

Congress of the United States
Washington, DC 20515

May 13, 2019

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

We write today to express deep concern about your answers during the Education and Labor Committee's hearing on April 10th, 2019, and your admission that you were aware of the potential harm to transgender students when the Department of Education ("Department") rescinded guidance protecting these students.

Transgender students are frequently bullied and victimized. A recent study by the CDC confirmed that transgender students are subjected to considerably higher rates of victimization than cisgender students. According to this study, 27 percent of transgender students felt unsafe at or traveling to or from school and 24 percent reported being threatened or injured with a weapon at school. This in-school harassment, in addition to a multitude of other stressors, has led 35 percent of transgender students to attempt suicide. A recent study from the American Academy of Pediatrics also revealed alarming levels of attempted suicide among transgender youth.

Given what we know about the harassment and discrimination of transgender youth in schools, we were pleased to see that, under the Obama Administration, the Department issued a May 2016 Dear Colleague Letter on Transgender Students discussing how Title IX of the Education Amendments of 1972 and its implementing regulations "prohibit discrimination based on a student's gender identity, including discrimination based on a student's transgender status."¹ In doing so, the Department emphasized the role that schools must play in creating a safe learning environment and protecting the civil rights of these students. This guidance was applauded by education and health care experts because it made students safer and provided school districts across the country with clarity about what their obligations to transgender students were under Title IX.

Despite this, in one of your earliest acts as Secretary, the Department issued a Dear Colleague notifying schools of the rescission of this guidance.² This was a clear signal to students, parents, and advocates: The U.S. Department of Education will allow recipients of federal funds to discriminate against transgender students. Moreover, though the text of the rescission states that the Department will "continue to hear all claims of discrimination," this is false as the rescission explicitly and unnecessarily cedes the Department's jurisdiction over claims of discrimination based on gender identity.

¹ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

² <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.pdf>

stress of harassment and discrimination could lead to lower attendance and grades as well as depression for transgender students.

As the U.S. Secretary of Education, your job is to protect the rights of *all* students. In light of your admission that you are aware of the ongoing discrimination of transgender youth, we urge you to commit to using Title IX to protect these students. Specifically, we respectfully request that the Department reinstate the May 2016 Dear Colleague Letter on Transgender Students.


The Department must do all it can to make sure that all schools create safe environments where students can learn free from harassment and discrimination. Students and families need and deserve to know that they can count on you and the Department to protect their civil rights.

Thank you for your attention to this matter.

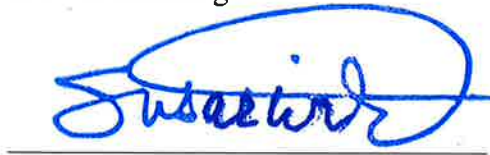
Sincerely,



Suzanne Bonamici
Chair, Subcommittee on Civil Rights
And Human Services



Raúl M. Grijalva
Member of Congress

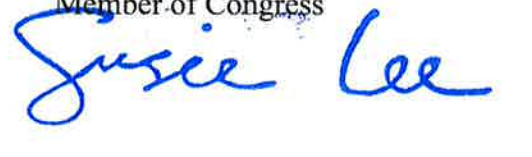

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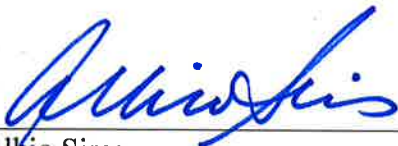
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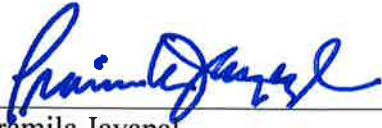
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