



NEW YORK STATE SENATOR

Mark Walczyk

Senator Walczyk Calls For Inclusion of Parents In Decisions Regarding Their Own Children

MARK WALCZYK August 11, 2023

| ISSUE: **PARENTAL RIGHTS, NYSED**



The New York State Education Department (NYSED) released its 2023 Legal Update and Best Practices document titled “Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students.” [On June 21st, Senator Walczyk released a statement announcing this document as appalling.](#) He questioned the State Education Department on their priorities coming out of a pandemic and after receiving record funding in the state budget. Instead of working on a plan to close the education gap and catch kids

back up in math and science, NYSED released a document focused on childhood and adolescent sexuality. Among the many policies this document provides, NYSED gives clear direction to schools to not inform parents of life choices a child expresses at school.

Senator Walczyk finds NYSED's attempt to keep parents in the dark dangerous. Parents have a right to know what's going on in their kids' lives and make decisions for the best interest of their children.

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"New York spends more than any other state per-pupil," Walczyk says. "The Commissioner should be answering for NY's ten point drop in 4th grade reading proficiency and telling us what her plan is for improving our SAT ranking of 33rd in the nation. Instead of offering help in catching back up, our local school districts get legal threats from State Ed about 'misgendering' policies and the legal pitfalls teachers might face if they tell parents a child has decided to use a new pronoun."

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"The relationship between parents and teachers is an important one and I've heard from many who are concerned about what State Ed is doing here. Parents send their kids to school to get a formal education that sets them up for success as a productive member of society. The State Education Department has no right to shut parents out of their children's lives and the published guidance sets a dangerous precedent for the relationship between the family unit and the school."

On Page 16 of the document, the NYSED writes:

"The student is in charge of their gender transition and the school's role is to provide support. If a student has formally requested to transition at school, the school administrator or another trusted adult, preferably trained in supporting LGBTQ and Gender Expansive

students, can meet with the student and determine the steps the student is comfortable taking. During this conversation, school administration or the trusted adult may want to inquire with whom the student is comfortable discussing their transition. 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.``

[You can read the entire document here.](#)

Senator Mark Walczyk represents the 49th Senate District, which includes the entire counties of Jefferson, Lewis, Hamilton and Fulton. As well as parts of Oswego, St. Lawrence, and Herkimer counties. Sign up for exclusive updates from the Senator via his weekly newsletter by clicking [HERE](#) or by emailing walczyk@nysenate.gov.