



United States Senate
WASHINGTON, DC 20510-0504
<http://feinstein.senate.gov>

February 28, 2017

Secretary Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

I write to express my concern regarding the rescission of joint guidance issued by the Departments of Justice and Education to help protect the civil rights of transgendered students. I request that you issue new guidance to states and local school districts on how to improve school environments for LGBT students that will prevent bullying and harassment and protect their right to access a high-quality education in a supportive setting.

Lesbian, gay, bisexual, and transgender (LGBT) students are especially vulnerable to harassment and violence in schools. I am concerned with the department's role in the future of ensuring LGBT students feel safe so they can learn and thrive.

While I understand the department's Office for Civil Rights will continue to investigate claims of discrimination and harassment at the federal level, I have significant concerns about making it the sole responsibility of states and local school districts to protect LGBT students. Federal guidelines are needed to help states and local school districts create a safe learning environment for all young people.

As you know, Title IX prohibits sexual harassment and discrimination based on gender or sex stereotypes. In April 2014, the department issued guidance to clarify that federal law prohibits discrimination against students on the basis of

transgender status. Additionally, the department issued a letter to members of Congress in October 2010 to clarify that harassment directed at a student because he or she is gay, lesbian, bisexual or transgender may constitute sexual harassment and sex discrimination in violation of Title IX.

In a recent statement, you said that you consider “protecting all students, including LGBTQ students, not only a key priority for the department, but for every school in America.”

I share your belief that it is our responsibility to protect students and would like more information on what actions the department will take under your leadership to protect LGBT students from being bullied and harassed. I also ask that you commit to releasing new guidance to states and local school districts that receive federal funding that detail how they may:

- improve school environments for LGBT students, including transgender and gender nonconforming students;
- maintain the privacy of all students, including transgender students and gender nonconforming students; and,
- support administrator, educator, student, and parent interaction to encourage the educational development and well-being of every student.

I respectfully request a prompt response. Please provide responses as soon as possible, but no later than March 21, 2017. Should you have any questions, please do not hesitate to contact me or have your staff contact Crystal Martinez in my Washington, D.C., office at (202) 224-3841.

Sincerely,



Dianne Feinstein
United States Senator

DF/cm