

TITLE IX REWRITE

WHAT YOU NEED TO KNOW:

On April 19, 2024, the Department of Education announced its final Title IX regulations, essentially broadening the definition of sex-based discrimination to include "gender identity." This effectively prohibits all educational entities in receipt of federal funds from acknowledging biological reality when individuals dispute it. The regulations also address discrimination based on pregnancy, protect LGBTQIA+ students, and prohibit retaliation. As well as undermining free speech and due-process rights, the new rule will have sweeping and disastrous consequences for women, girls, boys and young men, the very people Title IX was supposed to protect. Colleges and universities have until Aug. 1st to comply.

WHO IS OPPOSING THIS?

On May 1, 2024, a coalition of 53 organizations, representing 805,645 members, sent a letter to Secretary of Education Miguel Cardona to express deep opposition to the final Title IX rules released Friday, April 19, 2024. The rules supplant "sex" with "gender identity." In doing so, the guidance poses a grave threat to the safety and opportunities of women and girls and thwarts students' First Amendment rights. The revisions also strip students of due process protections. The full letter can be found [here](#).



Alliance Defending Freedom submitted [five formal comments](#) urging the administration to withdraw its proposed rule that violates Americans' constitutionally and legally protected freedoms and threatens the advancements women have achieved in education and athletics.

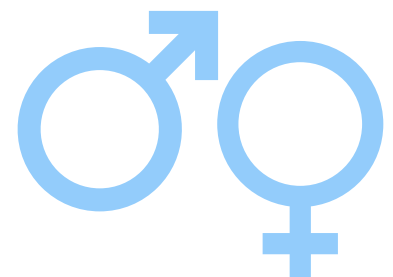


CURRENT LAWSUIT

A historic federal lawsuit brought by Moms for Liberty against the Department of Education (DOE) challenging the Biden administration's rewrite of Title IX regulations led to a federal district court issuing a landmark preliminary injunction prohibiting the DOE from enforcing these changes in several states *and* at the schools attended by the children of members of Moms for Liberty.



Read more about the ruling and find detailed instructions on how to opt-in your child's school [here](#)!



TITLE IX REWRITE FAQ



Who must adhere to Title IX?

Entities who receive Federal financial assistance and operate educational programs must adhere to Title IX. This applies to programs, services and activities offered by colleges, universities and other institutions that operate educational programs. Title IX applies not only to students and other program participants but to employees of grant recipients. All public universities and many private universities receive Federal financial assistance.



How does it define "sex"?

It redefines "sex" to include same-sex orientation and gender ideology such that those opposed to gender ideology, transsexualism, and demanded pronouns can now be treated as violating Title IX.



Is this legal? Will it be challenged?

According to the Alliance Defending Freedom, it lacks legal authority: It is illegal for the Secretary of Education, an unelected bureaucrat, to rewrite federal law without Congress' authority. Further, redefining "sex discrimination" is not authorized by Title IX's text or U.S. Supreme Court precedent. Many experts believe this will be legally challenged and may make its way up to the Supreme Court.



How does this affect LGBTQIA+ individuals?

The regulations would prohibit schools from excluding students from any educational activity because of transgender status; prohibit "misgendering" transgender students or teachers, force the use of a name selected by a transgender student or teacher, and require students to be allowed to use restrooms and locker rooms that align with their gender identity.



How does this affect my child during the school day or at after-school events?

Title IX's redefinition of "sex" to include "gender identity" will allow a child to use the bathroom or locker room of their choice, despite their biological sex, by merely stating they identify as the opposite gender.



How does this affect my child on overnight school trips?

Title IX's redefinition of "sex" to include "gender identity" will allow a child to sleep in the room of their choice, despite their biological sex, by merely stating they identify as the opposite gender.



How does this affect biological women?

Title IX's redefinition of "sex-based discrimination" poses a threat to sex-based protections and welcomes males into female spaces including athletic competitions, locker rooms, and sex-specific clubs such as sororities, despite state laws.



How does this affect biological women's sports?

Although Title IX doesn't explicitly allow biological males to play in women's sports, it doesn't protect women from seeking action or justice for playing against biological men and/or losing a spot to a biological male. This makes states so important because 24 states have legislation in place to ban trans-athletes, will temporarily protect women athletes- until the second rule drops.

You can check your state here:

https://www.lgbtmap.org/equality-maps/youth/sports_participation_bans



How does it affect parental rights?

The regulations also encroach on parents' rights and threaten academic free speech by incentivizing schools to censor students and teachers with traditional views on sex and marriage so they don't lose federal funding. **Undermines parental rights:** By redefining "sex" to encompass "gender identity," the Department of Education wrongly seeks to compel schools to treat students as whatever sex they prefer—without parents' knowledge or consent. Additionally, the proposed rule would undermine parents' authority to make vital decisions regarding their child's emotional, mental, or physical health by giving that right to school staff instead.



How does it affect teachers' rights?

Violates freedoms of speech and religion: The proposed rule threatens to censor and compel speech by forcing students and professors at public universities to use pronouns and titles that are inconsistent with a person's sex.



How does this affect how sexual assault allegations are handled?

The regulations would also undo sexual assault due process rules put in place by the Trump administration. The new Biden rule increases the power of campus Title IX administrators and reduces due process by allowing the "Single Investigator Model," also called "the individual meeting method," to resolve disputes while removing the requirement for a formal, live hearing at the college level. In evaluating the parties' evidence, a school must use the "preponderance of the evidence" standard of proof unless the school uses the clear-and-convincing evidence standard in all other comparable proceedings.



Who supported this change to Title IX?

The nation's two largest teachers unions, the American Federation of Teachers and the National Education Association, have for months heavily advocated for the regulations to be finalized.

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SUMMARY

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROTECTS AGAINST SEX DISCRIMINATION IN FEDERALLY FUNDED EDUCATION.

THE U.S. DEPARTMENT OF EDUCATION RELEASED ITS FINAL RULE ON APRIL 19, 2024, TO FULLY EFFECTUATE TITLE IX'S PROMISE OF NONDISCRIMINATION.

THE FINAL REGULATIONS STRENGTHEN PROTECTIONS AGAINST SEX-BASED HARASSMENT AND REQUIRE SCHOOLS TO TAKE PROMPT AND EFFECTIVE ACTION TO END SEX DISCRIMINATION.

SCHOOLS MUST PROVIDE SUPPORTIVE MEASURES TO COMPLAINANTS AND RESPONDENTS AFFECTED BY SEX DISCRIMINATION.

SCHOOLS MUST RESPOND PROMPTLY AND EFFECTIVELY TO ALL COMPLAINTS OF SEX DISCRIMINATION WITH A FAIR AND TRANSPARENT PROCESS.

THE REGULATIONS PROVIDE FLEXIBILITY FOR SCHOOLS TO ADAPT GRIEVANCE PROCEDURES TO THEIR EDUCATIONAL COMMUNITIES.

THE REGULATIONS PROTECT AGAINST DISCRIMINATION BASED ON PREGNANCY OR RELATED CONDITIONS.

DISCRIMINATION AND HARASSMENT BASED ON SEXUAL ORIENTATION, **GENDER IDENTITY**, AND SEX CHARACTERISTICS ARE PROHIBITED.

SCHOOLS MUST NOT SEPARATE OR TREAT PEOPLE DIFFERENTLY BASED ON SEX IN A MANNER THAT SUBJECTS THEM TO MORE THAN DE MINIMIS HARM.

THE REGULATIONS PROTECT AGAINST RETALIATION AND SUPPORT THE RIGHTS OF PARENTS AND GUARDIANS TO ACT ON BEHALF OF THEIR CHILDREN.

SCHOOLS MUST CLEARLY COMMUNICATE THEIR NONDISCRIMINATION POLICIES AND PROCEDURES.

SCHOOLS ARE PROHIBITED FROM SHARING PERSONALLY IDENTIFIABLE INFORMATION OBTAINED THROUGH TITLE IX COMPLIANCE, WITH LIMITED EXCEPTIONS.

THE FINAL REGULATIONS ARE EFFECTIVE ON **AUGUST 1, 2024**, AND APPLY TO COMPLAINTS OF SEX DISCRIMINATION OCCURRING ON OR AFTER THAT DATE.

