

17,300+ Educators and Scholars to President Biden: Support Trans Youth

April 3, 2021

Dear President Biden:

We, a coalition of educators and educational scholars, are gravely concerned about the unprecedented number of coordinated attacks on trans and non-binary youth currently underway in state legislatures across the United States. As educators, we believe that a young person's ability to thrive should not depend on their conformity to gender norms. **On this week of action to commemorate the annual International Trans Day of Visibility (March 31st), we urge your administration and the federal government to do everything in your power and as quickly as possible to uphold the rights and dignity of trans youth.**

Over the past three months alone, more than 80 anti-trans bills—most of them targeting trans youth—have been introduced in over two dozen states, [breaking the record](#) for the highest number of anti-trans bills in U.S. history. The [focus of these bills](#) varies: some prohibit or even criminalize the provision of trans health care; some deny the right to change the assigned sex on one's birth certificate; some prohibit teaching in schools about trans people and related topics; some prohibit mandatory professional development about LGBT people and history; and some mandate educators to disclose a child's sexual orientation or gender identity to their parents or guardians without the child's consent. Additionally, half of the bills forbid or even criminalize trans youth's participation in [school sports](#) based on their gender identity.

Former President Trump's condemnation of trans athletes in his late-February speech at the Conservative Political Action Conference may have fanned the flames, but the rapid spread of anti-trans legislation has been credited primarily to [coordination by conservative groups](#), including the Heritage Foundation, Eagle Forum, and most notably, the Alliance Defending Freedom (ADF). Not surprisingly, the language in bills across multiple states is strikingly similar to one another. This should sound familiar: the ADF, which is designated as a hate group by the Southern Poverty Law Center, played a key role in coordinating the spread of model legislation between 2016-2018 when dozens of anti-trans "[bathroom bills](#)" were introduced across the country. The wave of "bathroom bills" did not materialize into laws banning the use of restrooms based on one's gender identity. However, the inflammatory and false claims that trans rights can create dangerous or unfair conditions for others by making cisgender (non-trans) girls and women unsafe persisted.

There is no need or public desire for anti-trans legislation, yet trans people's lives are being put in danger in an attempt to sow division among the general public. In nearly every case, sponsors of anti-trans bills [cannot cite a single instance](#) where the participation of trans girls in girls' sports teams led to unfair competition. Polls show that the [majority of voters](#) believe that trans people should be able to live openly and freely and receive medical care. Earlier this month, many of the nation's leading child health and welfare groups—representing [over 7 million professionals and 1000 organizations](#)—called on states to oppose the wave of anti-trans bills.

Importantly, most of the aforementioned proposed legislation would disproportionately harm trans girls and women. Due to intersecting patterns of racism and misogyny, trans girls and women of color remain especially precarious, [making up 79% of the known murders of trans people in 2020](#). Trans girls and women also experience high rates of sexual violence, [particularly trans girls and women of color](#). Because much of the anti-trans ire is focused on trans girls and women not being who they say they are, and because much of the anti-trans rhetoric aimed at trans girls and women is imbricated through racism, it is imperative to focus policy directives on improving life chances for trans girls and women of color. **Here, we emphasize that we do not want to expand systems of school-based punishment, but seek to prioritize a transformative justice approach to supporting trans youth at school.** Such initiatives and directives would fit well within your administration's stance on seeking redress against racial injustice in the United States.

We are encouraged that your administration issued an [Executive Order](#) on Preventing and Combating Discrimination Based on Gender Identity or Sexual Orientation on your first day in office. This Order asserts that “[c]hildren should be able to learn without worrying about whether they will be denied access to the restroom, locker room, or school sports.” This Order also asserts that the recent Supreme Court decision in *Bostock v. Clayton County*, which ruled that “sex discrimination” includes discrimination based on sexual orientation and gender identity, also applies to [Title IX](#). Building on the Executive Order, the federal government must do much more to protect trans youth and school employees against these ongoing attacks and cultivate educational environments that actively support trans people to thrive.

In particular, we assert that protecting trans youth and school employees from discrimination requires supporting them in at least three ways:

First is regarding **health care**. One-third of the anti-trans bills would prohibit or even criminalize trans-competent health care. Notably, most such bills do explicitly allow for invasive surgeries on intersex infants and young children that have been deemed forms of torture by the [United Nations](#) and [Amnesty International](#). Affirming, consensual health care is vital for all youth, but trans youth have unique and specific needs: they navigate hostility and transphobia; they face significantly higher risk of violence, bullying, and harassment; and like trans people across the lifespan, they already face disparities in access to health care, according to the [2015 US Transgender Survey](#). Trans youth are at higher risk of depression, self-harm, and suicide—but [these risks are reduced](#) when they receive trans-competent care. The [American Medical Association](#) offers research-based recommendations for gender-affirming care, and similarly, the [American Academy of Pediatrics](#) recommends that trans youth be given access to comprehensive, gender-affirming, and developmentally appropriate health care. Rather than prohibiting health care, schools should be improving and increasing access to health care for trans students and school employees, including trans-inclusive employee insurance coverage, trans-competent school-based health services, expanded professional development for staff, and health education for students.

Second, regarding **school facilities and activities**. Half of the anti-trans bills would prohibit or even criminalize trans youth's participation in school sports. Such bills hinder equal educational opportunity: while academic success and overall well-being can be improved with access to and

participation in school activities, successful outcomes can be hindered when access and participation are restricted. These bills normalize anti-trans sentiment by institutionalizing discrimination against trans youth as well as by validating problematic narratives about what it means to be trans. For example, the notion that some “boys might claim to be girls” in order to gain advantage in girls’ sports competition or access girls’ locker rooms as sexual predators reflects a fundamental misunderstanding of what it means to identify as trans and engage in gender transition. Social and medical transitions happen over time with a network of support from families, communities, health providers, legal advocates, and others. Such bills would also make problematic demands of schools: the notion that only girls who were legally assigned female at birth or who have XX chromosomes should be allowed to play girls’ sports creates the conditions for schools to engage in invasive and profoundly harmful physical scrutiny and gender policing of young people’s bodies and self-expression. Nineteen states already have [policies in place](#) that allow for full trans inclusion in K-12 school sports, and the [NCAA](#) has developed research-based practices for including trans athletes in college athletics—the nation’s K-12 schools should follow their lead.

Third, regarding **school records and identification**. Members of the school community regularly use legal sex markers to categorize and track students and employees—we argue that much of this is unnecessary. However, where it is deemed absolutely necessary to collect such data, school documents and groupings should reflect the person’s self-identified gender and/or allow people to self-select to refuse to be identified by gender. School personnel and classmates should reference all students and employees by using language (e.g., pronouns and honorifics) that align with the person’s self-identified gender as a matter of basic respect. School personnel should not be mandated to violate a student’s privacy by disclosing their sexual orientation or gender identity to the parents or guardians without the young person’s consent. School personnel have a responsibility to uphold our students’ trust when they share this information at school but are not yet ready to share it with their parents. We are concerned by bills like the proposed Oklahoma House Bill 1888, which states, “Teachers, counselors, principals, administrators, or other school personnel, upon determining that a student is experiencing sexual orientation [sic] or gender dysphoria, shall notify the parents or legal guardians of the student immediately upon determining that such risk exists.” Here, the bill suggests that being LGBT is itself a risk, which is incorrect: the risk to the safety, health, wellness, and academic success of LGBT youth is not their sexual orientation, gender identity, or expression but the widespread and institutionalized homophobia and transphobia that are driving such bills.

Anti-trans bills are merely the tip of a much larger iceberg of anti-trans sentiment, gender misunderstandings, and the scapegoating of trans youth that serves to mobilize a conservative base. We stand ready to work collectively with you as we reframe the conversation about trans youth and enact laws and policies that advance justice.

Over 17,300 educators and educational scholars have endorsed this statement (affiliations are listed for identification purposes only). The full list of signers is available [here](#). Contact persons:

- Dr. Harper B. Keenan, Robert Quartermain Professor of Gender and Sexuality Research in Education, University of British Columbia (U.S. citizen living in Canada)
- Dr. Z Nicolazzo, Associate Professor of Trans* Studies in Education, University of Arizona
- Dr. Kevin Kumashiro, Former Dean, School of Education, University of San Francisco