

United States Senate
WASHINGTON, DC 20510

April 25th, 2022

Secretary Miguel Cardona
U.S. Department of Education
400 Maryland Ave, S.W.
Washington, DC 20202

The Honorable Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

Dear Secretary Cardona and Assistant Secretary Lhamon:

I write to call your attention to the increasing targeting and harassment of transgender and LGBTQ youth by state legislators and request additional steps by the U.S. Department of Education and the Office for Civil Rights (OCR) to support and protect these vulnerable students. While I commend the leadership of this administration in asserting the rights and protections of LGBTQ people, and in particular, LGBTQ students via President Biden's March 2021 Executive Order and the Department's subsequent work in support of this order, I believe we must take further action to support LGBTQ youth in the face of recent state laws censoring discussion of gender identity and sexual orientation in public schools, transgender participation in interscholastic sports, and related legislation aimed at punishing LGBTQ youth for being who they are.

It is not hyperbole to state that Republican legislators across dozens of states have wrongly and dangerously determined that LGBTQ youth, and transgender children in particular, are the greatest threat facing their constituents, as evidenced by the extraordinary amount of legislative time and action they have devoted to restricting the rights and opportunities of LGBTQ youth. Just this year, state legislators have introduced more than 300 anti-LGBTQ bills, with about two-thirds of these bills specifically targeting transgender children. This continues a dangerous trend as state legislators are introducing and passing an increasing number of anti-LGBTQ bills every year. These bills run the gamut of harmful policies – from banning public school teachers from discussing LGBTQ people in the classroom, to requiring school counselors to “out” LGBTQ students to their parents, to further restricting transgender youth participation in sports and their ability to use the school locker room or bathroom that aligns with their gender identity. Not only do these bills harm students and limit educational opportunity, the discrimination they endorse is illegal. Unfortunately, this trend seems likely to continue throughout this year, as at least twenty states have introduced legislation similar to Florida's law censoring classroom instruction, with Alabama passing its version just earlier this month.

The cumulative impact on LGBTQ youth by this hateful and bigoted legislation cannot be understated. GLSEN's 2019 National School Climate Survey found that more than two-thirds of LGBTQ secondary students reported being verbally harassed because of their sexual orientation and more than four in five transgender students reported experiencing victimization because of their gender identity. Early findings are showing the harmful impacts of hateful and bigoted legislation: according to a poll by the Trevor Project, at least two-thirds of LGBTQ youth said these legislative actions and debates have had a negative impact on their mental health. This trauma rests on top of the heartbreaking status quo these children already face. According to the Trevor Project, more than half of all transgender and non-binary youth have reported attempting suicide at least once. It is simply damning of the environment adults have created for these kids that more than half of all transgender children have come to the conclusion, at some point in their young lives, that they would be better off dead than live in a world that believes they are threats to be marginalized or expunged. We must do better.

This administration has led in standing up for the rights, protections, and opportunities of LGBTQ youth. I deeply commend the broad work the Biden administration has already taken, including the necessary actions taken by the Department of Education to protect transgender students and their families. In less than two years, this administration has recommitted the federal government to guarantee educational environments free of sex discrimination, including discrimination on the basis of sexual orientation and gender identity, initiated the process to amend Title IX regulations in ways that would protect LGBTQ youth, affirmed that federal civil rights laws protect all students, including transgender and other LGBTQ students, from discrimination, and published a suite of resources for schools to use in support of LGBTQ youth. These are all significant steps that will continue to help LGBTQ youth throughout the country.

However, I believe the urgency and danger of this moment calls for further action by the administration, particularly to address the most recent attacks on LGBTQ students' rights. Therefore, I am requesting that the Department of Education and the Office for Civil Rights:

1. Publish resources for educators, school support staff, students and their families specific to anti-LGBTQ laws pertaining to public schools in order to inform them of their federal rights and, where applicable, steps they can take to ensure educational environments free of discrimination within the context of these laws. Students, families, educators, and communities should know that bullying and harassment on the basis of sexual orientation and gender identity are illegal and that they can always seek assistance from the Office for Civil Rights.
2. Hold public events in states with anti-LGBTQ laws pertaining to public schools to inform students and families of their federal rights and protections within the context of these laws and remind schools of their ongoing obligations to protect students from discrimination. Events like the one held by the Secretary in Florida for Transgender Day of Visibility help students, parents and educators understand this administration's position in protecting their rights and feel that they can turn to the Department to defend these rights.
3. Provide Congress with regular updates on ongoing actions the administration is taking that would impact the educational opportunities and safe learning environments of LGBTQ students.

Thank you for your work on this important issue. I look forward to working with you to defend the rights of LGBTQ youth and ensure that all students learn in safe environments that allow them to thrive.

Sincerely,



Christopher S. Murphy
United States Senator