



Title IX – What you need to know & how to get involved

WHAT IS TITLE IX?

Title IX is a federal civil rights law that prohibits schools that receive federal funds from discriminating on the basis of sex.

HOW IS TITLE IX ADMINISTERED?

Schools are required to address sex discrimination—including conduct that interferes with an individual's equal access to educational opportunities. A school's failure to address or respond to discrimination can jeopardize its federal funding.

HOW IS TITLE IX ENFORCED?

The U.S. Department of Education's Office for Civil Rights (OCR) writes Title IX guidelines and regulations for schools to follow, investigates complaints, and determines whether schools are in compliance with Title IX. According to OCR, any "unwelcome" sex-based incident, including sexual harassment, even those perpetrated by non-students/staff or occurring off-campus, may be deemed Title IX violations if the conduct impacts the school's educational environment. According to OCR, any "unwelcome" sexual incident including sexual harassment, even those perpetrated by non-students/staff or occurring off-campus, may be deemed Title IX violations if education attainment is shown to be affected.

WHY IS TITLE IX IN THE NEWS NOW?

On June 23, 2022, the 50th anniversary of the passage of the original Title IX legislation, President Biden announced his intention to dramatically broaden the scope of Title IX to include discrimination based on gender identity. On July 12, 2022, the U.S. Department of Education's Office of Civil Rights published the proposed rule changes to the federal register for a 60-day public comment period.

WHAT ARE THE PROPOSED CHANGES TO TITLE IX?

For K-12 schools, these changes WILL:



Allow biological males to **participate in girls-only school activities.**



Make bathrooms, locker rooms, and overnight field trip housing available based solely on "gender identity," **not on someone's biological sex.**



Apply sex discrimination and harassment rules to students and teachers who "misgender" another student or teacher. This means that if someone refers to someone by their biological sex (instead of their gender identity) or doesn't use the person's "preferred pronouns," **they will be punished for sexual harassment.**



Encourage schools to hide information from parents—including a **student's gender transition from their parents.**

For K-12 athletics, these changes WILL:



Allow biological males to **participate in girls-only sports.**



Require schools to construct new accommodations for transgender students and develop new protections for the privacy, safety, and fairness of existing female student athletes.



Put biological females at a **higher risk for physical injury** and limit their ability to **seek awards and scholarships.**



Infringe on parental rights to oversee their child's safety and well-being at school-sponsored events.



Eliminate privacy and safety in sex-separated spaces (such as locker rooms, restrooms, and athletic-medical rooms).

In short, the proposed changes to Title IX would confuse kids; compel speech; and curtail due process, safety, and fairness in K-12 schools nationwide.

WHAT HAPPENS NEXT?

The formal comment period ended on Monday, May 15, 2023. The Department of Education is required to read all of the 156,159 comments and answer all of the questions and inquiries received during the 30-day comment period. Although we do not know when the Department of Education will finalize the proposed rule it is our understanding that this is a priority for the Department. We anticipate the Department will combine the release of Title IX and Title IX as it relates to female athletics and publish before the beginning of the next academic year. It is believed lawsuits against the Biden Administration on changes to Title IX will be filed upon finalization of the rule.

WHAT CAN I DO IF I HAVE CONCERNS ABOUT THE PROPOSED CHANGES TO TITLE IX?

Unfortunately, the 30-day comment period has concluded so individuals are unable to raise additional concerns about the proposed changes to Title IX as it relates to female athletics. However, if you believe your child's school has already adopted changes to Title IX please send us any relevant information [here](#).