

## **The New Paltz Central School District Affirms Support of our Transgender Community**

The New Paltz Central School District Board of Education affirms its commitment to equal justice through our unwavering support and insurance of equal dignity for the transgender members of our District and the wider community. The Board's authority to make this statement is derived from the District's mission<sup>1</sup> and our sworn oaths to uphold the Constitution of the United States of America. The New Paltz Central School District's commitment to the whole child demands that we honor each student on their terms and in the context of the rich plurality of our community.

The Board considers any effort by the Federal government to infringe upon transgender rights to be unethical, immoral, and antithetical to the guiding principles of the United States Constitution<sup>2</sup>.

A recent memo from the Department of Health and Human Services (HHS) claims to define gender in an artificially narrow and ideological manner by stating: "[s]ex means a person's status as male or female based on immutable biological traits identifiable by or before birth"<sup>3</sup>. A proper recognition of gender would recognize the growing body of scientific evidence<sup>4,5,6,7,8,9,10,11</sup> that supports the non-binary nature of gender and biological underpinnings of transgender and gender diverse identities.

Transgender people experience disproportionately high rates of discrimination<sup>12</sup>, which underscores the importance of recognizing their personhood, supporting their mental health, and maintaining their access to justice. Transgender students experience high rates of physical and sexual assault, are 9 times more likely than cisgender students to attempt suicide, and report reluctance to seek mental health care due to their gender identity<sup>13</sup>. If the Federal government effectively strips Title IX of transgender protection the District will leverage State law or local policies to maintain equal dignity for all members of our community. Legislation that targets individuals from one of our most vulnerable populations is cruel, reckless, and immoral. The District will continue to adopt policies and implement practices that honor and celebrate the equal dignity of all persons -- especially transgender people who face specific and statistically disproportionate risk<sup>14</sup>.

The foundations of support for equal dignity for transgender people in the United States trace back to the Enlightenment period which recognized that all persons, by their very nature are "ends in themselves (i.e., as not to be used merely as means)—which makes such a being an object of respect"<sup>15</sup>. That all persons are endowed with inherent rights, value, and equal dignity was articulated by the Declaration of Independence<sup>16</sup>, enshrined in the Constitution<sup>17</sup>, and further strengthened and protected by the 9th<sup>18</sup> and 14th<sup>19</sup> amendments.

Throughout this nation's history, our society and laws have sought and found specious methods and spurious justifications to deny specific classes of Americans their inherent rights. Our collective moral conscience and our commitment to the US Constitution demand that we resolutely affirm the dignity of transgender members of our school community.

The District recognizes that full equality and dignity for all is an ongoing process that can - and must - only move forward.

With liberty and justice for all,

Michael O'Donnell, President  
Sophia Skiles, Vice President  
Diana Armstead  
Glenn LaPolt  
Kathy Preston  
Teresa Thompson  
Matthew Williams

### References and Annotations

1. "New Paltz Central School District Mission" *New Paltz Central School District*, 2018, [www.newpaltz.k12.ny.us/](http://www.newpaltz.k12.ny.us/).

"The New Paltz Central School District exists for the children of the community. The focus of its programs and activities is the commitment to measured excellence and continuous growth and development for all."

2. United States, "The Constitution of the United States.", *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

Preamble: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

9th Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

14th Amendment, Section I. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

3. Green, Erica L, et al. "'Transgender' Could Be Defined Out of Existence Under Trump Administration." *The New York Times*, 21 Oct. 2018,

[www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html](http://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html).

“The department argued in its memo that key government agencies needed to adopt an explicit and uniform definition of gender as determined “on a biological basis that is clear, grounded in science, objective and administrable.” The agency’s proposed definition would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, according to a draft reviewed by The Times. Any dispute about one’s sex would have to be clarified using genetic testing.”

4. Diamond, Milton. “Transsexuality Among Twins: Identity Concordance, Transition, Rearing, and Orientation.” *International Journal of Transgenderism*, vol. 14, no. 1, May 2013, pp. 24–38., doi:10.1080/15532739.2013.750222.

"Combining data from the present survey with those from past-published reports, 20% of all male and female monozygotic twin pairs were found concordant for transsexual identity. This was more frequently the case for males (33%) than for females (23%). The responses of our twins relative to their rearing, along with our findings regarding some of their experiences during childhood and adolescence show their identity was much more influenced by their genetics than their rearing.”

5. Luders, Eileen, et al. “Regional Gray Matter Variation in Male-to-Female Transsexualism.” *NeuroImage*, vol. 46, no. 4, 2009, pp. 904–907., doi:10.1016/j.neuroimage.2009.03.048.

“These findings provide new evidence that transsexualism is associated with distinct cerebral pattern, which supports the assumption that brain anatomy plays a role in gender identity.”

6. Rametti, Giuseppina, et al. “White Matter Microstructure in Female to Male Transsexuals before Cross-Sex Hormonal Treatment. A Diffusion Tensor Imaging Study.” *Journal of Psychiatric Research*, vol. 45, no. 2, 2011, pp. 199–204., doi:10.1016/j.jpsychires.2010.05.006.

“Our results show that the white matter microstructure pattern in untreated FtM transsexuals is closer to the pattern of subjects who share their gender identity (males) than those who share their biological sex (females). Our results provide evidence for an inherent difference in the brain structure of FtM transsexuals.”

7. “Transgender People, Gender Identity and Gender Expression.” *American Psychological Association*, [www.apa.org/topics/lgbt/transgender.aspx](http://www.apa.org/topics/lgbt/transgender.aspx).

"A psychological state is considered a mental disorder only if it causes significant distress or disability. Many transgender people do not experience their gender as

distressing or disabling, which implies that identifying as transgender does not constitute a mental disorder.”

8. Burke, Sarah M., et al. “Hypothalamic Response to the Chemo-Signal Androstadienone in Gender Dysphoric Children and Adolescents.” *Frontiers in Endocrinology*, vol. 5, 2014, doi:10.3389/fendo.2014.00060.

“We present here a unique data set of boys and girls diagnosed with GD at two different developmental stages, showing that these children possess certain sex-atypical functional brain characteristics and may have undergone atypical sexual differentiation of the brain.”

9. Hare, Lauren, et al. “Androgen Receptor Repeat Length Polymorphism Associated with Male-to-Female Transsexualism.” *Biological Psychiatry*, vol. 65, no. 1, 2009, pp. 93–96., doi:10.1016/j.biopsych.2008.08.033.

“A significant association was identified between transsexualism and the AR allele, with transsexuals having longer AR repeat lengths than non-transsexual male control subjects (p=.04).”

10. Saraswat, Aruna, et al. “Evidence Supporting the Biologic Nature of Gender Identity.” *Endocrine Practice*, vol. 21, no. 2, 2015, pp. 199–204., doi:10.4158/ep14351.ra.

“Although the mechanisms remain to be determined, there is strong support in the literature for a biologic basis of gender identity.”

11. “Gender and Genetics.” *World Health Organization*, 1 Dec. 2010, [www.who.int/genomics/gender/en/index1.html](http://www.who.int/genomics/gender/en/index1.html).

“Humans are born with 46 chromosomes in 23 pairs. The X and Y chromosomes determine a person’s sex. Most women are 46XX and most men are 46XY. Research suggests, however, that in a few births per thousand some individuals will be born with a single sex chromosome (45X or 45Y) (sex monosomies) and some with three or more sex chromosomes (47XXX, 47XYY or 47XXY, etc.) (sex polysomies). In addition, some males are born 46XX due to the translocation of a tiny section of the sex determining region of the Y chromosome. Similarly some females are also born 46XY due to mutations in the Y chromosome. Clearly, there are not only females who are XX and males who are XY, but rather, there is a range of chromosome complements, hormone balances, and phenotypic variations that determine sex.”

12. Grant, Jaime M, et al. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, [transequality.org/sites/default/files/docs/resources/NTDS\\_Report.pdf](http://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf).

“Sixty-three percent (63%) of our participants experienced serious acts of discrimination—events that would have a major impact on a person’s quality of life and ability to sustain themselves financially or emotionally.”

13. James, Sandy E, et al. *Executive Summary of the Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality, 2016, [transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf](http://transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf).

“The majority of respondents who were out or perceived as transgender while in school (K–12) experienced some form of mistreatment, including being verbally harassed (54%), physically attacked (24%), and sexually assaulted (13%) because they were transgender. Further, 17% experienced such severe mistreatment that they left a school as a result.” “Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).” “nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person”

14. “NASP Affirms Support for Civil Rights Protections of Transgender People in Title IX.” *National Association of School Psychologists*, 2018, [www.nasponline.org/about-school-psychology/media-room/press-releases/nasp-affirms-support-for-civil-rights-protections-of-transgender-people-in-title-ix](http://www.nasponline.org/about-school-psychology/media-room/press-releases/nasp-affirms-support-for-civil-rights-protections-of-transgender-people-in-title-ix).

"The threat of the loss of legal protections, increased incidents of verbal or physical attacks, and the psychological toll of being “invalidated” as person can all undermine the well-being, safety, and learning for some of our most vulnerable students."

15. Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. 1785.

"Practical principles are formal when they abstract from all subjective ends; they are material when they are based on subjective ends and thus on certain action-drivers. All of the ends—material ends—that a rational being voluntarily already marks them out as ends in themselves (i.e. as not to be used merely as means)—which makes such a being an object of respect, and something that sets limits to what anyone can choose to do. Such beings are not merely subjective ends whose existence as a result of our action has value for us, but are objective ends, i.e. things [Dinge] whose existence is an end in itself. It is indeed an irreplaceable end: you can't substitute for it something else to which it would be merely a means. If there were no such ends in themselves, nothing of absolute value could be found, and if all value were conditional and thus contingent, no supreme practical principle for reason could be found anywhere."

16. United States, “The Declaration of Independence” *Second Continental Congress*, 4 July 1776. [www.archives.gov/founding-docs/declaration](http://www.archives.gov/founding-docs/declaration).

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

17. United States, “The Constitution of the United States.”, *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

18. United States, “The Constitution of the United States.”, *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

19. United States, “The Constitution of the United States.”, *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

### **Relevant US Supreme Court Precedents**

1. US Supreme Court. *Obergefell v. Hodges*. 25 June 2015.

“If rights were defined by who exercised them in the past, then received practices could serve as their own continued justification and new groups could not invoke rights once denied. This Court has rejected that approach, both with respect to the right to marry and the rights of gays and lesbians.”

“These new insights have strengthened, not weakened, the institution of marriage. Indeed, changed understandings of marriage are characteristic of a Nation where new dimensions of freedom become apparent to new generations, often through perspectives that begin in pleas or protests and then are considered in the political sphere and the judicial process.”

“The dynamic of our constitutional system is that individuals need not await legislative action before asserting a fundamental right. The Nation's courts are open to injured individuals who come to them to vindicate their own direct, personal stake in our basic charter. An individual can invoke a right to constitutional protection when he or she is harmed, even if the broader public disagrees and even if the legislature refuses to act.”

2. US Supreme Court. *West Virginia State Board of Education v. Barnette*. 14 June 1943.

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

3. US Supreme Court. *Planned Parenthood of Southeastern PA v. Casey*. 29 June 1992.

“These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.”