Dear Connecticut School Boards,

We urge your School District to delay making any changes to school policies or operations based on the Title IX final rules published by the U.S. Department of Education in April of this year.

As you may know, ongoing legal challenges and a recent significant change to judicial review standards for administrative rules have created a compliance environment that is in considerable limbo. Five federal judges have issued preliminary injunctions, temporarily delaying the effect and enforcement of these rules in fifteen states. One of these injunctions also covers members of three national organizations in any state and includes some schools in Connecticut. Additionally, several lawsuits are still pending, which could lead to the enforcement of the Title IX rules being enjoined in more states. Most consequentially, the Supreme Court’s recent decision in *Loper Bright Enterprises v. Raimondo* will ultimately lead to the nullification of several administrative rules that exceed statutory authority. This decision puts the new Title IX rule in extreme legal peril.

Given the legal uncertainties and the potential for further judicial review, it would be prudent to hold off on implementing any changes within the district until the legal landscape is more settled.

Delaying action will help ensure that the district avoids unnecessary complications and potential conflicts with federal rulings. Additionally, delaying action will help the district avoid the costs of implementing policy changes that may soon become obsolete. I believe it is in the best interest of our students, faculty, and community to wait for more definitive guidance before making any adjustments based on the new Title IX rules.

In addition, I would ask that you urgently review district policies that rely on interpretations of Title IX that are not yet implemented. Specifically, please consider whether the Connecticut athletic policy that categorizes high school sports by gender identity rather than sex is required by the current regulations or even the regulations due to take effect on August 1st. The athletics portion of the new Title IX rule was so controversial it was separated out and has now been moved to a “long-term action” with no further action expected in the next year. ([HigherEdDive](https://www.highereddive.com/news/title-ix-athletic-rule-delayed-2025-spring-2024-agenda/720859/#:~:text=In%20its%20Spring%202024%20Unified,at%20least%20the%20next%20year.)) The CT policy should be rolled back until federal action is taken.

Our district should also reconsider the assertion by the CIAC that their policy is required by state law. The text of the Connecticut statute they cite, [C.G.S. §10-15c(a)](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-15c), does not speak to sports categories at all nor does it resolve the inherent conflict created when trying to provide protection on the basis of two distinct classifications. When it comes to sex and gender identity in sports, you have to choose. You can protect the boy who wants to take a spot on a girls team based on his “gender identity” or you can protect the girl for whom that spot was designated based on her “sex”. You cannot do both. A question of such import should not be decided or assumed by the CIAC.

Several school districts and the CIAC have already been sued by female athletes harmed by this policy. Our district should carefully and independently determine what is actually required by law. Upending 50+ years of norms without a clear statutory mandate to do so puts our school district and our female students at unnecessary risk.

Thank you for your attention to this matter. I trust you will consider this suggestion carefully and I look forward to any updates you may provide on the district’s approach to this issue.

Sincerely,
 [Your Name]