June 11, 2021

The Honorable Miguel Cardona
Secretary
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights
Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Written Comment for Title IX Public Hearing (Inclusion of Transgender Athletes)

Dear Office for Civil Rights, U.S. Department of Education:

We write today on behalf of the Women’s Sports Foundation and the 56 undersigned organizations and individuals in response to the Federal Register Announcement of a Public Hearing on Title IX of the Education Amendments of 1972 as it relates to Executive Order 14021, Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity.

Over the last few years there has been a concerning increase in the number of attacks on transgender athletes’ ability to access sport consistent with their gender identity, almost exclusively targeting transgender youth in particular. In 2021 alone, nine states have enacted transgender athlete bans and many more are considering similar legislation which prohibits transgender girls and women from participating on girls’ and women’s sports teams. We find these state-level bans deeply concerning and counter to what Title IX requires.

Far too often, this legislation is presented under the guise of “protecting” girls’ and women’s sports. There are many real threats to women and girls receiving equitable access and opportunity in sports, such as: the lack of Title IX understanding and compliance; girls in underserved communities facing inequity in sport access, resources and opportunity; the fight for equal pay; the lack of sponsorship support and media coverage; and the harassment and abuse of girls and women who play or work in sports. These are some of the many real challenges in sports for girls and women. However, we wish to make it abundantly clear – the inclusion of transgender athletes is not a threat to girls’ and women’s sports.

As the Women’s Sports Foundation has said time and time again, we must remember the most valuable aspects of sport participation, which go well beyond the medals, include: instilling health and wellness, building camaraderie and belonging, and learning discipline and leadership. Long after the race, game or match concludes, these are the life-long benefits of sport. After all, this is exactly why sports are part of our educational system and subject to Title IX.
We ask you to clarify that Title IX requires transgender student-athletes to be able to access sports consistent with their gender identity. We must stop those attempting to use girls’ and women’s sports as a vehicle to discriminate.

Thank you for your time and attention to this matter.

Sincerely,

Women’s Sports Foundation
American Association of University Women (AAUW)
Athlete Ally
COLAGE
Commonwealth Youth Sport for Development and Peace Network
Dolphin Democrats
Enough is Enough Voter Project
Equality Federation
Equality Florida
Family Equality
Freedom for All Americans
Gender Justice
Georgia Equality
Georgia Women’s Actions for New Directions
Girls Inc.
It's On Us
Jane Doe Inc.
Legal Aid at Work
Legal Momentum, the Women’s Legal Defense and Education Fund
LGBTQ Center of Bay County
Mazzoni Center
Movement Advancement Project
Movements for Violence Prevention
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Equality Action Team (NEAT)
National Indian Education Association
National LGBTQ Task Force
National Women’s Law Center
Necessary Trouble
One Orlando Alliance
Out In Athletics
Rainbow Democrats
Social Justice Through Sport and Exercise Psychology
SPLC Action Fund
Stop Sexual Assault in Schools (SSAIS)
The Institute for Diversity and Ethics in Sport
The Institute for Sport and Social Justice
The New Georgia Project Action Fund
The Sport Ecology Group
WeCOACH
Women’s Law Project
Women’s March Florida
Zebra Coalition

Dr. Anima Adjepong, Assistant Professor of Women’s, Gender and Sexuality Studies, University of Cincinnati
Cassie Comley PhD, Loyola Marymount University
Vikki Krane Ph.D., Professor of Teaching Excellence, Bowling Green State University
Valerie Moyer PhD Candidate, Stony Brook University
Mateus Nagime, Athlete Ally
Jaime Schultz, Professor, Pennsylvania State University
Elizabeth Schwartz, Elizabeth F. Schwartz, PA
Elizabeth Sharrow Ph.D., M.P.P., University of Massachusetts, Amherst
Ellen J. Staurowsky Ed.D, Professor, Ithaca College
Jacob K. Tingle, Director, Sport Management Minor, Trinity University
Jack L. Turban MD MHS, Stanford University School of Medicine
Eli Wolff, Director of the Power of Sport Lab, 2X Paralympian, Soccer