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Legal and Civil Rights Advocates Call on State Education Officials to Protect Transgender Students

Washington, DC – In [a letter](#) to state education officials in all 50 states, a coalition of legal and civil rights advocates says federal law and the U.S. Constitution mandate that schools provide transgender students with equal educational opportunities—which includes providing access to facilities and programs consistent with students’ gender identity. The letter, coordinated by Public Justice, the National Women’s Law Center and Lambda Legal, was signed by 50 organizations and individuals, including Anurima Bhargava, former Chief of the Educational Opportunities Section of the U.S. Department of Justice’s Civil Rights Division.

“Under Title IX, schools may not legally exclude, separate, or deny educational benefits to transgender students,” the letter says, “nor treat transgender students differently than any other student.” Title IX prohibits sex discrimination in schools and has been widely found by courts to require schools to treat transgender students consistent with their gender identity in all aspects of their educational experience.

The letter follows a decision by the Trump Administration, in February 2017, to withdraw guidance issued by DOJ and the Department of Education in 2016 that outlined schools’ obligations under the law. “We are concerned,” the letter states, “that the withdrawal of the Title IX guidance might lead some schools to believe that transgender students are not entitled to access bathrooms or other single-sex facilities consistent with their gender identity, or that the law or their obligations under Title IX to protect transgender students have somehow changed. That is simply not the case.”

The letter, which was distributed today to contacts in each state’s Department of Education who are responsible for ensuring compliance with Title IX, goes on to note that “when schools fail to comply with the law, they will continue to be subjected to lawsuits filed by and on behalf of aggrieved students.”

“Though the political winds in Washington may have changed since 2016, the law has not,” said Adele Kimmel, Senior Attorney for Public Justice. “Our letter is an important reminder to schools that, regardless of whether the Trump Administration enforces it, Title IX requires that every student—including transgender students—be respected, protected and treated equally under the law. This was true before the Obama Administration issued its guidance on schools’ obligations to protect transgender students. And it remains true, even though the current Administration withdrew that guidance. Secretary DeVos and Attorney General Sessions are doing schools a great disservice by suggesting the law is open for interpretation. We want school officials to understand that it is not.”

“Every student deserves an education free from discrimination,” added Fatima Goss Graves, president and CEO of the National Women’s Law Center. “And we will continue to fight with advocates across the country to protect transgender students from discrimination and harassment in the face of the Trump administration’s retreat from enforcing their civil rights.”

“Title IX coordinators play an essential role to ensure that every student thrives at school - and does so without fear of discrimination, bullying or harassment,” said Paul D. Castillo, Senior Attorney and Students’ Rights Strategist for Lambda Legal. “Transgender students continue to suffer the brunt of the misinformation perpetuated by the Trump Administration’s rescission of the guidance. It is incumbent on school officials to follow federal law to ensure students, including transgender students, receive equal educational opportunities in a safe and healthy environment. The lawyers at Lambda Legal remain vigilant and we will act swiftly on behalf of transgender students facing discrimination at non-compliant schools.”

The letter, which is also signed by the American Association of University Women, GLSEN, the Human Rights Campaign, the National Center for Transgender Equality and The Trevor Project – among others – notes the groups “stand ready to assist and support” states in complying with the law. “Of course,” they add, “schools have more than a legal obligation to treat transgender students equitably; they also have an ethical obligation. All students, regardless of their identities, deserve to learn and thrive.”

A copy of the letter, with a complete list of signatories, is available for download [here](#).

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