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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

November 24, 2025

VIA ELECTRONIC TRANSMISSION

Pender Makin
Commissioner
Maine Department of Education
23 State House Station
Augusta, ME 04333

Dannel P. Malloy
Chancellor
University of Maine System
Chancellor's Office
15 Estabrook Drive
Orono, ME 04469

Dear Commissioner Makin and Chancellor Malloy:

As Chairman of the Senate Health, Education, Labor, and Pensions (HELP) Committee, I have spearheaded congressional initiatives to protect women's sports and wholeheartedly support efforts by the U.S. Department of Education to uphold Title IX protections for girls and women in athletics.¹ I write to you today requesting information on your state's compliance with Executive Order (EO) 14201, Keeping Men Out of Women's Sports.²

Title IX of the Education Amendments Act of 1972 prohibits sex-based discrimination in education programs and activities that receive federal funding.³ Title IX, enacted at a time when women had far fewer opportunities in educational programs and activities, transformed our societal landscape by ensuring countless girls and women have equal opportunity to participate in the sports and

¹ Press Release, S. Comm. on Health, Educ., Lab. & Pensions, Ranking Member Cassidy Provides Update on Title IX Investigation, Impacts of Biological Males Competing in Women's Sports (Mar. 21, 2024), <https://www.help.senate.gov/rep/newsroom/press/ranking-member-cassidy-provides-update-on-title-ix-investigation-impacts-of-biological-males-competing-in-womens-sports>; Press Release, S. Comm. on Health, Educ., Lab. & Pensions, Ranking Member Cassidy, Hyde-Smith, Colleagues Introduce CRA to Stop Biden's Radical Title IX Rule, Protect Women & Girls (June 12, 2024), <https://www.help.senate.gov/rep/newsroom/press/ranking-member-cassidy-hyde-smith-colleagues-introduce-cra-to-stop-bidens-radical-title-ix-rule-protect-women-and-girls-1>.

² Exec. Order No. 14201, Keeping Men Out of Women's Sports (2025), <https://www.whitehouse.gov/presidential%20-%20actions/2025/02/keeping-men-out-of-womens-sports/>.

³ Title IX, Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.

educational activities they love. Tragically, fifty years later, as a result of Democrat administrations, these protections are being stripped away, undoing generations of progress and harming female athletes.

The Biden administration strongly undermined Title IX protections by issuing a Title IX Final Rule, which redefined “sex” to include sexual orientation and gender identity, and coerced schools into allowing biological males to compete in women’s sports or risk losing federal funds.⁴ The Biden administration’s Final Rule ignored physiological distinctions between men and women, invoked a dubious legal standard to extend sex discrimination protections to gender identity, and created confusion by imposing an unclear framework on schools to create policies for transgender students’ participation on athletic teams that did not match their biological sex.⁵

Despite my request, the Biden administration did not rescind the Rule.⁶ In January 2025, a federal judge vacated the 1,500-page regulation nationwide, finding that the Biden administration exceeded its statutory authority, and that the Final Rule was both unconstitutional and arbitrary and capricious.⁷

Unlike his predecessor, President Trump has championed the protections for women enshrined under Title IX, thus returning to its original legislative intent to ensure fairness for women and girls. In conjunction with the President’s vision, the Education Department’s Office for Civil Rights (OCR) issued a *Dear Colleague* letter clarifying that Title IX enforcement will follow requirements of the 2020 Title IX Final Rule, instead of the 2024 Title IX Final Rule.⁸ In addition, the letter also stated that the department and OCR would enforce Title IX consistent with the President’s EO, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.⁹

The EO directs the department and OCR to “enforce all sex-protective laws to promote [the] reality’ that there are ‘two sexes, male and female,’ and that ‘[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality.’”¹⁰ Accordingly, OCR has launched

⁴ See Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R 106 (Apr. 29, 2024), <https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>.

⁵ See Letter from Sen. Bill Cassidy, Ranking Member, S. Comm. on Health, Educ., Lab. & Pensions, to Miguel Cardona, Sec’y, U.S. Dep’t of Educ. (May 15, 2023), https://www.help.senate.gov/imo/media/doc/title_ix_letter.pdf.

⁶ Press Release, S. Comm. on Health, Educ., Lab. & Pensions, Ranking Member Cassidy Rebukes Biden’s Title IX Rule Undermining Women’s Sports (May 5, 2023), <https://www.help.senate.gov/rep/newsroom/press/ranking-member-cassidy-rebukes-bidens-title-ix-rule-undermining-womens-sports>.

⁷ *Tennessee v. Cardona*, No. 24-cv-00072, (E.D. Ky. Jan. 9, 2025).

⁸ Dear Colleague Letter from Craig Trainor, Acting Assistant Sec’y for Civil Rights, U.S. Dep’t of Educ. Off. for Civil Rights (Feb. 4, 2025), <https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>.

⁹ *Id.*

¹⁰ *Id.*

investigations into K-12 schools, universities, athletic associations, and state departments of education “to evaluate their alignment with Title IX protections for female athletes.”¹¹

Many recipients of federal financial assistance continue to interchangeably enroll males and females in sports teams that differ from their biological sex (i.e., men in women’s sports and vice versa). These recipients also promote policies that allow shared access to facilities, such as locker rooms and restrooms, based on sexual orientation and gender identity. Under the current and correct interpretation of the law, this is a clear violation of Title IX.

As Chairman, it is my priority to ensure women and girls have every opportunity to succeed on the field and in the classroom. This means ensuring that states receiving federal financial assistance for educational programs comply with federal law and federal agency directives.

Please respond to the following questions, on a question-by-question basis, no later than December 8, 2025.

1. Please provide an overview of your state department of education’s Title IX policies and procedures, as they apply to gender identity and sexual orientation.
2. Please detail any state legislation or other statewide directives that enforce Title IX protections for biological female students and athletes, as it applies to gender identity and sexual orientation. Please provide complete and unredacted copies of these documents.
3. Since February 5, 2025, what action(s), if any, has your department taken to comply with EO 14201? Please provide complete and unredacted copies of all relevant policies and documents.
 - a. If no action has been taken to comply with EO 14201, please explain why.
4. Since February 5, 2025, what changes, if any, have been made to the definition of “sex” in policies and other guidance documents to comply with OCR’s *Dear Colleague* letter for federally funded school districts and higher education institutions within your jurisdiction? Please provide complete and unredacted copies of these policies and documents.
 - a. If no changes have been made, please explain why.

¹¹ Press Release, U.S. Dep’t of Educ., U.S. Department of Education to Investigate Title IX Violations in Athletics (Feb. 6, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-investigate-title-ix-violations-athletics>; Press Release, U.S. Dep’t of Educ., U.S. Department of Education Announces Wagner College Has Entered into a Resolution Agreement to Resolve its Title IX Concerns (Aug. 1, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-wagner-college-has-entered-resolution-agreement-resolve-its-title-ix-concerns>.

5. Does Maine allow biological males to participate or compete in sports with biological females and vice versa? If yes, please describe at which educational levels (K-12 or higher education), which sports, and explain why such participation is allowed.
 - a. What alternatives, if any, do you provide for biological male and biological female students who express concerns about participating or competing in sports with students outside of their biological sex?
 - b. Given scientifically proven physiological differences in males and females, how do you ensure the fairness and safety of females who participate in sports or compete with trans-identifying athletes, including those on hormonal treatments such as testosterone?
6. Does Maine allow biological males to access and use facilities, such as locker rooms and bathrooms, assigned for biological females and vice versa? If yes, please explain why.
 - a. What alternatives, if any, do you provide for biological male and biological female students, including athletes, who express concerns or request to opt-out of shared facilities, such as locker rooms and bathrooms?
7. In the last five years, how many complaints, including those for harassment, have you received from biological male and biological female students expressing concerns about shared facilities, such as locker rooms and bathrooms?
 - a. Please detail how these complaints have been addressed. Please provide complete and unredacted copies of all relevant policies and documents.
 - b. Please detail how many of these complaints were shared with parents or guardians. Please provide complete and unredacted copies of relevant parental notification policies and guidance documents.
8. Have any students in your state been disciplined, sanctioned, punished, or reprimanded in any way (official or unofficial) for making a complaint, including those for harassment, about sharing facilities, such as locker rooms and bathrooms, with an individual of the opposite biological sex?
 - a. If so, for each case, please detail the complaint made by the student and the discipline, sanction, punishment, or reprimand the student received.

- b. Please provide complete and unredacted copies of relevant policies addressing how schools should handle such complaints made by students.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.

Chairman

U.S. Senate Committee on Health,
Education, Labor, and Pensions