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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.manhattancb2.org

P: 212-979-2272 F: 212-254-5102 E: info@manhattancb2.org

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April 23, 2024

Hon. Eric Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Hon. David C. Banks
Chancellor, NYC Department of Education
52 Chambers Street
New York, NY 10007

Kelly McGuire
Superintendent, NYC DOE District 2
333 7th Avenue
New York, NY 10001

Hon. Gary Beidleman
Manhattan High School Superintendent
333 7th Avenue
New York, NY 10001

Honorable Mayor Adams, Chancellor Banks and Superintendents McGuire and Beidleman:

At our April 18, 2024 Full Board meeting, Community Board 2/Manhattan adopted the following resolution.

Resolution Opposing Community Education Council District 2's Resolution #248

WHEREAS:

1. On March 20, 2024, Community Education Council District 2 (CECD2) passed Resolution #248 with a vote of 8-3: "Calling for a Comprehensive Review and Redrafting of NYCPS Guidelines on Gender with Regard to the Application and Impact on Female Athletes Participating in Physical Education, Intramural and Competitive Public School Athletic League (PSAL) Sports."
2. [Community Education Councils](#), created by the New York State Legislature, "are the local bodies responsible for ensuring that public school parents and the public have input in educational decision-making at the community school district level."
3. The language of [Resolution #248](#) calls for New York City Public Schools to convene a Gender Guidelines review committee, including "...relevant medical professionals and evolutionary biologists" to study and authorize changes to existing gender guidelines "concerning the impact on female athletes when the category of sex is replaced by gender

identity.”

4. Gender identity or expression in schools is protected throughout New York City and New York State in laws such as the 2019 [Gender Expression Non-Discrimination Act](#) (GENDA), the 2010 [Dignity for All Students Act \(DASA\)](#), the Chancellor’s [Regulation A-832](#) of the New York City Department of Education, the Chancellor’s [Regulation D-210](#). Discrimination, harassment, and bullying are violations of these laws and regulations.
5. The importance of physical education as part of a complete curriculum in New York schools is codified in [state law](#), and the right of students to participate in accordance to their gender identity is the [policy](#) of the New York City Department of Education.
6. In a claim to protect female athletes, many [states](#) have initiated laws making sex testing a requirement for competing in school athletics, aiming to bar transgender athletes from competing against cisgender athletes despite a [lack of evidence](#) that transgender girls have a performance benefit after twelve months of testosterone suppression.
7. In most cases, these are the [same states](#) that have initiated laws to bar gender-affirming care, among other restrictions. [Nearly 500](#) anti-LGBTQ+ laws have been proposed in state legislatures in 2024 alone, according to the ACLU.
8. A [2021 study](#) by Center for American Progress concludes that “discriminatory policies such as transgender sports bans...serve to legitimize and foster hostile climates” and that sports participation is vital for the mental health of transgender youth while policies protecting it bring no harm to cisgender athletes.
9. The mental health crisis among transgender youth is severe: the [2023 Trevor Project U.S. National Survey](#) found that nearly 20% of trans and nonbinary young people had attempted suicide in the past year.
10. Community Education Council District 2 (CECD2) has input over “public Pre-K programs, and elementary and middle schools in their district” but not over high schools.
11. The number of transgender athletes in New York City Public Schools grades Pre-K-8 is not measured. A [2022 study](#) by the UCLA Williams Institute of Law estimates that the number of youth in New York state ages 13-17 – i.e., children older than those represented by CECD2 - who identify as transgender is 3.0%, or 34,800, while estimates of transgender students nationwide who participate in college sports have been cited as [32](#) and [39](#), but are not nationally tracked. Hence, the number of transgender athletes in NYC District 2 grades Pre-K-8 can be presumed to be minimal.
12. CB2 Manhattan resolved in February 2024 that it “calls on Chancellor David Banks and the NYC DOE to require that parents serving on SLTs, CECs, and PTAs be expected to adhere to the principles and guidelines outlined in Chancellor's Regulation A-832” and “encourages the adoption of specific penalties for parent members of all official bodies that work with the DOE found in violation of Chancellor's Regulation A-832”

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan:

1. Rejects the Community Education Council District 2's Resolution #248 as discriminatory and harmful to transgender students.
2. Reaffirms the rights of all students to a complete education, including physical education and athletic competition, and rejects all forms of exclusion therefrom.
3. Believes that all students learn best in an environment that welcomes differences, teaches respect, and values children's full identities.
4. Urges Chancellor David Banks and the NYC DOE to ensure that members of CECD2 comply with Chancellor's Regulation D-210 and enforce violations thereof as well as expand Chancellor's Regulation A-832 to cover Community Education Councils.

Vote: Passed, with 29 Board Members in favor and 3 Abstentions (D. Raftery, L. Rakoff, R. Sanz).

We respectfully request that action be taken in accordance with this resolution.

Respectfully submitted,



Susan Kent, Chair
Community Board 2 / Manhattan



Susanna Aaron, Chair
Human Services Committee
Community Board 2 / Manhattan

Copy: Hon. Mark Levine, Manhattan Borough President
Hon. Christopher Marte, NYC Council, 1st District
Hon. Carlina Rivera, NYC Council, 2nd District
Hon. Erik Bottcher, NYC Council, 3rd District
Hon. Brian Kavanagh, NY State Senate, 27th District
Hon. Brad Hoylman-Sigal, NY State Senate, 47th District
Hon. Grace Lee, State Assembly, 65th District
Hon. Deborah J. Glick, NY State Assembly, 66th District
Hon. Jumaane Williams, NYC Public Advocate
Hon. Brad Lander, NYC Comptroller
Hon. Alvin Bragg, District Attorney, New York County
Hon. Carlyne Quintana, Deputy Chancellor of Teaching and Learning
Hon. Jennifer Foti, Chief of Special Education
Jason Borges, Executive Director of NYP Public Schools Literacy Collaborative
Hon. Mark Treyger, Executive Director of Intergovernmental Affairs, NYC DoE
Community Education Council District 2