



ED Review (04/14/23)

1 message

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April 14, 2023

TITLE IX: ATHLETIC ELIGIBILITY



Last week, the Department released a [Notice of Proposed Rulemaking](#) (NPRM) on athletic eligibility under Title IX of the *Education Amendments of 1972* to advance the civil rights law's long-standing goal of ensuring equal opportunity in athletics. During two years of outreach to develop the proposed regulation, the agency heard repeatedly that schools, students, parents, and coaches face uncertainty about how and when transgender students can participate in school sports, particularly as some states have chosen to pass new laws or adopt new policies that target transgender students. The rule, if finalized, would provide much needed clarity ([fact sheet](#)).

"Every student should be able to have the full experience of attending school in America, including participating in athletics, free from discrimination," Secretary Cardona noted. "Being on a sports team is an important part of the school experience for students of all ages.... We encourage public comment on the proposed rule and will continue working to ensure Title IX's effective protection for all students."

The proposed regulation affirms that students benefit from the opportunity to join a school sports team to learn about teamwork, leadership, and physical fitness. It establishes that policies that categorically ban transgender students from participating on sports teams consistent with their gender identity violate Title IX. It also recognizes that, in some instances, particularly in competitive high school and college athletic environments, schools may adopt policies that limit transgender students' participation -- outlining a detailed framework for developing eligibility criteria that protects students from being denied equal opportunity in athletics, while giving schools the flexibility to develop their own participation policies.

Schools would have to take into account the following considerations when developing a policy for participation:

- differences in grade and education level;
- differences in level of competition;
- differences in types of sports offered and sport governing bodies' participation criteria; and
- minimizing harm to students whose participation would be limited or denied.

Public comments must be received by May 15, which is 30 days from the date of the NPRM's publication in the *Federal Register*.

Note: In February 2023, the Department released resources for school communities (1, 2, and 3) to help them assess whether their athletic programs are fulfilling Title IX's promise to women and girls, including whether women's and girls' teams receive equivalent levels of coaching, facilities access, fields and equipment, and financial assistance as the men's and boys' teams.

In related news:

- In honor of [Transgender Day of Visibility](#), Deputy Secretary of Education Cindy Marten hosted a roundtable with transgender students, alongside their parents, all of whom are faith leaders advocating for their children and for their communities at large ([readout](#)).
- White House Domestic Policy Advisor Susan Rice and U.S. Surgeon General Dr. Vivek Murthy also hosted a roundtable with transgender students, who traveled from states that have attacked their rights ([readout](#)).
- Beyond his [statement](#) of support, Secretary Cardona has been active on social media ([Twitter thread](#)).

INVESTING IN AMERICA TOUR



Over the last three weeks, President Biden, Vice President Harris, and more than a dozen senior Administration officials traveled to over 25 states to highlight the impact that the President's Investing in America agenda -- including the Bipartisan Infrastructure Law, the *Inflation Reduction Act*, the *CHIPS and Science Act*, and the American Rescue Plan -- is having on communities across the country.

On April 3, First Lady Dr. Jill Biden traveled to Colorado, calling the state a "model" for working across party lines to offer free job training ([First Lady's remarks](#)).

On April 5, Dr. Biden and Secretary Cardona traveled to Maine and Vermont, spotlighting career-connected learning and workforce training programs. At Southern Maine Community College in Portland, they toured electric vehicle

stations at the Automotive Technology Center and observed an engraving at the Precision Machining Lab. Then, at BETA Technologies, an electric aerospace company headquartered in Burlington, Vermont, they toured the air hangar ([First Lady's remarks](#) and photos [1](#), [2](#), [3](#), [4](#), and [5](#)).

On April 6, White House Chief of Staff Jeff Zients hosted a capstone Investing in America Cabinet meeting ([readout](#)).

The Secretary also shared a [White House infographic](#) about 16 million households now having affordable, high-speed internet, removing a major barrier to education.

DISABILITY INNOVATION FUND



The Department's Rehabilitation Services Administration (RSA) is [inviting applications](#) for its [Disability Innovation Fund -- Pathways to Partnerships Innovative Model Demonstration Project](#). This program is the largest discretionary grant administered by RSA, with approximately \$224 million available to fund multiple innovative projects managed through partnerships among state vocational rehabilitation agencies (SVRAs), state and local education agencies (SEAs and LEAs), and centers for independent living (CILs). As children and youth with disabilities advance through the school system, many lack exposure to self-advocacy training, careers, and independent living opportunities. Funded projects will focus on the creation of systemic approaches to improve access to pre-employment transition services. The goal is to pave a clear and robust path to independent living and competitive, integrated employment as individuals with disabilities move from high school to postsecondary endeavors. (Note: The deadline for applications from eligible SVRAs and SEAs is June 5.)

Meanwhile, the Department's Office of Special Education Programs (OSEP) announced a [virtual kick-off event](#) for the "[Expect, Engage, Empower: Successful Transitions for All!](#)" initiative on May 10 at 1 p.m. Eastern Time.

RECOGNIZING EXCELLENCE

Congratulations again to the [five finalists for 2023 National Teacher of the Year](#): [Harlee Harvey of Alaska](#), [Carolyn Kielma of Connecticut](#), [Jermar Rountree of the District of Columbia](#), [Kimberly Radostits of Illinois](#), and [Rebecka Peterson of Oklahoma](#). The Council of Chief State School Officers' (CCSSO) National Teacher of the Year Program identifies exceptional educators across the country, celebrates their work, and offers a one-of-a-kind professional development opportunity. CCSSO will announce the 2023 National Teacher of the Year later this month.

Secretary Cardona [praised paraprofessionals](#) on Paraprofessional Appreciation Day (April 5) and [saluted assistant principals](#) during National Assistant Principals Week (April 3-7).

The Department named Alexandria Roe, Vice President for Capital Planning and Budget for the University of Wisconsin System, as the 2023 [U.S. Department of Education Green Ribbon Schools \(ED-GRS\) Director's Award recipient](#). This award annually recognizes a state-level official who does the most to advance sustainable institutions by implementing a robust ED-GRS competition process; connecting more schools to resources in all three recognition pillars; amplifying the stories of honorees; helping schools learn from one another; partnering with a variety of entities to bring more resources and expertise into schools; and exhibiting a dedication to exceptional facilities, health, and environmental education activities outside of administering the ED-GRS. The Secretary will announce this year's ED-GRS honorees during Earth Week (April 16-22).

FROM THE WHITE HOUSE

This week, for the [Quad Cyber Challenge](#), Deputy Secretary Marten moderated a panel discussion with professionals who have worked on cybersecurity in a range of settings. The audience consisted of students enrolled in cybersecurity courses in schools in the District of Columbia and Baltimore County, Maryland ([Education Week article](#)).

Also this week, the Biden Administration announced [new actions to safeguard patient privacy](#), including protecting students' health information with [guidance for school officials](#) and a [know your rights resource](#).

Moreover, President Biden announced a [plan to expand health coverage for Deferred Action for Childhood Arrivals \(DACA\) recipients](#). The Department of Health and Human Services (HHS) will propose amending the definition of "lawful presence," for purposes of Medicaid and *Affordable Care Act* coverage, to include more than 800,000 Dreamers.

ODDS AND ENDS

- The White House welcomed many special guests for this year's [Easter EGGucation Roll](#) (see also [Secretary's photo](#)).
- The Department released a [wrap-up](#) on Secretary Cardona's participation in the Summit for Democracy and meetings with leaders in Zambia (photos [1](#), [2](#), and [3](#)).
- New on ED.gov: "[Raise the Bar -- Achieve Academic Excellence](#)" [priority page](#) and revamped [Parents landing page](#).
- New on the agency's Homeroom blog: "[Building Strong Partnerships to Advance Digital Equity for Learners](#)" and an "[Update on the Department of Education's Third-Party Servicer Guidance](#)."
- Before the NCAA men's basketball national championship game, the Secretary from Connecticut and the Deputy Secretary from San Diego [predicted victory for their home teams](#).
- On April 4, the Peer-to-Peer Jazz Quintet -- featuring jazz trumpet recording artist Terell Stafford and four talented student musicians -- presented a live [Jazz Informance](#) (see also [Secretary's tweet](#)).
- The Secretary recently spoke at the [National Action Network's Annual Convention](#) in New York City.
- The latest "Lessons from the Field" event focused on [enhancing student nutrition and physical movement in America's schools](#).
- The Federal Student Aid (FSA) office is currently [sending messages](#) to 2022-23 Free Application for Federal Student Aid (FAFSA®) filers (and the parents of dependent filers) who have not yet submitted a 2023-24 FAFSA form, urging them to submit as soon as possible.
- FSA has also posted a [fact sheet](#) on confined or incarcerated students accessing Pell Grants beginning on July 1, 2023.
- The Department of Agriculture [extended the deadline](#) -- from April 10 to May 10 -- for comment on its proposed rule [revising school meal nutrition standards](#).
- The Senate Health, Education, Labor, and Pensions (HELP) Committee is seeking [public feedback](#) -- no later than close of business on April 19 -- on reauthorizations of the *Education Sciences Reform Act* (ESRA), the *Educational Technical Assistance Act* (ETAA), and the *National Assessment of Educational Progress Authorization Act* (NAEPAA).

QUOTE TO NOTE

"I'm excited about the opportunities [in artificial intelligence]. But there are risks. I think we would be smart and acting in the best interests of students if we calculate those risks, communicate those risks, provide professional development to educators across the country on what those risks are, and are careful how we roll this out. I remember having these conversations with educators in my career...when the calculator came about or when the internet came [about]. We have to embrace it and stay ahead of it, and, at the end of the day, we have to protect students."

-- Secretary of Education Miguel Cardona (4/11/23), from an [interview](#) with Reuters

UPCOMING EVENTS

Register now for the next two sessions in the Equity in Career-Connected Education: Advancing Economic Mobility webinar series. One [webinar](#) will be held on April 18, at 2:30 p.m. ET, and focus on Historically Black Colleges and Universities (HBCUs) and the Second Chance Pell Grant. Another [webinar](#) will be held on April 19, at 1:30 p.m. ET, and focus on Michigan Vocational Village and the Second Chance Pell Grant.

Registration is also open for the [third virtual session](#) in the [Family Engagement Learning Series](#), April 25 from 1 to 2:30 p.m. ET, which will explore how family engagement can support immigrant and multilingual families.

The Department is holding a webinar series to accompany the *Bipartisan Safer Communities Act* (BSCA) Stronger Connections Grant Program. Register today for the fifth session: "[Nita M. Lowey 21st Century Community Learning Centers: Selecting Evidence-based Strategies to Support Adolescents in Middle and High School](#)" on April 26 at 1 p.m. ET ([BSCA landing page](#)).

On May 3, starting at 10:30 a.m. ET, please join the National Assessment Governing Board (NAGB) and the National Center for Education Statistics (NCES) for a [virtual event](#) with analysis and discussion of the 2022 National Assessment of Educational Progress (NAEP) U.S. history and civics results for eighth-grade.

FSA is pleased to announce the [Better FAFSA, Better Future Webinar Series](#), which will cover guidance from the office on implementation of the *FAFSA Simplification Act*, the *FUTURE Act*, and what schools need to know about changes for the 2024-25 award year. FSA staff will present 10 webinars in June and July. No registration is required; participation will be first-come, first-served. A video recording and transcript of the Q&A portion of the webinar will be available the week following each live event.

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