

February 2019



THE WASHINGTON EDUCATION WATCH

Equality Act could Harm Children and the Culture

The past few years have challenged the ability of schools and teachers to speak about the gender of students, including the very youngest, and to assign students to restrooms and locker rooms based on their birth determined biological gender.

[How did we get here?](#) In 1972 President Richard Nixon signed into law a series of amendments to the Higher Education Act. Among these was Title IX which was intended to eliminate discrimination based on gender in any federally funded education program or activity. For many years Title IX was known as an important law that promoted equal support of boys and girls athletic programs in High School and College. Few could have imagined that the law would be interpreted to allow individuals to choose their gender. However in 2014 the Obama administration issued [new guidance](#) for the interpretation of Title IX that said that “student sex” in Title IX should be interpreted to prohibit any discrimination in schools based on the “gender identity” of a student . The guidance defined gender identity as, “an individual’s internal sense of gender,” and further noted that, “A person’s gender identity may be different from or the same as the person’s sex assigned at birth.” The guidance went on to say, “A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so.” As many of you have witnessed, this odd interpretation caused many schools to institute new locker room and restroom policies in order to avoid a potential federal civil rights lawsuit as well as directing staff to affirm students if they profess to be of a gender other than their biological sex.

This interpretation of Title IX was blocked by a Federal Judge in Texas in 2016 because the guidance was issued without using federal rule-making procedures. In 2017 the new Trump administration [rescinded this guidance](#) making it clear that while all students, including LGBT students, should be educated in a safe environment free from bullying and harassment, schools did not have an obligation under federal law to make accommodations including separate restroom facilities for students who feel they are a different gender than their biological sex. Rescinding the Title IX guidance [prevented a pending case on the transgender](#)

[restroom issue](#) from being heard by the Supreme Court so we do not have a definitive ruling from the top court on whether these new transgender rights would be allowed to stand.

However, even though the guidance has been struck down, some states and school districts continue to implement the provisions—which is their option. So we see teachers being disciplined [even to the point of termination](#) for not referring to students by the gender they prefer, and continued efforts to accommodate new expectations in restrooms and locker rooms causing many other complications. These changes have left at least some Christian teachers feeling that they are being required, in violation of their religious liberty and free speech rights, to support ideologies that are contradictory to the teaching of Genesis 1:27, that our gender is determined by the Lord and that it is part of the sacred image of God with which we have been blessed.

So God created man in his own image,
in the image of God, he created him;
male and female he created them.

The effectiveness of the LGBT advocacy groups to harness the Title IX law as a vehicle to normalize their sexual lifestyle across our culture has been formidable—and they are not finished yet. They are planning much deeper and broader changes to the culture though what they call the Equality Act.

The Equality Act which was introduced in the previous, (115th) Congress would have amended the Civil Rights Act of 1964 as well as the Fair Housing Act, the Equal Credit Opportunity Act, and jury selection standards to use them all as vehicles to carry their view of view of gender into all aspects of public life. With Republicans in control of both the Senate and the House last year the bill did not move. However, when Nancy Pelosi took over as Speaker of the House last month [she proclaimed](#) that, “We will make America fairer by passing the Equality Act to end discrimination against the LGBTQ community.”

While the bill has not been introduced this year, it is very likely that the Equality Act will be introduced in the current (116th) Congress and that it will have a good chance of passing the House of Representatives. It is less likely that it will pass the Senate, but the battle will be intense.

Many Christians oppose this legislation, not because they dislike gay, lesbian and transgender people, but rather because they want all people to live a rich and fulfilled life. Though we live in a fallen world where distortions caused by sin affect all of us, we joyfully share the good news that through Jesus sacrifice for us we will ultimately be restored to the perfect creation as God intended before the fall of Adam. Also, as [this article](#) explains, the belief that we can alter our gender can do real harm to individuals, particularly children and women.

If you are concerned about the Equality Act and its extension of gender identity into all areas of public life, you can let your US Senators and Representative to Congress know that you would like the words “gender identity” to be removed from the Equality Act through this [online petition](#) based on the bill that was introduced in the last session of Congress. We are also watching for

the introduction of the law in the current Congress. If it is introduced, we will get you information about the bill and let you know how you can contact your Representative and Senators.

Please share your thoughts on this column that you would like other readers to see by entering them in the form below. Personal comments can be sent to JMitchell@ceai.org. John Mitchell is the Washington, DC Area Director for the Christian Educators Association.

Here are additional resources for educators looking to learn more about the transgender issue:

- [ADF Sends Policy Protecting Student Privacy to School Districts Nationwide](#). Download the ADF model [Physical Privacy Policy](#) for school districts
- [Gender Ideology Harms Children](#) from the American College of Pediatricians
- Video: [Transgender-Gender Identity-Gender Dysphoria Issues](#): Pediatrician Dr. Michelle Cretella
- [Pressure to Conform](#) and [Suffer the Children](#) from *World Magazine*
- [LGBTQ Dilemma](#), *Teachers of Vision*, Christian Educators Association International (PDF)

CEAI is interested in your thoughts. Members are encouraged to enter comments below. Personal comments may be addressed to the author at JMitchell@ceai.org.

John Mitchell is the Washington, DC Area Director for the Christian Educators Association.
© 2019 Christian Educators Association International | www.ceai.org | 888.798.1124
Washington Education Watch 2/2019. Used with permission.