

An Integrated Curriculum For The Washington Post Newspaper In Education Program

## You and Your Rights



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“Dear Colleague” letters are issued by the U.S. Department of Education Office of Civil Rights (OCR) to clarify the regulations and laws that officials and decision-making bodies are expected to implement. They are not legally binding but are considered significant. OCR staff apply their expertise and conduct significant research in drafting these letters.

This guide, one in an occasional series on the rights of students, brings together the power of these letters and a current student rights issue. The Supreme Court had agreed to hear a case involving transgender students’ access to school bathrooms later in March. On March 6, 2017, *Post* Court beat reporter Robert Barnes reported “after the government’s position changed, the court said the U.S. Court of Appeals for the 4th Circuit should reconsider the dispute between the Gloucester County school board and 17-year-old Gavin Grimm.”

In this guide you will find a timeline, legal background and additional perspectives on the issue. Student activities are provided to apply what students have read and to write letters to different stakeholders in providing transgender student access to school bathrooms and a safe school environment.

This lesson was prepared by Maryam Ahranjani, Assistant Professor of Law at the University of New Mexico School of Law, where she teaches Constitutional Rights, Criminal Law, and Criminal Procedure. Co-author of the textbook *Youth Justice in America* (2nd ed. 2014), Professor Ahranjani’s research and writing interests include students’ access to public education.



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## YOU AND YOUR RIGHTS

# *G.G. v. Gloucester County School Board:* Are Transgender Students Protected under Title IX?

**A**ccording to the American College of Pediatrics, no one is born with a gender (or an awareness of being male or female), but everyone is born with a biological sex. A small percentage of people who are born with one biological sex exhibit awareness from a young age that their gender is different than their sex at birth.

Puberty is a challenging process for all youth, and may be especially difficult for transgender youth. Transgender youth suffer from higher rates of bullying, harassment, violence and suicide than cisgender (youth whose gender identity matches their biological sex at birth). As scientific understanding and awareness of the challenges that transgender youth face have evolved, so have legal questions around transgender people. Local, state and federal governments, including legislatures and courts, are

struggling to figure out how best to comply with state and federal constitutions and statutes.

In the school context, the main legal question is how schools can comply with Title IX, the law that prohibits recipients of federal funds, such as public schools, from discriminating “on the basis of sex.” Because gender identity has not been specifically included in the language

of the law, many schools struggle with balancing the concerns of some people with the right of transgender youth to be free from discrimination.

Discrimination arises in various ways, and one of those ways is when transgender youth are told they must use the school bathroom that corresponds to their biological sex at birth. Gavin Grimm, a senior at Gloucester County High School in Virginia, is the plaintiff in a case involving his use of bathrooms at his school. ■



*Maryam Ahranjani is Assistant Professor of Law at the University of New Mexico School of Law where she teaches Constitutional Rights, Criminal Law, and Criminal Procedure. Co-author of the textbook Youth Justice in America (2nd ed. 2014), Professor Ahranjani's research and writing interests include students' access to public education. Prior to teaching at UNM, Professor Ahranjani taught law in Guatemala, served as a rule of law consultant to USAID and State Department projects, and served as Associate Director of the National Marshall-Brennan Constitutional Literacy Project at American University Washington College of Law in Washington, D.C.*

*Carol Lange, Washington Post NIE curriculum guide editor and writer, contributed to this lesson.*

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### Historical Background

#### *G.G. v. Gloucester County School Board*

- December 9, 2014** In response to some parents and community members, Gloucester County (Virginia) School Board enacted a policy that requires students to use the restrooms and locker rooms that match their genders as assigned at birth. Gavin Grimm, a transgender male, sued the Board, arguing that the rule violates Title IX of the Higher Education Amendments of 1972, a federal civil rights law that prohibits sex discrimination in education.
- April 19, 2016** U.S. Court of Appeals for the 4th Circuit ruled in Gavin’s favor, relying on a 2015 opinion letter (known as the “Ferg-Cadima Letter”) from the Department of Education’s Office of Civil Rights which concluded that if schools opt to separate students in restrooms and locker rooms on the basis of their sex, “a school generally must treat transgender students consistent with their gender identity.”
- May 13, 2016** U.S. Department of Education and U.S. Department of Justice issue a detailed “Dear Colleague” letter explaining that the “on the basis of sex” language in Title IX includes gender identity.
- October 28, 2016** The Supreme Court agreed to hear *G.G. v. Gloucester County School Board* and oral argument is set for March 28, 2017.
- February 22, 2017** The U.S. Department of Justice and U.S. Department of Education issue a “Dear Colleague” letter revoking the May 13, 2016, “Dear Colleague” letter clarifying the language of “on the basis of sex” to include gender identity.

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## Legal Background

①

*... No State shall ... deny to any person within its jurisdiction the equal protection of the laws.*

The Equal Protection Clause is a section of the Fourteenth Amendment to the Constitution. State and federal governments are to provide equal protection under the law to all people. In the LGBTI context, while the Supreme Court has recently extended the broad language of the Equal Protection Clause to include

the right of same-sex couples to marry, it has not yet explicitly considered whether transgender individuals are protected under the Equal Protection Clause.

[The Equal Protection Clause of Amendment XIV (ratified 1868)]

②

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance* (emphasis added).

[Title IX of the Higher Education Amendments]

Title IX was enacted forty-five years ago to prohibit sex discrimination in education. Women in STEM as well as athletic programs, pregnant and parenting students, sexual harassment and sexual violence all come under its protective umbrella. The question is whether “on the basis of sex” includes a student’s gender identity. In other words, if a school tells a student who was born as a female but identifies as male that he cannot use the boys bathroom, is the school violating Title IX?

If people are not sure how to interpret or apply any aspect of Title IX, they may write a letter to the U.S. Department of Education’s Office of Civil Rights (OCR) asking for clarification since they are tasked with enforcing civil rights laws in education. In response to inquiries from the public, OCR may issue what are known as “Dear Colleague” letters, so named because of the salutation in the letter.

The guidance in “Dear Colleague” letters is not legally binding but considered significant and heavily relied upon by courts and other decision-making bodies. OCR staff apply their expertise and conduct significant research in drafting these letters, which are issued relatively quickly.

Other agencies have extended anti-discrimination laws to transgender individuals, which is also persuasive authority. For example, the U.S. Equal Employment Opportunity Commission, which enforces the federal law prohibiting discrimination in workplaces, has interpreted Title VII to mean that “sex discrimination” includes discrimination against transgender individuals and on the basis of gender identity or gender expression. To create binding authority, Congress would actually have to amend the law to say something like “on the basis of sex or gender identity.” Congress moves slowly and often avoids controversy.

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States and school districts may not provide fewer rights than what is required by OCR or Title IX, but they may always provide more rights. For example, even if OCR says that “on the basis of sex” does not include gender identity, state and local districts may (and some do) offer students who are transgender protection, even in the face of criticism from some stakeholders and associated financial costs.

**GLOSSARY OF TERMS**

**Gender identity**

A person’s internal sense of gender, which may be different from or the same as the person’s sex assigned at birth

**Sex assigned at birth**

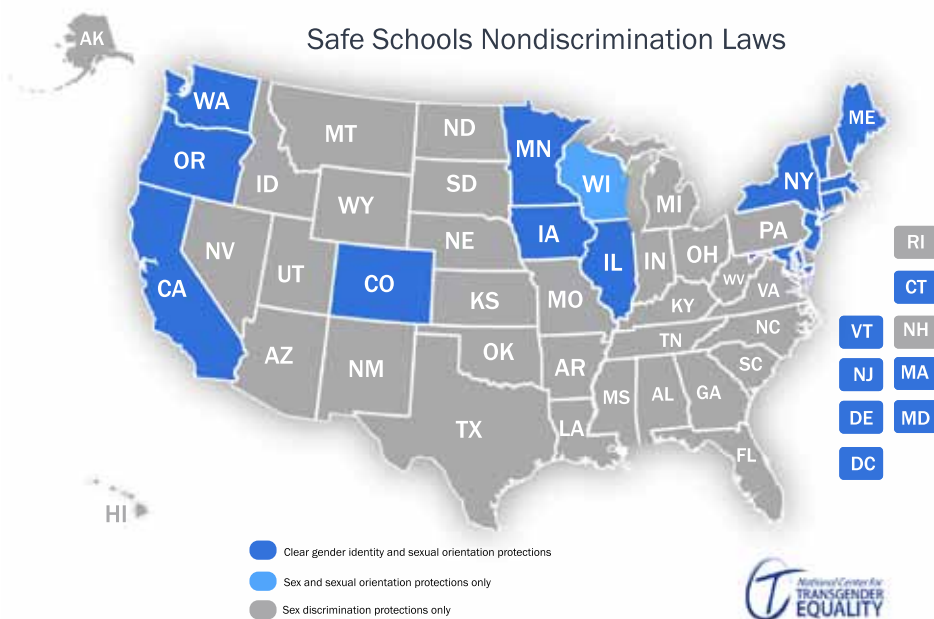
The sex designation recorded on an infant’s birth certificate

**Transgender**

Individuals whose gender identity is different from the sex they were assigned at birth. For example, Gavin Grimm identifies as male but was assigned the sex of female at birth.

**Gender transition**

The process in which transgender individuals begin asserting the sex that corresponds to their gender identity. This process may occur at any stage of a person’s life and can happen quickly or over a long period of time. Gender transition may include dressing differently, adopting a different name, using pronouns consistent with their gender identity, and other efforts to live and identify as the sex consistent with their gender identity.



This map shows which states have clear protections against discrimination in education, typically with the inclusion of gender identity/ expression in the state non-discrimination law. In other states, students must rely on federal Title IX law, which prohibits sex discrimination in schools, and which has been interpreted by the U.S. Department of Education to cover transgender students.

SOURCE: Adapted from May 13, 2016, “Dear Colleague” letter, pp.1-2.

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## Stakeholders: Perspectives on the Issue

Does Title IX protect transgender students? How may all children receive equal protection? From privacy concerns to pronoun preference, from school bathroom access to verbal and physical harassment, from the responsibility of the federal government and parents to protect children and school officials to provide a safe environment — many stakeholders are involved in finding the answers to questions involving transgender students.

The following resources provide different perspectives on transgender student access to school bathrooms.

- Gavin Grimm
  - A. Listen to his statement to the Gloucester County School Board  
[https://www.youtube.com/watch?v=My0GYq\\_Wydw&feature=youtu.be](https://www.youtube.com/watch?v=My0GYq_Wydw&feature=youtu.be).
  - B. Read the commentary that Gavin sent to *The Washington Post*  
“I’m transgender and can’t use the student bathroom. The Supreme Court could change that.”
- May 13, 2016, “Dear Colleague” Letter  
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>
- February 22, 2017, “Dear Colleague” Letter  
<https://www.justice.gov/opa/press-release/file/941551/download>
- Arne Duncan and Catherine Lhamon, “Protecting transgender students is a federal responsibility”
- Guests provide different points of view on NPR’s show 1A from February 27, 2017  
“Beyond Bathrooms: The Battle over Transgender Rights” <http://the1a.org/?s=transgender+students>
- “‘We are angry’: Families of transgender children met with Betsy DeVos”

**YOUR AND YOUR RIGHTS**

# Check Your Understanding

Based on what you have heard and read, make a list of at least five arguments in favor of allowing transgender students to use the bathroom that is consistent with their gender identity and five arguments against such a policy.

**IN FAVOR**

**AGAINST**

1.

1.

2.

2.

3.

3.

4.

4.

5.

5.





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**YOU AND YOUR RIGHTS**

# Check Your Understanding

Possible Responses (not an exhaustive list)

**IN FAVOR**

- Honors the spirit of Title IX even if “gender identity” is not explicitly included.
- Respects all students, including transgender students.
- The Department of Education did a tremendous amount of research prior to issuing its May 13 “Dear Colleague” letter.
- One’s gender identity is not a choice.
- Required by some lower courts.
- May be required by other laws (for example, the Equal Protection Clause of the 14th Amendment).
- If we leave it to states and local school districts, most of them will not protect transgender students
- The Supreme Court is likely to hear this issue eventually and is likely to be swayed by persuasive guidance by other agencies’ interpretations of anti-discrimination laws.
- The 4th Circuit has already ruled in favor of allowing transgender students to use the bathroom that corresponds to their gender identity.

**AGAINST**

- Not required by Title IX, especially after the Feb. 22 guidance letter.
- Not required by the U.S. Supreme Court.
- Some state laws actually require that schools segregate bathrooms, locker rooms, and other intimate settings on the basis of sex at birth, so there would be a conflict with state law.
- May make some students uncomfortable.
- May make some parents uncomfortable.
- May make some taxpaying community members uncomfortable.
- If we leave it to states, they will not provide this protection to transgender students because of time, money, practical concerns and bias.
- The 4th Circuit relied on OCR guidance in its initial decision; now that it has guidance to the contrary, it may change its decision.
- Just because other agencies have included discrimination based on gender identity under sex-based discrimination doesn’t mean Title IX must be interpreted in the same way.

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## OPINIONS

# I'm transgender and can't use the student bathroom. The Supreme Court could change that.

BY GAVIN GRIMM

• Originally Published October 27, 2016

If you told me two years ago that the Supreme Court was going to have to approve whether I could use the school restroom, I would have thought you were joking.

In the fall of 2014, I began my sophomore year at Gloucester High School in Virginia. At the end of the previous school year, after years of stress and anxiety, I had finally come out to my family as transgender. Over the summer, with the guidance of medical professionals and the support of my family, I legally changed my name and was finally able to live authentically as a boy in all aspects of my daily life.

I was excited about starting the new school year. Before school started, my mother and I met with the high school principal and guidance counselor, and they were understanding and supportive. I was a little nervous about how other kids would react, but I was more concerned about turning in my homework assignments, which tended to magically disappear as a result of my sometimes poor organizational skills.

At first, I used the nurse's office restroom, but after a couple of weeks the long trips back and forth felt



MCKENNA EWEN, ADRIANA USERO / THE WASHINGTON POST

**Gavin Grimm, a transgender male, was banned from using the boys' restroom by the Gloucester County School Board. Grimm gave The Washington Post his perspective on what led to the legal battle.**

stigmatizing and unnecessary. I was using men's restrooms in restaurants and shopping malls, so I told the principal I would like to use the boys' restrooms at school, too. I thought then, perhaps naively, that this common-sense "issue" would be resolved quietly and privately, as it should have been.

If only. Even though I used the restrooms for almost two months without any disturbance, a group of parents and community members heard that "a girl" was using the boys' restroom and began complaining. Instead of supporting me and the

decision of the school administrators, the school board convened two public meetings, inviting the community to discuss my genitals and restroom usage in front of reporters and television cameras.

I continue to suffer daily because of the school board's decision to make my bathroom use a matter of public debate.

After the public discussion, the school board passed a new policy to stop me from using the same bathrooms as other kids. The policy says students with "gender identity issues" can't use the restrooms that

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match the gender they live every day. Instead, the school board said I should go back to using the nurse's office or use a new "unisex" single-stall restroom so that no one else would have their privacy invaded by using the same restroom as me. It was humiliating and painful.

I feel the humiliation every time I need to use the restroom and every minute I try to "hold it" in the hopes of avoiding the long walk to the nurse's office. And the humiliation can come when I least expect it.

Just a few weeks ago I was sitting with my friends at the high school football game and having fun — until I needed to take a restroom break. The stadium did not have the option of a single-stall restroom, and the main school building was locked. Suddenly a night out with my friends was marred by the realization that someone was going

to have to take me to a gas station if I needed to use the restroom. Every day brings that little bit of extra planning and that nagging feeling that someone is going to find a new way to single me out.

What keeps me going is the knowledge that I am not the only transgender student out there, and I have the chance to make things better so other transgender kids do not have to go through what I am going through. With each step, my potential for positive impact has increased. First within my school district. Then within the federal courts, where a U.S. District Court ruling in my favor was stayed by the Supreme Court. And now, with the Supreme Court deciding Friday to take on the case itself, that impact could now potentially resonate across the nation.

I did not choose to announce to

the news media that I am transgender. My school board made that decision for me. But now that I am visible, I want to use my position to help the country see transgender people like me as real people just living our lives. We are not perverse. We are not broken. We are not sick. We are not freaks. We cannot change who we are. Our gender identities are as innate as anyone else's.

I hope the justices of the Supreme Court can see me and the rest of the transgender community for who we are — just people — and rule accordingly.

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*Gavin Grimm is a senior at Gloucester High School in Virginia. This op-ed has been updated to reflect the news that the Supreme Court will take up Grimm's case.*

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## OPINION

# Protecting transgender students is a federal responsibility

BY ARNE DUNCAN  
AND CATHERINE LHAMON

• Originally Published February 24, 2017

This week's decision by the Trump administration to withdraw guidance to school communities about how to protect transgender students reflects a fundamental misunderstanding of the federal role in protecting the civil rights of students. Worse yet, it confuses states and school districts, and puts real, live children at greater risk of harm.

In the 1972 law commonly known as Title IX, Congress said that educational institutions that receive federal funds may not discriminate on the basis of sex, and authorized the Justice and Education departments to enforce those rights. It is categorically false for the Trump administration to say that guidance developed by the Obama administration was devised without "due regard for the primary role of the states and local school districts in establishing education policy."

Before the guidance was issued in May of last year, we listened to transgender and non-transgender students. We listened to educators, parents, advocacy groups, school boards and administrators. We



ANDREW HARNIK/ASSOCIATED PRESS)

**Protesters with the National Center for Transgender Equality rally in front of the White House on February 22 after the Justice and Education departments announced plans to overturn the school guidance on protecting transgender students.**

researched the law and the state of medical guidance. We reviewed the many, varied ways that school districts and colleges and universities address issues affecting transgender students.

We heard from moms such as Katharine Prescott in San Diego about the pain of losing her transgender son to suicide after he was bullied in school. We heard from transgender students about the pain of not being called by their names, and of having to answer intrusive questions at school about their anatomies.

We heard questions about safety in locker rooms and participation on sports teams. We heard from administrators about the difficult choices they had to make about when to recognize a student in transition and how to protect all students' privacy. We heard from school districts and boards about how to advise their members and the various choices they face.

Having listened, the departments shared guidance about how to satisfy the federal nondiscrimination mandate. Students, and their teachers,

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deserve no less. They face daily choices — which bathroom line to stand in, what name or pronoun to use, whether to share information with a class, among so many more. They need answers, right now, so students — all students — can enjoy their right to nondiscrimination.

Students required to attend school every day need to know that they are safe, welcome and respected as learners. Educators and administrators need concrete information about how to safeguard their federal civil rights. Withdrawing guidance, offering no information instead, and noting that the federal government wants to “more completely consider the legal issues” is a dangerous default to “local control” politics instead of honoring the letter and the spirit of the law.

Leaving these questions to states means some students in some schools will have less protection than students in other schools. What will happen when a transgender student transfers? This decision is thoughtless, cruel and sad and was implemented without serious consideration for the students

it affects.

While some states and districts will independently choose to protect transgender rights, Congress was crystal clear that this was a federal responsibility when it enacted Title IX 45 years ago. The law says that “no person” shall be subjected to sex discrimination at school. Unless the Trump administration is arguing that transgender students are not people, it must extend these basic protections to all students.

News reports suggest that Education Secretary Betsy DeVos initially refused to join Attorney General Jeff Sessions in withdrawing the guidance but ultimately backed down when faced with the alternative of resignation. If that is true, we give her some credit for trying, but this offers no comfort to a nation increasingly divided by background, race and income.

If DeVos can’t win on this issue, what would happen if the law-abiding children of undocumented parents, kids who have spent most of their lives in the United States, were deported like common criminals?

Would she win if federal education funds targeted to low-income children were instead spent on higher-income children?

Would she win if students with disabilities were illegally denied the educational supports they need and deserve? Would she win if students of color continued to be suspended and expelled far out of proportion to their numbers? Would she block schools from discriminating in other nefarious ways?

On issues such as standards and curriculum, the federal government rightly defers to states and districts, but when it comes to protecting students, the law is clear: Civil rights are paramount. These are real issues affecting real people and carrying consequences every day for children in classrooms.

They deserve better.

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*Arne Duncan was U.S. education secretary from 2009 to 2015. Catherine Lhamon, assistant education secretary for civil rights from 2013 until January, is chair of the U.S. Commission on Civil Rights.*

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# The Washington Post

AN INDEPENDENT NEWSPAPER

EDITORIALS

## Abandoning transgender students

*The Trump administration just abdicated responsibility for ensuring that all students are treated equally*

PREVIEWING THE Trump administration's decision to rescind federal protections for transgender students, White House spokesman Sean Spicer explained that the issue is not "something that the federal government should be involved in, this is a states' rights issue." It was a rather startling position given that what is at issue is a federal law that prohibits sex discrimination in education. That this administration seems to accept no responsibility in the law's fair application harks back to a dark time in our nation's history when the rights of individuals were determined by where they live.

A joint letter sent Wednesday from officials at the Justice and Education departments told the nation's schools to disregard guidance issued last year by the Obama administration regarding their obligations to transgender students under Title IX of the Education Amendments of 1972, which bars discrimination by sex for schools receiving federal funds. The Obama administration said the law applies to gender identity, and "this means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity." Requiring transgender students to use facilities that correspond with the sex listed on their birth certificates, Obama officials determined, would be a violation.

The nonbinding guidance has been in abeyance since a judge issued an injunction in a lawsuit brought by 13 states. Shortly after Jeff Sessions was sworn in as attorney general, the Justice Department decided to drop its





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## Tom Toles

January 22, 2017

*Trump's New Security Guard*



1. Editorial cartoonists provide visual commentary. Who are the two figures in the panel? What details identify both figures?
2. What does the stance of the figure in the foreground indicate? What area is guarded (as indicated by the fence)?
3. Most editorial cartoonists comment on a current event. To what current event or issue does this editorial cartoon refer?
4. In the lower right corner, Tom Toles' alter ego appears. To what is he referring? Is there more than one meaning of "paper"? In what way does this add to the commentary?
5. What is the position taken by Tom Toles? Do you agree or disagree with him?

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# ‘We are angry’: Families of transgender children met with Betsy DeVos

BY MORIAH BELLINGIT

• Originally Published March 9, 2017

With tears in their eyes, Vanessa and JR Ford recounted to Education Secretary Betsy DeVos the story of their transgender daughter Ellie, sharing the drawings where Ellie depicted herself as a stick figure in a little dress and telling her about Ellie’s fourth birthday, where she declared “I am a girl in my brain and my heart.”

In the Department of Education conference room, Ellie sat nearby sketching characters from Sonic the Hedgehog and munching on apple sauce. She had just met the secretary, the Fords later recalled, giving DeVos her classic fake-out handshake in which she ran her tiny fingers up the woman’s arm, squealing “squirrel!”

The Fords, who live in the District and send Ellie to a charter school, joined other families of transgender children at a Wednesday meeting hoping to persuade DeVos to do more to protect transgender students, whom they say have been imperiled by the Trump administration’s move to roll back Obama-era protections two weeks ago.

“It was very painful to have to do. Both my husband and I fought through tears trying to tell her

how difficult the past two weeks have been,” Vanessa Ford told *The Washington Post*. “These are our families. These are our friends. And we are angry.”

The emotional meeting took place immediately before DeVos met with representatives of three LGBTQ groups — National Center for Transgender Equality; the Gay, Lesbian and Straight Education Network; and Equality Michigan — who echoed the parents’ message and outlined policy recommendations.

“I joined my colleagues from NCTE and Equality Michigan and a delegation of families in meeting with Secretary DeVos to relay the

concerns and fears of hundreds of thousands of students, educators, and parents who have been affected by the alarming actions of the Trump administration,” Eliza Byard, executive director of GLSEN, said in a statement. “We highlighted the pervasive violence and discrimination that the majority of transgender students face across the country, including being prevented from using their correct name and pronouns and appropriate school facilities.”

“I am grateful to have had the time to speak directly with the families, students and community leaders about their concerns, thoughts, fears



SUSAN WALSH/AP

**Education Secretary Betsy DeVos speaks at the Conservative Political Action Conference at Maryland’s National Harbor on Feb. 23. DeVos met with transgender students, their families and advocates for the LGBTQ community on March 8.**

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and suggestions. Every school and every school leader has a moral responsibility to protect all students and ensure every child is respected and can learn in an accepting environment,” DeVos said. “I remain committed to advocating for and fighting on behalf of all students. Today’s meeting was compelling, moving and welcomed, and part of an ongoing dialogue with families and students throughout the country.”

On Feb. 22, DeVos and Attorney General Jeff Sessions pulled back Obama-era guidance that directed public schools to call transgender students by their chosen name and gender and to allow them to use the bathrooms of the gender they identify with, regardless of what is on their birth certificates. The two Cabinet members said the issue was a matter best left to states. But according to a GOP operative with knowledge of conversations on the issue, DeVos voiced private objections to rescinding the directive.

The Supreme Court, which was

scheduled to hear oral arguments in the case of a transgender Virginia teen seeking to use the boys’ bathroom at his high school, remanded the case this week to a lower court as a result of the change in guidance. It delivered another blow to the fight for transgender student rights and worried advocates, who fear that more schools and school districts will seek to restrict where transgender students use the bathroom. Attorneys for the teen, Gavin Grimm, on Wednesday asked the U.S. Court of Appeals for the 4th Circuit to expedite the case so that it could be resolved before the high school senior graduates on June 10.

The rollback means states, schools and, in some cases, individual principals decide where transgender students use the bathroom, which advocates say will further imperil a group of students already at an increased risk of being bullied at school and suicide.

Katharine Prescott of Vista, Calif., joined the families, talking about

her transgender son Kyler, who committed suicide two years ago at the age of 14 after struggling with depression. Prescott said she wanted to underscore how vulnerable transgender children can be and how critical it is for the government to protect them.

Prescott shared with DeVos “just how much the guidance would have meant to” her son and just how much it meant to transgender children who face a world where they often feel like they are not accepted.

“They need our support more than anything,” Prescott said. “These are children and they need to be able to go to school like anyone else.”

Looking around the room at other families and their transgender children, Prescott said she shed a few tears.

“I was wishing I could have been there with my son. that was the other emotion,” Prescott said. “These families were coming in to stand up with their kids. I couldn’t do that because Kyler isn’t here anymore.”

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## KIDSPOST

# Openly transgender boy welcomed into Cub Scouts

*Joe Maldonado's desire to join a pack caused Boy Scouts of America to change its rules.*

A week after the Boy Scouts of America changed its policy to allow transgender children to join, a New Jersey boy has become the first openly transgender member of the organization.

"I am accepted," Joe Maldonado said Tuesday night as he put on a Cub Scout uniform. Joe was identified as a girl at birth but now lives as a boy.

*The Bergen Record* reported that the 9-year-old joined Pack 20 in Maplewood after the organization's decision to allow transgender Scouts.

"This is fun; I'm so proud," he said during the meeting.

Scout leader Kyle Hackler taught Joe the Cub Scout salute and oath.

"This means you're the same as Scouts all over the world," Hackler told him.

The Scout's mother, Kristie, said she was "proud of the fight" she had put up after the Northern New Jersey Council of Boy Scouts last year told



AMY NEWMAN/THE RECORD VIA AP

**Joe Maldonado, the first openly transgender member of the Boy Scouts of America, shows off his new Cub Scout uniform. The organization recently changed its policy to allow transgender children to join.**

her Joe would not be allowed to continue to be a member of Pack 87 in Secaucus.

The Boy Scouts changed their policy of using the gender listed on a child's birth certificate to determine eligibility after Joe's story gained national attention.

The national organization released a statement welcoming the Maldonado family. "Moving forward, the BSA will continue to work to bring the

benefits of our programs to as many children, families and communities as possible," the statement said.

Maldonado told the newspaper she had decided to bring her son to Maplewood because she did not want to go back to Secaucus, where she said Scouting officials told her some parents had complained last year.

— *Associated Press*  
February 8, 2017