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EDUCATION

Congress of the United States
House of Representatives
Washington, DC 20515

May 26th, 2016

Public School Superintendents
Maryland's First Congressional District

Dear Superintendents,

Thank you for your service as educators and community leaders. I appreciate the role you play in the development of our communities and their citizens.

I realize the tenuous position the Departments of Education (DOE) and Justice have put you in through the "guidance" provided in their letter, dated 13th of May, to school districts. I urge you to continue to respect a student's right to privacy – including girls that do not wish to undress in the presence of biological males or whose parents feel likewise. Please know that the Obama Administration will not have the last word on this issue.

As you may know, in response to a Charlotte city ordinance that would allow transgender people to use public restrooms of the gender in which they identify, the State of North Carolina signed House Bill 2 (HB2) into law. This measure prevents a person in North Carolina from using bathrooms that do not correspond with the gender listed on their birth certificate. In response to the bill's passage, the United States Department of Justice (DOJ) stated that the law is in violation of the Civil Rights Act and demanded North Carolina repeal the law or risk federal repercussions.

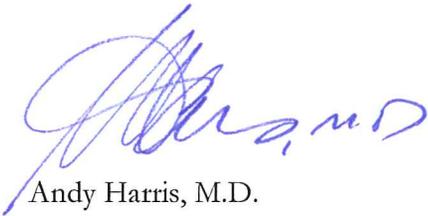
Subsequently, the Obama Administration sent the May 13th letter to school districts across the country containing "guidance" that would require all public schools to accommodate students using restrooms of their choice regardless of their biological gender. Violation of this "guidance" is, of course, under the implicit threat of withholding of federal funds and/or legal action by the DOJ. On this issue, I believe the Administration is misinterpreting federal civil rights law, and violating states' rights. **There is no statutory authority for this "guidance."**

Thus, these conflicts must, and ultimately will, be resolved by either Congress or the Federal Courts. Already, a group of 51 families in Illinois has filed a federal lawsuit challenging Department of Education mandates that their school commingle sexes in locker rooms based on the Department redefining the term sex in federal law. Additionally, on Wednesday May 25th, a group of eleven states filed a separate federal lawsuit challenging the Administration's "guidance" directing schools to allow transgender students to use restrooms and other facilities that match their gender identities. Clearly, the issue will not be decided by this misinterpretation of civil rights law by the Obama Administration. Congressional actions are being discussed, including making it clear that no monies may be withheld until federal courts resolve this issue- an outcome that may take years. Until the

issue reaches a final disposition, you can be secure in my support of you and your right to set policy for your schools, even if that policy is not in conformity with the May 13th "guidance."

As the 114th Congress addresses the many challenges facing our nation, please rest assured that I will continue to fight for the rights and values of the citizens of Maryland and of these United States of America. If I can be of any further assistance, please do not hesitate to reach out to me.

Sincerely,



Andy Harris, M.D.
Member of Congress

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