



June 27, 2024

Dear K-12 and Higher Education Administrators:

On behalf of the 69 undersigned organizations, we urge all school and university administrators to swiftly implement policies consistent with Title IX of the Education Amendments of 1972's federal regulations, as updated on April 29, 2024, by the implementation deadline of August 1, 2024.¹ Administrators are obligated to ensure learning environments are safe and free from discrimination. The recent updates to Title IX's regulations provide clear directives to build safer and more inclusive institutions for all students, including LGBTQI+ students, student survivors of sexual violence, and pregnant and parenting students. These protections are also crucial for women and girls of color and disabled students, who are more likely to experience sexual violence, and yet less likely to receive support. Education programs and activities receiving federal financial assistance are legally required to comply with the Title IX regulations and be ready to implement the recent updates by August 1.

Sex-based discrimination, including harassment, significantly impacts students' success, resulting in reduced academic achievement, higher likelihood of missing classes or leaving school, and adverse mental health outcomes. Sex-based discrimination also exacerbates challenges that institutions have struggled to address, including the youth mental health crisis, post-COVID learning and achievement gaps, and student retention. The April 29 updates to the Title IX regulations work to address different facets of sex-based discrimination in education, including by:

- Making explicit that discrimination on the basis of sexual orientation, gender identity, or sex characteristics constitutes sex-based discrimination, consistent with decades of legal precedent culminating in the U.S. Supreme Court's landmark *Bostock v. Clayton County* decision in 2020;
- Clarifying that schools must allow students to participate in classes and activities, use bathrooms and locker rooms, and dress consistent with their gender identity;
- Strengthening protections for students who experience sex-based harassment and violence, including an institution's obligation to provide supportive measures and allowing institutions more procedural flexibility in implementing grievance procedures; and
- Clarifying an institution's obligations to provide reasonable modifications and accommodations for students who are pregnant and parenting or have related medical conditions.

Title IX preempts any conflicting state or local policy, and an institution's failure to comply with federal nondiscrimination law could jeopardize access to federal funding. Unfortunately, many state actors, groups, and individuals have spread disinformation about the

¹ Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33474 (Apr. 29, 2024), <https://www.federalregister.gov/d/2022-13734>.

Title IX regulations, despite the [strong and needed protections](#) the regulations provide for *all* students. We also recognize some state and local policies contravene the updated Title IX regulations, which become effective on August 1, 2024. For example, twelve states have adopted “bathroom ban” laws that prohibit institutions from allowing transgender students access to facilities that are consistent with their gender identity. These discriminatory policies predate the recent regulatory updates and have already triggered federal investigations and litigation. A majority of courts already have concluded these state and local policies violate Title IX. And while some state governors or education agencies have directed schools to disregard the updated Title IX regulations, those state officials are putting schools at risk for an investigation for violating federal civil rights law and ultimately, losing federal funds.

Despite pending litigation, all schools and universities should still work towards implementing the regulations by the August 1 effective date. Many state attorneys general have filed lawsuits challenging the updated Title IX regulations. But even if an injunction is issued in any of these cases, the injunction could be lifted or stayed by an appeals court, and schools will still have to ensure they are ready to implement the Title IX regulations by August 1, or risk losing their federal funds. In addition, any injunction will only prohibit the federal government from enforcing the Title IX regulations and will not protect noncompliant schools from private lawsuits filed by students.

We look to you as administrators to serve as responsible stewards of institutions that guarantee equal educational opportunity for all students. Please consider our organizations as a resource as you review policies and consider updates that will enhance student safety at your institution.

Sincerely,

GLSEN and National Women’s Law Center, *joined by:*

AFT
American Association of University Women
American Atheists
American Humanist Association
AnitaB.org
Athlete Ally
Autistic Self Advocacy Network
Black Women's Blueprint
California National Organization for Women (CA NOW)
Center for Learner Equity
Center for WorkLife Law
Chicago Alliance Against Sexual Exploitation (CAASE)
Clearinghouse on Women's Issues
Colorado Coalition Against Sexual Assault
Council of Parent Attorneys and Advocates
EdTrust

Education Law Center-PA
End Rape On Campus
Equal Rights Advocates
Family Equality
Feminist Majority Foundation
GA Coalition Against Domestic Violence
Gender Equality Law Center, Inc.
Healthy Teen Network
Human Rights Campaign
Illinois Coalition Against Sexual Assault
Institute for Women's Policy Research
interACT: Advocates for Intersex Youth
It's On Us
Japanese American Citizens League (JAACL)
Jewish Women International
Just Solutions
Justice + Joy National Collaborative
KWH Law Center for Social Justice and Change
Ladder Consulting LLC
Legal Momentum, The Women's Legal Defense and Education Fund
Louisiana Foundation Against Sexual Assault (LaFASA)
Maine Women's Lobby
National Alliance to End Sexual Violence
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Organization for Women
National Organization for Women, Columbia Area
National Organization for Women, Missouri
National Resource Center on Domestic Violence
National Women's Political Caucus
Ohio National Organization for Women
PFLAG National
Public Justice
Red Wine & Blue
Rocky Mountain Victim Law Center
Sexual Violence Prevention Association (SVPA)
Stop Sexual Assault in Schools
The Army of Survivors
The Every Voice Coalition
Transgender Legal Defense and Education Fund (TLDEF)
Ujima, The National Center on Violence Against Women in the Black Community

UltraViolet Action
Union for Reform Judaism
VALOR
Virginia National Organization for Women (NOW)
VOICEINSPORT Foundation
Women of Reform Judaism
Women's Media Center
YWCA USA