



February 21, 2017

The Honorable Richard J. Durbin  
United States Senator  
711 Hart Senate Office Building  
Washington, D.C. 20515

Dear Senator Durbin:

As you have been a long-standing champion of LGBTQ equality, we call on your assistance in protecting Illinois' transgender youth. On behalf of the 53,645 stakeholders of Equality Illinois in Illinois and their friends and families who care deeply about issues of equality and fairness, we ask you to urge Secretary of Education Betsy DeVos and Attorney General Jeff Sessions to maintain and affirm the 2016 guidance letter regarding the civil rights and equal treatment of transgender youth in our public schools.

We are outraged the Trump Administration would choose to target transgender children for discrimination. Rescinding the guidance letter sends a terrible message and invites personal bias to flourish in our public schools.

As a result of the rescission of the guidance letter, schools should not feel free to adopt discriminatory policies. Title IX of the federal education law still protects transgender students, as most courts have agreed. We will remind Illinois school districts that despite the Trump Administration's plan to withdraw the guidance letter, federal law remains unchanged. Schools have a legal and a moral duty to support all students, including transgender students.

Additionally, the Trump Administration's action is inconsistent with the Land of Lincoln's shared values of inclusivity, equality, and fairness. Our Human Rights Act protects LGBTQ people from discrimination in public accommodations, employment, and housing. Our anti-bullying statute supports LGBTQ youth. And we protect LGBTQ youth from harmful, discredited conversion therapy. We are better than the discrimination and bias that will be visited on transgender students if the guidance letter is rescinded.

Transgender youth are more vulnerable to harassment and assault than their peers. According to the 2015 U.S. Trans Survey, 77% of students who are or perceived to be transgender report being mistreated in K-12 schools. That includes verbal harassment, harsher discipline than their peers, physical violence, and sexual assault. In fact, 17% of those in the survey reported such mistreatment that they left their K-12 school. That's wrong and a problem the guidance letter strove to correct.

Further, we know it is critical to the mental and physical health of transgender people that they be able to live according to their gender identity. Just last year, medical and mental health professionals dedicated to serving the best interests of all youth released a letter to the nation's governors regarding the dangers of anti-transgender student legislation. The signatories included the American Academy of Pediatrics, American Counseling Association, American School Counselor Association, Child Welfare League of America, National Association of School Psychologists, National Association of Social Workers, and National Education Association. They wrote: "Transgender kids are already at heightened risk for violence, bullying and harassment, and these bills exacerbate those risks by creating a hostile

environment in one of the places they should feel the safest and most supported. In addition, students who would be affected by these bills are among our most vulnerable to experiencing depression and engaging in self harm, including suicide.”

This is also a matter of affirming the civil rights of transgender students. Last July, 86 national civil rights organizations, including the Anti-Defamation League, MALDEF, NAACP, Human Rights Campaign, and National Women’s Law Center, sent a letter to then-Secretary of Education John King in support of the guidance letter and others like it because they “provided much needed clarification of what Title IX requires schools to do to prevent and address sex discrimination in educational programs.” The organizations also said, “The Department’s Title IX guidance letters and enforcement have been vital in the effort to ensure that students are not discriminated against based on sex in school...We urge the Department to continue helping schools understand their legal obligations...which affects a significant portion of the children we represent.”

Rescinding the guidance letter sends the harmful and mean-spirited message to transgender students that they are not respected and valued in their schools, the very spaces where they should be safe and affirmed. School should be a place for learning and growing, not fear and being ostracized.

Secretary DeVos and Attorney General Sessions have the power to maintain the guidance letter and affirm the civil rights of transgender youth. As a United States Senator who represents transgender people in the Land of Lincoln, I urge you to stand up for transgender youth in America and tell Secretary DeVos and Attorney General Sessions to maintain the 2016 guidance letter on transgender students and affirm the dignity of all students in our educational system, including transgender youth. We look forward to receiving your timely response to this letter.

Sincerely,

A handwritten signature in black ink that reads "Brian". The signature is stylized and cursive.

Brian C. Johnson  
Chief Executive Officer