

***Resolution of the Spring Branch Independent School District Board of Trustees  
Regarding the Unlawful Rewriting of Title IX***

**WHEREAS**, more than 50 years ago, the United States Congress enacted Title IX of the Education Amendments Act of 1972 (Title IX), and 37 words revolutionized educational opportunities for women in America: “No person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”;

**WHEREAS**, Title IX’s original purpose was to advance the educational opportunities for women. Prior to the passage of Title IX, women earned 44% of bachelor’s degrees, 40% of master’s degrees, and 11% of doctoral degrees. As of 2020, women earned 58% of bachelor’s degrees, 61% of master’s degrees, and 55% of doctorate degrees<sup>i</sup>;

**WHEREAS**, in 1972, only 7% of high-school athletes were female, but as of 2018, the number of female-student-athletes at the high-school level increased by more than 1,000%, with young women accounting for approximately 44% of all high-school athletes<sup>ii</sup>;

**WHEREAS**, for more than 50 years, the United States Congress and federal courts, including the United States Supreme Court, made Title IX’s mandate clear to schools and colleges across the country—an educational institution that discriminates against a person on the basis of his or her sex risks losing federal funding through enforcement actions by the Office of Civil Rights and is exposed to significant monetary damages through private litigation;

**WHEREAS**, on April 29, 2024, the Biden Administration’s Department of Education published new Title IX Regulations (the Final Rule), in excess of the President’s constitutional authority, which rewrites the foundational definitions of Title IX in a manner that significantly departs from Title IX’s plain statutory language and forces an irreconcilable conflict with State of Texas law;

**WHEREAS**, the Final Rule is set to take effect on August 1, 2024, at which time school districts in Texas, like Spring Branch Independent School District (SBISD), will be forced to choose between complying with Texas law protecting girls’ sports or risking SBISD’s federal funding;

**WHEREAS**, on April 29, 2024, Texas Governor Greg Abbott sent a letter to President Biden stating the Executive Branch has exceeded its constitutional authority in rewriting certain key aspects of Title IX;

**WHEREAS**, Governor Abbott has unequivocally directed the Texas Education Agency to ignore these changes;

**WHEREAS**, on April 29, 2024, the State of Texas sued the United States Department of Education to enjoin implementation of the Final Rule, and this lawsuit remains pending as of the date of this Resolution;

**WHEREAS**, the Final Rule may introduce confusion and ambiguity regarding the implementation and enforcement of Title IX, potentially jeopardizing the safety and well-being of students in SBISD, while placing even more undue burdens on teachers and staff;

**WHEREAS**, proposed penalties for non-compliance, including the withholding of federal funds, will prove detrimental to SBISD's entire student body, as approximately \$56 million of all SBISD's annual budget is comprised of federal funding; and

**WHEREAS**, the SBISD Board of Trustees is dedicated to upholding the principles of fairness, equality, and accountability in all aspects of education.

***THEREFORE, BE IT RESOLVED THAT:***

- (1) The SBISD Board of Trustees reaffirms its commitment to maintaining a safe and secure educational environment for all students, free from discrimination, harassment, and violence, and reiterates its unwavering commitment that: "No person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.";
- (2) The SBISD Board of Trustees urges the Biden administration to reconsider these changes and engage in meaningful dialogue with stakeholders, including educators, administrators, parents, and students, to ensure that any modifications to Title IX uphold the fundamental rights and protections of all students;
- (3) The SBISD Board of Trustees calls upon Governor Abbott and the Texas Legislature to commit to all Texas school districts, including SBISD, that the State of Texas will allocate funding to Texas school districts in an amount equal to the federal funding lost for complying with the Governor's mandate to ignore the Final Rule's changes to Title IX and to continue complying with State of Texas law; and
- (4) Copies of this Resolution are to be transmitted to Greg Abbott, Governor of Texas; Mike Morath, Commissioner of the Texas Education Agency; the Texas Association of School Boards; and any and all other relevant national, state, and local elected officials and stakeholders, in order to underscore the critical importance of this matter to the SBISD community and to seek support for SBISD's efforts to challenge the changes to the Title IX regulations at the highest levels.

PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attested by:

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Lisa Andrews Alpe  
President, SBISD Board of Trustees

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Shannon Mahan  
Secretary, SBISD Board of Trustees

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<sup>i</sup> *50 Years of Title IX*, U.S. Department of Labor Blog (June 21, 2022), available at: <https://blog.dol.gov/2022/06/21/50-years-of-title-ix>.

<sup>ii</sup> *The State of Women in College Sports: Title IX 50<sup>th</sup> Anniversary Report*, The National Collegiate Athletic Association (2022), available at: [https://s3.amazonaws.com/ncaaorg/inclusion/titleix/2022\\_State\\_of\\_Women\\_in\\_College\\_Sports\\_Report.pdf](https://s3.amazonaws.com/ncaaorg/inclusion/titleix/2022_State_of_Women_in_College_Sports_Report.pdf)