

## **Transgenderism Sample Statements and Talking Points**

(Office of Civil Rights Letter to Schools)

May 13, 2016

### Statement from Springfield Public Schools

Today the U.S. Department of Education and the U.S. Department of Justice issued a Dear Colleague letter to school districts across the country. The letter serves as a “guidance” to school districts concerning the civil rights and treatment of transgender students. The purpose of the guidance is to clearly inform school districts concerning the requirements of the current federal law and regulations regarding the treatment of transgender students.

Springfield Public Schools has been working with transgender student issues for several years. In this regard, the district makes every effort to proactively focus on meeting the individual needs of each student by working with the student’s parents, guardians or the student to accommodate the student at school and in district programs. At the same time, consistent with the guidance letter, SPS makes every effort to protect the student’s privacy, safety and dignity.

In the coming weeks, the district will review the guidance to ensure that its practices are in compliance with law. We understand from our legal counsel that letters like this guidance serve to reinforce and explain the compliance positions which are being taken by the Departments of Education and Justice and provide advance notice about potential legal issues that may in the future be enforced as a violation of law.

Dr. John Jungmann

Superintendent of Schools

Springfield Public Schools

### Hazelwood Statement

“The Hazelwood School District works to be inclusive with the understanding that we live in a diverse world. Today we received a letter from the U.S. Department of Education and the U.S. Department of Justice that provides guidance providing an inclusive, supportive, safe, and non-discriminatory environment for all, including transgender students. Currently, our board policy complies with this guidance.

The District makes every effort to focus proactively on meeting the individual needs of each student by working with the student's parents, guardians or the student to accommodate the student at school and in district programs. At the same time, consistent with the guidance letter, HSD makes every effort to protect the student's privacy, safety and dignity.

The Hazelwood School District will continue to take seriously the rights of transgender students, as well as all students' right to privacy."

### **Sample Statement 2**

The XXXX School District respects the rights of all students. Our district works to be inclusive with the understanding that we live in a diverse world. Today we received a letter from the U.S. Department of Education and the Office for Civil Rights that provides guidance for appropriately addressing transgenderism. Currently, our board policies address compliance with Title IX including a safe and nondiscriminatory environment.

*Special note: The letter from DOE and OCR is only a guide. There is no new legal expectation.*

### **University City Talking Points:**

- Our District is one that always seeks first to protect the rights of all our students, and to ensure a positive learning environment for our students and staff
- We began internal policy conversations--some of them driven by our students--back in March led by research from our legal team.
- Our facilities and finance team are already reviewing possible costs for any accommodations including signage on locker rooms, restrooms, etc
- We recognize that the law is changing and even with the advisory of the Departments of Justice and Education, the discussion must continue and it must include our parents and District stakeholders
- We will certainly work to ensure we are in compliance with Title IX as we always have.
- University City--as a District and as a community--has always been a place where diversity is valued; this is no different. We look forward to developing a model that is not only legally sound but is true to what our community represents.

### **Rolla: Title IX & Transgender Student Statement**

Recently the U.S. Department of Education and the U.S. Department of Justice issued a Dear Colleague letter to school districts across the country. The letter serves as a

“guidance” to school districts concerning the civil rights and treatment of transgender students. The purpose of the guidance is to clearly inform school districts concerning the requirements of the current federal law and regulations regarding the treatment of transgender students.

While there are a number of legal issues involving transgender students, the law in this area is far from settled. The primary questions are whether school districts are required to provide accommodation to transgender students under federal law (Title IX) and, if so, what accommodations the district must make. The answer is not clear. Court cases in jurisdictions outside of Missouri have held that Title IX does not require schools to provide a transgender student access to restrooms that conform to his or her gender identity. The US Department of Justice and the Office of Civil Rights of the U.S Department of Education have stated that accommodations of transgender students is required by law under Title IX.

The district will review the guidance with legal counsel to ensure that its practices are in compliance with law. We understand from our legal counsel that letters like this guidance letter serve to reinforce and explain the compliance positions which are being taken by the Departments of Education and Justice.

We recognize that the law is changing and even with the advisory of the Departments of Justice and Education, the discussion must continue and it must include our parents and District stakeholders. We will certainly work to ensure we are in compliance with federal law (Title IX) as we always have. District policy already prohibits discriminating against students based on sex (gender) which reinforces our strong commitment to complying with the law.

The Rolla 31 School District has been working with transgender student issues for several years. In this regard, the district makes every effort to proactively focus on meeting the individual needs of each student by working with the student’s parents, guardians and the student to accommodate them at school and in district programs. At the same time, consistent with the guidance letter, Rolla 31 makes every effort to protect the student’s privacy, safety and dignity. Our District is one that always seeks first to protect the rights of all our students, and to ensure a positive learning environment for our students and staff.

**From MoEdCounsel:**

It is our understanding that many districts have not adopted a formal policy regarding students who identify as transgender. For those districts, talking points for questions from the public regarding the guidance that was handed down today looks likely quite different than for districts who have adopted a policy. Here are some suggested talking points for districts without a specific policy who may feel compelled to respond:

- The District has thoroughly reviewed the guidance from the Departments of Education and Justice related to transgender students and Title IX.
- The law remains unsettled on this issue, and while the guidance issued gives us insight into what the Department of Education and the Department of Justice would do in the event of an individual complaint against a school district, we await decisions by our legislators and the courts for a clear path forward.
- The District has not adopted a policy regarding transgender students specifically, but the District does have, and has had for many years, a policy in place which serves to protect all students from discrimination and harassment. The District, the Board, and our staff are committed to a culture of nondiscrimination.
- Students who identify as transgender are protected by this policy, along with all our students. Therefore, if the District is notified that a student is transgender and the student feels he or she has been treated differently in some way on that basis, the District has the necessary and required policies and procedures in place to investigate and address such concerns. Issues of that nature are handled on a case-by-case basis.
- The privacy of students is protected by our policies and federal law, and that remains in the forefront of our minds when working through these issues with individual students and families.

In terms of our firm's guidance to districts, in light of this development, we continue to advise that districts hold off on adoption of a policy regarding transgender students, and instead, handle any complaints or requests for adjustments in the school environment on a case by case basis, ensuring compliance with each district's discrimination/harassment policy, and keeping in mind the stance that OCR is likely to take if a student who identifies as transgender were to make a complaint. The guidance that has been handed down is consistent with the resolutions OCR has entered into with specific school districts in which complaints have arisen, but our state and federal governments and courts have not provided us with definitive laws and the accompanying certainty that would support taking formal policy measures.