

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING THE LETTER ISSUED BY THE U.S. DEPARTMENT OF JUSTICE AND THE U.S. DEPARTMENT OF EDUCATION ON FEBRUARY 22, 2017 WITHDRAWING AND RESCINDING POLICY GUIDANCE THAT WAS ISSUED BY THE OBAMA ADMINISTRATION THAT REQUIRED SCHOOLS TO ALLOW TRANSGENDER STUDENTS ACCESS TO SEX-SEGREGATED FACILITIES AND ACTIVITIES BASED ON THEIR GENDER IDENTITY.

WHEREAS, on May 13, 2016, the U.S. Department of Justice and the U.S. Department of Administration issued a Dear Colleague Letter on transgender students (Obama Administration's Letter) which provided information and guidance for schools relative to their obligations regarding transgender students and how recipients of Federal financial assistance would be evaluated for compliance with Federal anti-discrimination laws; and

WHEREAS, the Obama Administration's Letter stated that Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations, prohibit sex discrimination in educational programs and activities and that prohibition encompasses discrimination based on a student's gender identity; and

WHEREAS, the Obama Administration's Letter also stated that schools "have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students" and that "a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex" and, in addition, when "a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity"; and

WHEREAS, moreover, as noted the Obama Administration's Letter, failing to take reasonable steps to protect students' privacy related to their transgender status was a circumstance when a Title IX violation may be found; and

WHEREAS, on February 22, 2017, the U.S. Departments of Justice and Education under the Trump Administration issued its guidance letter, withdrawing and rescinding the statements of policy and guidance in the Obama Administration Letter, as well as those set forth in another guidance letter issued in 2015; and

WHEREAS, the new guidance letter is not only contrary to President Trump's prior expressions of support for LGBTQ and transgender rights, but it sends a negative message of intolerance to the nation's transgender youth and their families; and

WHEREAS, the City Commission of the City of Miami Beach has been a leader and champion of fairness and equality in its laws and practices and, therefore, strongly opposes the recent letter issued by the U.S. Departments of Justice and Education on February 22, 2017.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby strongly oppose the letter issued by the U.S. Departments of Justice and Education on February 22, 2017 which withdrew and rescinded prior policy guidance by the Obama Administration that required schools to allow transgender students access to sex-segregated facilities and activities based on their gender identity.

PASSED AND ADOPTED this ____ day of March, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Donald Payne, Jr.
City Attorney

2/28/17
Date