



May 20, 2022

Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Assistant Secretary Lhamon:

We want to congratulate you on your confirmation as the Department of Education's (ED) Assistant Secretary for Civil Rights, and we thank you for your gracious March 8, 2022, thank-you letter for sharing NCWGE's Aug. 30, 2021, letter to members of Congress with the Department of Education. This letter urged Congress to include key provisions of the Gender Equity Education Act of 2021 (GEEA) (S2186) and (H.R. 4097)<sup>1</sup> in the Build Back Better legislation. We welcome your suggestions on getting as much of GEEA as possible enacted.

We believe a key way to make a good start in accomplishing GEEA goals for full implementation of Title IX and in accelerating progress in addressing continuing and often increasingly complex sex discrimination in education is for ED to promptly do the following, which it can do without additional legislation:

- **Establish an Office for Gender Equity in ED.** A vision of why this office is needed to provide ED visible catalytic leadership and greatly increase gender equality in education is detailed in the GEEA. GEEA also points out that key elements of this office are already authorized. For example, the Office for Gender Equity and its director are already authorized under the previous Department of Education Organization Act (20 U.S.C. 3412(b)(3)).<sup>2</sup>

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<sup>1</sup> 2021 GEEA legislation. <https://www.congress.gov/bill/117th-congress/senate-bill/2186> and <https://www.congress.gov/bill/117th-congress/house-bill/4097>

<sup>2</sup> GEEA, p11.

- **Highlight and support the key implementation role of Title IX Coordinators at all levels of governance (state, school district, individual school, college or other entities responsible for compliance with Title IX requirements).** We hope OCR will clarify that each local **recipient** of federal education funds must designate a Title IX Coordinator to fully implement and enforce Title IX. In the past the federal government has not clarified that each of these governmental entities and especially the 98,000 public PK-12 schools should have a designated Title IX Coordinators. Much of the important guidance on these roles and how the Title IX Coordinators should work with others was suggested in the 2015 Title IX guidance documents under your previous OCR leadership, but as you know these documents were withdrawn by the Trump administration.

We envision Title IX Coordinators as focusing on prevention of all types of sex discrimination as well as handling the grievance procedures and complaints rapidly, fairly, and instructively to decrease sex discrimination in the future. We hope new OCR guidance for Title IX Coordinators will allow them to designate more than one Coordinator, perhaps with different specialties such as athletics, sexual harassment, or sex discrimination in employment.

- **Establish government-funded resource databases and a gender equity resource center website to help Title IX Coordinators, their allies, and the public learn about and have easy access to Title IX requirements and resources to assist proactive and effective implementation.** This includes affirming that discrimination on the basis of sex includes discrimination on the basis of sexual orientation and gender identity, and providing guidance on intersectional discrimination based on sex and race, color, national origin, disability, religion, and/or other protected classes. Such resources should include a free online public database of contact information for Title IX Coordinators at all levels of governance. It should also include a Gender Equity Resource Center website to identify and disseminate “information and evidence-based best practices for reducing and preventing sex discrimination in all areas of education,” as specified in GEEA.<sup>3</sup> ED has maintained similar partial resource bases in the past, and it is time to rebuild and improve the quality and availability of these resources using all appropriate technology. Such a best resources database would also help discourage the misinformation that is common with equity/nondiscrimination work in education.

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<sup>3</sup> GEEA, p12.

- **Provide training and technical assistance to Title IX Coordinators and other educators and allies to fully implement Title IX and related laws to end sex discrimination in education.** Title IX Coordinators, other educators and their allies and stakeholders are rarely aware of the full range of often subtle discrimination that Title IX addresses. ED has facilitated some training, but it has never been comprehensive, or fully evaluated to learn if it has the desired impact in preventing or stopping sex discrimination. Some activities to implement this training and technical assistance are described in GEEA.<sup>4</sup>
- **Provide national guidance on how states and local governmental entities should work together to implement Title IX and related nondiscrimination laws as well as complementary state and local laws and policies.** This would involve developing a systematic national gender equity infrastructure that starts with a multi-governmental implementation of Title IX and related laws but also focuses on intersectional equity issues. This infrastructure would facilitate complementary policy making, review and appeal responsibilities among federal, state, and local governments for full implementation of Title IX as well as cooperation among colleagues such as other equity coordinators working on keeping education free from discrimination. This guidance is especially needed now since some states are passing laws that are incompatible with federal civil rights protections, including Title IX.<sup>5</sup>

We urge you to influence ED to use its own power and resources to start to implement these GEEA provisions as well as to encourage Congress to pass and adequately fund all of GEEA. NCWGE representatives would like to meet with you and others you suggest to discuss how ED can implement these suggestions and also help with the passage of GEEA. Please let us know whether this would be possible.

Cordially,

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<sup>4</sup> GEEA, p.12-17

<sup>5</sup> For more explanation of a national Title IX Infrastructure. See GEEA, p 9 and "Reinvigorating the Role of the Title IX Coordinator: A Requirement and Resource" by S. Klein and the Feminist Majority Foundation, 9-2016 <https://feminist.org/wp-content/uploads/2020/06/Title-IX-Coordinators-Full-9-13-16.pdf>.