

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. C. R. No. 17**

**Representative Bird**

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**A CONCURRENT RESOLUTION**

To express the General Assembly's opposition to the 1  
United States Department of Education's 2  
reinterpretation of Title IX, and to express support 3  
for the Attorney General's legal challenge to the 4  
Department's reinterpretation. 5

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
OHIO (THE SENATE CONCURRING):**

WHEREAS, Congress enacted Title IX in 1972 to rectify a 6  
history of sex discrimination against women in educational 7  
institutions by prohibiting disparate treatment based on sex and 8  
providing women with equal education and athletic opportunities; 9  
and 10

WHEREAS, For forty years following Title IX's enactment, 11  
the term "sex" was consistently used and interpreted by the 12  
United States Department of Education and reviewing courts to 13  
mean a binary classification of people, biologically either male 14  
or female; and 15

WHEREAS, In 2021, President Biden issued a sweeping 16  
Executive Order, Executive Order 13988, declaring the United 17  
States Supreme Court's holding in *Bostock v. Clayton County*, 590 18  
U.S. 644, regarding employment law anti-discrimination 19  
protections under Title VII changed the meaning of all federal 20

laws governing and prohibiting sex discrimination, and 21  
furthermore, directed all federal agencies to review existing 22  
regulations for compliance with *Bostock's* holding unless a law 23  
contains sufficient indications to the contrary; and 24

WHEREAS, The Executive Order represents a vast 25  
overstatement of the holding in *Bostock*, and directs the 26  
executive branch to rewrite federal law by executive fiat; and 27

WHEREAS, Despite the usurpation of Congress's Article I 28  
legislative power, various federal agencies, including the U.S. 29  
Department of Education, began to adopt and attempt to 30  
promulgate rules imposing a new definition of "sex" not found 31  
anywhere in existing law; and 32

WHEREAS, The U.S. Department of Education's 33  
reinterpretation of Title IX preempts Ohio law governing 34  
athletics and compels the State to choose between enforcing 35  
existing state law or adhering to a new interpretation of Title 36  
IX, thus requiring the State and universities to incur costs 37  
related to reviewing and updating policies to ensure compliance 38  
with the current Administration's reinterpretation, and credibly 39  
threatening the loss of federal funding and the imposition of 40  
substantial penalties through private suit if the new 41  
interpretation is not applied in full; and 42

WHEREAS, The Department's redefinition of "sex" conflicts 43  
with the plain meaning of Title IX and its operative 44  
regulations, and accordingly, the reinterpretation is not 45  
entitled to deference and exceeded the agency's legal authority 46  
to implement; and 47

WHEREAS, Redefining "sex" for purposes of Title IX 48  
undermines the fundamental protections established by Title IX 49  
that safeguard equal education and athletic opportunities for 50  
women in Ohio and across the country; and 51

WHEREAS, On April 30, 2024, Ohio Attorney General Dave Yost, joined by the attorneys general from four other states, brought suit against the U.S. Department of Education for its unlawful reinterpretation of Title IX; now therefore be it

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, express our fervent opposition to the U.S. Department of Education's unlawful reinterpretation of Title IX and redefinition of the word "sex"; and be it further

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, support and commend Ohio Attorney General Dave Yost for bringing suit against the Biden Administration's U.S. Department of Education for its unlawful reinterpretation of Title IX; and be it further

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, express our unwavering support for equal education and athletic opportunities protections for women assured by Title IX; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the news media of Ohio.