



February 13, 2017

The Honorable Betsy DeVos
Secretary of the United States Department of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

The Honorable Jeff Sessions
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary DeVos and Attorney General Sessions:

On behalf of the undersigned organizations representing women and girls and lesbian, gay, bisexual, and transgender (LGBT) Americans, we urge you to preserve critical Title IX guidance for schools and universities. These guidance documents, addressing important issues such as sexual violence prevention and response, bullying and harassment, and the needs and rights of transgender students, provide practical answers to schools on issues they face every day. Each of these guidance documents is based on years of careful research to accurately reflect a substantial body of case law and proven best practices from schools across the country. Most importantly, these guidance documents have been instrumental in providing schools with the tools they need to protect the health, safety, and educational opportunities of millions of students.

The Departments' guidance documents help educational institutions understand and comply with the law. Under Title IX, all forms of gender-based discrimination are prohibited unless specifically exempted by statute. This includes sexual violence, sexual harassment, and bullying and harassment based on gender. It also includes discrimination against the hundreds of thousands of students who were assigned one gender at birth but who live and attend school as another.

This guidance also helps protect some of our most vulnerable students. Three-quarters of all elementary school students (75%) reported that students at their school are called names, made fun of, or bullied with at least some regularity.¹ In middle and high schools, sexual harassment is all too common, with 56% of

¹ Gay, Lesbian and Straight Education Network (GLSEN), *Playgrounds and Prejudice: Elementary School Climate in the United States*. 2012. http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/002/2027-1.pdf.

girls and 40% of boys saying they have been sexually harassed by peers,² and LGBT students overwhelmingly face sex-based harassment.³ And sexual violence continues to plague students at our nation’s schools, with 8% of girls experiencing rape or attempted rape before age 18,⁴ and one in five women experiencing sexual assault before they leave college.⁵ Recent studies confirm that transgender students across the country are as healthy and thriving as their siblings and peers when they are supported by the adults around them,⁶ but their health and academic success suffers severely when they are bullied or singled out at school. Unfortunately, nearly two-thirds (64.5%) of transgender students report harassment at school.⁷ Guidance from the Departments has helped schools, colleges, and universities prevent these harms, and has now been widely and successfully implemented. For example, nearly half of the nation’s K-12 students already attend schools with clear policies consistent with the Department’s guidance on transgender students.

We note with deep concern that Secretary DeVos declined to commit to maintaining this guidance in her confirmation hearing, and that the Justice Department just days ago abandoned its request to stay a district court preliminary injunction of the transgender student guidance—both moves that have caused alarm for students and families throughout the country. In her address to Department of Education staff on February 8, Secretary DeVos called for “acting justly, being compassionate and moving forward humbly on behalf of the future of our nation - America’s students.” A withdrawal of this critical guidance would represent a major retreat from these commitments. We urge you to ensure that your Departments continue to support and protect all students.

Sincerely,

Mara Keisling, Executive Director,
National Center for Transgender Equality

Nancy Duff Campbell & Marcia Greenberger,
Co-Presidents, National Women’s Law Center

Eliza Byard, Executive Director,
GLSEN

Chad Griffin, Executive Director,
Human Rights Campaign

² American Association of University Women (AAUW). Crossing the Line: Sexual Harassment at School. 2011. <http://www.aauw.org/learn/research/crossingtheline.cfm>.

³ GLSEN, The 2015 National School Climate Survey. <http://www.glsen.org/article/2015-national-school-climate-survey>.

⁴ “Sexual Violence in Youth,” National Intimate Partner and Sexual Violence Survey, <https://www.cdc.gov/violenceprevention/pdf/2012FindingsonSVinYouth.pdf>.

⁵ Bureau of Justice Statistics Research and Development Series, Campus Climate Survey Validation Study: Final Technical Report, January 2016, <https://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>.

⁶ Durwood, L., McLaughlin, K.A., & Olson, K.R. (2017). Mental Health and Self-Worth in Socially Transitioned Transgender Youth. *Child & Adolescent Psychiatry*, 56 (2), 116-123.e2; Olson, K.R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2016). Mental health of transgender children who are supported in their identities. *Pediatrics*, 137 (3), 1-8.

⁷ GLSEN, The 2015 National School Climate Survey.
