Betsy DeVos fires horrifying parting shot at trans kids before resigning from Donald Trump’s cabinet

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As anti-LGBT+ education secretary Betsy DeVos departed Donald Trump’s cabinet, she fired off a horrifying parting shot at transgender children.

DeVos has served unwaveringly as secretary of education across the entire Trump presidency, but was among two cabinet members to resign last week after the storming of the US Capitol.

The move has prompted criticism, with DeVos accused of sliding herself out of harm’s way just as the cabinet comes under pressure to invoke the 25th amendment and remove Trump from office.

Her time in power is defined largely by rollbacks on LGBT+ rights, taking a hatchet to Obama-era guidance protecting trans kids and weaponising civil rights enforcement against school districts with trans-affirming policies.

Betsy DeVos took a parting shot at trans kids

DeVos apparently couldn’t resist one final blow, with her department publishing a memorandum on 8 January, the day of her resignation, seeking to twist civil rights laws to oppose affirmation of trans kids.

The memo seeks to significantly warp the Supreme Court’s landmark 2020 ruling in Bostock v. Clayton County, which established that employment laws barring discrimination on the basis of sex also prohibit discrimination based on sexuality and gender identity.

While the court ruling concerned workplace protections enshrined in Title VII of the Civil Rights Act, the same arguments could be applied to a swathe of other civil rights laws including Title IX, which prohibits discrimination based on sex in education.

US Secretary of Education Betsy DeVos speaks as vice president Mike Pence looks on (Getty/Alex Wong)

In its ruling, the court concluded: “It is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”

The Trump administration memo, however, seems to reach the exact opposite conclusion from the Supreme Court, arguing that the court’s ruling “is consistent with and further supports the department’s long-standing construction of the term ‘sex’ in Title IX to mean biological sex, male or female”.

Twisting the ruling further, the memo argues that the “plain ordinary public meaning” of civil rights laws would require “toilet, locker room, and shower facilities” to be provided “based on biological sex” and for “separate athletic teams to separate participants solely based on their biological sex… and not based on transgender status”.

Schools would be free to openly discriminate against trans students under the interpretation, with the department affirming: “We believe a [school] generally would not violate Title IX by, for example, recording a student’s biological sex in school records, or referring to a student using sex-based pronouns that correspond to the student’s biological sex, or refusing to permit a student to participate in a program or activity lawfully provided for members of the opposite sex. regardless of transgender status.”
Joe Biden administration urged to throw out ‘unconscionable’ attacks on trans kids

The attempt to warp the court’s ruling has been strongly condemned by LGBT+ groups, who have urged the incoming Biden administration to throw out the “legally flawed” advice.

Alphonso David, president of Human Rights Campaign, said: “In her final moments at the Department of Education, secretary Betsy DeVos prioritised punishing LGBTQ students.

“The memorandum refusing to apply Bostock to federal education law is unconscionable and legally flawed.

“Over the last four years, secretary DeVos has repeatedly attacked the LGBTQ community – especially transgender students – leaving an egregious record of recruiting anti-LGBTQ extremists, making it difficult for survivors of sexual assault to receive justice, and rescinding guidance to schools on their obligations to transgender students.

“The Biden-Harris administration and secretary designate Miguel Cardona must urgently rescind this discriminatory guidance.”

Eliza Byard of GLSEN added: “Betsy DeVos began her tenure with an action she knew would harm transgender students. She enthusiastically sent our taxpayer dollars to schools that explicitly and actively discriminate against LGBTQ+ students.

“She wilfully destroyed programs and approaches carefully designed to protect the civil rights of Black and brown students and students with disabilities. She stood by when president Trump put immigrant children in cages.

“And now, rather than taking the action she could to protect the nation from this president’s unhinged support for white supremacist violence by invoking the 25th Amendment with other cabinet members, she resigns with a laughable protest of the president’s ‘rhetoric’.

“DeVos should never be allowed to forget or live down the harmful impact of her actions as secretary of education on some of our most vulnerable students, from LGBTQ+ students to students of colour to students with disabilities. A shameful tenure from the first day to the last.”

DeVos was previously accused of using civil rights funding to “effectively extort” school districts into dropping trans-inclusive policies.