

Legal Update Article

Department of Education Marks 49th Anniversary of Title IX by Stressing Rights for LGBTQI+ Students

By Susan D. Friedfel, Monica H. Khetarpal & Carol R. Ashley

June 23, 2021

Meet the Authors



Susan D. Friedfel

Principal
914-872-8027
Susan.Friedfel@jacksonlewis.com



Monica H. Khetarpal

Principal
(312) 803-2529
Monica.Khetarpal@jacksonlewis.com



Carol R. Ashley

Of Counsel
Carol.Ashley@jacksonlewis.com

Related Services

COVID-19
Higher Education
Sports

The U.S. Department of Education marked the 49th anniversary of the Title IX Education Amendments of 1972 by issuing a [Dear Educator letter](#). The letter highlights the importance of Title IX and references several Title IX resources made available during the Biden-Harris Administration, including for LGBTQI+ students.

In [announcing](#) the letter, Secretary Miguel Cardona described Title IX as “the strongest tool we have to protect every student’s right to equal access to educational opportunities free from sex discrimination.” Secretary Cardona also noted, “Amid this progress, we recognize there is still more to do, when we know that students still experience harassment, exclusion from school activities, and other forms of discrimination that stand in the way of them reaching their full potential and their dreams.”

The Dear Educator letter directs the education community and public to resources available from the Department:

- [Sex Discrimination: Overview of the Law](#)– discusses the key components of Title IX
- [Sex Discrimination, Frequently Asked Questions](#)– responds to general Title IX questions and questions specific to athletics, harassment, sexual orientation, and gender identity
- [Notice of Interpretation](#)– clarifies that based on the U.S. Supreme Court’s decision in [Bostock v. Clayton County](#), 140 S. Ct. 1731, the Department interprets Title IX to protect against sex discrimination, including discrimination based on sexual orientation and gender identity
- [Confronting Anti-LGBTQI+ Harassment in Schools Fact Sheet](#)– a resource for student and families jointly issued the U.S. Department of Justice, Civil Rights Division, and the U.S. Department of Education
- [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#)– addresses disparities based on sex, including sexual orientation and gender identity, race, disability, and other characteristics
- [Resources for LGBTQ+ Students](#)– explains the process to file a complaint with Department and lists resources from the Department, the White House, and other federal agencies, along with recent federal court decisions addressing LGBTQ+ rights

The [Department’s announcement](#) that it will conduct a comprehensive review of its regulations implementing Title IX also focused on LGBTQI+ students.

Educational institutions should review their policies and procedures, and training protocols to ensure compliance with the Department’s Title IX guidance addressing LGBTQI+ students. Please contact a Jackson Lewis attorney with any questions regarding Title IX.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.