

STATE BOARD OF EDUCATION
Action Item
May 24, 2023

SUBJECT: Ratification and Adoption of Comment Rejecting the Biden Administration's Proposed Changes to Title IX Regulations, which threaten athletic opportunities for females in Florida schools

PROPOSED BOARD ACTION

Ratify the comment submitted to the United States Department of Education concerning its proposed amendments to Title IX.

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02(2)(f), Florida Statutes

EXECUTIVE SUMMARY

In April 2023, the United States Department of Education publicized a noticed of proposed rulemaking. The proposed rule expands the meaning of sexual discrimination to include gender identity, in an attempt to prohibit K-12 schools and higher education institutions that receive federal funding from banning male participation in female sports. The deadline to submit a comment to the proposed rule was May 15, 2023. The Florida Department of Education and the Florida State University System jointly submitted a comment vehemently opposing the proposed rule. The Board, by approving this item, will ratify/adopt that comment.

Supporting Documentation Included: Comment on Docket ID No. ED-2022-OCR-0143: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams and Title IX Notice of Proposed Rulemaking

Facilitator/Presenter: Andrew King, General Counsel, Florida Department of Education