**BOARD OF TRUSTEES**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_INDEPENDENT SCHOOL DISTRICT**

**RESOLUTION**

Resolution of Disapproval for the Unconstitutional Modification to Title IX of the Education Amendments of 1972

**WHEREAS**, the \_\_\_\_\_\_\_\_\_\_\_\_ Independent School District Board of Trustees (“Board’’) is firmly committed to providing an educational environment free from discrimination and harassment; and

**WHEREAS,** the Board is dedicated to ensuring students feel safe, respected, and supported in our schools so that they can learn and thrive both academically and personally; and

**WHEREAS**, on April 19, 2024, the United States Department of Education, an Executive Branch agency, announced unilateral and substantive amendments to Title IX without legislative authority, denying women and girls the legal protections the United States Congress intended to afford them, resulting in the destruction of privacy protections in restrooms, locker rooms, shower facilities, and overnight accommodations; and unlawfully preempts numerous laws of Texas; and

**WHEREAS,** the Board, as duly elected officers in the State of Texas, each who swore an oath under Article XVI, Section 1, of the Texas Constitution has concerns that the Department of Education's revisions to Title IX undermines the commitments by the State of Texas and our schools to ensure women and girls in our schools feel safe, respected, and supported; and

**WHEREAS**, the Constitution of the United States, Article I, Section 1 provides “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives;” and

**WHEREAS**, the Department of Education has violated the separation of powers and the plain meaning of Title IX passed by Congress and signed into law 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.” 20 U.S.C. §1681(a); and

**WHEREAS**, the Board is obligated to reconsider such action by the Department of Education to preserve, protect, and defend the Constitution and laws of Texas and the United States; and

**WHEREAS**, on April 29, 2024, Attorney General Ken Paxton filed a lawsuit against the Department, with an amended complaint and motion for a stay of action and preliminary injunction filed on May 14, 2024, seeking to prohibit enforcement based on gender identity—including by denying federal financial assistance or by otherwise pursuing, charging, or assessing any penalties, fines, assessments, investigations, or other enforcement actions—or relying on the Final Rule against the State of Texas or any of its instrumentalities, agencies, and political subdivisions; and

**WHEREAS**, on April 29, 2024, Texas Governor Greg Abbott directed the Texas Education Agency to ignore implementation of the Title IX in the State of Texas, and sent a letter to President Joe Biden condemning the Title IX mandate as an abuse of constitutional authority; and

**NOW THEREFORE BE IT RESOLVED** the Board of Trustees of the \_\_\_\_\_\_\_\_\_\_\_\_ Independent School District, in a public meeting duly called and assembled:

1. Disapproves the unconstitutional revisions to Title IX of the Education Amendments of 1972;
2. Supports the Governor and Attorney General’s defense of Texas educational programs and reaffirms the Texas Constitution, Article 1, Section 1, in that “Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States;”
3. Reaffirms our oath under Article XVI, Section 1, of the Texas Constitution to preserve, protect, and defend the Constitution and laws of Texas and the United States;
4. Supports Title IX legal protections for women and girls in our schools as intended by the United States Congress, in that no person 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 in our schools;
5. Supports the nullification of unconstitutional usurpations by the Department of Education against the State of Texas or any of its instrumentalities, agencies, and political subdivisions;
6. Supports the legal challenges to prohibit Title IX enforcement based on gender identity—including by denying federal financial assistance or by otherwise pursuing, charging, or assessing any penalties, fines, assessments, investigations, or other enforcement actions—and from implementing, or relying on the Final Rule from taking effect on August 1, 2024;
7. Copies of this signed resolution are provided to Governor Greg Abbott, Attorney General Ken Paxton, Texas Education Agency Commissioner Mike Morath, the Texas State Board of Education, and leaders in the Texas House of Representatives and Texas Senate to convey the utmost urgency of this unconstitutional action by the Department of Education.