



To: National Governors Association Members

Via NGA Chair, Governor Spencer Cox of Utah

CC: Governors of States with Fundamental Parental Rights Statutes post 2020

Florida Governor Ron DeSantis, Montana Governor Greg Gianforte, Georgia Governor Brian Kemp, North Dakota Governor Doug Burgum, Iowa Governor Kim Reynolds, Alabama Governor Kay Ivey, and North Carolina Governor Roy Cooper

CC: Attorney Generals of States with Fundamental Parental Rights Statutes post 2020

Florida Attorney General Ashley Moody, Montana Attorney General Austin Knudsen, Georgia Attorney General Christopher Carr, North Dakota Attorney General Drew H. Wrigley, Iowa Attorney General Brenna Bird, Alabama Attorney General Steve Marshall, and North Carolina Attorney General Josh Stein

From: Moms for Liberty National Co-Founders

Tiffany Justice and Tina Descovich

RE: Protect Parental Rights from Biden's Title IX Re-Write

April 24, 2024

We are writing to you today on behalf of the members of Moms for Liberty to ensure you are informed that unless states act promptly to defend our fundamental parental rights the Biden Administrations new Title IX regulations will become the law of the land resulting in parents losing a significant role in their children's instruction and care.

In 1972, Congress enacted Title IX of the Education Amendments to ensure equal opportunity for all students regardless of their sex. This law represents years of hard-fought legal battles to ensure that every American is treated equally, as enshrined in our Constitution and Declaration of Independence. Last week, the U.S. Department of Education fundamentally redefined the entire framework for Title IX, without congressional authorization, by expanding its interpretation of "sex" to include "sex stereotypes," "sex characteristics," "sexual orientation," and "**gender identity.**" In doing so, it erased decades of progress while simultaneously eroding parental rights, open discourse, and due process. [KH1]

Starting on August 1, 2024, Title IX will no longer protect our children. Instead, it will deprive them of educational opportunities, free speech rights, and at times put them in physical danger. School administrators in public schools will now be required by the federal government to craft rules and likely even classroom curriculum to teach children as young as kindergarten about "gender identity" and "stereotypical notions of masculinity and femininity." This will not be done in consultation with parents. It will be done out of fear of federal penalties and/or persecution by the US Department of Education. And as we learned during Covid-19, nothing drives action faster than fear. Title IX now erases women and girls, ignores the constitution, eliminates due process, compels speech and strips parents of their fundamental right to direct the upbringing of their child.



Moms for Liberty spearheaded the battle to ensure parental involvement in classroom curriculum, school library materials, vaccination and mask mandates, and decisions regarding school closures during the Covid-19 pandemic. Once again, parents are caught in the middle of a hurricane. The government is coming down with all of its authoritative force, luckily we have science, data, and our inherent knowledge about what is best for our children to fight back against the onslaught of transgender ideology pummeling our families.

We expect the federal government to argue that the newly proposed Title IX regulation will supersede all state laws safeguarding parental rights, particularly concerning gender identity and sexual orientation in public education. The Department of Education's re-write of Title IX undermines the fundamental right of parents to direct the upbringing of their children. It destroys parents' ability to make decisions about their children's moral behavior, education, and health care in a manner consistent with the best evidence from science and medicine, as well as their [moral and religious values](#).

Plainly stated, through its new rule the Department is declaring that the same child who is deemed too young to make decisions like driving, smoking, drinking alcohol, or renting a car is capable of choosing their gender, with their decision mandated to be protected by school administrators, and mandated to be kept "unsupportive" parents.

Please step up to support and defend schools that are sanctioned under this absurd rule. We urge you to take any and all necessary legal measures to safeguard fundamental parental rights. We are willing to serve as a resource and ally to your state in any manner possible as you consider legal action to protect parental rights from the Title IX requirements to enshrine "gender identity" as a student choice without parental involvement.

If you are unsure what the new Title IX rule looks like in action? Look no further than states like California and Washington where this type of overreach by government schools has been taking place for years. Gender identity and sexual orientation instruction, secret social transitions happening behind the backs of parents and schools deeming parents are a threat if they don't affirm their child's wish to "change their gender." Adding this kind of federal protection means school administrators and districts have a mandate from the federal government to do them.

Page 1235 of the new Federal Title IX Rule states that, "When a person is discriminated against because their gender identity is not consistent with their sex assigned at birth, 'sex' is, at least in part, a basis for that discrimination. [See *Bostock*, 590 U.S. at 669.] This therefore includes discrimination against a person because they are transgender, or because they identify in some other way that is inconsistent with their sex assigned at birth."

We know that the new federal Title IX ideology promotes that minor children can choose their gender and then choose to transition from their "birth sex." This must now be protected and held sacred within the public school system, or else schools will face penalties for their violations. Again, none of this requires the notification or involvement of the student's parents.



This should be particularly alarming to 19 states who have some sort of parental rights laws on their books. Those 19 states: WV, KS, MT, TX, UT, CO, AZ, NV, VA, OK, ID, WY, FL, GA, ND, IA, AL, MI, and NC, all have state laws protecting the fundamental right of parents to direct their child's upbringing and Title IX just usurped those state laws.

All 19 states ought to stand united against this federal overreach. Several states have recently enacted laws safeguarding parental rights, driven by the undue exclusion of parents from public school matters during the Covid-19 pandemic. We have included the Governors and Attorneys General of Florida, Montana, Georgia, North Dakota, Iowa, Alabama, and North Carolina in this correspondence. **They should be the first ones stepping up to the plate to once again push back on the federal government blocking parents from decisions affecting their children in public schools.**

We must fight for parents' right to raise their child and be a part of navigating important life-lessons with their own children. The time to act is now. Please reach out to Moms for Liberty today. We want to join you in the fight to protect parental rights. We are eager to share information, strategy or join your cause however you may choose to have us help support you.

Replacing key Title IX protections with radical gender theory puts government bureaucrats in the driver's seat and kicks parents out of the rhetorical car completely. Please don't let that stand. The time to fight for truth and children is now.

Sincerely,
Tiffany Justice and Tina Descovich
National Co-Founders, Moms for Liberty

Moms for Liberty is a 501(c)(4) nonprofit organization. The organization's mission is to organize, educate and empower parents to defend their parental rights at all levels of government. Moms for Liberty has 130,000 members in 300 chapters in 48 states.