



Dear Secretary DeVos,

We are the parents of transgender children from across the United States, representing various ethnicities, socioeconomic backgrounds, and faith communities. We write to express our outrage and deep concern over the repeated injustices committed by the Trump-Pence Administration's Department of Education against transgender students.

One year ago, during your confirmation hearing as U.S. Secretary of Education, you promised to protect the civil rights of all students. Instead, almost immediately after taking office, the U.S. Department of Education under your command rescinded protective guidance for our transgender children and is now, according to reports, turning away transgender students and their families reporting discrimination.

All any parent wants is for their children to be safe, healthy, and fulfilled. Sadly, today in America, we see our children ostracized and discriminated against in too many of their schools. This toxic reality compromises their ability to learn and succeed both academically and socially, yet the Office for Civil Rights claims this issue is not within its jurisdiction or, by extension, responsibility.

As parents of transgender youth, we are, unfortunately, all too familiar with the heartbreaking challenges often faced by children like our own around the country. National surveys reveal staggering statistics related to the harmful experiences of transgender youth in schools, in large part due to lack of access to facilities such as restrooms and locker rooms that align with young people's gender identity. A recent study conducted by the Human Rights Campaign Foundation of over 12,000 LGBTQ youth indicates that, of participants who identified as transgender, non-binary, or otherwise non-cisgender, almost 50% *never* use the restroom in school--with 90% of that subset attributing that fact to being personally restricted from using facilities that align with their gender identity. This poses serious health risks to our children: kidney infections, dehydration, or urinary tract infections--and compromises their educational opportunities due to being absent or dropping out of school as a way to avoid humiliation and pain.

These are students who need full support from our federal government -- particularly the agencies tasked with protecting youth from discrimination. These are students who are put at daily physical, emotional, and psychological risk when they are offered no recourse for

discriminatory actions taken by educators, administrators, school staff, and peers. And these are students whose dignity and opportunities should not depend on their state or zip code.

Following the Trump administration's decision to rescind guidance making explicit transgender students' protection under Title IX, the Office for Civil Rights has asserted that it lacks "subject matter jurisdiction" in cases that have recently been brought forth by transgender students. It is not difficult to infer why the number of these complaints has dropped by 40% since President Trump took office. People who espouse hateful and transphobic views continue to hold positions of power in schools across the country, and are enabled now more than ever before by the poor example set by the federal government with regard to acceptance and support for all youth.

In the wake of the rescinding of guidance issued by the previous administration promoting the protection of transgender students, the current Office for Civil Rights claims that it holds no responsibility to respond to complaints brought forth around this issue. However, years of legal decision-making prior to this guidance has established a strong precedent of taking transgender students' complaints of discrimination seriously.<sup>1</sup> Failing to act is not simply the undoing of one leader's guidance, but the intentional refusal to recognize years of precedent on the federal level.

As parents of transgender children, we have witnessed firsthand the discrimination that transgender youth face on a daily basis simply because of who they are. Our children are at a significantly increased risk for depression, anxiety, and suicide. Sadly, the discrimination that causes this distress emerges even among professionals who are tasked with educating the next generation and preparing them for the world. *We will not have our children left behind and their lives put at risk as a result of this bigotry.*

Secretary DeVos, in assuming your current role as Secretary of Education of the United States, you assumed the critical responsibility of ensuring that all students have fair and equal access to education in this nation. For those transgender youth who spend entire school days without access to a restroom, often foregoing food and water in order to avoid the need for using one, equal access to education is an impossibility. We urge and implore you to see the urgency of these concerns, and to recognize the basic human and civil rights of transgender students throughout our nation's schools.

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<sup>1</sup> See *Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division*. <https://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>; *Agreement to Resolve Between Township High School District 211 and the U.S. Department of Education, Office for Civil Rights OCR Case # 05-14-1055*. <http://www2.ed.gov/documents/press-releases/township-high-211-agreement.pdf>.

Signed,

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