



LOUISIANA DEPARTMENT OF EDUCATION

July 12, 2022

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Reyes:

The Louisiana Department of Education (LDOE) is requesting guidance from the U.S. Department of Education (the Department) regarding the proposed amending¹ of the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). LDOE requests that the Department provide responses to the following questions:

- A) Is it discriminatory, under Title IX, for a teacher, employed by a K-12 school that receives Federal financial assistance, to decline to use a transgender student's preferred gender identity pronoun(s)?
- If the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and/or the Office for Civil Rights (OCR) at the Department deems the teacher's act discriminatory, under Title IX, and the K-12 school allows the teacher to continue declining to use the transgender student's preferred gender identity pronoun, what specific actions would the Department take against the "discriminatory" school?
 - Would the Department support the U.S. Department of Agriculture (USDA) withholding Federal nutrition assistance to the "discriminatory" school?
- B) Is it discriminatory, under Title IX, for a K-12 school that receives Federal financial assistance, to prohibit a student from using a restroom and/or locker room based on gender identity if the gender identity conflicts with the student's biological sex as indicated on the student's birth certificate?
- If the CRT at the U.S. Department of Justice and/or the OCR at the Department deems the school's restroom and/or locker room policy discriminatory, under Title IX, and the K-12 school declines to alter its restroom and/or locker room policy, what specific actions would the Department take?
 - Would the Department support the USDA withholding Federal nutrition assistance to the "discriminatory" school?

¹ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. Document Number: 2022-13734. <https://www.federalregister.gov/d/2022-13734>.



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- C) Is it discriminatory, under Title IX, for a K-12 school that receives Federal financial assistance, to prohibit a biological male student, as indicated on the student's birth certificate, who identifies as a female from competing in a non-coed sport on a school-sponsored, biological female athletic team?
- If the CRT at the U.S. Department of Justice and/or the OCR at the Department deems the school's athletic policy discriminatory, under Title IX, and the K-12 school declines to alter the athletic policy, what specific actions would the Department take?
 - Would the Department support the USDA withholding Federal nutrition assistance to the "discriminatory" school?

Please do not hesitate to reach out if you need any additional information.

Sincerely,

Dr. Cade Brumley
State Superintendent of Education