



STATEMENT SUPPORTING TRANS COMMUNITY



The Department of Health and Human Services is considering a new definition of gender that could deny the existence of transgender people for the purposes of enforcement under Title IX of the Education Amendments of 1972, which protects people from sex-based discrimination in education programs that receive federal assistance.

In the wake of this consideration, A Queer Endeavor, the National Education Policy Center, CU Engage, and the faculty and staff of the University of Colorado Boulder School of Education have released a [collective statement](#) accompanied by resources supporting the trans community.

“We want to state this as clearly and simply as possible: the broad scientific consensus is that gender is not binary ... [and] there is no justification for questioning the word of trans people about their own identities,” the statement reads. [[Click here](#) to read the full text.]

Yet the proposed federal definition would describe gender as “immutable biological traits identifiable by or before birth.” “The sex listed on a person’s birth certificate, as originally issued, shall constitute definitive proof of a person’s sex unless rebutted by reliable genetic evidence,” states an HHS memo [obtained by *The New York Times*](#).

This definition represents an alarming change from the prior administration’s characterization of gender as an individual’s awareness and conclusion that is not necessarily determined by the sex assigned at birth.

If adopted, the new HHS definition could have major implications for more than 1.4 million Americans who recognize themselves as a gender other than the one they have been born into. In educational settings, transgender students would have less protection from harassment in schools, and they could lose the ability to use restrooms and locker rooms that match their gender identities. Schools could continue to demand that these students appear

as and respond to their incorrectly assigned gender and their inappropriate pronouns.

Earlier, in February of 2017, the U.S. Departments of Justice and Education [rescinded](#) Obama-era [guidance](#) that directed schools to protect transgender students. At that time, the Trump administration did not take a position on Title IX and transgender students, leaving it to schools to interpret the law. However, the civil rights divisions of the Departments of Justice and Education have not enforced transgender discrimination complaints since the guidance was withdrawn.

We conclude our joint statement, before offering some suggestions, as follows: “At a time when many of us feel hopeless and dispirited in the face of hatred and misunderstanding, it is critical that we take action together.” As a community, we can provide much-needed support in troubled times.

Information and Resources:

[In support of our trans community](#) (additional resources are set forth at the end of the joint statement)

[Addressing School Environment and Safety for LGBT Students](#)

[Safe at School: Addressing the School Environment and LGBT Safety through Policy and Legislation](#)

NEPC Resources on LGBTQ Issues

The National Education Policy Center (NEPC), housed at the University of Colorado Boulder School of Education, produces and disseminates high-quality, peer-reviewed research to inform education policy discussions. Visit us at: <http://nepc.colorado.edu>