Setback for the Transgender Agenda

by Phyllis Schlafly

August 30, 2016

With the start of a new school year this month, public schools across the nation were all set to enforce new rights for “transgender” students. That’s the trendy new term for confused kids who claim their “gender identity” is different from their biological sex.

At the end of the last school year, the U.S. Department of Education on May 13 issued new transgender policies in the form of an 8-page “Dear Colleague” letter to America’s public schools. The letter claimed that the 44-year-old federal law known as Title IX requires schools to recognize students’ “internal sense of gender” instead of “the sex they were assigned at birth.”

It’s been called the bathroom rule, but the federal regulation went beyond bathrooms to include even overnight accommodations for school trips. Schools were told they “may not require transgender students to stay in single-occupancy accommodations” but must allow them to bunk with students of the gender they “identify” with, even if it’s the opposite sex.

Over the Fourth of July weekend in Washington, D.C., the nation’s largest teachers union, the National Education Association (NEA), declared that transgender students have a right to be “addressed by the name and pronoun that corresponds with their gender identity.” The annual NEA convention adopted many other resolutions that seem designed to undermine traditional values and parental authority over students in public schools.

But in a last-minute reprieve worthy of an old Western movie, a federal judge in Texas has just called a halt to the new transgender rules. Judge Reed O’Connor of the federal district court in Wichita Falls, Texas, ruled in the late evening of Sunday, August 21, that the “Dear Colleague” letter was not a valid regulation and that schools across the country are free to ignore it.

“Words should be given their ordinary meaning,” Judge O’Connor wrote. “It cannot be disputed that the plain meaning of the term sex, when it was enacted

following passage of Title IX, meant the biological and anatomical differences between male and female students as determined at birth."

The Obama administration had tried to avoid a court ruling by claiming that the "Dear Colleague" letter was merely an advisory opinion, and not really binding on the nation's schools. Judge O'Connor had little patience for that dodge.

The legal effect of the letter, the court said, is to force schools "to risk the consequences of noncompliance." Schools were faced with "a Hobson's choice between violating federal rules, on the one hand, and transgressing longstanding policies and practices, on the other."

Alas, Judge O'Connor's ruling came too late for schools in states where the new federal edict is already being implemented. In the Albuquerque, New Mexico school district, which has 95,000 students, officials had already distributed a "procedural directive" requiring its 139 public schools to allow students to live in their preferred "gender identity."

For example, a male child who "identifies" as female could choose a new name and clothing style, and would be addressed or referred to as "she." The child would be allowed to play on girls' sports teams and use the girls' toilet, shower and locker facilities.

When the district policy filtered down to individual schools, principal Judith Touloumis of Carlos Rey Elementary School delivered a PowerPoint presentation to explain what the district's "procedural directive" really means. Her presentation was filled with the most extreme interpretation of what is called academic gender theory, including the statement that "biological sex must be seen as a spectrum or range of possibilities rather than a binary set of only two options."

Anyone with a child knows that children learn about the world through binary options: up or down, hot or cold, big or little, inside or outside, wet or dry, good or bad, boy or girl, man or woman. But the radical feminists, who staff women's studies departments at most colleges, have propagated the idea that we have to get rid of the "gender binary" along with the expectation of distinct roles for men and women.

“In other words,” the principal’s presentation continued, “from August 8, 2016, our students at Carlos Rey will be collectively addressed as ‘students, Coyotes, engineers, scientists, mathematicians, etc.’ No longer will it be acceptable to call our students, ‘Boys and Girls.’ (A new paradigm shift).”

When the “new paradigm shift” was reported in the local news media in Albuquerque, it caused an uproar that forced school officials to engage in damage control. A district administrator claimed that a “simple misunderstanding was blown out of proportion,” but there are no plans to rescind the “procedural directive.”

What happened in Albuquerque shows that many public school officials are only too eager to enforce the transgender fad, even though the federal court decision allows schools to keep using the gender binary of boys and girls. Check your local school to see if it is confused about whether boys should be allowed in girls' restrooms and showers.

Phyllis Schlafly is a lawyer, conservative political analyst and author. Her most recent books are "The Conservative Case for Trump", "How the Republican Party Became Pro-Life" and the 50th anniversary edition of "A Choice Not An Echo." She can be contacted by email at phyllis@eagleforum.org. To find out more about Phyllis Schlafly and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at www.creators.com.