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July 26, 2023

**In Support of Full Inclusion for Transgender and All LGBTQI+ Youth:
An Open Letter from the Civil and Human Rights Community**

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 145 undersigned organizations, we call for the full inclusion, protection, and celebration of transgender, nonbinary, and intersex¹ youth. As organizations that care deeply about ending sex-based discrimination and ensuring equal educational opportunities for all students, we support laws and policies that protect transgender, nonbinary, and intersex people from discrimination, including participation in sports, access to gender-affirming care, access to school facilities, and access to inclusive curriculum. We reject the bigoted, ignorant, mean-spirited, and discriminatory policies currently being considered by far too many state legislatures, which seek to exclude and render invisible transgender, nonbinary, and intersex people, in addition to criminalizing the faculty and adults who support them. These legislative attacks foster an environment that promotes bullying, scrutiny, and body policing of all students while depriving them of the essential support they need to learn — creating an environment where no student is included and safe.

The attacks on transgender, nonbinary, and intersex youth are harmful to all students and undermine the learning environment for everyone.

Currently, there is an unprecedented wave of proposed and enacted laws across the country that aim to make participating in school intolerable for LGBTQI+ students — especially transgender, nonbinary, and intersex students. These laws aim to shut these young students out of school activities such as sports, ban them from school facilities such as restrooms, prohibit discussion of their very existence in classrooms, prevent them from reading the books that reflect their lives, and punish educators and families who help them access necessary and life-saving gender-affirming care and treat them with dignity and respect.² In addition to the record number of proposed state sports bans targeting transgender students, federal legislation recently passed the House of Representatives that would amend Title IX

¹ “Intersex” is an umbrella term used to refer to people who are born with or naturally develop variations in sex characteristics, such as genitals, chromosomes, hormones, and/or internal organs, that may be perceived as not fitting binary definitions of male or female.

² There are more than 400 bills active in state legislatures targeting transgender students, including the restriction of health care for transgender youth, single-sex facility restrictions, the exclusion of transgender youth from athletics, other school or curriculum restrictions, and restrictions on accessing accurate identification. Source: ACLU, *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures* (June 2, 2023), available at <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>

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to prevent transgender, nonbinary, and intersex students from playing school sports.³ These proposals seek to punish and harm a population of young people already marginalized by stigma, bullying, and harassment.⁴

The record number of bills seeking to exclude transgender, nonbinary, and intersex youth from athletics⁵ not only harm the mental health of trans youth⁶ and significantly decrease their opportunities to play, but they also harm *all* women and girls by policing their bodies.⁷ This also especially harms Black and Brown women and girls, who have long been subjected to racist scrutiny for failing to conform to white-centric

³ In April 2023, The Leadership Conference on Civil and Human Rights, joined by 187 civil and human rights organizations, sent a letter to Congress strongly opposing H.R. 734, the so-called Protection of Women and Girls in Sports Act of 2023, and calling for inclusion and nondiscrimination for all students. <https://civilrights.org/resource/oppose-h-r-734-to-protect-civil-rights/>

⁴ National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey* 4, 11 (2017) [USTS Report], available at <http://www.ustransurvey.org/reports>

⁵ List of bills active in state legislatures excluding transgender students from athletics:

H.B. 261, H.B. 401, H.B. 354, S.B. 211 (Alabama); H.B. 27, H.B. 105, S.B. 96, H.B. 183 (Alaska); S.B. 1001, S.B. 1040, S.B. 1700, H.B. 2711 (Arizona); H.B. 1156, S.B. 125, H.B. 1468, S.B. 294, H.B. 1738 (Arkansas); A.B. 1314 (California); H.B. 23-1098 (Colorado); H.B. 6213, S.B. 468 (Connecticut); H.B. 1069, H.B. 1223, S.B. 1320, H.B. 999, S.B. 266, S.B. 1674 (Florida); S.B. 88, S.B. 141, H.B. 653 (Georgia); H.B. 509, H.B. 508, S.B. 1429, S.B. 1428 (Hawaii); S.B. 1100, S.B. 1071 (Idaho); S.B. 354, H.B. 1520, S.B. 386, S.B. 413, H.B. 1608, H.B. 1436 (Indiana); S.F. 83, H.F. 8, H.F. 9, S.F. 129, S.F. 159, H.F. 180, S.S.B. 1145, S.F. 335, H.F. 348, H.S.B. 222, H.F. 482, H.F. 622, S.F. 496, S.F. 482 (Iowa); H.B. 2238, S.B. 207, S.B. 255, H.B. 2427 (Kansas); H.B. 30, H.B. 173, H.B. 177, S.B. 102, S.B. 150, S.B. 145, H.B. 470 (Kentucky); S.B. 81, H.B. 466 (Louisiana); H.P. 447, L.D. 678, H.P. 577, L.D. 930 (Maine); H.B. 359 (Maryland); H. 509, H. 458 (Massachusetts); H.B. 4195, H.B. 4510, H.B. 4546, (Michigan); H.F. 551, S.F. 724, H.F. 1086, H.F. 3022, S.F. 934 (Minnesota); S.B. 2765, S.B. 2076, H.B. 509, S.B. 2773, H.B. 1144, S.B. 2058, S.B. 2820, S.B. 2764, H.B. 1074, H.B. 1489, H.B. 1476, H.B. 1480 (Mississippi); H.B. 192, S.B. 497, S.B. 87, S.B. 134, H.B. 634, S.B. 165, S.B. 39, H.B. 337, H.B. 183, S.B. 29, H.B. 170, S.B. 48, S.B. 2, S.B. 42, S.B. 390, H.B. 75, H.B. 1258 (Missouri); S.B. 337, S.B. 413, H.B. 837, S.B. 518 (Montana); L.B. 575 (Nebraska); A.B. 374 (Nevada); H.B. 619, S.B. 272 (New Hampshire); A 1630, S. 589, A. 1418, S. 585 (New Jersey); H.B. 492 (New Mexico); S. 49, S. 639, S. 636, H. 574, S. 631, H. 808, H. 786 (North Carolina); H.B. 1473, S.B. 2260, S.B. 2231, H.B. 1249, H.B. 1522, H.B. 1489, H.B. 1488, S.B. 2188, H.B. 1526 (North Dakota); H.B. 6, H.B. 8, H.B. 183 (Ohio); S.B. 1007, S.B. 937, S.B. 935, S.B. 30, S.B. 131, S.B. 26, S.B. 973, S.B. 932, H.B. 1780, H.B. 1781, S.B. 1017, S.B. 933, S.B. 943 (Oklahoma); H.B. 3044, H.B. 2186, S.B. 453, S.B. 749, H.B. 2477 (Oregon); H.B. 216, H.B. 319 (Pennsylvania); S. 391, H.B. 5688 (Rhode Island); H. 3466, S. 274, H. 3197, H. 3485, S. 424, H. 3551, S. 234, H. 3827, H. 3304, H. 3728, S. 627 (South Carolina); H.B. 1116 (South Dakota); H.B. 306, S.B. 620, S.B. 466, H.B. 1414, S.B. 1237, H.B. 1269, S.B. 1117, H.B. 1411 (Tennessee); S.B. 393, H.B. 23, H.B. 631, H.B. 1541, H.B. 1155, S.B. 649, S.B. 15, H.B. 4534, S.B. 8, H.B. 5236, H.B. 4961, H.B. 5256, H.B. 2722, H.B. 5261, H.B. 5235, S.B. 1443, H.B. 2659 (Texas); S.B. 100, H.B. 464, H.B. 463, H.B. 209 (Utah); H. 513 (Vermont); H.B. 2432, S.B. 1186, H.B. 1387, H.B. 1434, H.B. 2170, H.B. 1399, S.B. 962, S.B. 911, H.B. 1707, S.B. 960 (Virginia); S.B. 5653 (Washington); H.B. 3001, H.B. 3183, H.B. 3176, S.B. 692 (West Virginia); H.B. 187, S.F. 117, S.F. 133 (Wyoming).

Source: ACLU, *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures* (June 2, 2023), available at <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>

⁶ The many bills seeking to exclude transgender students — and in many cases, specifically transgender girls and women — from school athletics are already having a negative impact on the mental health and wellbeing of all LGBTQ+ youth and particularly those who are transgender and nonbinary. A 2023 poll conducted by The Trevor Project found that two-thirds of LGBTQ youth report that the recent debates about state laws restricting the rights of transgender people has impacted their mental health negatively. The Trevor Project. (2023). 2023 U.S. national survey on the mental health of LGBTQ young people. https://www.thetrevorproject.org/survey-2023/assets/static/05_TREVOR05_2023survey.pdf

⁷ For example, the Utah commission set up to implement its sports ban launched an investigation to determine whether a cisgender girl was truly a girl on the basis that she didn't "look feminine enough" and was outperforming other students. Marjorie Cortez, *After a girl beat their daughters in sports, Utah parents triggered investigation into whether she was transgender*, DESERT NEWS (Aug. 17, 2022), <https://www.deseret.com/utah/2022/8/17/23310668/school-investigates-female-athlete-transgender-complaint>

notions of femininity.⁸ We reject the suggestion that girls and women who are cisgender⁹ benefit from the exclusion of girls and women who are transgender or intersex.¹⁰ State leaders who care about women's and girls' sports should reject these bills and instead focus on closing the gender and racial disparities in athletics opportunities and participation and on protecting student athletes from sexual abuse.^{11,12}

Transgender students face disproportionately high rates of sex discrimination at school, including sexual assault and harassment or bullying because of their gender identity and gender expression.¹³ Transgender and nonbinary people of color face even deeper and broader patterns of discrimination than their White

⁸ Anna North, "I Am a Woman and I Am Fast: What Caster Semenya's Story Says about Gender and Race In Sports," VOX (May 3, 2019), <https://www.vox.com/identities/2019/5/3/18526723/caster-semenya-800-gender-race-intersex-athletes> (Caster Semenya, a Black woman and sprinter, was forced to submit to a battery of invasive medical tests because of her speed and success as an Olympic track athlete, for the purpose of determining whether she was "feminine enough" to continue competing with women); Human Rights Watch, "They're Chasing Us Away from Sport: Human Rights Violations in Sex Testing of Elite Women Athletes (Dec. 4, 2020), <https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women#6040> (Dutee Chand, an Indian woman and a sprinter, was ordered by an international sporting body to undergo invasive medical exams after she faced scrutiny from her teammates for her "stride and musculature" being too "masculine").

⁹ Transgender people are people whose gender identity is different from the gender they were thought to be at birth. Cisgender people are people whose gender identity is the same as the gender assigned at birth. For more information see: <https://nbjc.org/wp-content/uploads/2020/11/LGBTQCulturalCompetencyTerminologyWorkbook-10-10-11.pdf>, <https://transequality.org/issues/resources/frequently-asked-questions-about-transgender-people>, and <https://www.glsen.org/sites/default/files/2020-04/GLSEN%20Terms%20and%20Concepts%20Thematic.pdf>.

¹⁰ LGBTQ+ students who are intersex will likely experience increased incidents of discrimination and harassment as these laws tacitly sanction scrutiny of students' sex characteristics. The same inappropriate scrutiny may adversely impact cisgender girls and women as research indicates that excluding transgender athletes is associated with a decrease in sports participation among all girls and women. Brief of interACT: Advocates for Intersex Youth, et al., as Amicus Curiae in Support of Respondent, Gloucester County School Board v. G.G. ex rel. Grimm, No. 16-273 (U.S. Mar. 2, 2017). See also: interACT: Advocates for Youth. (2022). Public Comment Re: Mandatory Civil Rights Data Collection (86 FR 70831; ED-2021-SCC-0158). <https://www.regulations.gov/comment/ED-2021-SCC-0158-0884> (accessed May 4, 2022). Center for American Progress, *Fair Play: The Importance of Sports Participation for Transgender Youth* 14-16 (Feb. 8, 2021), available at <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play>.

¹¹ LGBTQ+ students are half as likely as non-LGBTQ students to participate in both interscholastic (40.2 percent vs. 19.2 percent) and intramural sports (35.8 percent vs. 15.9 percent), with transgender students reporting the lowest levels of participation. Clark, C. M., Kosciw, J. G., & Chin, J. (2021). LGBTQ Students and School Sports Participation (Research Brief). New York: GLSEN. Available at <https://www.glsen.org/research/lgbtq-students-and-school-sports-participation>. Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools, p. 93-106. New York: GLSEN. https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf

¹² Twenty-one states have passed laws barring transgender students from participating on the school athletic team or program that aligns with their gender identities and many have implemented discriminatory regulations. GLSEN. (2023). GLSEN Navigator: Trans and Nonbinary Athletic Inclusion Policies. Available at: <https://maps.glsen.org/trans-and-nonbinary-athletic-inclusion-policies/> (Accessed June 8, 2023)

GLSEN, *Gender Affirming and Inclusive Athletics Participation* (May 2022), available at <https://www.glsen.org/activity/gender-affirming-inclusive-athletics-participation>.

¹³ USTS Report, available at <http://www.ustranssurvey.org>. Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation's schools. GLSEN. Available at <https://www.glsen.org/research/2021-national-school-climate-survey>.

The CDC's Youth Risk Behavior Survey has also found that transgender students report disproportionately high rates of bullying at school but does not ask specifically about why students were bullied. Johns, M. M., Lowry, R., Andrzejewski, J., Barrios, L. C., Demissie, Z., McManus, T., ... & Underwood, J. M. (2019). Transgender identity and experiences of violence victimization, substance use, suicide risk, and sexual risk behaviors among high school students — 19 states and large urban school districts, 2017. *Morbidity and Mortality Weekly Report*, 68(3):67–71. DOI: <http://dx.doi.org/10.15585/mmwr.mm6803a3> (Accessed May 3, 2022)

transgender peers.¹⁴ Bills that would exclude transgender, nonbinary, and intersex students¹⁵ from athletics would further deprive them of access to educational opportunities and could place them at greater risk of sexual assault.^{16,17} With violence — including physical and sexual assaults and murders — against transgender women at an epidemic level,¹⁸ these bills only serve to create an unsafe educational environment for transgender, nonbinary, and intersex youth, while sending children the message that transgender people — and transgender and intersex girls and women in particular — are not entitled to the equal treatment, dignity, and respect they are taught other people deserve. Simply put, preventing transgender and intersex girls and women and nonbinary students from participating in school athletics is a recipe for more trauma, bullying, and violence.¹⁹

Transgender, nonbinary, and intersex students deserve to be included in all school programming, including athletics programs, consistent with their gender identity.

Not only do these proposals harm students and limit educational opportunity, but the discrimination they mandate is illegal. Various federal courts have held that preventing trans students from accessing sex-

¹⁴ In states where these discriminatory bills have passed into law, transgender students who are Black, Indigenous, and people of color (BIPOC) will experience compounding harm as transgender people of color face even deeper and broader patterns of discrimination than do their White transgender peers. For example, GLSEN’s national survey research has found that LGBTQ+ students who are BIPOC commonly experience both anti-LGBTQ+ and racist victimization in schools.

See: Truong, N. L., Zongrone, A. D., & Kosciw, J. G. (2020).

Erasure and resilience: The experiences of LGBTQ students of color, Asian American and Pacific Islander LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/aapi-lgbtq-students> (Accessed May 3, 2022).

Truong, N. L., Zongrone, A. D., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Black LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/black-lgbtq-students> (Accessed May 3, 2022).

Zongrone, A. D., Truong, N. L., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Latinx LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/latinx-lgbtq-students> (Accessed May 3, 2022).

Zongrone, A. D., Truong, N. L., & Kosciw, J. G. (2020). Erasure and resilience: The experiences of LGBTQ students of color, Native and Indigenous LGBTQ young people in U.S. Schools. New York: GLSEN. <https://www.glsen.org/research/native-and-indigenous-lgbtq-students> (Accessed May 3, 2022).

¹⁵ Notably, there is an absence of data about intersex students’ experiences with in-school harassment and discrimination.

However, recent reporting from The Washington Post indicates that intersex students often avoid or are discouraged from participating in sports for fear of scrutiny and discrimination. Anne Branigin, *Intersex youths are also hurt by anti-trans laws, advocates say*, WASHINGTON POST (July 16, 2022), <https://www.washingtonpost.com/nation/2022/07/16/intersex-anti-trans-bills/>

¹⁶ Diane Ehrensaft & Stephen M. Rosenthal, *Sexual Assault Risk and School Facility Restrictions in Gender Minority Youth*, 143 PEDIATRICS 1 (May 6, 2019), <https://pubmed.ncbi.nlm.nih.gov/31061221>

¹⁷ 51.5 percent of transgender boys reported being prevented from playing on a sports team consistent with their gender identity in 2021, compared to 15.8 percent in 2019. 45.9 percent of transgender girls reported being prevented from playing on a sports team consistent with their gender identity in 2021, compared to 21.0 percent in 2019. 37.1 percent of trans nonbinary students and 53.2 percent of students who identified as transgender only reported being prevented from playing on a sports team consistent with their gender identity in 2021, compared to 16.9 percent of trans students who identified as neither male or female in 2019. Joseph G. Kosciw, Caitlin M. Clark, Leesh Menard, *The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation’s schools*, (New York: GLSEN), pp. 91-93 <https://www.glsen.org/research/2021-national-school-climate-survey>; Caitlin M. Clark, Joseph G. Kosciw, and Jacquelyn Chin, “LGBTQ Students and School Sports Participation,” GLSEN (2021), <https://www.glsen.org/research/lgbtq-students-and-school-sports-participation>.

¹⁸ See: <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2021>.

¹⁹ Transgender students already face incredibly hostile school climates and high rates of bullying and harassment, which can impact not only their well-being but also educational outcomes. In a national survey of LGBTQ high school students, 84 percent of transgender students reported being victimized due to their gender identity and, compared to their cisgender LGB peers, they were more likely to report missing school because they felt unsafe or uncomfortable and less likely to report that were planning to complete high school. Source: GLSEN. (2022). *Improving School Climate for Transgender and Nonbinary Youth*. <https://www.glsen.org/research/improving-school-climate-transgender-and-nonbinary-youth> (accessed May 2, 2022).

separated education programs and facilities violates the Equal Protection Clause,²⁰ Title IX, and other civil rights laws preventing sex discrimination.²¹ These sports bans will not only put transgender, nonbinary, and intersex students at risk in violation of the law, but they also put states' federal educational funding in jeopardy as well by forcing them to violate federal civil rights laws.

Excluding transgender students from athletics is a false solution in search of a nonexistent problem. For more than a decade, state athletic associations around the country have implemented eligibility policies that ensure transgender student athletes can compete consistent with their gender identity. Those inclusive policies have benefited all students, including cisgender girls and women.²² There is no evidence that the participation of transgender girls and women has affected the level of play in states with inclusive policies.²³ Furthermore, data from the Centers for Disease Control and Prevention suggest that girls' athletics participation has increased or stayed the same in those states that have inclusive sports policies, while girls' athletics participation has declined in states with discriminatory policies.²⁴

All families and young people deserve access to medically necessary health care, including gender-affirming care, to promote their safety, health, and wellbeing.

State lawmakers have also sought to ban widely accepted medical care for transgender youth and to criminalize their families as well as school staff and other adults who help them access this necessary care and treat them with dignity and respect.²⁵ Other laws recently proposed or enacted by some states ban

²⁰ See, *Hecox v. Little*, 479 F. Supp. 3d 930 (D. Idaho 2020); A.M. by E.M. v. Indianapolis Pub. Schs., No. 1:22-CV-01075-JMS-DLP, 2022 WL 2951430 (S.D. Ind. July 26, 2022), B.P.J. v. W. Va. State Bd. of Educ., No. 23-1078, 2023 WL 2803113 (4th Cir. Feb. 22, 2023) (granting injunction pending appeal).

²¹ See, *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1747 (2020); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), as amended (Aug. 28, 2020); e.g., *Schwenk v. Hartford*, 204 F.3d 1187, 1200-01 (9th Cir. 2000) (interpreting Gender Motivated Violence Act); *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1047 (7th Cir. 2017) (Title IX); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 288 (W.D. Pa. 2017); *M.A.B. v. Bd. of Educ. of Talbot Cnty.*, 286 F. Supp. 3d 704, 719 (D. Md. 2018) (Title IX). See also *Parents for Privacy v. Barr*, 949 F.3d 1210, 1239-40 (9th Cir. 2020) (Title IX); *Doe by & through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 535 (3d Cir. 2018) (Title IX).

²² Center for American Progress, *Fair Play: The Importance of Sports Participation for Transgender Youth* 13-16 (Feb. 8, 2021) [CAP Report], available at <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play>.

²³ David Crary & Lindsay Whitehurst, *Lawmakers can't cite local examples of trans girls in sports*, ASSOCIATED PRESS (Mar. 3, 2021), <https://apnews.com/article/lawmakers-unable-to-cite-local-trans-girls-sports-914a982545e943ecc1e265e8c41042e7>.

²⁴ CAP Report, *supra* note 10, at 14-16.

²⁵ List of bills active in state legislatures restricting healthcare for transgender youth:

S.B. 1702 (Arizona); S.B. 199 (Arkansas); S.B. 254, H.B. 1421 (Florida); S.B. 141, S.B. 140, H.B. 653 (Georgia); H.B. 891 (Hawaii); H.B. 71 (Idaho); H.B. 1118, H.B. 1220, H.B. 1231, H.B. 1232, H.B. 1525, S.B. 480, H.B. 1407, H.B. 1569, H.B. 1589 (Indiana); S.F. 110, S.F. 129, S.S.B. 1197, H.S.B. 214, H.F. 623, S.F. 538 (Iowa); S.B. 12, S.B. 233, H.B. 2263 (Kansas); H.B. 120, S.B. 150, H.B. 470 (Kentucky); H.B. 463, H.B. 648 (Louisiana); H.B. 4257, H.B. 4540, H.B. 4539 (Michigan); S.F. 3272, S.F. 3280, H.F. 3264 (Minnesota); S.B. 2864, H.B. 1127, H.B. 1125, H.B. 456, H.B. 576, H.B. 1124, S.B. 2760, S.B. 2770, H.B. 1126, H.B. 1258, S.B. 2883, S.B. 2861, H.B. 1733 (Mississippi); H.B. 540, H.B. 463, H.B. 419, S.B. 236, S.B. 164, S.B. 49, H.B. 916, S.B. 598, H.B. 1332 (Missouri); S.B. 99 (Montana); L.B. 574 (Nebraska); H.B. 619, H.B. 417 (New Hampshire); S. 3076 (New Jersey); H. 43, S. 560, S. 639, H. 808, H. 786 (North Carolina); H.B. 1254, H.B. 1301 (North Dakota); H.B. 68 (Ohio); S.B. 614, S.B. 613, H.B. 1377, S.B. 252, S.B. 345, S.B. 250, H.B. 1011, S.B. 786, S.B. 787, S.B. 129, S.B. 788, S.B. 789, H.B. 1466, S.B. 878, H.B. 2177 (Oklahoma); S.B. 452, S.B. 897 (Oregon); H.B. 138 (Pennsylvania); S.B. 958 (Rhode Island); S. 274, S. 243, H. 3551, S. 627 (South Carolina); H.B. 1080 (South Dakota); S.B. 1, S.B. 5, H.B. 1, H.B. 1378, H.B. 1447, S.B. 1469 (Tennessee); H.B. 436, H.B. 1532, H.B. 42, S.B. 250, H.B. 41, H.B. 122, S.B. 249, S.B. 625, H.B. 1686, H.B. 1752, S.B. 1029, S.B. 14, H.B. 4624, H.B. 4754 (Texas); S.B. 16, H.B. 132 (Utah); H.B. 2432, S.B. 1203, S.B. 960, S.B. 791 (Virginia); H.B. 3097, H.B. 2007, H.B. 3183, S.B. 692, S.B. 697 (West Virginia); S.F. 111, S.F. 144 (Wyoming)

Source: ACLU, *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures* (June 2, 2023), available at <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>

transgender students from using the same school facilities as their peers; to ban discussion of their very existence from the classroom; and to force educators to punish students for coming out at school by outing them at home, even if they may be abused as a result. Because of the victimization, intense discrimination, and lack of affirming school spaces and policies transgender students experience, they face disproportionately high rates of suicidal thoughts and behaviors²⁶ — and bills that shut people out of gender-affirming care threaten their safety, health, and wellbeing by contributing to this stigma. Research shows that gender-affirming care provides long-term mental health benefits for transgender people,²⁷ including a reduction in suicidal ideation and attempts.²⁸ State leaders who care about life-saving care should reject these bills and instead ensure all families and young people can access medically necessary health care.²⁹

Transgender, nonbinary, and intersex youth deserve the chance to succeed and thrive in safe and inclusive school environments like any other child.

Several states have also rushed to pass “Don’t Say Gay or Trans” laws, which ban discussion of the very existence of LGBTQI+ people, history, their lives, and their contributions.³⁰ For example, Florida’s “Don’t Say Gay or Trans” law makes it illegal, in some cases, and otherwise creates new and vague barriers to discussing LGBTQI+ topics, including the existence of transgender people.^{31,32} Research shows that these laws contribute to a hostile school climate.³³ LGBTQI+ youth in states with these laws

²⁶ USTS Report, available at <http://www.ustranssurvey.org/reports>

²⁷ Bränström, R. & Pachankis, J. E. (Oct 4, 2019). “Reduction in Mental Health Treatment Utilization Among Transgender Individuals After Gender-Affirming Surgeries: A Total Population Study.” Available at <https://ajp.psychiatryonline.org/doi/10.1176/appi.ajp.2019.19010080>

²⁸ The Trevor Project, *Gender-Affirming Care for Youth* (January 29, 2020), available at <https://www.thetrevorproject.org/research-briefs/gender-affirming-care-for-youth/>

²⁹ There is a growing consensus among expert and medical organizations on that gender-affirming health care is medically necessary, this includes the following: American College of Obstetricians and Gynecologists (ACOG); World Medical Association (WMA); American Medical Association (AMA); Pediatric Endocrine Society; Endocrine Society; American Academy of Child & Adolescent Psychiatry (AACAP); World Professional Association for Transgender Health (WPATH); American Public Health Association (APHA); and American Psychological Association (APA). Transgender Legal Defense and Education Fund. (n.d.). Medical Organization Statements on transgender health care - trans health project. Medical Organization Statements on Transgender Health Care - Trans Health Project. Retrieved May 20, 2022, from <https://transhealthproject.org/resources/medical-organization-statements/>

³⁰ List of bills active in state legislatures restricting access to inclusive curriculum:

H.B. 401 (Alabama); S.B. 1028, S.B. 1026, S.B. 1030, S.B. 1698 (Arizona); S.B. 43 (Arkansas); H.B. 999, S.B. 266 (Florida); H.B. 265 (Idaho); S.F. 348 (Iowa); S.B. 149, S.B. 201 (Kansas); S.B. 115 (Kentucky); S.F. 933, H.F. 1903 (Minnesota); H.B. 494, H.B. 498, S.B. 429, S.B. 693 (Missouri); H.B. 359 (Montana); L.B. 371 (Nebraska); S. 585 (North Carolina); H.B. 1205, H.B. 1333 (North Dakota); H.B. 2736 (Oklahoma); H. 3616 (South Carolina); H.B. 1116, H.B. 1125 (South Dakota); S.B. 3, H.B. 9, H.B. 30, S.B. 841 (Tennessee); H.B. 1266, S.B. 476, H.B. 643, H.B. 708, H.B. 4129, H.B. 4378, S.B. 2281, S.B. 1601 (Texas); S.B. 103, S.B. 253, H.B. 3176 (West Virginia)

Source: ACLU, *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures* (June 2, 2023), available at <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>

³¹ Transgender students are being impacted by curriculum censorship bills that restrict LGBTQ+ inclusive curriculum, two of which were signed into law in 2022. Citation after first sentence: H.B. 322 (Alabama) and H.B. 1557 (Florida). Four states still have so-called “No Promo Homo” laws. GLSEN. (2022). GLSEN Navigator: Inclusive Curricular Standards Policies. <https://maps.glsen.org/inclusive-curricular-standards-policies/> (Accessed May 3, 2022).

³² Anti-LGBTQ+ legislation also affects the children of LGBTQI+ parents. The Williams Institute recently found that more than half of LGBTQI+ parents in Florida are considering leaving the state because of HB 1557 (Florida’s Don’t Say Gay Bill). Impact of HB 1557 (Florida’s Don’t Say Gay Bill) on LGBTQ+ Parents in Florida. Williams Institute. (January 2023). <https://williamsinstitute.law.ucla.edu/publications/impact-dont-say-gay-parents/>

³³ GLSEN. (2018). Laws Prohibiting “Promotion of Homosexuality” in Schools: Impacts and Implications (Research Brief). New York: GLSEN. Available at https://www.glsen.org/sites/default/files/2019-12/No_Promo_Homo_2018.pdf

are more likely to experience harassment and assault based on their sexual orientation and gender expression than LGBTQI+ youth in states without these laws.³⁴ In addition to reducing harassment, inclusive curriculum in courses such as health education is essential for LGBTQI+ youth to make informed decisions about their health and future and to avoid potential adverse health outcomes.³⁵ For example, LGBTQ youth who found their school to be LGBTQ-affirming have reported significantly lower rates of attempting suicide.³⁶ All students deserve access to an education that affirms their own identity, as well as the opportunity to see themselves and their families reflected in their school's curriculum.

An attack on transgender, nonbinary, and intersex youth is an attack on civil rights.

We call on state policymakers to reject attacks on transgender, nonbinary, and intersex youth, to commit themselves to meaningfully advancing policies that support equal opportunity,³⁷ and to reassure all students in the nation's classrooms that they will have the chance to learn, grow, and thrive. If you have any questions, please reach out to Steven Almazán, k12 education senior program manager at The Leadership Conference on Civil and Human Rights, at almazan@civilrights.org.

Sincerely,

National Organizations:

The Leadership Conference on Civil and Human Rights
The Leadership Conference Education Fund
American Association of University Women
American Federation of Teachers
American Humanist Association
Americans for Democratic Action (ADA)
Americans United for Separation of Church and State
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
Athlete Ally
Autistic Self Advocacy Network
Avodah
Bend the Arc: Jewish Action
CASA
Center for Law and Social Policy (CLASP)
CenterLink: The Community of LGBTQ Centers
Children's Defense Fund
Community Catalyst

³⁴ Ibid.

³⁵ A CALL TO ACTION: LGBTQ+ YOUTH NEED INCLUSIVE SEX EDUCATION. (2021). Available at <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Call-to-Action-LGBTQ-Sex-Ed-Report-2021.pdf>

³⁶ The Trevor Project. (2023). 2023 U.S. national survey on the mental health of LGBTQ young people. https://www.thetrevorproject.org/survey-2023/assets/static/05_TREVOR05_2023survey.pdf

³⁷ See, e.g., GLSEN, *Gender Affirming and Inclusive Athletics* (2021), https://www.glsen.org/sites/default/files/2021-05/GLSEN_Transathlete_Policies_Issue_Brief-05-03-21.pdf.

COVID Survivors for Change
End Rape On Campus
Equality Federation
Family Equality
FORGE, Inc.
GLMA: Health Professionals Advancing LGBTQ+ Equality
GLSEN
Human Rights First
IDRA
Impact Fund
Japanese American Citizens League
Jewish Council for Public Affairs
jGirls+ Magazine
Justice and Joy National Collaborative (formerly National Crittenton)
JustLeadership USA
Keshet
Labor Council for Latin American Advancement
Lambda Legal
Manifest Justice
MENTOR
NARAL Pro-Choice America
National Association of Social Workers
National Black Justice Coalition
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Council of Jewish Women
National Disability Rights Network (NDRN)
National Education Association
National Employment Law Project
National LGBTQ Task Force Action Fund
National Partnership for Women & Families
National Urban League
PFLAG National
Public Justice
Rabbinical Assembly
Reconstructing Judaism
Reconstructionist Rabbinical Association
ROC United
Safe Schools Action Network
Sojourners
The Advocacy Institute
The Education Trust
The Shalom Center

The Sikh Coalition
The Trevor Project
The Workers Circle
True Colors United
UAW
UFCW OUTreach
Union for Reform Judaism

State & Local Organizations:

ACLU of Georgia
Asian Americans Advancing Justice - Atlanta
Avondale ACTion--An Indivisible Group
Buffalo Jewish Community Relations Council
Carolina Jews for Justice
Colorado Children's Campaign
Colorado Justice Advocacy Network
Covenant Community Church UCC
Democrats for Education Reform DC
DFER Colorado
Disability Rights Maryland
Disability Rights Michigan
Disability Rights Oregon
Disability Rights Vermont
Education Law Center-PA
Education Reform Now CT
Educators for Excellence, Los Angeles
Equality California
Faith in Public Life
FL National Organization for Women
Florida Council of Churches
Florida Health Justice Project
Florida State LULAC
Georgia Coalition for the People's Agenda
Georgia Equality
Georgia Stand-up
Greater Nashville Jewish Community Relations Committee
Greater Orlando National Organization for Women (NOW)
Hopewell City Public Schools
Illinois Migrant Council
Indiana Disability Rights
Indianapolis Jewish Community Relations Council
Indivisible Georgia Sixth District
JCRC Jewish Federation of Nashville

JCRC of Jewish Silicon Valley
Jewish Alliance of Greater Rhode Island
Jewish Community Relations Council for Tucson & Southern Arizona
Jewish Community Relations Council of Broward County
Jewish Community Relations Council of Greater Boston
Jewish Community Relations Council of Greater Charleston
Jewish Community Relations Council of Greater Hartford
Jewish Community Relations Council of Greater Phoenix
Jewish Community Relations Council of St Louis
Jewish Community Relations Council of the Bay Area
Jewish Council on Urban Affairs
Jewish Federation of Greater Ann Arbor
Jewish Federation of Greater Philadelphia
Jewish Federation of Greater Portland
Jewish Federation of Greater Rochester, NY
Jewish Federation of Greater Toledo
League of Education Voters
Levine Center to End Hate at the Jewish Federation of Greater Rochester
LULAC Council 7259
Maine Parent Federation
Mazzoni Center
Men Stopping Violence, Inc.
Michigan Alliance for Special Education
Michigan Developmental Disabilities Council
Michigan Education Justice Coalition
New Orleans Youth Alliance
North Jersey Pride
Pilgrim Church UCC
Planned Parenthood Southeast Advocates
Project Butterfly New Orleans
Rad Family, a project of North Jersey Pride
Refugee Women's Network
SOMA Justice
Temple Beth El
The Fannie Lou Hamer Center For Change
The Jewish Federation of the Bluegrass
Towards an Anti-Racist North Kingstown (TANK)
Tzedek Georgia
Unitarian Universalist Church of Birmingham
We Vote. We Win.
Women's Law Project
Woodlawn United Methodist Church
YWCA Kalamazoo