



April 26, 2022

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

Dear Mr. Secretary,

On behalf of our 27 organizations' 393,823 members, the undersigned groups write to you to express our deep concerns over the U.S. Department of Education's forthcoming rewrite of Title IX sex discrimination rules. We oppose any moves to rescind the much-needed Title IX reforms which were enacted in 2020, as they strengthened and reinforced basic due process and civil rights protections. Furthermore, we vehemently disagree with the Department's purported incorporation of "gender identity" into Title IX regulations.

We represent parents, grandparents, and concerned citizens across the country who are worried that the forthcoming rule changes are a politicized effort to placate activists. In fact, the sweeping changes to Title IX that you are reportedly set to announce would erode the very rights that protect all students - regardless of sex - and ensure a safe and equitable learning environment.

Title IX of the 1972 Education Amendments was written to ensure that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The Department's 2020 amendments to Title IX broadened the definition of sex discrimination to incorporate sexual harassment, and expanded Title IX protections for elementary and secondary students. This was done sensibly; the 2020 rules bolstered key Constitutional and civil rights principles including freedom of speech, academic freedom, support for alleged victims, presumption of innocence and due process for alleged perpetrators, and a prompt and predictable grievance process that requires clear and convincing evidence. These basic due process protections have formed the bedrock of established civil rights jurisprudence for centuries.

There is simply no demonstrable reason to eliminate a set of due process rules that uphold the fundamental protections of our legal system that, when implemented, were badly needed to remedy a well-documented pattern of abuses – abuses that will return if these rules are rescinded.

In addition to eroding due process, the Department appears set to use Title IX as the legal authority for creating a new prohibition against discrimination on the basis of "gender identity." Title IX has always explicitly permitted schools to separate males and females in certain contexts, such as athletic competition, bathrooms, locker rooms, and living quarters. The revisions to Title IX the Department is set to announce would discard the concept of male and female enshrined in Title IX itself, through expanding Title IX's protections to include "gender identity." Who is now male and female? Anyone can be anything they want – an individual may simply "identify" as one, or none, or one of an ever-expanding menu of "gender identities" promoted by activists.

For schools, this means that female sports teams, bathrooms, and locker rooms would be open to anyone who "identifies" as female, and vice versa. Under the Department's new rules, separating athletic teams and intimate facilities based on biological sex would be illegal. If a high school boy declares that he "identifies" as a girl, the school would be required to allow him to walk into the girls' locker room while girls are changing, or enter the girls' bathroom to use the facilities alongside his female peers. Any attempt to prevent this would be discriminatory conduct prohibited by Title IX.

With regard to sports, the Department's new "gender identity" rule would rob girls and women of equal athletic opportunities by requiring schools to allow biological boys and men to compete in women's athletics.

Secretary Cardona, we urge you to reject the ideology behind this attempt to use the Department of Education to accomplish what has not been achieved at the ballot box or by Congress. Please refrain from rewriting Title IX.

Sincerely,

Parents Defending Education
American Education Advocates
Army of Parents, Inc.
Awake Illinois
CACAGNY
California Foundation for Equal Rights
Child Protection League
Citizens for Brandywine School District
Concerned Parents of Round Rock ISD
Fight for Schools
Fishers One
Louisiana Save Our Schools
Mequon-Thiensville Restore
Moms for Liberty

New Trier Neighbors
No Left Turn in Education
Ohio Values Voters
Oregonians for Liberty in Education
Parents Unite
Parents Union
Protect Ohio Children
Protect Our Kids Now
Push Back Idaho
Save Oregon Schools
Truth in Education
Utah Parents United
West Valley Parents Uniting