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October 24, 2013

Herman Rowland, Sr.  
Chairman of the Board  
Jelly Belly Candy Company  
One Jelly Belly Lane  
Fairfield, CA 94533

Dear Mr. Rowland:

On behalf of thousands of transgender and gender non-conforming students around the country, we write in regards to your recent donation to the campaign to repeal the Student Success and Opportunity Act (AB 1266). As the leader behind a brand as uniquely American as the Jelly Belly Candy Company, we urge you to adhere to the values that make this country strong: fairness and opportunity for all. These are the same values that helped you propel your family business from its modest beginnings, and California's new law only affirms these values for transgender children. Your support of efforts to take that same opportunity away is an attack on transgender children and is an offense to these values.

The School Success and Opportunity Act restates existing requirements that all California students be allowed to participate fully and equally in all school programs and facilities. This law is necessary because, all too often, transgender students are excluded from many activities, programs, and facilities because of their gender identity—programs that inspire creativity and challenge kids to be better learners.

Dozens of school districts throughout California, and hundreds throughout the country—in states as diverse as Missouri, Colorado, Connecticut, Massachusetts, Minnesota, Oregon, Washington State, and Wisconsin—have had equal access policies similar to AB 1266 for years and have not reported problems with implementation. These equal access policies ensure that all students can be in a supportive school environment where they have equal opportunities to learn and be successful.

California's law affirms existing federal law about transgender inclusion in school. Therefore, attempts to repeal the law are futile since a successful referendum, which seems unlikely given the campaign's lagging petition supporters, will not have an impact on schools' obligation to ensure fair access to school programs and activities for transgender students.

Transgender students are simply trying to have what all students have: an education in a respectful learning environment with their peers. Eight out of ten (80%) students in a 2011 survey of 700 transgender students in grades 6 through 12 reported feeling unsafe at school, 75.4% reported being verbally harassed, and 16.8% reported being physically



assaulted in school. Other studies have also found similar, near-universal rates of peer victimization experienced by transgender youth. These surveys have also found that victimization contributes to a host of negative outcomes for transgender youth, including decreased educational aspirations, class attendance, academic achievement, self-esteem, and sense of belonging in school, along with increased absenteeism, depression, and even health problems caused by avoiding going to the restroom at school.

While we understand that some people may have never known a transgender person and may have questions and concerns, the full and equal inclusion of transgender students does not infringe upon the rights of any person. Unfortunately, the campaign to repeal the law has relied on extremely misleading scare tactics, misrepresents who transgender youth are, and advances hypothetical scenarios that haven't occurred in the years that these types of policies have been in place in California and across the country.

Repealing the School Success and Opportunity Act would only serve to hurt promising young students who are often already marginalized. We urge you to stay true to our shared American values by supporting the equal treatment of all students and by ending your support for efforts to repeal this simple and fair law.

The National Center for Transgender Equality (NCTE), the Transgender Law Center (TLC), Equality California (EQCA), and the National Center for Lesbian Rights (NCLR) ask you to reconsider your support of the campaign by joining leaders from the transgender equality movement in a conversation about the real harms facing transgender kids. We extend this invitation in the spirit of openness and with the goal of helping all students succeed.

Please let us know when a time to meet is convenient for you and we will enthusiastically make ourselves available.

Sincerely,

Mara Keisling  
Executive Director  
National Center for Transgender Equality

Masen Davis  
Executive Director  
Transgender Law Center

Kate Kendall, Esq.  
Executive Director  
National Center for Lesbian Rights

John O'Connor  
Executive Director  
Equality California