



SPONSOR: Rep. Heffernan & Sen. McDowell

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION NO. 6

DIRECTING THE DELAWARE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF THE DELAWARE STATE BOARD OF EDUCATION, TO PROMULGATE REGULATIONS THAT PROHIBIT DISCRIMINATION IN SCHOOL DISTRICTS' EMPLOYMENT PRACTICES OR EDUCATIONAL PROGRAMS AND ACTIVITIES FOR STUDENTS ON THE BASIS OF ANY LEGALLY-PROTECTED CHARACTERISTIC, INCLUDING GENDER IDENTITY OR EXPRESSION.

1 WHEREAS, Delaware has been at the forefront of protecting the civil rights of transgender and gender non-
2 conforming people; and

3 WHEREAS, no otherwise-qualified student, employee, applicant for employment, or member of the public should
4 be excluded from participation in, denied the benefits of, or subjected to unlawful discrimination under any school district
5 program or activity on the basis of any legally-protected characteristic, including gender identity or expression; and

6 WHEREAS, State employment policies and guidelines mandate that State employees not be discriminated against
7 based on their gender identity or expression, including the right to be called by their preferred names and pronouns, treated
8 with dignity and respect, and allowed to use the bathroom facilities that correspond to their gender identity, but no such
9 policies or guidelines exist with respect to public schools; and

10 WHEREAS, Delaware's Gender Identity Nondiscrimination Act of 2013 prohibits discrimination on the basis of
11 gender identity or expression; and

12 WHEREAS, 14 Del. Admin. Code § 225 prohibits discrimination based on sex, sexual orientation, and genetic
13 information, with respect to any program or activity receiving financial assistance from or through the Delaware
14 Department of Education, but it does not prohibit discrimination based on gender identity or expression; and

15 WHEREAS, school districts in other states, including California, Colorado, and Illinois, have already promulgated
16 regulations to meet the unique needs of transgender and gender non-conforming students, providing a guide for Delaware
17 school districts in promulgating similar regulations in this State; and

18 WHEREAS, the reality is that transgender and gender non-conforming students are enrolled in school districts in
19 this State and, although not every situation which might occur with respect gender identity or expression can be anticipated,
20 the needs of transgender students are unique, and school districts should promulgate regulations that will promote
21 acceptance and respect among all students and staff, reduce stigmatization, and ensure the integration of all employees and
22 students in educational programs and activities.

23 NOW, THEREFORE:

24 BE IT RESOLVED by the House of Representatives and the Senate of the 149th General Assembly of the State of
25 Delaware, with the approval of the Governor, that the Department of Education, with the assistance of the Delaware State
26 Board of Education, is directed to promulgate regulations that include specific guidelines to prohibit discrimination in
27 school districts' employment practices or educational programs and activities for students on the basis of race, color,
28 religion, national origin, sex, sexual orientation, gender identity or expression, genetic information, marital status,
29 disability, age, veteran status, or other legally-protected characteristic.

SYNOPSIS

This House Joint Resolution directs the Department of Education, with the assistance of the Delaware State Board of Education, to promulgate regulations that include specific guidelines to prohibit discrimination in school district employment practices or educational programs and activities for students on the basis of any legally-protected characteristic, including gender identity or expression.