



Written by [C. Mitchell Shaw](#) on May 14, 2016

Obama Ed: Transgenders May Use Locker Rooms of Opposite Sex

The Obama administration sent a federal directive Friday to all public schools across the nation stipulating what they must do to comply with the president's policy of interpreting Title IX of the Education Amendments of 1972 to include "gender identity." They must, for example, give transgender students full access to the school bathrooms and locker rooms of the opposite sex.



Interpreting the word "sex" where it appears in federal law to include "gender identity" is the latest battlefield in the "Transgender Wars." But this bizarre reading of the law was telegraphed ahead of time and comes as no surprise. It is, nonetheless, an egregious overreach by the federal government as well as an assault on traditional morality.

The directive to the nation's public schools — in the form of a letter — spells out the "significant guidance" of the administration regarding the use of restrooms, changing rooms, and locker rooms by all students. On Thursday, the day before the letter's release, *The New American* [reported](#) on the administration's novel interpretation of Title IX of the Education Amendments of 1972:

Perhaps a look at the actual text of Title IX will make this clear — at least to anyone with more than a third-grade reading comprehension level and a mind open to the idea of allowing words to mean what they mean. The relevant passage says:

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.

Black's Law Dictionary defines "sex" as:

The distinction between male and female; or the property or character by which an animal is male or female.

Sex is determined by chromosomes. One X and one Y chromosome makes a person male. Two X chromosomes makes a person a female. How that person feels about their external plumbing does not change the reality. That is a separate issue — one for mental health professionals.

What Title IX was designed to prevent is made clear by the text of the law itself. No educational institution that receives federal funding is allowed to use a person's sex as the basis for:

- Excluding them from participating in programs or activities of an educational nature
- Denying them the benefits of programs or activities of an educational nature
- Discriminating against them as part of programs or activities of an educational nature

That seems pretty cut and dried. The issue of whether there should even be federal funding for education is another matter altogether. The issue here is that Title IX clearly prohibits any



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educational institution that does receive those funds from discriminating in that education “on the basis of sex.” Considering that the LGBTQ crowd has made much ado about the difference between sex and gender, it is an obvious twisting of both language and logic to now take a law that deals with sex and attempt to apply it to gender. Sex is demonstrable in the human form; the new idea of “gender identity” exists only in the mind.

Reason doesn’t stand a chance when words can mean anything and nothing at the same time.

The [letter](#) issued Friday confirms what we said. Addressed to “Dear Colleague,” It begins:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance. This prohibition encompasses discrimination based on a student’s gender identity, including discrimination based on a student’s transgender status. This letter summarizes a school’s Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school’s compliance with these obligations.

The letter then attempts to define the undefinable: *Gender Identity*. The definition offered by the letter is:

an individual’s internal sense of gender. A person’s gender identity may be different from or the same as the person’s sex assigned at birth.

Why does this writer assert that this is an undefinable term? Because it is “fluid.” This is made clear by another of the letter’s attempted definitions of the undefinable. The letter defines the term *Gender transition* as:

the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

The letter’s writers ran into some grammatical difficulty here which — whether or not they realize it — shows the twisting of both language and logic required to make the word “sex” in Title IX mean “gender” in the interpretation. Even according to this Orwellian-Newspeak-inspired “definition,” there is still a distinction between sex and gender (else, how could one “identify as the sex consistent with their *gender* identity”?). If they are the same thing, then Title IX would apply to gender; since they are not, it doesn’t. But — never one to let the mere meaning of words get in the way of an agenda — Obama has insisted on having it both ways.

Another problem which this makes immediately clear is that since “the process” of “gender transition can happen swiftly or over a long duration of time,” who is to say when it has happened? Or when it hasn’t? Or whether it is an on-again off-again process? What prevents Billy from deciding every day at the end of gym class that he finds himself “identifying” as a female who is attracted to other females and consequently showering with the girls? Before dismissing that as fantastic, one should remember



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all the creative ways in which students have always played by the rules while playing the rules.

That this new “definition” of “gender identity” opens the (locker room) door to this kind of sexually perverse environment in our nation’s schools is made clear by the section on **Restrooms and Locker Rooms** which reads:

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. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.

So, it’s discrimination to tell the three-tenths of one percent (by the most liberal estimation) of students who “identify” as “transgender” to use an “individual-user” facility because that would single that student out. However, it’s perfectly alright to tell a young girl — who will certainly be labeled as “trans-phobic” and a “bigot” — that she may use the “individual-user” facility if she does not want to undress or shower in the presence of a boy whose “gender identity” is female.

Because all public schools are dependent on federal monies (and those monies always come with strings attached), it is highly unlikely that many schools will resist the president’s dictates. If this new “guidance” does not convince those conservative Christians who still have their children in the public school system to take them out and either put them in private schools or homeschool them, nothing probably will.



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