



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

July 2, 2020

By Email and Regular Mail

Kenneth L. Marcus
Assistant Secretary for Civil Rights
United States Department of Education, Office of Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202

Re: *Case Numbers 01-19-4025, 01-19-1252, 01-20-1003, 01-20-1004, 01-20-1005, 01-20-1006, and 01-20-1007*

Dear Assistant Secretary Marcus:

I strongly urge you to reconsider and withdraw your office's May 15, 2020 "Letter of Impending Enforcement," which targets the Connecticut Interscholastic Athletic Conference (CIAC) and the Connecticut school districts of Bloomfield, Canton, Cromwell, Danbury, Glastonbury, and Hartford.

The letter's claims are simply wrong. Title IX does not bar transgender high school girls from competing in girls' track events. Under Connecticut law and federal law, transgender girls are girls.

Since 2011, Connecticut law has required that transgender girls competing in high school sports be treated equally and fairly. This has been the CIAC's policy since 2013. It is the policy in 17 other U.S. states and in the District of Columbia.

Just a few weeks ago, in *Bostock v. Clayton County*, 590 US __ (2020), the Supreme Court made clear that discrimination against transgender individuals is illegal under federal law. *Bostock* held that, under Title VII, a transgender woman cannot be fired for failing to conform to an employer's definition of what it means to be a woman. And under Title IX, a transgender girl cannot be blocked from competing in high school sports merely because she does not conform to another person's idea of what it means to be a girl. As Justice Gorsuch wrote in *Bostock*, "all persons are entitled to [the] benefit" of our anti-discrimination laws.

There is no place for politics in high school sports. It is wrong to drag high school students into a highly-charged policy and political battle that pits students against other students. Connecticut cares deeply about the transgender girls who have been targeted here, just as much as we care for the girls who brought their complaint to you. We will do all that we can to ensure that all girls are treated equally and fairly under the law. All of them are Connecticut's bright future.

165 Capitol Avenue
Hartford, Connecticut 06106

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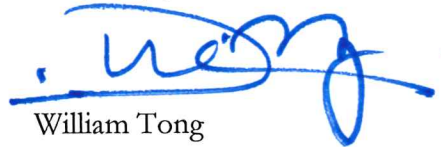
Assistant Secretary Kenneth L. Marcus

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It is for all of them that my office will defend Title IX, which protects every girl and woman's right to participate as girls and women in interscholastic athletics. We will not allow Title IX to be misused to degrade and discriminate against women and girls. Please know that we will strongly oppose, in any forum, any attempt to strip Connecticut school districts of funding merely because they are following a policy that aligns with the law.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. Tong', with a horizontal line underneath it.

William Tong

Cc: Timothy C. J. Blanchard
Director, New York Office
United States Department of Education, Office of Civil Rights
32 Old Slip, 26th Floor
New York, NY 10005