



Southeastern Legal Foundation Demands Department of Education Rescind Outdated and Unconstitutional Title IX Policies in Delaware Valley, PA

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[ATLANTA, GA] Today, Southeastern Legal Foundation (SLF), a national nonprofit of top attorneys that regularly defend constitutional rights, issued a request to the Department of Education’s Office for Civil Rights (OCR) to rescind an outdated resolution agreement between Pennsylvania’s Delaware Valley School District and the then-Obama Department of Education, which allows the school district to violate Title IX by banning discrimination and harassment on the basis of “gender identity,” “gender expression,” “gender stereotypes,” and “transgender” status.

Ten years ago, Delaware Valley School District entered into a resolution agreement with the Obama Department of Education to comply with Title IX guidance documents issued by the Department. The resolution agreement ignores longstanding federal law by banning discrimination and harassment on the basis of “gender identity,” “gender expression,” “gender stereotypes,” and “transgender” status—expanding the definition of “sex” beyond its limits under Title IX. Worse, the informal guidance documents it is based on were rescinded almost a decade ago.

In its letter urging the Trump Department of Education to rescind the outdated and unconstitutional agreement, SLF writes, “Requiring a school to maintain policies contrary to prevailing federal statutes, rules, and executive orders, as the Resolution Agreement does, undermines Title IX protections for girls in classrooms, locker rooms, restrooms, and on the athletic fields.”

SLF also points out that several federal courts have made it clear that Title IX protects students on the basis of biological sex, not gender identity, and that only Congress can change the definition of “sex” under Title IX.

SLF President Kim Hermann said, “Intervention is urgently needed by the Department of Education Office for Civil Rights. For ten years too many, Delaware Valley School District has been allowed to have policies on the books that clearly violate Congress’s original meaning of Title IX and federal court orders. It is time to root out the chaos caused by the Obama and Biden administrations over Title IX, and that begins by holding each and every school district accountable.”



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