



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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May 1, 2023

Dear Secretary Cardona,

I am writing to request that your Department of Education maintain the intent of Title IX as it pertains to safety and fairness in women's sports. Under no circumstance can we assume that Congress, when crafting this important law forty years ago, fathomed a biological male playing competitive sports in an all-female league or competition at any level. The current proposed rule from the Department of Education would undermine the intent of Title IX, which was to increase opportunities for female athletes.

I believe, like most Americans, that we need to protect the integrity of women's sports. As a mom to two daughters who are currently college and high school athletes respectively, I strongly believe we must maintain a level playing field in women's sports – one where biological sex supersedes gender preference.

There are inherent and intrinsic biological differences between men and women that impact athletic performance. These differences can result in variation across strength, speed, and endurance. These factors undoubtedly impact one's success and outcomes in a sport.

Medical studies show us that there is an average 10-12% performance gap between elite males and elite females, "which is almost entirely attributable ... to the production of testosterone."<sup>1</sup> Testosterone affects everything from muscle size and strength; to the heart size; to higher red blood count; to the percentage of fat on an athlete's body.<sup>2</sup> Testosterone production is "fundamental to the discrepancies in athletic performance typical of men and women."<sup>3</sup>

Biological differences help explain why competitive sports have traditionally separated biological males from that of females. This is precisely why the true intent of Title IX is so important. We can respect individual gender preferences without reconstructing Title IX to inherently disadvantage women. Biological sex must be the basis for sporting events.

This proposed rule robs female athletes of those very opportunities Title IX is supposed to protect as this reconstructed mandate reduces her odds for a podium finish.

My hope is that the Department of Education not only considers the original intent of Title IX, but also truly recognizes the biological differences at play here when formalizing this ruling for our country. The inherent and intrinsic biological differences between men and women that impact athletic performance is indisputable, and that is why Title IX has existed as it has for forty years.

Sincerely,

Catherine Truitt  
NC State Superintendent

1. [Sex in Sport \(duke.edu\)](https://duke.edu/~duke/sex-in-sport/)
2. [New York Times \(nytimes.com\)](https://www.nytimes.com/2018/05/01/sports/womens-sports/title-ix.html)
3. [Endocrinology and Women's Sports: The Diagnosis Matters \(duke.edu\)](https://duke.edu/~duke/endocrinology-and-womens-sports-the-diagnosis-matters/)

## OFFICE OF THE NORTH CAROLINA SUPERINTENDENT

Catherine Truitt, *Superintendent of Public Instruction* | [catherine.truitt@dpi.nc.gov](mailto:catherine.truitt@dpi.nc.gov)  
6301 Mail Service Center, Raleigh, North Carolina 27699-6301 | (984) 236-2200 | Fax (984) 236-2349

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