

The Association of Politically Active Christians

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2010 MEMORANDUM OF OPPOSITION DIGNITY FOR ALL STUDENTS ACT (S.1987A/A.3661C) Contact: Stephen P. Hayford (518-364-5324)

The proposed Dignity for All Students Act (DASA) would prohibit harassment and discrimination in public schools on the basis of various criteria, including sexual orientation and gender identity. DASA would also create new reporting requirements and policy requirements for schools, mandate additional training and instruction for public school students and staff regarding tolerance and diversity, and require the State Education Department to issue grant funding to facilitate these goals. While APAC is opposed to bullying and mistreatment of any kind, APAC opposes DASA for the following reasons:

* **DASA is unnecessary.** Misbehavior by or against students in public schools should be remedied through existing public school disciplinary procedures; additional legislation is uncalled-for. Furthermore, DASA would impose new mandates and requirements on public schools that would require additional expenditures. Given the significant fiscal challenges being faced by the State of New York, the wisdom of such expenditures is very dubious. Also, despite significant and ever-increasing school funding, many public schools remain only marginally effective in meeting educational goals. Public schools should be focused on education, not on state mandates demanded by special interest groups.

* **DASA would create a double standard.** It is morally unacceptable for students to be mistreated, bullied, or harassed in school for any reason. However, it is also morally unacceptable to give special categories of harassment victims more protection than others. DASA would create a double standard, making only certain types of bullying or harassment explicitly unlawful.

* **DASA could jeopardize student safety.** Paradoxically, this legislation – which purports to protect students – could actually create new privacy and safety issues in public schools by allowing “transgendered” male students to access girls’ bathrooms and locker rooms.

* **DASA raises constitutional concerns.** DASA could lead to public school faculty, administration, staff, and students being punished for “harassment” if they exercise First Amendment rights by speaking out in opposition to homosexual or transgendered behavior. Also, DASA defines the term “gender” to mean “actual or perceived sex, [including] a person’s gender identity or expression.” This definition is so imprecise that it offends the Constitution and would lead to confusion in courts.

* **DASA would create a public policy in favor of transgendered behavior.** Cross-dressing and transsexualism are not identities; they are forms of behavior that often arise from recognized psychiatric disorders. Such disorders can result in individuals obtaining elective surgeries that damage their physical and mental health. DASA would, under the guise of promoting tolerance and student safety, advance a new and controversial public policy in favor of transgendered behavior.

* **DASA would require unnecessary instruction on controversial issues.** DASA would require instruction on sexual orientation and gender identity as a component of civility education. Instruction on these controversial issues is likely to contradict the values of many New York families whose children attend public schools. Furthermore, instruction on these issues is tangential to the mission and purpose of public schools and should best be left to families.

For all of these reasons, APAC urges members of the New York State Legislature to oppose and vote against DASA.