

October 23, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dr. Miguel A. Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Shalanda D. Young
Director
U.S. Office of Management and Budget
725 17th St NW
Washington, DC 20503

Catherine E. Lhamon
Assistant Secretary, Office for Civil Rights
Affairs
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Richard L. Revesz
Administrator, Office of Information & Regulatory
U.S. Office of Management and Budget
725 17th St NW
Washington, DC 20503

Dear President Biden, Mr. Cardona, Ms. Young, Ms. Lhamon, and Mr. Revesz:

The undersigned 127 gender justice, survivor advocacy, and civil rights organizations write to urge immediate action to finalize the Department of Education's (the Department's) Title IX rule.

Over the last three years, students have been greatly disappointed and concerned by the repeated delays regarding the Title IX rule, as have our organizations, which advocate for the rights of students and survivors of sexual violence:

- We were hopeful when President Biden promised during the 2020 campaign to “immediately” put an end to the Trump administration’s harmful, pro-abuser 2020 Title IX rule.¹
- Unfortunately, many months passed without release of a proposed rule, and in June 2021, the Department identified May 2022 as its target for release.² Over 55,000 individuals³ and over 100 advocacy organizations and education associations⁴ asked for a proposed rule by October 2021. Many of us advocates gathered alongside student survivors on the steps of the Department to stress the urgency of our request. But the Department maintained May 2022 as its target for proposing a new rule.
- The Department failed to meet its own May 2022 deadline, prompting more than 200 survivor advocacy and civil rights organizations to urge for a proposed rule to be released by June 23, 2022—the 50th anniversary of Title IX.⁵ A proposed rule was released then, and officially published in July 2022—**a full one and a half years into the administration**.⁶ Despite escalating attacks on the rights of transgender, nonbinary, and intersex student athletes, the proposed rule entirely deferred the topic of Title IX protections for these students to a later, undetermined date.
- Soon after release of the July 2022 proposed rule, 50 women’s rights and gender justice organizations asked the Department to proceed with a proposed Title IX athletics rule expeditiously.⁷ The Department did not propose an athletics rule until April 2023—**more than two years into the administration**.⁸
- In January 2023, the Department announced it would release a final, consolidated Title IX rule in May 2023.⁹ In April 2023, as part of Sexual Assault Awareness Month, more than 100 gender justice and survivor advocacy organizations¹⁰ and more than 8,000 individuals¹¹ urged the administration to keep to its promised timeline. Instead, the Department answered advocates’ and students’ requests by indicating the release of the final rule would be delayed until October 2023.¹² In response, 75 advocacy organizations reiterated: any further delay would continue to inflict a terrible cost upon student survivors, LGBTQI+ students, and pregnant and parenting students.¹³

- October 2023 is here, and the Department has failed to transmit the final Title IX rule to the Office of Management and Budget for its required review,¹⁴ which can take up to 90 days.¹⁵ Students are suffering their fourth year under the Trump Title IX rule. We urge the administration to prioritize students' needs and their right to a safe, welcoming, and fair education by acting with urgency to finalize the Title IX rule.

As you know, students have an urgent, dire need for restored and strengthened Title IX protections. When this administration left the Trump Title IX rule in place for one year, in 2021, it was an unfortunate necessity of the regulatory process. When the rule remained in place and in force for two, and then three, years, it became a worrying and dangerous trend.¹⁶

Students cannot be condemned to spend **four years of their high school or college career—indeed, nearly all four years of this presidential term**—under the abhorrent Trump Title IX rule. Moreover, the prospect of a new rule not being finalized until 2024 heightens the risk these crucial protections will never be implemented at all.

Attacks on survivors, LGBTQI+ people, and pregnant people grow ever more vicious. Students across the United States are—more than ever—looking to this administration to protect and strengthen their Title IX rights: to ensure that being a victim of sex-based harassment does not entirely derail their education; to ensure that dozens of hostile, anti-LGBTQI+ education laws enacted on the state level (with hundreds more proposed each year) do not crush the right of queer and transgender youth to learn safely;¹⁷ and to ensure that repressive state laws and policies, particularly in the wake of the Supreme Court's destructive *Dobbs* decision, do not force pregnant and parenting students out of schools altogether.¹⁸

We urge you to ensure a different present and future for our nation's young people.

Time is running out. Young people need to see that this administration will show up for their rights and their well-being. The student community has been unified and energized as a political force by its need for strong civil rights protections. Today, there is a crucial need and opportunity for this administration to reaffirm to these young voters that it is unwaveringly committed to upholding students' civil rights, finalizing robust protections in Title IX regulations, and renewing young people's faith in their government.

We remain grateful for the tremendous work this administration has done to undo the Trump administration's attacks on civil rights. We renew our urgent request to finalize and publish the Title IX rule immediately.

Sincerely,

Advocates for Youth
 End Rape On Campus
 Equal Rights Advocates
 Every Voice Coalition
 It's On Us
 Just Solutions
 Know Your IX
 National Alliance to End Sexual Violence
 National Women's Law Center
 Public Justice, **joined by:**

National organizations:

A Better Balance: The Work & Family Legal Center
 American Association of University Women
 American Atheists
 American Humanist Association
 American Psychological Association Services
 Asian Americans Advancing Justice | AAJC
 Association for Women in Science
 Athlete Ally
 CenterLink: The Community of LGBTQ Centers

Clearinghouse on Women's Issues
Collective Power for Reproductive Justice
Council of Parent Attorneys and Advocates
Defend Yourself
EducateUS
Equality Federation
Esperanza United
Feminist Majority Foundation
Freedom From Religion Foundation
Generation Hope
GLSEN
Harvard Law School, Gender Violence Program
Healthy Teen Network
Human Rights Campaign
I Have The Right To Org
IDRA
Institute for Women's Policy Research
Japanese American Citizens League
Justice and Joy National Collaborative
L.L. Dunn Law Firm, PLLC
Ladder Consulting
Lawyers for Good Government (L4GG)
Multicultural Dimensions
National Association of Social Workers
National Black Women's Justice Institute
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 LGBTQ Task Force Action Fund
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Women's Political Caucus
Network for Victim Recovery of DC
Physicians for Reproductive Health
State Innovation Exchange (SIX)
Stop Sexual Assault in Schools
Survivor Fund Hub
Tahirih Justice Center
The Army of Survivors
The Education Trust
The Hope Center at Temple University
The National Domestic Violence Hotline
The Pregnant Scholar Initiative at the Center for WorkLife Law
The Sikh Coalition
Transathlete.com
Transgender Law Center
UAW
Ujima Inc., The National Center on Violence Against Women in the Black Community
UltraViolet Action
Union for Reform Judaism
VALOR
Victim Rights Law Center
Women of Reform Judaism
Women's Sports Foundation
Young Invincibles
YWCA USA

State and local organizations:

Advocates of Lake County
Alaska Network on Domestic Violence and Sexual Assault
American Samoa Alliance against Domestic & Sexual Violence
Arkansas Coalition Against Sexual Assault
Better Tomorrow, dba Advocates of Routt County, Brighter World Child Advocacy Center, COMMA Projects, Queer Futures
California Women's Law Center
Center for Advocacy, Prevention and Empowerment
Chicago Alliance Against Sexual Exploitation (CAASE)
Coalition for Equal Access for Girls
Colorado Coalition Against Sexual Assault
Day One
DOVE
Education Law Center-PA
Family Violence Appellate Project
Florida Council Against Sexual Violence
Gender Equality Law Center
Illinois Coalition Against Sexual Assault
Jane Doe Inc.
Justice Speaks
Louisiana Foundation Against Sexual Assault
Maine Women's Lobby
Maryland Coalition Against Sexual Assault
Michigan Organization on Adolescent Sexual Health (MOASH)
Missouri Coalition Against Domestic & Sexual Violence
Northern Marianas Coalition Against Domestic & Sexual Violence
Ohio Alliance to End Sexual Violence (OAESV)
Pikes Peak Restorative Practices
Project Hope of Gunnison Valley
Project Safeguard
Pueblo Rape Crisis Services
Rebuilding Hope
Resolve
Rise Above Violence
Rocky Mountain Victim Law Center
San Luis Valley Immigrant Resource Center
San Miguel Resource Center
Seven Dancers Coalition
Sexual Assault Victim Advocate Center (SAVA)
She Leads Justice
Tennessee Coalition to End Domestic and Sexual Violence
The Blue Bench
The Justice for Girls Coalition of WA State
Vermont Network Against Domestic and Sexual Violence
Violence Free Colorado
Virginia National Organization for Women (NOW)
Virginia Sexual and Domestic Violence Action Alliance
Washington State Coalition Against Domestic Violence
Wisconsin Coalition Against Sexual Assault
Women's Law Project
Wyoming Coalition Against Domestic Violence and Sexual Assault

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- ¹ Greta Anderson, *A Long and Complicated Road Ahead*, Inside Higher Ed (Jan. 1, 2021), <https://www.insidehighered.com/news/2021/01/22/biden-faces-title-ix-battle-complicated-politics-and-his-own-history>.
- ² Office of Information & Regulatory Affairs, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=1870-AA16>.
- ³ Thalia Charles & Josephine O'Brien, *Biden Administration's Inaction Is Betraying Campus Sexual Violence Survivors*, Rewire (Nov. 19, 2021), <https://rewirenewsgroup.com/2021/11/19/biden-administrations-inaction-is-betraying-campus-sexual-violence-survivors>.
- ⁴ Letter from 116 Survivor Advocate Organizations, Civil Rights Organizations, and Education Associations to Department of Education on Title IX Rule Delay (Sept. 7, 2021), <https://nwlc.org/wp-content/uploads/2021/09/Advocates-letter-to-ED-re-swift-action-on-Title-IX-rule-9.7.21.pdf>.
- ⁵ Letter from 200+ Survivor Advocates and Civil Rights Advocates to President Biden on Title IX Rule Delay (June 15, 2022), <https://nwlc.org/resource/nwlc-and-over-200-education-and-civil-rights-groups-demand-title-ix-rule-from-biden>.
- ⁶ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 87 Fed. Reg. 41390 (proposed July 12, 2022) (to be codified at 34 C.F.R. pt. 106), <https://federalregister.gov/d/2022-13734>.
- ⁷ Letter from 50 Women's Rights and Gender Justice Organizations to President Biden on Title IX Athletics Rule Delay (Aug. 10, 2022), <https://nwlc.org/resource/wsf-nwlc-letter-to-president-biden-regarding-athletics-nprm>.
- ⁸ Nondiscrimination on the Basis of Sex in Athletics Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams, 88 Fed. Reg. 22860 (proposed Apr. 13, 2023) (to be codified at 34 C.F.R. pt. 106), <https://federalregister.gov/d/2023-07601>.
- ⁹ Office of Information & Regulatory Affairs, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=1870-AA16>.
- ¹⁰ Letter from 124 Gender Justice and Survivor Advocacy Organizations to President Biden on Title IX Rule Delay (Apr. 4, 2023), <https://civcnation.org/titleix-letter>.
- ¹¹ Letter from 8,000+ Individuals to President Biden on Title IX Rule Delay (Apr. 27, 2023) (on file with National Women's Law Center).
- ¹² Department of Education, *A Timing Update on Title IX Rulemaking* (May 26, 2023), <https://blog.ed.gov/2023/05/a-timing-update-on-title-ix-rulemaking>.
- ¹³ Letter from 75 Gender Justice, Survivor Advocacy, and Civil Rights Organizations to President Biden on Title IX Rule Delay (June 23, 2023), <https://nwlc.org/resource/coalition-letter-to-president-biden-on-title-ix-delay>.
- ¹⁴ Katherine Knott, *Students Press Biden Administration to Finalize New Title IX Rules*, Inside Higher Ed (Sept. 12, 2023) <https://www.insidehighered.com/news/government/2023/09/12/new-title-ix-rules-likely-delayed-student-push-other-solutions>.
- ¹⁵ Office of Information & Regulatory Affairs, *FAQ* (last visited Sept. 14, 2023), <https://www.reginfo.gov/public/jsp/Utilities/faq.myjsp>.
- ¹⁶ Heather Hollingsworth, *Campus sex assault rules fall short, prompting overhaul call*, AP News (June 16, 2022), <https://apnews.com/article/politics-sports-donald-trump-education-5ae8d4c03863cf98072e810c5de37048>.
- ¹⁷ ACLU, *Mapping Attacks on LGBTQ+ Rights in U.S. State Legislatures*, (last updated Sept. 1, 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights>; see also Movement Advancement Project, *Snapshot: LGBTQ Equality by State*, (accessed Sept. 25, 2023), <https://www.lgbtmap.org/equality-maps> (reflecting 2 states prohibiting local nondiscrimination policies to protect LGBTQ students, 5 states forcibly outing and endangering transgender and nonbinary youth, 11 states censoring all mention of LGBTQ people or issues in schools, 9 states banning transgender and nonbinary people from school restrooms, and 23 states banning transgender and nonbinary youth from playing school sports alongside peers).
- ¹⁸ *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct. 2228 (2022).