



The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C., 20201

Dear Secretary Azar:

We understand that you are considering changes to regulations which would redefine the concept of sex and gender government-wide, making that definition purely biological and eliminating the ability of some individuals to fight back against discrimination. We believe these changes will be dangerous and detrimental for the millions of individuals in our country who identify as transgender, many of whom are school age, and are our students and part of our school communities.

While biological sex is defined by chromosomes in most cases, gender and gender identity are much more complex concepts. Our understanding—and the assumption underlying policy in our states—is that gender is a spectrum that is not necessarily linked to biological sex. Administrative policies—and physical facilities—that assume individuals fall strictly within two categories, or that the identity is clearly visually identifiable, risk excluding, or alienating individuals. Worse, policies that allow discrimination against individuals simply because their gender identity does not line up with their biological sex would risk exposing millions to unemployment, homelessness, and violence.

Students are particularly vulnerable to such discrimination. At an age when self-identity is still being formed, telling a student that their identity is invalid because it does not pair with two specific chromosomes can be deeply damaging. Students who face such discrimination at their school are also in danger of bullying, abuse, and depression. A recent report from GLSEN (formerly called Gay, Lesbian and Straight Education Network and pronounced “glisten”) shows that transgender students frequently experience bullying, harassment, and assault. These students are more likely to skip school or develop urinary tract infections because they do not feel safe using or are not permitted to use the bathroom that aligns with their gender. When coming to school feels uncomfortable or even unsafe, students are implicitly prevented from receiving the same education as their gender-conforming peers. Such policies can thus create lifelong emotional, psychological, and economic harm.

We in California, Oregon, and Washington believe in recognizing the dignity of every individual and every student. Strictly defining sex and gender as one and the same, and as driven by genetics, would deeply harm an entire generation of students who identify as transgender. We strongly urge you to reconsider this proposal.

Sincerely,

Tom Torlakson
California State
Superintendent of Public
Instruction

Colt Gill
Director of the Oregon
Department of Education

Chris Reykdal
Washington State
Superintendent of Public
Instruction