

From: Rafael McDonnell
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The following testimony is submitted on behalf of Cece Cox, J.D., (CCox@myresourcecenter.org), the chief executive officer of Resource Center: the LGBTQ community center serving the greater North Texas area.

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I am the chief executive officer for Resource Center, the lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) community center that serves the greater North Texas area. In that role, I am writing to recommend that the U.S. Department of Education adopt new rules on student nondiscrimination and anti-harassment based on a reinterpretation of language in Title IX.

Over the last 11 years, Resource Center has worked on drafting policies to be inclusive of the LGBTQ community at local governments, businesses, and school districts in North Texas. We have helped implement employment nondiscrimination language in governmental bodies and a variety of businesses even before last summer's Supreme Court ruling in the Bostock case. At the same time, the Center ran into consistent and near-universal resistance from local public school districts when we asked the districts to adopt enumerated LGBTQ student protections. As an example, the legal counsel for a suburban Dallas-area school district told us in 2017 the district would not voluntarily add enumerated protections but would rather wait and be compelled to do so by a court ruling or governmental rule.

Of the 1,029 public school districts in Texas, less than a dozen have enumerated policies to protect LGBTQ students. A robust and inclusive reinterpretation of Title IX would lead to concrete policy changes for Texas students. One need only look at how districts reacted to the Bostock ruling to see that effect. Prior to the ruling last June, only three of 89 school districts in the greater Dallas-Fort Worth area had enumerated employment nondiscrimination protections. After the ruling and following suggested language from the Texas Association of School Boards, the numbers flipped within six months. Today, only three of the 89 north Texas public school districts do not have local, board-adopted inclusive employment nondiscrimination policies.

If the Department of Education were to develop new rules based on a more inclusive Title IX, recalcitrant districts in North Texas would find themselves compelled to offer more inclusive protections for LGBTQ students. These protections are clearly needed. According to GLSEN's 2019 School Climate Survey for the state of Texas, nearly three in four LGBTQ secondary students faced verbal harassment and three in ten faced physical harassment because of their sexual orientation. Six out of 10 transgender students experienced verbal harassment and just over one in four physical harassment based on their gender identity. And only five percent of LGBTQ students in Texas attend a school that has enumerated nondiscrimination protections that affirm and validate those students. Efforts by Texas representatives to establish LGBTQ student protections have gone nowhere at the state capitol. It's going to take federal action and intervention to bring about this necessary change.



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