



Hilary Malawer, Assistant General Counsel
Office of General Counsel
U.S. Department of Education
400 Maryland Ave SW, Room 6E231
Washington, DC 20202
Via www.regulations.gov

RE: Docket ID: ED-2017-OS-0074

September 20, 2017

Dear Ms. Malawer,

Thank you for soliciting public comment regarding regulations that may be appropriate for repeal, replacement or modification. As a statewide organization dedicated to securing equality and justice for lesbian, gay, bisexual, transgender and queer (LGBTQ) North Carolinians, we believe all children deserve a quality education and to feel safe and welcome in their classrooms. When a school or a school district fails to treat students fairly and allows discrimination, civil rights laws require the Department of Education to take action. In order to ensure that schools understand what the law requires of them, and to ensure that everyone including parents understand the protections that students have, regulations and guidance have been developed over the past several years to clarify the law. We support our country's federal civil rights laws and the tools such as guidance documents that have assisted with ensuring that students receive the protections and support they need and deserve in order to learn.

In so many ways, the U.S. education system treats students and communities unfairly. Students who are black, brown, indigenous, immigrants, English learners, girls, LGBTQ or who have disabilities face too many barriers to educational success. Our educational system needs to take advantage of all of the tools at our disposal in order to improve that problem and ensure that all children get the education that they deserve. Now is not the time to take away these tools, or to weaken them. We oppose any effort to rescind, modify or replace regulations and/or guidance that clarifies our federal civil rights and education laws.

School leaders play a critical role in ensuring that all students have access to safe and respectful learning environments that they need to succeed. This need is particularly acute for transgender students in North Carolina, many of whom face discrimination and are at risk for poor educational and health outcomes in environments that do not recognize their gender

identity and expression. Of transgender survey respondents in North Carolina:

- 75% experienced some form of mistreatment¹
- 59% were not allowed to use the restroom that aligned with their gender identity²
- 54% were verbally harassed because of being transgender³
- 19% were physically attacked⁴, and
- 11% were sexually assaulted⁵.

Mistreatment can be so severe that 21% of transgender students in North Carolina leave their K-12 school⁶. For students who remain in school, this type of discrimination lowers their academic outcomes and self esteem and raises rates of depression, risk for suicide and likelihood of drug use. North Carolina students deserve better.

It is the Department of Education's responsibility to assist our country's schools with providing high-quality, discrimination-free opportunities to learn for all children. Our country should be a place where every child, no matter their unique challenges, needs, or background, can grow up to be the person they dream of being.

We thank you for the opportunity to discuss these important issues and stand ready to support you in your efforts. If you have questions regarding this letter or other opportunities for promoting fair education for LGBTQ students in North Carolina, please do not hesitate to contact Dr. Todd Rosendahl, Director of Youth Policy at Equality North Carolina, at todd@equalitync.org, or Ames Simmons, Director of Transgender Policy at Equality North Carolina, at ames@equalitync.org or 770-713-0513.

Thank you,
Equality North Carolina

¹ 2015 U.S. Transgender Survey: North Carolina State Report (2017). Washington, DC: National Center for Transgender Equality.

² School Climate in North Carolina (State Snapshot) (2017). New York: GLSEN.

³ 2015 U.S. Transgender Survey: North Carolina State Report *supra* note 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*