



RYAN WALTERS
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

Dear Superintendents,

I write to you regarding the recent rule changes the Biden administration made to Title IX. In discussion with several other state education leaders and legal counsel, there are some serious concerns with the legality of these rule changes, especially as it relates to its redefinition of "sex" to include gender identity. This re-definition could prohibit single-sex extra-curriculars, including athletics, scholarship programs, locker rooms, bathrooms, and any other activity or space that is exclusive to one sex. Additionally, these rules could turn the act of not using preferred pronouns into a Title IX violation, which would be a clear violation of the First Amendment.

I believe these rule changes are illegal and unconstitutional. They violate the First Amendment, the Administrative Procedures Act, and longstanding civil rights protections for women and girls. The USDE has not been given the legislative or judicial authority to redefine "sex". I expect there will be litigation filed soon challenging the validity of these rules. Although these rule changes are set to go into effect August 1, I hope and expect there to be a preliminary injunction and possibly a permanent injunction that would delay the implementation of these rules while the rule is decided in federal court, which could be an indefinite amount of time.

Legislation being considered in Oklahoma would define "Man" and "Woman" by biological sex. If passed, state law and the new Title IX regulations would be in direct conflict.

Please do not make any district policy changes based on the new Title IX regulations. These federal rule changes are illegal and making policy changes before the courts come to a definitive ruling on the legality of these rules could put your district out of compliance with other current and legal state and federal statute. Our agency is here to assist you with any legal or policy support you may need regarding these rules.

Please do not hesitate to reach out to me or my staff if you have any questions, comments, or concerns surrounding these rules. This will remain a fluid situation as the legal process plays itself out, and I will keep you all in the loop as changes happen.

Thank you,

Ryan Walters