December 4, 2017,

This correspondence is respectfully submitted to the Delaware Department of Education as a public comment by New Yorkers for Constitutional Freedoms regarding the proposed amendments to 14 DE Admin. Code 225. New Yorkers for Constitutional Freedoms (NYCF) is a nonprofit organization under Section 501(c)(4) of the Internal Revenue Code that engages in legislative advocacy from an evangelical Christian perspective. We have been asked by the Delaware Family Policy Council to comment on the proposed regulation.

NYCF has three areas of major concern with regard to the proposed amendments. First, the proposed amendments demonstrate disregard for parental rights. Second, the proposed amendments demonstrate disregard for the privacy and safety of students. Third, the proposed amendments demonstrate disregard for the truth.

Our concerns about parental rights primarily relate to the proposed Section 7.0. This proposed section would require schools to enter a student’s “preferred name” into school records, but would make parental permission for such a name change optional. In fact, nothing in the proposed regulation would even require parents to be notified of their child’s “preferred name.” Parents have every right to know if their sons and daughters have adopted new names or new purported gender identities at school. Making school officials the custodians of such information—and allowing them to decide whether to share that information with the parents of a minor child—treats parents as if their authority over their children is subordinate to that of school officials. It also allows (or even encourages) students to hide important aspects of their lives from their families. For both of these reasons, the proposed Section 7.0 should be rejected.

Our concerns about privacy and safety center on the proposed Section 6.4, which would allow students identifying as “transgender” to play on opposite-sex sports teams, and the proposed Section 8.0, which would allow students identifying as “transgender” to use opposite-sex restrooms and locker rooms. It is developmentally inappropriate to place adolescents in situations where they are required to fully or partially undress in the presence of members of the opposite sex, or where they are required to engage in physical contact with members of the opposite sex in sports such as football. The impact of this regulation upon female students who have experienced sexual harassment or abuse at the hands of male perpetrators would be negative and significant. It would be unfair and inappropriate for the State of Delaware to compromise the privacy and safety of 99% of its students in an effort to accommodate the preferences of the very small number of students that identify as “transgender.”

NYCF’s concerns with truth and integrity relate to the entire proposed regulation. To put it simply, it is a biological impossibility for a person to change his or her sex. It is also a biological impossibility
for a person to change his or her ancestry. The State of Delaware should not encourage students that are confused about their gender or ancestry by playing along with that confusion; rather, such students—and their families—should be encouraged to seek compassionate assistance that would help them to grow comfortable with their true identities.

Thank you for your consideration.

Respectfully,

Stephen P. Hayford
Legislative Director
New Yorkers for Constitutional Freedoms