



NEW YORK STATE SENATOR  
Mark Walczyk

## Senator Mark Walczyk "Appalled" By State Education Department, Best Practices Document

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Senator Mark Walczyk

The New York State Education Department (SED) released its 2023 legalities and best practices for teachers and students to follow as it relates to transgender and gender expansive students (TGE). This 42 page document entitled "Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students" contains guidance and direction on handling gender expression issues in today's climate.

The SED guidance was crafted with the assistance of a trans-activist who refers to himself as "Reverend Moonhawk River Stone," as well as the assistance of Arrowood LLP, a Boston Law

Firm, which specializes in gender advocacy and gender law. SED enlisted the advice of transitioning students, the New York Civil Liberties Union, the Northwell Health Center for Transgender Care, a number of Democrat political appointees, and the Phyllis B. Frank Pride Center of Rockland County. The opinions of Teachers, Parents and elected School Board members are notably absent.

The SED is releasing the guide just as schools are entering summer recess - Senator Walczyk is raising the alarm now.

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*"The State Education Department received record funding in this year's budget and we've all been waiting to hear their plan for closing the education gap perpetuated by COVID shutdowns and distance learning. Where's the plan that shows how our kids will catch back up in reading and math?" Walczyk asks. "Their focus and obsession with childhood and adolescent sexuality is bizarre and I'm appalled that the state is shutting parents out of the conversation altogether. If teachers haven't asked for this, school board members haven't advocated for it, and parents are being shut out, we should all be asking 'who on earth is driving this agenda into our schools?'," Walczyk posited. "It looks to me like the policy objective of SED is to groom children instead of educate them."*

Some of the key takeaways of this document are outlined below:

Parents have no right to know (page 16)

“Some TGE students have not talked to their families about their gender identity because of safety concerns or lack of acceptance and may begin their transition at school without parent/guardian knowledge. Only the student knows whether it is safe to share their identity with caregivers, and schools should be mindful that some TGE students do not want or cannot have their parents/guardians know about their transgender status. The paramount consideration in those situations is protecting the health and safety of the student, assuring that the student’s gender identity is affirmed and that their privacy and confidentiality are safely maintained. These situations should be addressed on a case-by-case basis, accounting for the student’s age and maturity. Prematurely disclosing a student’s gender identity can have severe consequences for the student”

Criminality of misgendering (page 19, 20)

If a child decides on any particular day to be addressed with the pronouns "ze/zir/zim/Mx., or other gender-neutral pronouns, (the student) ...should be addressed by the name and gender pronouns they have expressed." "Students are not required to obtain parental/guardian consent or a court-ordered name and/or gender change before being addressed by their affirmed name and pronouns." According to SED, it will be a NYS Human Rights Law violation to "misgender" a student. In a specific example given by SED, if a student changes their gender after the yearbooks are printed, all yearbooks should be reprinted to update the gender.

#### **Restrooms and Locker Rooms (page 23)**

According to SED's guidance "Denying the use of restrooms or other facilities because of a person's gender identity is a violation of NYS Human Rights Law and is unlawful discrimination," and "Under GENDA, schools may not ask a TGE person to use a single-stall restroom because of someone else's concerns or condition the use of facilities such as restrooms, locker rooms, or residential facilities upon students' provision of medical or other specific documentation."

#### **Inclusive math word problems (page 24)**

Schools are instructed to "...provide a foundation for a welcoming and affirming learning environment where all students, including TGE students, see authentic and positive representation of their lived experiences reflected in the school curriculum and culture," which means your school will be purchasing new curriculum that includes all the pronouns of the day in math word problems.

#### **Sports (page 25)**

SED's guidance says "...students should be allowed to participate in a manner most consistent with their gender identity without penalty."

Senator Walczyk has always been a strong advocate for teachers and parental rights. He expressed his frustration with the State Education Department: "It's time for all of us to stand up and speak out - the teachers I know didn't ask for this; they just want to educate without the threat of human rights violations for 'misgendering' a student. The parents across our Senate District will be outraged when they see what the Commissioner and Board of Regents are doing to our education system," Walczyk said. "I think you're going to see protests and a lot of moms and dads running for school boards."

Senator Walczyk represents the 49th Senate District of New York State which encompasses all of Jefferson, Lewis, Hamilton, and Fulton Counties as well as parts of St. Lawrence, Oswego, and

**Herkimer counties. A copy of the full NYSED 2023 Legal Update and Best Practices document that is referenced in this press release has been attached for your review. Requests for comment can be directed to Director of Communications, Tyler Clemons. His contact information can be found in the newsroom tab of the Senator's website.**

*To view the entire document you can [click here](#).*