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ACLU-DE: Revised DDOE Reg. 225 Will Harm Transgender Youth

(Wilmington, DE, June 1, 2018) This statement is attributable to Kathleen MacRae, Executive Director of the ACLU of Delaware:

Today the Carney Administration announced a rule that will sacrifice the interests of some of Delaware's most vulnerable young people in order to appease adults who do not believe in protecting the civil rights of people who are transgender. Under the revised, so called school anti-discrimination regulation (14 Del. Admin. C. 225), students who are transgender will not be treated consistent with their core identity or accommodated in any way unless the school requests permission from a parent or guardian.

Transgender students are already at risk of violence in schools and family rejection. This proposed regulation increases the odds that both of these negative impacts will harm more Delaware youth. Students should not be forced to choose between abuse at home or basic dignity at school—such as being called by appropriate gender pronouns or being able to use facilities that match who they are—simply because of widespread ignorance about and bigotry against transgender people.

The revised regulation also abandons its previous commitment to equal athletic opportunities for students regardless of gender and gender identity and deletes model policies that encouraged and protected reporting of discriminatory activity. It fails to explicitly prohibit policies that isolate transgender youth by forcing them into separate facilities, which is known to stigmatize students and encourage bullying. Limiting the ability of trans people to participate in school activities, including sports, also sends the message to them and their peers that they are unwelcome in the school environment, which contributes to negative mental health outcomes and other serious harms.

Regulation 225 is not yet final. The ACLU of Delaware encourages Delawareans to tell Governor Carney that he cannot run from this issue. He must either stand up for these vulnerable students or abandon them. It is his choice.

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