, but they were told the school would continue treating Alex like a boy.

Alex’s grandfather explained, “We finally found a school in Ann Arbor that would treat Alex as the girl she was and only a few administrators would know. To the rest of the staff and student body, Alex was just another girl. The problem was that Ann Arbor was an hour-and-a-half drive back and forth so my wife and I were spending three hours a day driving to Ann Arbor and back. Losing three hours a day was hard, but the mileage and wear and tear on the vehicles plus all of the gasoline that we were using at four dollars a gallon was more than we could bear. After one year at the new school, we decided that we would, as a family, have to sell our beautiful home in our great neighborhood and move closer to Ann Arbor.”

Quoted in Michigan Department of Civil Rights, “Report on LGBT Inclusion Under Michigan Law,” January 28, 2013.

CONCLUSION AND RECOMMENDATIONS FOR CHANGE

Transgender people across the United States face increased financial insecurity because of anti-transgender laws. The lack of legal protection for transgender people makes it harder for them to provide for themselves and their families. They face both lower incomes and higher costs in areas from housing to healthcare, as well as difficulties obtaining accurate identity documents. In addition, unsafe and unsupportive educational environments threaten the ability of transgender people to gain the education and skills they need to build successful and rewarding lives.

It is time to ensure that transgender people have a fair chance at economic security. As detailed below, action is needed on three fronts.

- First, policymakers at all levels need to update laws to explicitly prohibit discrimination against transgender people in areas from hiring to housing, credit, and healthcare. This should include making clear that transgender exclusions in health insurance plans are a form of unlawful discrimination.

- Second, state policymakers need to make it simpler and less burdensome to update identity documents such as a driver’s license or birth certificate so that transgender people can feel secure when driving, traveling in planes, writing a check, seeking employment, seeking credit, and interacting with government officials and programs.
- Finally, it is time to take action to make schools safer and more welcoming for transgender and gender non-conforming students.

Below are high-level recommendations designed to achieve these three main goals and to alleviate the failures of law that currently force transgender people to pay an unfair price for being who they are. More detailed recommendations are available in the Appendix of the full report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*.⁹

⁹ The full report, released in September 2014 and updated in November 2014 is available at <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.

Table 1: High-Level Recommendations for Change			
Action Needed	Details	To Address Legal Failures	
			
Create policy solutions and social change allowing all people to achieve economic security, regardless of race or ethnicity, sexual orientation, gender, gender identity, or other characteristics	Addressing poverty and the barriers to economic security for all people in the United States requires a complex and multi-faceted approach.^h Central to achieving this goal are: 1) creating and supporting jobs that pay adequate wages and offer good benefits; 2) providing quality educational opportunities that allow people to obtain good jobs; 3) strengthening the safety net to provide vital assistance to people during times of crisis; and 4) supporting families.	 Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People	 Unsafe Schools  Difficulty Accessing Financial Aid
Update laws and policies to prohibit discrimination against transgender people	Federal, state, and local policymakers should update nondiscrimination laws to explicitly include gender identity and sexual orientation in the areas of employment, housing, healthcare, insurance, credit and education. Federal, state, and local agencies should adopt nondiscrimination policies within all their programs and services. Government agencies should update administrative procedures and processes to address barriers to updating identity documents for transgender people. Employers, housing providers, healthcare facilities, educational institutions, and others should adopt nondiscrimination policies.	 Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People	
Address hostile and unsafe educational environments for transgender youth	Federal, state, and local governments and boards of education should pass legislation protecting students and educators from discrimination, harassment and bullying on the basis of gender identity and sexual orientation.ⁱ Schools should implement innovative programs designed to reduce bullying and discrimination while simultaneously working to address the school-to-prison pipeline.^j		 Unsafe Schools  Difficulty Accessing Financial Aid

^h The Center for American Progress's Half in Ten campaign provides detailed recommendations for achieving the goal of cutting in half the poverty rate in the United States. For more, visit <http://www.halfinten.org>.

ⁱ For example, GLSEN offers model policies for state governments, school districts, and schools. <http://glsen.org/learn/policy/model-laws-policies>.

^j The National Education Association, for example, has an initiative and toolkit designed by educators for educators entitled "Bully Free: It Starts With Me," http://www.nea.org/home/nea_bully_free.html. The GSA Network has created a GSA Advisor Handbook for use by educators looking to support students through Gay Straight Alliances, <http://www.gsanetwork.org/resources/adults-and-advisors>.

Table 1: High-Level Recommendations for Change (continued)

Action Needed	Details	To Address Legal Failures	
			
Educate and provide cultural competency training to front-line professionals, including government workers, healthcare providers, educational staff, and more	As part of professional training and ongoing education, front-line professionals should receive education and cultural competency training about LGBT people. ^k Improved understanding of LGBT people and their lives will allow front-line professionals to better serve LGBT people and reduce the barriers experienced by LGBT people in accessing vital programs and benefits.	 Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People	 Unsafe Schools  Difficulty Accessing Financial Aid
Expand understanding of LGBT people by improving data collection	Government agencies and researchers should include questions about gender identity and sexual orientation on surveys. The absence of these questions limits understanding of the experiences of LGBT people across a wide range of topics. By including these questions, government agencies and researchers will be better able to gauge the impact of discrimination and anti-LGBT laws on LGBT people—as well as measure progress in improving the lives of LGBT people.	 Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People	 Unsafe Schools  Difficulty Accessing Financial Aid

^k For example, GLSEN offers professional development materials, webinars, and workshops designed for educators. <http://glsen.org/educate/professional-development/toolkits>.

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