

Clash over women's sports, transgender athletes escalates as Title IX turns 50

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By Valerie Richardson - *The Washington Times* - Wednesday, June 22, 2022

Congress enacted Title IX with virtually no debate over who qualified as a female athlete. How times have changed.

The landmark anti-discrimination law marks its 50th anniversary Thursday caught in a legal and political tug of war over the future of scholastic sports as transgender athletes increasingly apply to compete in the girls' and women's arena. The dilemma: Does progress on transgender rights threaten five decades of gains for female sports?

"Title IX has promised women so much: a fair chance to compete, opportunities to excel at college, and skills that apply to all areas of life," said Christiana Kiefer, senior counsel of Alliance Defending Freedom. "But all of this is being threatened by the unscientific idea that a man can be a woman."

Complicating the debate, the Title IX anniversary celebration takes place in the midst of Pride Month, throwing into sharp relief the increasing tension between the gender identity movement and women on both sides of the

political aisle advocating for female opportunity through single-sex sports.

Many of the 1972 law's defenders argue that allowing biological males in female athletics does exactly what Title IX was intended to avoid: a scenario in which female athletes are pushed aside in favor of males — in this case, males who identify as females.

Title IX of the Education Amendments prohibits discrimination based on sex in scholastic programs that receive federal funding. It has triggered a boom in girls' high school and collegiate sports.

"Before Title IX, only 1 in 27 girls participated in sports. Today, 2 in 5 do," said the right-leaning Independent Women's Forum. "Despite this progress, female athletes are being sidelined in order to make room for males. This isn't right, and it isn't fair. It's time to take back Title IX."

Advocates for transgender athletes hold an entirely different view. They argue that Title IX protects women from discrimination and that should by right include transwomen.

In their legal filings, the American Civil Liberties Union and Human Rights Campaign have accused conservative states of violating Title IX by enacting laws banning male-to-female transgender athletes from female sports. A

lawsuit filed last month by the ACLU of Indiana on behalf of a 10-year-old softball player claims the state's newly approved law, which was passed by the legislature over the governor's veto, runs afoul of Title IX and the equal protection clause of the Constitution.

"When misinformation about biology and gender is used to bar transgender girls from school sports, it amounts to the same form of sex discrimination that has long been prohibited under Title IX, a law that protects all students — including trans people — on the basis of sex and it denies the promise of the Constitution of equal protection under the law," said Ken Falk, legal director of ACLU of Indiana.

In the ACLU's corner is the Biden administration, which has moved to add "sexual orientation and gender identity" to official definitions of sex, overriding the Trump administration's efforts to limit the scope to biological sex.

The Education Department now states that a "recipient institution that receives department funds must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity."

Democrats and LGBTQ advocates support that definition. Female athletes such as Team USA soccer star Megan Rapinoe say the uproar over transgender athletes and fairness is vastly overstated.

Ms. Rapinoe credited Title IX with giving her the opportunity to play soccer in college on a scholarship. She called herself "100% supportive of trans inclusion" in female sports.

“Show me the evidence that trans women are taking everyone’s scholarships, are dominating in every sport, are winning every title. I’m sorry, it’s just not happening,” Ms. Rapinoe told Time magazine in a Sunday interview. “So we need to start from inclusion, period. And as things arise, I have confidence that we can figure it out. But we can’t start at the opposite. That is cruel. And frankly, it’s just disgusting.”

Growing impact

Transgender athletes may not be taking every title when they compete, but their impact is growing. In March, swimmer Lia Thomas became the first male-born athlete to win an NCAA Division I women’s championship, three years after hurdler CeCe Telfer became the first to capture a Division II title.

The 2021 Tokyo Olympics featured at least two male-born athletes in women’s competitions: New Zealand weightlifter Laurel Hubbard and Canadian archer Stephanie Barrett. Chelsea Wolfe was an alternate on the U.S. BMX freestyle team.

That doesn’t include the collegiate and high school athletes who fly under the media radar.

At an Alliance Defending Freedom press conference Wednesday, Idaho State University track athlete Mary Kate Marshall said she has lost twice to a male athlete competing against women. Idaho adopted a Fairness in Women’s Sports Act in 2020 that might have prevented the male athlete from competing, but a court injunction immediately stayed it.

“When I lose to another woman, I assume that she trains harder than I do, and it drives me to work harder,” said Ms. Marshall. “But losing to a male feels completely different. It makes me think that no matter how hard I try, my hard work and effort won’t matter.”

She said such competition could discourage female athletes from seeking to compete in college.

“If I had known in high school I could not win or would have to compete against males, I might have dropped out of sports altogether, and I’m certain that other female athletes feel the same,” Ms. Marshall said.

Former Connecticut high school track star Alanna Smith recounted how she lost to a male-to-female transgender athlete, one of two who went on to win 15 state titles and set 17 records between them.

“Inside, I knew I had no chance of winning despite the hours of training and strong personal bests in each event. I was defeated before stepping onto the track,” said Ms. Smith, whose father is baseball Hall of Fame pitcher Lee Smith.

“I knew it wasn’t fair to me or to any of the other girls competing at the state open,” she said. “It’s hard to ignore the physical differences between us when we are lined up in the starting blocks. We know the outcome even before the race starts.”

Eighteen states have enacted laws against male-born competitors in female sports. Last week, the International Swimming Federation banned such athletes from women’s elite competition unless they complete gender transition treatment before puberty.

Opinion polls find a majority of Americans favor such restrictions. A Washington Post/University of Maryland poll last month found that 55% of respondents were against allowing transgender women and girls to compete with other women and girls in high school sports, and 58% opposed it for college and professional sports.

Ms. Rapinoe said critics and skeptics need to look at the big picture, including the high rate of suicide among transgender youths, and remember that winning isn't everything.

"I would also encourage everyone out there who is afraid someone's going to have an unfair advantage over their kid to really take a step back and think what are we actually talking about here," she said. "We're talking about people's lives. I'm sorry, your kid's high school volleyball team just isn't that important. It's not more important than any one kid's life."

Meanwhile, Ms. Marshall warned that the gains of Title IX could be effectively erased if biological female athletes are displaced.

"Keeping Title IX protections is as important for future generations as it was for past generations," she said. "If we don't stand up for women's sports now, there likely won't be women's sports in the future."

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Hillsdale rides classical education boom as parents seek alternatives to woke K-12 schools

By Valerie Richardson - *The Washington Times* - Wednesday, April 13, 2022

Hillsdale College is expanding its footprint to accommodate parents frustrated with woke classroom instruction in their local K-12 schools.

Since 2010, the conservative Michigan-based college has helped open 21 charter schools and partnered with 33 others in 27 states through its Barney Charter School Initiative, offering classical education focusing on civic virtue and moral character.

“We are growing like wildfire,” Kathleen O’Toole, Hillsdale assistant provost for K-12, said in a Dec. 9 virtual town hall. “And we’re careful about our growth because we want to make sure every school that we are working closely with is an excellent school. It’s hard to start a school. It’s really hard to start an excellent classical school, but it’s also really necessary.”

Hillsdale is far from alone. For three decades, conservatives have been building an alternative K-12 educational universe rooted in classical education. The parallel track is taking off as families flee public school

systems' pandemic mandates, leftist political activism and resistance to parental input.

"I think we are on the very precipice of a massive disruption in K-12, and the classical renewal movement is going to be on the receiving end with a lot of these families. It already is," said Jeremy Wayne Tate, CEO of the Classical Learning Test, which offers classically based standardized exams.

Exhibit A is the rise of hundreds of classical academies, both charter and private Catholic and Christian schools. Some organizations offer virtual classical education and curricula designed for home schooling.

As its name suggests, classical education has its origins in ancient Greece and Rome. The emphases include the preservation and restoration of the liberal arts, including the "great books" and the traditions of Western civilization.

"Classical education is a commonsense approach to teaching, coupled with a curriculum that brings the best methods for reading instruction, mathematics instruction, cursive, sentence diagramming, all of those things that we know really work, with the best that Western civilization has produced," said Ms. O'Toole. "The best books, the best thought."

Students at classical academies are far more likely to encounter Latin and Greek than critical race theory. That selling point has become increasingly relevant as classrooms morph into ideological battlegrounds.

Republican state lawmakers have sought to counter the lurch to the left with legislation restricting, for example, instruction on “divisive concepts” or gender identity in younger grades. Teachers unions and the American Civil Liberties Union have opposed such measures.

Mr. Tate said he doubts such legislation could loosen the left’s grip on public education.

“The way I look at it is that a secular progressive school that is not allowed to teach CRT or gender ideology is still a secular progressive school,” said Mr. Tate. “These ideas didn’t just originate overnight. I think that they’ve been part of the DNA of the system for a long time.”

Enter the classical education revolution, which gained a foothold with the growth of the charter school movement in the 1990s, although some schools date back further.

The Association of Classical Christian Schools traces its roots to three schools founded in 1980 by three groups of parents in three states. The Idaho-based network, the nation’s largest, now has 304 member schools in 46 states.

The Classical Academies, based in San Diego County, California, started its first public charter school in 1999. The network has since grown to seven schools with more than 5,000 students.

In New York City, the Bronx-based Classical Charter Schools serves students in grades K-8 through its four schools, the first of which opened in 2006. About 98% of its students are Black or Hispanic, and the network has a waiting list of 7,000, according to its website.

The Hillsdale network enrolls more than 14,000 students at its 21 member schools and 33 “curriculum” schools, which include charter and private schools. More than 8,000 students are on the waiting lists at the 54 affiliated schools.

Hillsdale runs the Hillsdale Academy, a private classical Christian school on the college’s campus in Michigan, but it does not operate any of its affiliated schools.

Mr. Tate said enrollment has shown “huge growth” during the pandemic and that many schools have a “massive waitlist.”

“With classical education and what I would describe as secular progressive education, it seems like every time parents are fairly presented with both options, they want classical education,” he said. “It’s focused on the cultivation of virtue. It’s focused on good character. I think every parent wants this for their child.”

Supporting such schools is an array of curriculum offerings. Hillsdale offers at no cost the 1776 Curriculum for grades K-12 that “provides teachers with guidance — not dictates — about how to plan and teach a given topic in American history or civics.”

The Heritage Foundation lists civics lessons on its Curricula Resource Initiative page that are available free of charge, including the Woodson Center's 1776 Unites and Federalist Society videos on the U.S. Constitution.

Where there are classical academies, there must be teachers. Hillsdale announced in February that it would launch a master's degree program in classical education.

"One of the greatest challenges that classical Christian schools and classical charter schools face today is finding qualified headmasters and administrators," said David Diener, a former Hillsdale Academy headmaster and education lecturing professor. "This program helps to meet the need for trained headmasters by providing administrative training as part of the offered coursework."

Another challenge is that the Biden administration, a staunch ally of teachers unions, has proposed more requirements for charter schools to receive federal grants. One proposal requires proof that the local school district has an "unmet demand."

Tennessee Democrats are fighting an effort by Gov. Bill Lee, a Republican, to partner with Hillsdale to add 50 charter schools. The Democrats say state funding would be better spent on regular public schools.

Mary Hasson, a senior fellow at the conservative Ethics and Public Policy Center, said Republicans seeking a real revolution in K-12 education need to push for state per-pupil funding for public and private schools.

“I think parents have a renewed sense of urgency. I think they see things they didn’t see before. I think there’s much more openness to try something new,” Ms. Hasson said. “I also think it’s time that the conservative movement stopped apologizing for wanting to give parents alternatives.”

Classical education has a reputation for being elitist, Ms. O’Toole said, but the opposite is true.

“We think in Hillsdale classical schools that students can receive the very best in school, and they deserve the very best,” she said. “And there’s no reason the very best shouldn’t be available to every American child.”

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Parents of Loudoun County student raped in restroom 'vindicated' by indictments

By Valerie Richardson - *The Washington Times* - Tuesday, December 13, 2022

The parents of a Loudoun County student who was raped in a girls' restroom applauded the indictments against former Superintendent Scott Ziegler, saying his handling of last year's sexual assaults in the Virginia high schools left "permanent scars" on the families.

Scott and Jessica Smith said Tuesday they felt vindicated after Mr. Ziegler was indicted on three misdemeanor counts following an investigation into the Loudoun County Public Schools' response to two sexual assaults committed by the same student at two high schools.

"Disgraced LCPS Superintendent Scott Ziegler may now be scarred with the consequences of future misdemeanor convictions, but it does not compare to the permanent scars that his misdeeds have caused families who entrusted their daughters into his care and protection at our public schools," said the Smiths in a statement released by their attorneys.

They said the indictments unsealed Monday by a Loudoun County judge represent "an important step in this process, but it is only a starting point by which we seek to right the wrongs committed."

Mr. Ziegler was scheduled to make an initial appearance Tuesday afternoon in Loudoun County District Court, as is LCPS public information officer Wayne Byard, who was indicted on one count of felony perjury.

Mr. Byard was placed on leave Monday shortly after the indictments were unsealed. The Loudoun County School Board fired Mr. Ziegler last week, a day after the grand jury released its scathing report.

The school board was scheduled to hold a work session on the grand jury's recommendations at its Tuesday meeting beginning at 4 p.m. Eastern time.

Statement from Scott and Jessica Smith on the indictment of LCPS officials by the special Grand Jury. #loudouncounty
pic.twitter.com/6ZRpJhhJ9V

— Autumn Johnson (@LegallyAutumn) December 13, 2022

Mr. Ziegler was indicted on one count of false publication based on making a “false or untrue statement” to media outlets on June 22, 2021, the day he said at a public meeting that “we don’t have any record of assaults occurring in our restrooms.”

The second and third counts against Mr. Ziegler concerned the case of former special education teacher Erin Brooks, who accused the district of failing to protect her from an elementary school student who repeatedly groped her.

Mr. Smith was arrested at the June 22, 2021, meeting by police and charged with disorderly conduct and resisting arrest for demanding information about his daughter’s sexual assault, which occurred May 28, 2021, at Stone Bridge High School. His daughter reported the assault to school officials the same day.

A second girl was sexually assaulted on Oct. 6, 2021, by the same teen assailant who pulled her into an empty classroom at Broad Run High School. The student had been transferred to Broad Run after the Stone Bridge attack.

A Loudoun County Juvenile Court judge ordered the attacker in January to register as a sex offender convicted and placed him in a residential treatment center until he is 18.

The assailant was wearing a skirt when he carried out the first attack, prompting school officials to call a meeting the same day on district policy 8040, which concerns the rights of “transgender and gender-expansive students.”

In their statement, the Smiths said the attacker claimed to be “gender fluid.”

Attorney Bill Stanley of the Stanley Law Group in Moneta, Virginia, said the grand jury’s findings “vindicate what the Smith family has been saying all along —that their public schools chose ‘woke’ policy over protecting their students from harm.”

Attorney Autumn Johnson of the same firm told The Washington Times that a Title IX lawsuit is forthcoming.

The Smiths said they were “determined as parents to not let the Loudoun County public school system sweep what happened to our daughter and another parents’ daughter ‘under the rug,’ as they repeatedly tried to do.”

“Today we continue this fight,” the Smiths said. “And while we feel vindicated, we are still resolute — and we will not be satisfied until both justice is served and significant changes are made that will protect our children from harm.”

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