

August 31, 2022

**RE: Docket ID: ED-2021-OCR-0166 – Public Comment**

Dear Sir or Madam:

My name is Andrew Beckwith, and I am the President of the Massachusetts Family Institute.

I am writing to express my deep concerns about the Department of Education's proposed changes to the Title IX Regulations and the violations of Massachusetts citizens' rights that will occur if these changes take place. Specifically, I am concerned about the Department's proposal to interpret sex discrimination to include discrimination on the basis of gender identity and sexual orientation. Massachusetts Family Institute opposes these proposed changes for the following reasons:

1. **Bureaucratic Overreach:** The Department's proposed changes represent a massive overreach of federal executive power, effectively allowing unelected, unaccountable bureaucrats to make new law that impacts the millions of American children, parents, and teachers who interact with public schools and universities, as well as any private school that receives federal funds. The proposed changes have no basis in the original meaning or intent of Title IX, which was strictly to prohibit discrimination on the basis of biological sex.
2. **Effects on Children:** The proposed changes will have serious detrimental effects on children, especially girls. The changes would force schools to let boys use girls' restrooms, violating their privacy and threatening their safety. They would also pave the way for the intrusion of boys into girls' sports, undermining girls' ability to compete on an equal playing field and exposing them to an increased risk of injury. Massachusetts citizens are concerned about the impact that these proposed changes will have on their daughters.

Worse still, the proposed changes will foist an ideology onto children that denies the reality of biological sex. This will be especially harmful to children who struggle with gender dysphoria, who will be told that the only acceptable treatment for their condition is affirmation of their discordant gender identity. In reality, most children who struggle with gender identity issues will ultimately come to terms with their biological sex. But under the proposed changes, school officials will be forced to tell children the lie that they were born in the wrong body.

In Massachusetts, we have already seen the damage that radical gender ideology can do in schools. The proposed changes would give proponents of this ideology a powerful tool at the federal level to do even more damage.

3. **Effects on Free Speech and Religious Liberty:** The proposed changes will also undermine teachers' rights to free speech and religious liberty. Although it may offend the sensibilities of the bureaucrats pushing these proposed changes, the truth is that many Americans do not accept radical gender ideology. Instead, many teachers and professors in Massachusetts and throughout the country have deeply-held beliefs (often rooted in religious convictions) that prohibit them from propagating falsehoods about the

malleability of sex. These teachers will be forced, in violation of their First Amendment rights, to affirm children’s “gender identities” by using incorrect pronouns. The proposed rule will create an unavoidable clash between teachers’ rights of conscience and federally-mandated radical gender ideology.

4. **Effects on Parental Rights:** Finally, the proposed changes would have a severe effect on parental rights. In Massachusetts, we have already seen public school officials deceive parents about their children’s struggles with gender dysphoria in the name of preventing “discrimination” against students. The proposed changes would give proponents of radical gender ideology more ammunition to legally conceal critical information from parents about their children’s mental and emotional wellbeing, and to engage in social transitioning of students behind their parents’ backs.

I have already witnessed many parents pull their children out of public schools due to the harmful ideologies that are being pushed on their children. These proposed changes to the Title IX regulations would likely push many more parents and teachers to flee public schools in search of better opportunities. We therefore ask you to also consider the economic impact of concerned parents removing their children from public schools and worsening the teacher shortage due to these proposed regulations.

I strongly urge you to abandon these changes to the Title IX regulations.

Signed,

Andrew Beckwith  
President  
Massachusetts Family Institute