

March 8, 2018

Ms. Candice Jackson
Acting Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Ms. Jackson:

As leaders in education who are committed to protecting the civil rights of all students, we are extremely disappointed that the U.S. Department of Education has determined that it will no longer investigate complaints from transgender students who are barred from restrooms and locker rooms that align with their identified gender. Additionally, we are also deeply concerned that legal documents related to previous cases supporting transgender students have been removed from the Department's website.

This decision is based on the incorrect assumption that Title IX prohibition of sex discrimination does not include gender identity. By failing to enforce basic civil rights protections for transgender students, the Department is abdicating its core responsibility to enforce civil rights protections for *all* students.

We strongly disagreed with the Administration's decision in February 2017 to rescind federal guidance related to Title IX civil rights protections for transgender students in public schools, and today, we strongly disagree with the decision to no longer consider complaints from transgender students related to bathroom discrimination. This decision is at odds with recent federal court cases, which have determined that transgender students *do* have a right under Title IX to access gender-segregated spaces that align with their gender identity, including restrooms and locker rooms.

Collectively, our associations represent millions of parents and educators who work to safeguard the well-being of all children and youth every day. This includes ensuring that all students enjoy a safe and affirming learning environment; have the support of educators, administrators, family members and peers; are affirmed in their gender identity and expression; and are protected by nondiscrimination policies that promote equity and respect for all members of the community. We are committed to working with the Department and policymakers to promote inclusive policies that protect the civil rights of all students.

Furthermore, our members are committed to implementing evidence-based practices that create safe and supportive school environments for transgender students, including access to facilities that correspond with their gender identity. We would like to continue these efforts in cooperation with the US Department of Education, rather than despite it.

Our associations would welcome the opportunity to meet with you to share directly the concerns our members and the students we represent have on the recent decision to no longer investigate complaints of discrimination based on gender identity as it relates to gender-segregated spaces. Please contact Kelly Vaillancourt Strobach, Director of Government Relations at the National Association of School Psychologists at kvaillancourt@naspweb.org or 301-347-1652 to schedule a meeting or for additional questions or information.

Sincerely,

American School Counselor Association

National Association of School Psychologists

National Association of Secondary School Principals

National PTA