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## **Biden Administration Mandates Radical Gender Ideology in America's Public Schools**

Arlington, Virginia – Yesterday, the Biden Administration's Department of Education (DOE) released proposed regulations that expand Title IX's prohibition on "sex" discrimination to include a prohibition on "gender identity" and "sexual orientation."

Title IX prohibits discrimination based on "sex" in federally funded education programs and activities. The new Biden proposed rulemaking will apply to public elementary and secondary schools, as well as to many federally-funded colleges and universities, among other entities.

In a factsheet, DOE explained that the proposed regulations "would make clear that preventing someone from participating in school programs and activities consistent with their gender identity would cause harm in violation of Title IX, except in some limited areas set out in the statute or regulations."

If this proposed rulemaking is finalized it is expected to have widespread ramifications in our nation's schools, with the Washington Post pointing out that "it would compel schools to accommodate transgender students by allowing them to use bathrooms that align with their gender identity, ban bullying based on their gender identity and ensure they are addressed by their correct pronouns. Schools that do not rectify the problem are subject to investigations and risk losing their federal funding."

Susan Muskett, President of Pro-Family Women commented, "**Today, the Biden Administration distorts a longstanding law designed to protect women from discrimination, into a vehicle for the indoctrination of children in public schools throughout America into gender ideology.**"

DOE will issue a separate regulation pertaining to student participation in male and female sports teams.

Today's proposed rulemaking is only the latest action by the Biden Administration to advance what is clearly a priority for the Biden Administration. On January 20, 2021 (his first day in office), President Biden issued an Executive Order regarding gender identity and sexual orientation that directed DOE and other agencies to take action to ensure that "children [are] able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports."

Two months later, on March 8, 2021, President Biden issued an Executive Order on "Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity."

On June 16, 2021, DOE's Office of Civil Rights issued a Notice of Interpretation that announced that it would be enforcing the Title IX prohibition on "sex" discrimination so as to include discrimination based on "sexual orientation" and "gender identity."

On May 5, 2022, the U.S. Department of Agriculture (USDA), "under the leadership of the Biden-Harris Administration," announced that funding for school lunch programs would now be tied to its interpretation that discrimination based on "sex" includes a prohibition on "gender identity" and "sexual orientation" discrimination.

The Biden Administration relies on the U.S. Supreme Court's decision in *Bostock v. Clayton County* as the basis for its new legal interpretation that discrimination based on "sexual orientation" and "gender identity" falls within Title IX's prohibition on "sex" discrimination in schools. But *Bostock* involved an interpretation of a different federal law – Title VII—that pertains to workplace discrimination. And Justice Gorsuch explicitly stated in the Supreme Court's *Bostock* opinion that the Court was not ruling on other laws: "The employers worry that our decision will sweep beyond Title VII to other federal or state laws that prohibit sex discrimination. And, under Title VII itself, they say sex-segregated bathrooms, locker rooms, and dress codes will prove unsustainable after our decision today. But none of these other laws are before us; we have not had the benefit of adversarial testing about the meaning of their terms, and we do not prejudge any such question today. Under Title VII, too, we do not purport to address bathrooms, locker rooms, or anything else of the kind."

The proposed rulemaking runs counter to the views of the vast majority of Americans, 63% of whom oppose DOE's expansion of the definition of "sex" to include "gender identity."

Pro-Family Women promotes the values of faithful Catholic women in proclaiming the truth about human life and family.

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