



May 1, 2024

The Honorable Miguel Cardona
 Secretary of Education
 U.S. Department of Education
 400 Maryland Ave. SW
 Washington, D.C. 20002

Dear Secretary Cardona:

On behalf of our 53 groups and 805,645 members, the undersigned organizations write to express our deep opposition to the final Title IX rules released Friday, April 19, 2024. Your rules supplant “sex” with “gender identity.” In doing so, your 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.

It is abundantly clear that, when it was passed in 1972, “sex” in Title IX of the Education Amendments meant biological sex. Title IX ensures 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.”

In the name of “inclusion,” however, your new rules put the rights, safety, and basic dignity of all students at risk.

Your rules violate students' First Amendment rights. Students do not relinquish their right to free speech when they enter school. Schools cannot compel a student to use another's "preferred" names or pronouns especially when it violates the student's deeply held beliefs. While everyone deserves to be treated with respect and dignity, nobody is entitled to the words or beliefs of another person.

Your rules open private, single sex spaces to students based on gender identity. Title IX has long held that schools can separate male and female students in restrooms, locker rooms, and sports. Your changes mean that women and girls will be forced to share private spaces, including changing rooms and sleeping accommodations, with men, and vice-versa. At any time, any person can self-identify into the restroom or locker room of their choice by simply claiming to identify as different sex or gender. This raises serious privacy questions—especially for minor children, who will be forced to share sex-separated spaces with adults of the opposite sex.

Your administration's redefinition of "sex" to include "gender identity" will mean the end to sex-separated sports and will erase opportunities for female athletes. Biological males competing in women's athletics have won 913 titles in 441 separate competitions in 30 different sports.¹ Women and girls will continue to lose out on opportunities to join sports teams, win titles, and obtain needed athletic scholarships to compete and study at the collegiate level. They will also face a much greater risk of injury.

Unlike the department's 2020 rules, which outlined a clear and consistent process for students accused of sexual misconduct, your revisions curb vital elements of the rule of law. Like anyone accused of a crime in the American legal system, students deserve fair and transparent investigations, the presumption of innocence, and the right to due process.

As parents, grandparents, and concerned citizens, we write to you to condemn your Title IX changes and your attempt to dismantle key civil rights and due process protections for students. Your decision to pander to a small yet vocal group of extreme activists undermines fifty years of progress for women and girls as well as the rights of all students. We urge you to stand with the students you were appointed to serve and rescind your final Title IX rules.

Respectfully,

Parents Defending Education
American Education Advocates
Army of Parents
Awake Americans
Awake Illinois
Baltimore County Parent and Student Coalition
Bloomington Parents Alliance
Californians for Equal Rights Foundation (CFER)
Chinese American Citizens Alliance Greater New York (CACAGNY)
Carlsbad Education Alliance
Colorado Parent Advocacy Network

¹ Independent Women's Forum. "NCAA Puts the Responsibility of the Burden of Truth on The Backs of Female Athletes." April 17, 2024. <https://www.iwf.org/2024/04/17/iwf-urges-action-ncaa-and-sports-governing-bodies-have-put-the-responsibility-of-the-burden-of-truth-on-the-backs-of-female-athletes/>

Concerned Parents of Round Rock ISD
Courage is a Habit
Delmarva Parent Teacher Coalition
Education Veritas
Empowered Jefferson
Empowered Sevier
Fight for Schools
Fishers One
Florida Citizens Alliance
Freedom in Education
Hope for PA
Informed Parents of California
Informed Parents of Idaho
Informed Parents of Washington
Minnesota Parents Alliance
Moms for Liberty
New Trier Neighbors
Ohio Values Voters
Olentangy for Educational Integrity
Parents Unite
Parents United for Freedom
Parents United RI
Protection of the Educational Rights of Kids (PERK)
Power2Parent Union
Protect Kids Colorado
Protect Ohio Children
Protect Our Kids Now
PUSD Community Watch
Restore Childhood
Restore Parental Rights in Education
Scottsdale Unites for Educational Integrity
Speak for Students
SpeakVT
St. Charles County Parents Association
Task Force Freedom
Tri-Town Family Alliance
Truth in Education
United Against Racism in Education
United For Children of Northern Colorado
Virginia Mavens
Virginia Moms for America
West Valley Parents Uniting