



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 29, 2026

The Honorable Mark Harris
U.S. House of Representatives
Washington, DC 20515

Dear Representative Harris:

Thank you for your April 10, 2026, letter to Secretary Linda McMahon asking about efforts by the U.S. Department of Education (Department) to implement Executive Order 14168 and sharing your concerns about a particular school's policies on access to girls' and boys' restrooms. I appreciate your interest in this issue and welcome the opportunity to respond on behalf of the Department.

As you know, the Executive Order directs federal agencies, including the Department, to "enforce all sex-protective laws to promote [the] reality" that there are "two sexes, male and female," and that "[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality." The Department's Office for Civil Rights (OCR) has made clear that it enforces Title IX consistent with the Executive Order. *See* Dear Colleague Letter on Title IX Enforcement (Feb. 4, 2025)¹.

Congress tasked OCR with enforcing one such sex-protective law: Title IX of the Education Amendments of 1972, which prohibits discrimination "on the basis of sex" in education programs and activities that receive federal financial assistance. The Department's Title IX regulations specify several contexts in which schools are permitted to separate students "on the basis of sex," including restrooms, athletic teams, and housing. OCR enforces Title IX consistent with the text of the statute and regulations and has made clear that the statute and regulations use the term "sex" to mean *biological sex*, not "gender identity."

In April 2024, OCR under the Biden Administration amended its Title IX regulations to address gender identity discrimination. However, within a year two federal courts vacated those amendments, finding that "Title IX does not encompass the issue of gender identity at all."² In line with those federal court decisions, OCR now enforces the [Title IX regulations as previously amended in 2020](#).

¹ U.S. Dep't of Educ., Office for Civil Rights, Dear Colleague Letter on Title IX Enforcement (Feb. 4, 2025), <https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>.

² *Tennessee v. Cardona*, 762 F. Supp.3d 615, 626 (E.D. Ky. 2025), *as amended* (Jan. 10, 2025); *Carroll Indep. Sch. Dist. v. United States Dep't of Educ.*, No. 4:24-CV-00461-O, 2025 WL 1782572 (N.D. Tex. Feb. 19, 2025).

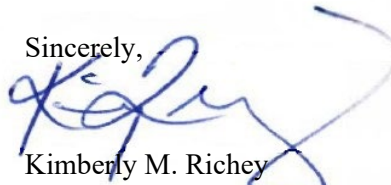
Over the past 15 months, OCR has opened dozens of Title IX investigations of allegations of schools permitting male students to participate on female athletic teams or enter female intimate spaces (or vice versa). OCR has issued letters of findings in nine of those cases, concluding that those schools' policies denied students equal access to school programs in violation of Title IX. In some cases, OCR has secured agreements under which schools have agreed to apologize for past Title IX violations, revise their policies to define "male" and "female" with reference to reproductive function rooted in biology, and commit to complying with Title IX going forward. Where schools have refused to voluntarily agree to remedy their violations, OCR has referred cases to the Department of Justice to seek relief in federal court.

OCR has also worked to restore Title IX's focus on discrimination based on biological sex by proactively rescinding provisions of resolution agreements that were negotiated in prior administrations where they purported to require schools to address gender identity discrimination such as "improper use of preferred pronouns."

I appreciate the concerns you raised about a school in your district. OCR does not make determinations about particular situations or policies without first conducting an investigation of all of the relevant facts. Anyone who believes that a school has not complied with its obligations under Title IX can [file a complaint with OCR](#).

I appreciate the opportunity to highlight some of the Department's efforts to implement Executive Order 14168. The Secretary is committed to working with Congress to improve education in this country. If you have additional questions or concerns, please contact the Department's Office of Legislation and Congressional Affairs at 202-401-0020.

Sincerely,



Kimberly M. Richey
Assistant Secretary for Civil Rights
United States Department of Education