

February 24, 2017

Superintendent []

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Dear Superintendent []:

As you know, two days ago the Trump Administration repealed federal guidance that clarified the protections available to transgender students under Title IX. We are writing you – along with all other school superintendents in the state – because we want to make absolutely certain that your school district continues to provide all the constitutional and statutory protections that, notwithstanding the Administration’s actions, exist at both the state and federal level for these students.

We firmly believe that, on both policy and legal grounds, your school district continues to have an affirmative obligation to protect the rights of all LGBT youth attending your schools.

As a matter of basic educational policy, all students – including those who are transgender – deserve a fair chance to succeed in school and prepare for their future. Protecting transgender students helps ensure that they have the same opportunities as their classmates to fully participate in school.

Indeed, anything less than equality can have far-reaching and long-lasting damaging effects on transgender youth. We know that transgender students already are subject to more violence and harassment than their non-transgender peers. According to studies, transgender youth are also more likely to report being diagnosed with depression, suffer from anxiety, attempt suicide and engage in other forms of self-harm. Discriminating against them in the school setting – where promoting tolerance, fairness and equality must be a crucial pedagogical goal – is simply intolerable.

Legally, the Trump Administration’s revocation of the Title IX guidance does not undo the legal protections that exist for transgender students. Transgender students are protected by the Constitution and Title IX’s prohibition on discrimination on the basis of sex, including when using restrooms and other school facilities. The federal laws that are used to protect transgender students have not changed, and school districts across the country must still comply with them.

Rhode Island also has comprehensive state law protections on the basis of gender identity or expression, and in fact was one of the first states in the country to ban discrimination on the basis of gender identity or expression in public accommodations, employment and elsewhere. More to the point, the Rhode Island Department of Education has, in light of Wednesday’s actions, reaffirmed its detailed “Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students,” advising school districts on how best to support transgender students under Rhode Island law, including allowing transgender students to access the restroom that matches their gender identity.

As RIDE notes in that Guidance: “It is imperative that the school system, along with family and education professionals, be supportive role models and strong advocates for the safety and well-being of children. All students need a safe and supportive school environment to progress academically and developmentally.”

For all these reasons, we urge you to forcefully and publicly reaffirm your school district's commitment to providing a safe, protective and non-discriminatory space for your transgender students. In light of the troubling message that the revocation of the Title IX guidance has sent transgender youth, your role in urgently countering it is crucial.

Finally, if you do not currently have a policy in place to address protections for your transgender students, we trust you will adopt one expeditiously. And if you represent one of the districts that already has publicly expressed a commitment to protecting transgender student rights in the face of the federal government's actions, we commend you. Thank you for your thoughtful attention to this.

Sincerely,

Christopher Lauth, Executive Director
Youth Pride Inc.

Michael Evora, Executive Director
Rhode Island Commission for Human Rights

Stephen Hourahan, Executive Director
AIDS Project Rhode Island

Steven Brown, Executive Director
American Civil Liberties Union of Rhode Island

Ethan Huckel, President
TGI Network

Davide Gnoato, President
RI Pride

Margaret Holland McDuff, CEO
Family Service of Rhode Island

Craig O'Connor, Director of Public Policy and Government Relations
Planned Parenthood of Southern New England

Patrick Smock, Board Chair
SAGE-Rhode Island

Jodi L. Glass, Au.D., Coordinator
RI Commission on Prejudice and Bias

Georgia Hollister Isman, State Director
RI Working Families

Jeanne LaChance, Acting CEO
Thundermist Health Center

Janson Wu, Executive Director
GLBTQ Legal Advocates & Defenders (GLAD)

Vanessa Volz, J.D., Executive Director
Sojourner House

Justice Gaines, Coordinator
Racial Justice Coalition