



HUMAN
RIGHTS
CAMPAIGN®

February 21, 2024

Miguel A. Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

RE: Request for Investigation on the Incidents Leading to the Death of Nex Benedict

Dear Secretary Cardona:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, I write to request that the Department of Education (the "Department") promptly begin an investigation on the circumstances leading to the death of Nex Benedict, a non-binary teenager who died shortly after being brutally assaulted while at their high school in Oklahoma. Their death is a gut-wrenching tragedy that exposes the chilling reality of anti-transgender hatred spreading across the United States, and that the Department must investigate as part of Owasso High School's failure to address harassment and discrimination on its campus beginning in the 2023 school year.

As advocates for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals, the Human Rights Campaign (HRC) believes that all people—including transgender and gender-expansive youth like Nex—deserve to be accepted, seen, and safe, particularly in our nation's schools. However, efforts to stoke hate and discrimination across the country are having a direct, negative impact on the lives of trans and gender-expansive students. This includes young students like Nex, who face harsh social and public environments largely influenced by this discourse that undermines their lives.

Available information shows that the depths of the cruelty inflicted on Nex are sickening. It appears that on February 7, 2024, Nex was brutally and viciously beaten while inside a girl's bathroom at Owasso High School in Owasso, Oklahoma, where Nex was a student. Reports suggest that Nex experienced violent, repeated head trauma during the attack. Nex was taken to Bailey Medical Center and released, only to be readmitted the following day. On February 8, 2024, Nex tragically died. According to news reports, the Owasso Police Department was called

out to the hospital by Nex's family on the date of the attack around 3 p.m. A statement by the Owasso Police Department implies it was Nex's family, and not the school, who made the police aware of Nex being attacked.¹

We believe that Nex's death is the natural consequence of a growing wave of hatred against LGBTQ+ people. This hatred is being fueled by an unprecedented, coordinated attempt to eliminate the rights and visibility of our communities across the country, which recently led us to declare a national state of emergency for LGBTQ+ people for the first time in our nearly half-century history.² Anti-LGBTQ+ legislative assaults, political extremism based on false rhetoric, and the violent attacks these efforts eagerly encourage have become commonplace, beginning in statehouses and now even dominating the halls of Congress.³ Many of these efforts are focused on demonizing transgender and gender-expansive youth specifically, including through the false suggestion that the presence of transgender or non-binary youth in girls' restrooms is inherently predatory.

Oklahoma has considered more than 85 anti-LGBTQ+ pieces of legislation since 2015, passing seven into law. This gives it the dubious distinction of being one of the nation's top five promulgators of anti-LGBTQ+ discrimination, following Texas, Missouri, Tennessee, and Iowa. It has considered legislation that covers all of the trending anti-LGBTQ+ categories: bills to allow the abusive, discredited practice of conversion therapy; bills targeting the performance of drag; bills limiting what schools are allowed to say about LGBTQ+ people; book bans; bans on critical health care for transgender people; bans on updating identity documents, such as birth certificates; bills to allow discrimination justified by religious belief in the areas of child welfare, government services, and more; and many others. Among the most egregious of the bills passed into law were the ban on gender-affirming care for transgender youth and the ban on transgender students being able to use names, pronouns, and the restroom at school consistent with their gender identity. Indeed, Nex's family recently noted that Nex had first begun being bullied after Oklahoma Governor Kevin Stitt signed the bill into law that forbids trans and gender expansive youth to access restrooms consistent with their gender identity.⁴

¹ More specifically, the police stated they were not made aware of the fight prior to being informed of it by Nex's parents, signaling that Nex's school failed to report the incident to the authorities.

² HUMAN RIGHTS CAMPAIGN, LGBTQ+ AMERICANS UNDER ATTACK: A REPORT AND REFLECTION ON THE 2023 STATE LEGISLATIVE SESSION (2023), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Anti-LGBTQ-Legislation-Impact-Report.pdf>.

³ HOUSE EQUALITY CAUCUS, OBSESSED: HOUSE REPUBLICANS' RELENTLESS ATTACKS AGAINST THE LGBTQI+ COMMUNITY IN 2023 (2024), <https://equality.house.gov/sites/evo-subsites/equality.house.gov/files/evo-media-document/CEC-Report---Obsessed-compressed.pdf>.

⁴ Bevan Hurley, *Oklahoma banned trans students from bathrooms. Now a bullied student is dead after a fight*, THE INDEPENDENT (2024), <https://www.independent.co.uk/news/world/americas/nex-benedict-dead-oklahoma-b2499332.html>.

Data from HRC and the University of Connecticut’s 2023 LGBTQ+ Youth Report—detailing findings from a 2022 survey of nearly 13,000 LGBTQ+ youth ages 13–18 nationwide—make clear the impact of these efforts to demonize LGBTQ+ students like Nex.⁵ For example, we found that LGBTQ+ youth—and trans and gender-expansive youth in particular—face bullying, harassment, and violence in school at alarming rates. Over half (53.9%) of trans and gender-expansive youth reported feeling unsafe in at least one school setting, with a third (32.8%) reporting they specifically felt unsafe in school restrooms. Two-thirds (62.6%) of trans and gender-expansive youth had been teased or bullied at school at least once in the prior year—over half (55.6%) of whom were teased specifically for their LGBTQ+ identity—and a fifth (20%) had been hit, pushed, or experienced other forms of physical violence at school in just the 30 days prior to the survey. Yet, against this backdrop, schools have largely been unresponsive: only a quarter of trans youth respondents who were victimized at school were able to report this to a teacher or staff member, and of those who did, half reported that staff helped only a little—or not at all.

Schools have an obligation to provide equal educational opportunities, including safe and affirming learning environments for the well-being of all students. We are deeply concerned about the failure of Owasso High School to address documented instances of bullying, violence, and harassment against Nex, which occurred in earnest over the course of the previous school year and were in violation of Nex’s rights under Title IX of the Education Amendments Act of 1972. We therefore urge the Department to urgently investigate whether Owasso High School unlawfully failed to address the discrimination and harassment to which Nex was subjected. In addition, we call upon the Department to conduct a Title IX compliance investigation for Owasso High School. Thank you for your attention to this matter.

Sincerely,



Kelley Robinson
President
Human Rights Campaign

cc: Catherine E. Lhamon, Assistant Secretary, Office for Civil Rights

⁵ SHOSHANA K. GOLDBERG ET AL., HRC FOUND., 2023 LGBTQ+ YOUTH REPORT (2024), <https://reports.hrc.org/2023-lgbtq-youth-report>.