



Contact:
Kathy Cowan, Director of Communications
301-347-1665, kcowan@naspweb.org

NASP Strongly Disagrees With the Trump Administration’s Decision to Rescind Federal Guidance Related to Civil Rights Protections for Transgender Students

Bethesda, MD—As stated in our official position statement on “Safe Schools for Transgender and Gender Diverse Students” (2014): “[NASP] supports efforts to ensure schools are safe and inclusive learning environments for all students, family members, and school staff, including those who are transgender or gender diverse. NASP respects a person’s right to express gender identity, and the right to modify gender expression when necessary for individual well-being. In addition, NASP supports all students’ right to explore and question their gender identity. NASP is committed to a policy of nondiscrimination and the promotion of equal opportunity, fairness, justice, and respect for all persons.”

NASP is disappointed the Trump Administration has rescinded the Guidance, issued in May 2016, clarifying that Title IX discrimination protections apply to transgender youth. The 2016 guidance was based on a strong legal precedent. Most courts agree Title IX protects transgender students and schools continue to have a legal and a moral duty to support them. The 2016 guidance and its approach to supporting transgender students was supported by NASP, as well as the American Association of Secondary School Principals, the National Association of Elementary School Principals, the American Academy of Pediatrics, the American School Counselor Association, the National PTA, the National Education Association, and the American Federation of Teachers. Schools nationwide are increasingly supporting and affirming transgender students, and most will continue to do so with or without guidance from the Administration. Over 40% of K-12 students attend schools with affirming state or local policies, and that number is rapidly growing. However, federal guidance and/or further legislation that more explicitly clarifies this protection is needed in order to ensure the protection of students’ civil rights in every school in the country.

“School psychologists regularly work with students who are struggling with issues related to bullying or victimization, social–emotional concerns, and mental health issues that arise for various reasons, including those related to sexuality and gender identity,” says NASP President Melissa Reeves PhD, NCSP. “All children and youth have the right to a safe, supportive, and equal public education and NASP remains committed to supporting school psychologists, other school leaders, and public officials in developing and implementing policies and practices that respect the rights of transgender and gender diverse students. Resources to help in this effort are available at www.nasponline.org/resources/transgender-youth.

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For further information, contact: Katherine Cowan, Director of Communications, 301-347-1665, kcowan@naspweb.org or Kelly Vaillancourt Strobach, Director of Government Relations, 301-347-1652, kvallancourt@naspweb.org .