

Passage of Transgender-Inclusion Policy Likely, Chehalis Superintendent Says; Board Risks Termination of State Funding Without Compliance

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Byline: Eric Rosane, The Chronicle, Centralia, Wash.

Body

Jun. 18—The Chehalis School District could be putting its state funding in jeopardy by not passing a policy that promotes inclusion of its transgender students and disavows harassment against them.

Since February 2020, the district and a small number of others in Washington have been running afoul of state law by failing to implement transgender student policy and procedure in its discrimination prohibition policies. The outline is laid out in RCW 28A.642.080, which was passed by the Legislature in 2019.

The school board at a regular meeting on Tuesday ultimately motioned to table a decision on the policy, which was being considered on first reading, after an at times indignant crowd, concerned with a clause allowing transgender students to choose whichever restroom or locker room they wanted, pushed back.

Through an Office of the Superintendent of Public Instruction spokesperson, Sarah Albertson, director of OSPI's Office of Equity and Civil Rights, said the program is working with districts, including Chehalis, one-on-one to ensure each is in compliance with the new discrimination law.

"A school district that violates chapter 28A.642 RCW may be subject to corrective action and monitoring by OSPI, but sanctions could also include termination of all or part state apportionment or categorical money," she wrote in a statement.

It's not currently known how many districts are currently out of compliance, though a majority of them have adopted a policy. Albertson said around last fall roughly one-third of all Washington state school districts indicated they had not yet adopted the gender-inclusive policy, but that number has likely shrunk substantially.

Chehalis Superintendent Christine Moloney said she was notified by the Office of Equity and Civil Rights about the noncompliance on May 26. Policy aligned with the law was then added to the school board's June 15 meeting.

Response From Superintendent Moloney

Speaking with The Chronicle on Friday, Moloney said district staff plan on providing the school board with more specific procedures and staff expectations, with the aid of the district's legal counsel. She said she will lay out what

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the district is currently doing to address bullying and discrimination among transgender students and how it relates to the model procedures the district must enact.

Since before the transgender discrimination bill, Senate Bill 5689, was passed in 2019, the district had already been working to address discrimination in-house. The district has a staff member filling the role as "primary contact officer" who receives formal copies of complaints made about transgender discrimination and is knowledgeable in relevant policies.

"We have transgender students in our school system and we've had them for many years, and our staff just takes care of them," Moloney said, adding that she doesn't believe passage of state-mandated policy is "really going to change our procedures at all."

The discrepancy appears to be just that the district hasn't codified it in language. Chehalis' neighbor to the north has had policy adopted for many months now, Centralia Superintendent Lisa Grant confirmed in a text message.

Moloney said she's confident the school board will adopt school policy to align with Washington state law because it's their "sworn duty" to follow the law.

"I do believe that it's safe to say they're going to work together to meet the requirements of this law," she said.

In order to prevent the district from falling out of policy in a similar fashion and being notified months after, Moloney said she wants to instill a staff-led system to review all state-aligned policies on a regular schedule. She said she's already been regularly cross-checking new OSPI policy as she's received them with ones they have in the books.

"It's a heavy lift if we don't have staff time to do it, but we'll find some way to get it done," she said.

The Policy at Hand

The main policy at hand in Chehalis would aim to create a safe and equitable environment free of discrimination for all students, regardless of gender expression, gender identity or sex — and that includes restrooms and locker rooms.

Transgender students largely haven't been included under Title IX, the federal civil rights law that prohibits sex-based discrimination in public schools, but the Biden Administration's U.S. Department of Education this week said that those students should be.

The departure from past presidential administrations follows recent Supreme Court rulings that determined Civil Rights Act discriminations in the workplace extend to transgender, gay and lesbian people, PBS News Hour reported.

The Department of Education's shift on Title IX interpretation could be seen as a standard for transgender student inclusivity. Already this year, many state legislatures have adopted policies banning transgender students from sports and from entering the restrooms of the genders of which they identify with. But Washington state appears to be ahead of the curve by enforcing anti-discrimination laws.

BP 3211, the policy presented earlier this week to the school board, if passed, would have the board "recognize the importance of an inclusive approach toward transgender and gender-expansive students with regards to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom and locker room use and accessibility, sports and physical education, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement."

The policy proposal also mandates the superintendent appoint a primary contact officer who will participate in at least one mandatory training opportunity offered by OSPI.

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"The policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying and discrimination," reads the board policy.

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Colleges can now be punished for mistreating LGBTQ students

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Body

The Department of Education announced Wednesday that gay and transgender college students are covered by federal anti-discrimination law.

Citing a 2020 Supreme Court decision on workplace harassment, officials stated that Title IX's prohibition on sex discrimination will be interpreted to ban sexual orientation and gender identity-based discrimination, as well.

"This interpretation will guide the department in processing complaints and conducting investigations," the new document explains.

The announcement, which will affect almost all colleges and universities that receive federal financial assistance, is not surprising given the administration's previous statements on sex discrimination.

Within hours of taking office in January, President Joe Biden signed an executive order instructing federal officials to review their department's approach to sex discrimination.

"All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation," the order said.

However, the Department of Education's announcement is still significant in light of an ongoing federal lawsuit over the government's relationship with faith-based schools.

LGBTQ students affiliated with a variety of religious colleges and universities filed the suit in March to challenge the availability of religious exemptions to anti-discrimination law. Schools should not be eligible to receive federal funding if they treat gay and transgender students differently than other members of the campus community, they argued.

"The department must enforce the protections of Title IX at all taxpayer-funded educational institutions, including at those institutions that discriminate and cause harm on the basis of sincerely held religious beliefs," the class action complaint said.

In a legal filing last week, the Justice Department said it was prepared to defend the religious exemptions to Title IX in court. But it also noted that its discrimination policies were currently under review.

This week's announcement makes clear that existing religious exemptions will remain in place for now. The Department of Education's notice includes a footnote explaining that not all schools are held liable to all parts of Title IX.

Colleges can now be punished for mistreating LGBTQ students

"Educational institutions that are controlled by a religious organization are exempt from Title IX to the extent that compliance would not be consistent with the organization's religious tenets," the footnote said.

LGBTQ rights groups released statements praising the Biden administration's decision on Wednesday.

"All students deserve an education and learning environment where they can be themselves and be safe. LGBTQ students are protected against discrimination; it is the law, and there should be no confusion or doubt about it," said Paul Castillo, an attorney for Lambda Legal.

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SC considers extending religious objections to therapists

Associated Press State & Local

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Dateline: COLUMBIA, S.C.

Body

COLUMBIA, S.C. (AP) — South Carolina lawmakers are considering a bill to let mental health professionals refuse to provide care that violates their religious beliefs in response to an ordinance banning conversion therapy for minors in the state's capital city.

The Senate Medical Affairs subcommittee heard testimony on the legislation Monday, but didn't take a vote.

The state already has such medical conscience protections in place for doctors and other health care providers, allowing them to opt out of providing non-emergency services to people when it contradicts their religious, moral, ethical or philosophical beliefs or principles. The legislation would expand those protections to mental health professionals, said bill sponsor Sen. Josh Kimbrell, a Republican from Spartanburg.

The bill is a direct response to Columbia's new ordinance barring attempts by licensed therapists and counselors to change the sexual orientation of minors. Opponents say the bill would harm LGBTQ individuals and make health care more difficult to access for many marginalized and rural South Carolinians.

Kimbrell previously asked South Carolina Attorney General Alan Wilson to block the Columbia measure, which was passed last week and is reported to be the first of its kind in the state.

"It's being called an attack against the city of Columbia or an attack against LGBT individuals, and it's none of those things," Kimbrell said. "What this is, is a response to an attack against people for what they believe."

Kimbrell and other proponents of the bill framed the legislation as protecting the free speech of therapists and the rights of parents to choose care for their children.

Some who testified Monday said the bill would only lead to more instances of health care providers discriminating against patients.

"I've heard stories of friends kidnapped in the middle of night, then sent to wilderness and beaten with Bibles," said Phil Ford of the South Carolina United for Justice and Equality coalition. "That's what we are protecting children from."

SC considers extending religious objections to therapists

Ford noted that the American Association for Marriage and Family Therapy, the American Academy of Pediatrics and the American Academy of Child and Adolescent Psychiatry all state that conversion therapy lacks evidence and is not among best practices for professionals.

Sen. Brad Hutto, a Democrat from Orangeburg, asked Kimbrell why he wanted to protect insurance companies. Hutto said the bill is written so that the insurance companies can also start denying more claims under the guise of a medical conscience case.

Several states have introduced or passed bills targeting LGBTQ people this year. In South Carolina, a bill to bar **transgender students** from playing on girls' sports teams in middle and high school repeatedly failed to pass out of committee this session.

No health care providers testified for or against the bill Monday. Lawmakers intend to hold another hearing later this summer.

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Three years of 'Barnaby policy' will be put to bed

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THE AUSTRALIAN 

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Byline: RICHARD FERGUSON

Body

Nationals leader Barnaby Joyce has pledged to pursue "Nationals policy, not Barnaby policy" now that he is back in the top job after three years of contradicting government positions.

Since he resigned as deputy prime minister in 2018, Mr Joyce has aired a range of controversial views on everything from refugees to nuclear power to Julian Assange. But the incoming deputy prime minister on Monday said his policy positions would now be guided by his colleagues in the junior Coalition partner, as he seeks to negotiate a new cross-party agreement with Scott Morrison.

"As a backbencher, you have the capacity ... to try to articulate what you believe is an important issue," he said in Canberra.

"Now, as leader, I'll be talking with my partyroom about what they believe is best for them and then fighting on that premise. I will be guided by my partyroom. It is not Barnaby policy, it's Nationals policy. And Nationals policy is what I will be an advocate for."

As early as last week, the Prime Minister's incoming deputy was contradicting the government line by arguing for the Murugappan family - who have been in legal limbo for years as they fight attempts to deport them to Sri Lanka - to stay in Australia and return to their adopted home of Biloela in Queensland.

"Tharnicaa and Kopika were born in Australia. Maybe if their names were Jane and Sally we'd think twice about sending them back to another country which they're not from," the Nationals MP told the Seven Network.

"Why not send them to Southern Sudan. Why not send them to Rwanda or Belarus? They're also countries they weren't born in."

Mr Joyce also recently contradicted the government on whether cabinet minister Christian Porter should face an independent inquiry into allegations he raped a woman as a teenager.

Mr Porter has vehemently denied those allegations and said an independent inquiry into the claims - which the police cannot pursue as the complainant has since died - was contrary to the justice afforded to all Australians.

Mr Joyce wrote on his Facebook page in March that Mr Porter's best avenue to clear his name was an independent inquiry.

Three years of 'Barnaby policy' will be put to bed

"Christian Porter may not want an independent inquiry but he has got one by default," Mr Joyce said at the time.

"The alternative should be an inquiry, in camera, the confidential one, not the media's camera. A vastly more dignified, appropriate alternative for such an emotive and serious allegation, otherwise the current vacuum may hang like fog all the way through the rest of a quite remarkable career."

Mr Joyce has notably called for Australia not to sign up to a net-zero emissions carbon target and has joined Nationals MPs in supporting a taxpayer-funded coal power plant. But he has also heavily backed nuclear power, and floated the idea that people living close to nuclear reactors should have cheaper power.

"If you can see the reactor (from your house), your power is for free. If you are within 50km of a reactor, you get power for half price," he said in July 2019.

Mr Joyce - a social conservative - has also been outspoken on LGBTI issues. When the government floated banning private schools from expelling gay students in December 2018, Mr Joyce said private schools should keep the right to oust transgender students.

"If I send my child to an all-girls' school, I don't want the complication and the possibility, and they haven't completely ruled it out, that if someone turns up and says, 'I want to identify as a woman, I want to identify as a girl, I want to go into your bathrooms, I want to go into your change rooms, I want to be educated'," Mr Joyce said at the time.

Mr Joyce has also called on Australia to do more to support WikiLeaks founder Julian Assange and prevent attempts to extradite him from Britain to the US on espionage charges.

"Sovereignty is not just for people you like ... it might be for someone you detest. It might be for someone that you find -completely obnoxious," Mr Joyce said in 2019.

Notes

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