



February 10, 2016

To the South Dakota Senate Education Committee:

On behalf of the American School Counselor Association (ASCA), I write to express ASCA's opposition to House Bill 1008 pending before the South Dakota Legislature. This bill will have a negative impact on the lives of transgender children and place them at greater risk of violence by excluding them from facilities consistent with their gender identity.

Much of the public debate around this bill would lead you to believe that allowing transgender students to access facilities in accordance with their gender identity will encourage or empower harassment of female students using the restroom or locker room. It is important to stress that these concerns have simply not materialized in the cities, states, and many school systems around the country that have adopted policies inclusive of transgender students. In fact, the students who are the most vulnerable to harassment and violence in sex-segregated spaces are transgender students who are forced to use such spaces counter to their gender identity and expression. Refusing transgender children appropriate access to facilities runs counter to best practices and can result in serious negative health consequences for transgender youth.

Indeed, the students affected by these bills are among the most vulnerable in the country for bullying, harassment, and discrimination. A [report by the Human Rights Campaign](#), America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender equality, found that three-quarters of transgender students feel unsafe in school settings. Transgender students are more likely to experience depression and are at greater risk of suicide.

Further, House Bill 1008 would put schools and their staff in conflict with Title IX of the United States Education Amendments of 1972. In 2014, the Office for Civil Rights in the U.S. Department of Education issued official guidance stating that Title IX protects students against discrimination based on gender identity. This applies to all aspects of transgender youths' educational experiences.

As evidenced through the ASCA position statement [The School Counselor and LGBTQ Youth](#), school counselors have the professional responsibility to ensure that every child is safe, respected, and included in our schools. This bill, if enacted into law, would do just the opposite, creating an unnecessarily hostile environment further marginalizing students who already face stigma and scrutiny. We urge the South Dakota Senate to abandon House Bill 1008 and instead focus on legislation designed to support the achievement and success of every student.

Sincerely,

A handwritten signature in black ink, appearing to read "Kwok-Sze Wong", written over a light blue horizontal line.

Kwok-Sze Wong, EdD
Executive Director

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ASCA is the school counseling division
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