

From: Texas Association of School Boards <tasb@tasb.org>
Sent: Tuesday, January 31, 2023 1:56 PM CST
To: amber_fer@roundrock.sd.org <amber_fer@roundrock.sd.org>
Subject: TASB Response to Letter from State Representatives

[Texas Association of School Boards 12007 Research Blvd Austin Texas 78759 800 580 8272 tasb.org](https://www.tasb.org)

Dear Board Presidents:

I am writing to set the record straight on an FAQ updated recently by TASB Legal Services on Legal Issues Related to Transgender Students.

Yesterday, a group of nine Texas representatives sent a letter to a school board president that grossly misrepresents the content of the legal FAQ, as well as an inaccurate timeline on our decision to leave the National School Boards Association.

It is important that you understand the facts, especially since this same group of lawmakers is unfortunately using both misinformation and disinformation to caution Texas school boards to leave TASB.

First of all, TASB did not just release "legal guidance or guidelines" related to transgender policies in schools as claimed. Rather, we updated a legal FAQ, which is not a binding directive for school districts and simply outlines Texas laws and national court decisions that might weigh into local district decisions on this issue. This legal FAQ had been online since 2015 and was updated in early January to reflect a case out of the Eleventh Circuit in December.

More importantly, this FAQ does not encourage school districts to refrain from reporting child abuse and to obscure information from parents.

In fact, the FAQ does the following:

- It encourages district officials to seek legal advice.
- It encourages districts to work closely with parents and students to find individualized, reasonable solutions that protect students' safety, privacy, and well-being in the educational environment.
- It cites the Texas Attorney General's guidance about parental rights twice in the document.
- It cites and repeats the law on reporting child abuse verbatim, clearly noting that "a person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person must immediately make a report as provided by Texas Family Code chapter 261."
- Finally, the FAQ is fully aligned with Texas UIL rules and the "Save Girls Sports Act." TASB's legal framework at the relevant policy clearly states that a student must participate in interscholastic athletic competition that is designated for the biological sex stated on the student's birth certificate.

Those are the facts. Unfortunately, this letter does nothing to advance understanding of what we all know is a legally complex and evolving area of law and policy. For nearly 75 years, TASB has been committed to providing resources and services to school boards with the goal of strengthening public education. Sadly, there are some who are trying to weaken our schools and our communities with intentional misrepresentation. Despite, Washington-style politics has no place in Texas public schools. As your executive director, I will always correct and clarify false information so that you have all the facts.

Finally, I want to point out that TASB did not take nearly a year to leave the National School Boards Association following its September letter to the Biden administration. Our Board of Directors made the decision in May following the release of an independent investigation that disclosed new details about the development of that letter. Again, facts matter, and I am committed to always prioritizing accuracy and transparency so that TASB can continue to serve our members with excellence and integrity.

Please feel free to forward this message to your fellow board members. Should you have any questions, please email tasb@tasb.org, and we will be in touch.

Sincerely,

Dan Troxe
TASB Executive Director

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