



## Legislation Text

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**File #:** Res 0768-2023, **Version:** \*

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### Res. No. 768

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1532/A.4576, to require school districts to establish policies and procedures regarding the treatment of transgender or gender non-conforming students.

By Council Members Menin, Cabán, Hudson, Schulman, Joseph, Sanchez, Bottcher, Richardson Jordan, the Public Advocate (Mr. Williams), Gutiérrez, Restler, Hanif and Brewer

Whereas, New York State’s Dignity for All Students Act (DASA), which took effect on July 1, 2012, provides that students may not be discriminated against based on their “actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function”; and

Whereas, DASA defines “gender” as “a person’s actual or perceived sex and includes a person’s gender identity or expression”; and

Whereas, *The 2021 National School Climate Survey*, conducted by the Gay, Lesbian and Straight Education Network (GLSEN), found that about 68 percent of lesbian, gay, bisexual, transgender, or queer (LGBTQ+) students between the ages of 13 and 21 felt unsafe at school because of their sexual orientation, gender identity, and/or gender expression and about 79 percent avoided school functions or extracurricular activities because they felt unsafe or uncomfortable; and

Whereas, The GLSEN survey found that about 85 to 95 percent of LGBTQ+ students heard homophobic remarks or negative remarks in school about gender expression or transgender individuals and that about 76 percent experienced in-person verbal harassment and 31 percent physical harassment; and

Whereas, The GLSEN survey also found that the majority of LGBTQ+ students who were harassed or actually assaulted in school did not report the incident to school staff, but that the majority of those who did

report the incident noted that school staff did little or nothing in response; and

Whereas, The GLSEN survey further found that almost 60 percent of LGBTQ+ students experienced discriminatory policies or practices at school, including being prevented from using their chosen name or pronouns, using their preferred restroom or locker room, wearing their preferred style of clothes, or playing on sports teams consistent with their gender; and

Whereas, The GLSEN survey also noted that LGBTQ+ students who have been harassed, assaulted, or discriminated against in school were more likely than their peers to be absent from school, to have poorer grades, to have lower self-esteem, or to have been disciplined at school; and

Whereas, S.1532, introduced on January 12, 2023, by State Senator Brad Hoylman-Sigal, representing the 47th State Senate District in Manhattan, would amend the State education law to require every school district to establish policies and procedures regarding the treatment of transgender or gender non-conforming students in order to ensure that school districts implement DASA's anti-discrimination requirements as they pertain to transgender or gender non-conforming students; and

Whereas, Companion bill A.4756, introduced on February 17, 2023, by State Assembly Member Tony Simone, representing the 75th State Assembly District in Manhattan, would provide for the same establishment of policies and procedures that ensure that schools do not treat transgender or gender non-conforming students "differently from the way they treat other students of the same gender identity or gender expression"; and

Whereas, Specifically, S.1532/A.4756 would call for policies and procedures that ensure that school employees use pronouns and names consistent with a student's own gender identity or expression, regardless of the sex or gender designated on a student's education records or other documents; and

Whereas, S.1532/A.4756 would call for policies and procedures that permit students to participate in sex-segregated activities, such as sports teams, clubs, and classes, and to use sex-segregated facilities, such as restrooms and locker rooms, according to a student's own gender identity or expression; and

Whereas, S.1532/A.4756 would call for policies and procedures that safeguard students' privacy

regarding transgender or gender non-conforming status, including information such as a student's birth name or sex assigned at birth; and

Whereas, S.1532/A.4756 would call for policies and procedures that permit students to request that a school revise education records to reflect a student's own gender identity or expression; and

Whereas, S.1532/A.4756 would prohibit schools from requiring that students must first obtain a medical diagnosis, treatment, or identification documents that reflect a student's own gender identity or expression before being treated according to that gender identity or expression; and

Whereas, If passed, S.1532/A.4756 would take effect immediately; now, therefore, be it Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.1532/A.4576, to require school districts to establish policies and procedures regarding the treatment of transgender or gender non-conforming students.

LS #13692  
8/1/23  
RHP