



NAPE Response to the Administration’s Proposed Anti-Transgender Rulemaking

November 13, 2018

Access to safe school environments for all students is an essential equity issue for the National Alliance for Partnerships in Equity (NAPE). The U.S. Department of Health and Human Services’ (HHS) efforts to narrow the legal definition of sex under Title IX in such a way that eliminates the definition of transgender in federal programs and removes gender identity protections, as reported in an October 21 [The New York Times](#) (NYT) article, undermines the civil rights and safety of approximately 1.4 million transgender Americans. It also erodes the tenets of the legal definition of sex under Title IX, which bans gender discrimination in education programs that receive federal funding.

According to the NYT article, in a recent memo HHS urged the “Big Four” federal agencies responsible for enforcing aspects of Title IX (Departments of Education, Labor, Health and Human Services, and Justice) to define sex as “male or female, unchangeable, and determined by the genitals that a person is born with.” The Administration’s effort to narrow the definition of gender throughout the federal government—when Title IX and the definition of gender may influence impending court decisions—could embolden the concept of gender discrimination in education programs that receive federal funding, thereby negatively impacting students in schools across America.

The Administration’s actions roll back critical civil rights guidelines issued during the previous Administration to curtail discriminatory practices, provide protections, and ensure that the dignity and humanity of EVERY individual are respected, which allowed transgender people and their families to live and function within the very democracy our nation stands for. While HHS’ proposed rule would not eliminate 20 years of federal judicial precedents affirming the full rights and identities of transgender people, it sets in motion an insidious ideology that marginalizes and demeans a significant segment of the American population. This proposed action sets the stage to potentially deconstruct civil rights law and establishes a slippery slope of equally damaging discrimination based on gender, race, and underrepresentation in American society.

America’s democracy demands that we not remain silent in the face of injustice—and inequity in any form is injustice. Every student has the right to live and pursue their goals in safety and without fear or limitations. NAPE adamantly opposes the Administration’s restrictive proposed rule and its negative implications for equity and inclusion in education and employment.