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May 17, 2016

The Honorable John King
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202



The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Secretary King and Attorney General Lynch,

On behalf of The Leadership Conference on Civil and Human Rights and the 24 undersigned organizations, we write in strong support of the joint guidance issued by the Departments of Education and Justice on May 13, 2016, regarding the responsibility of schools, districts and states to protect transgender and gender non-conforming students from discrimination. The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. This guidance follows in the greatest of our American traditions of protection from discrimination and the advancement of justice. As a coalition representing African American, Latino, Asian American, LGBTQ and Native American people, women, immigrants, people with disabilities, people of faith, working families, and low-income people, we know both that there are transgender people within and across all of our communities who contribute significantly to our society and that an attack on the civil and human rights of some is an attack on the civil and human rights of all.

For the past several years, the U.S. Department of Education has made clear that discrimination against transgender students constitutes discrimination based on sex under Title IX of the Education Amendments of 1972 (Title IX). That position has been reiterated in guidance pertaining to sexual violence released in April 2014, guidance pertaining to single-sex education released in December 2014, and a settlement agreement reached with Township High School District 211 in Palatine, Illinois in 2015.

Recently, the U.S. Court of Appeals for the Fourth Circuit held that Title IX does, indeed, protect the rights of transgender students, and the U.S. Department of Justice cited violations of Title IX in a legal challenge to a law in North Carolina that restricts access to restrooms and locker rooms in schools based on sex assigned at birth rather than gender identity. We have applauded the Obama administration's work in the past to ensure that transgender students, who are often among the most vulnerable in student populations, are protected from discrimination under Title IX. Today, we celebrate the recent release of guidance clarifying those protections.

As this issue has become more prominent, school leaders across the nation have looked for resources to best serve their transgender student populations. The new guidance offers much in that regard. The guidance makes clear to schools, school districts, and states across the nation how to maintain compliance with Title IX when working with transgender students. It unequivocally states that schools must provide unfettered access to restrooms and



locker rooms for transgender students consistent with their gender identity, and it provides clarity on athletics, single-sex classes, single-sex schools, fraternities and sororities, housing and overnight accommodations, and other sex-specific activities and rules. The guidance also makes clear that schools must provide a safe and nondiscriminatory environment, use names and pronouns consistent with a student's gender identity, and respect students' privacy.

This guidance will provide much-needed clarity to school leaders on how to create safe and affirming learning environments for transgender students, and we commend the administration for clarifying these important civil rights protections under Title IX. Even more importantly, it will make clear to students and their families that transgender students are entitled to safe and supportive learning environments where they can focus on the work of learning and preparing for adulthood without fear of harassment, exclusion or discrimination based on who they are.

We appreciate your most recent effort to ensure all students in this country have access to warm, welcoming, responsive and rigorous schools where they can be prepared for college and career without fear of discrimination. If you have any questions or would like additional information, please contact Nathan Smith, GLSEN Director of Public Policy, at Nathan.Smith@GLSEN.org, Jennifer Pike Bailey, Human Rights Campaign Senior Public Policy Advocate, at Jennifer.Bailey@HRC.org or Liz King, Leadership Conference Director of Education Policy, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
GLSEN

Human Rights Campaign
American Association for Access, Equity and Diversity
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of Teachers
Anti-Defamation League
Association of University Centers on Disabilities
Children's Defense Fund
CLASP
Education Law Center-PA
Judge David L. Bazelon Center for Mental Health Law
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens
MALDEF
NAACP
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Education Association
National Law Center on Homelessness & Poverty



National Women's Law Center
Southeast Asia Resource Action Center