



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

September 30, 2020

The Honorable Bill de Blasio
Mayor, City of New York
City Hall
New York, NY 10007

Richard A. Carranza
Chancellor, New York City Department of Education
52 Chambers Street
New York, NY 10007

Re: Nonbinary students in New York City public schools

Dear Mayor de Blasio and Chancellor Carranza:

As we begin a new school year during one of the most difficult periods in our city's history, our children's health and well-being must remain our top priority. Our students are facing myriad challenges, from the strain that many families are experiencing amid the current economic crisis to the difficulties of remote learning. And all of those challenges are separate and apart from what many young people are coping with during the usual day-to-day struggles of being youngsters — coming of age and grappling with questions of identity and self-worth. As a parent of two young public school boys, I know firsthand what it is to care for children growing up with many questions about who they are and their place in the world.

These struggles are faced by all children — but our nonbinary and intersex students face unique challenges that cannot be overlooked. Nonbinary youth grow up in a world filled with bigotry, homophobia and transphobia — and negative experiences take place through social media, in daily interactions with friends and family, and in the classroom. As the largest school district in the nation, New York City's public school system should be a leader in ensuring that every child, regardless of their gender identity or expression, is treated equally with respect and can learn in an environment free from hatred, intolerance and sheer ignorance. Our public schools should be spaces that are welcoming and affirming of all of our children — whether that is in the classroom, through interactions with teachers, administrators and school staff, or through the complex web of DOE bureaucracy.

Creating these healthy environments requires constant attention on many fronts. But I'm writing to you today to elevate a timely, specific concern — namely, that the DOE's name and gender change request form is not welcoming to nonbinary students. Because the form DOE uses for name and gender change requests requires a binary male or female designation, students who identify as nonbinary or who otherwise cannot accurately describe themselves as male or female are unable to complete the form. For these students, this means they cannot submit the form and update the name by which they are known to teachers and classmates — information that is so central for students' self-esteem, social and emotional wellness, and identity. Especially now, when students' names of record are visible to their classmates and teachers in the virtual learning environment, it is particularly important that all students who need to have their names updated — not just binary transgender students — are able to use the available form to make that change with the DOE.

Other city agencies provide a precedent in this area. As of 2019, the Department of Health and Mental Hygiene (DOHMH) offer 'X' as a gender designation for New York City-issued birth certificates. Consequently, the form DOHMH provides for individuals to change the gender marker on their birth certificate includes the 'X' option. The application for an IDNYC Card allows applicants to choose "Male", "Female", "X", or "Not designated" though a preferable wording may be "Not listed." The lack of a standard citywide policy on this topic is a central problem complicating the ability for agencies to have an aligned approach.

To be clear, we need to do everything possible to accommodate all students in their diversity. The binary choice of male or female in the DOE's administrative system is not inclusive and does not affirm or acknowledge the existence and worth of students who identify as neither male nor female. I am concerned that this oversight of nonbinary students may not be limited to administrative functions, but also permeates other aspects of our city's public education system — with impacts on the ability of students to positively interact with students and peers in an online environment.

Therefore, I request from the City the following details:

- 1) What is the DOE doing to accommodate all students in our school system including nonbinary students?
- 2) How will the DOE recognize nonbinary students in its administrative functions and through online remote learning?
- 3) Amid a rise in online bullying, what steps is the DOE taking to ensure each child feels welcome, especially as children will be learning remotely at least half of their school time?
- 4) In what way is DOE supporting schools to equip students to know their rights and voice their concerns about these and other issues that affect the LGBTQ+ community?
- 5) Are teachers, administrators, and staff properly trained on how to create safe and affirming spaces for nonbinary students both in the classroom and online through remote learning?
- 6) How is the DOE ensuring that nonbinary students, their parents, and guardians are included in these conversations?

In short, I believe reforming the DOE's name and gender change request form to include nonbinary students is a straightforward technical change that can go a long way toward recognizing and including nonbinary students in the city's online structure. It would be a major step for inclusion of nonbinary students — and it would be a measure that would further underscore our city's leadership on LGBTQ+ rights in the United States. Simply put, the City must accommodate all children and that must include nonbinary students.

The City should ensure all children feel welcome in school as they are, especially in these challenging times when nurturing social and emotional wellness could not be more important. Affirming our nonbinary students in all aspects of their educational experience is one simple yet monumental step we can take that is positive, hopeful, inclusive, and progressive.

Thank you in advance for your consideration, and please don't hesitate to reach out if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer". The signature is fluid and cursive, with the first name "Scott" and last name "Stringer" clearly distinguishable.

Scott M. Stringer
New York City Comptroller