



## Committee on Catholic Education

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### Consequences of the Equality Act for Catholic Education

#### What is the Equality Act and what does it have to do with education?

The Equality Act (H.R. 5 / S. 393) is a bill in the U.S. Congress that supporters claim is necessary to protect people who identify as LGBT from discrimination, including in educational settings. The bill has passed the U.S. House of Representatives and is currently proceeding through the Senate. The Catholic Church teaches that every person is made in the image of God and should be treated accordingly, with respect and compassion. This means we honor every person's right to be free of unjust discrimination. In truth, people who identify as LGBT have often suffered unjust discrimination. Human dignity is central to what we believe as Catholics, and we should consider how we can build a more just society for all people. However, the Equality Act would do much more harm than good to students, parents, and teachers in public and non-public schools alike.

#### Does the Equality Act exempt non-public or protect religious schools?

Key sections of the Equality Act do not distinguish between public and non-public schools, religious or non-religious. As a result, non-public schools would face almost all of the same impacts as public schools, if they are deemed to be recipients of federal financial assistance or considered "public accommodations" under the bill's expansive definitions. The Act's terms would thus reach all non-public colleges and universities that educate students in need of federal student aid, and all non-public schools that provide services to students through federal poverty programs could also be regulated by the Act. Further, religious schools' prospects for securing relief in court would be greatly diminished as the Act takes the unprecedented step of exempting itself from the bipartisan Religious Freedom Restoration Act. The Equality Act raises the following considerations specifically for affected non-public schools:

- The Act could threaten the **tax-exempt status** of religious educational institutions by influencing the IRS to treat religious and biology-based beliefs about marriage, sex, and gender as bigotry.
- Religious schools would be required to **hire and retain** (non-ministerial) employees who publicly contradict the school's core mission and identity as a ministry of faith.
- Religious schools that house married students would be forced to **house same-sex couples** together.
- Non-public schools would likely be required to **cover abortion, gender "transition" procedures, and contraception** in their employee and student health plans.
- The Act could prohibit **single-sex girls' schools and boys' schools** from existing and require them to be fully co-ed (that is, force them to be open to both sexes, not only per individual students' self-identified gender).

- Religious school **facilities and grounds** that are open to the public for community events or service to the poor would likely be deemed “public accommodations” and could be forced to also host events that violate their faith, and to require personnel to open restrooms to, and use pronouns/prefixes of, the opposite sex.
- Schools that may not be subject to the Equality Act, if they have girls’ sports, would still have to compete in **girls’ sports** against school teams that are subject to the Act and thus may include males.
- **School choice** programs in states that link to federal nondiscrimination requirements could suddenly cut out non-public schools that do not conform to the full sweep of the Equality Act, even though they educate and maintain a safe environment for students who identify themselves as LGBT.
- **Students in need** of federal financial aid, such as Pell grants, would be unable to attend the schools of their choice under the Act if those schools do not conform to any of its mandates.

### How does Equality Act impact public education institutions?

While the impact on our over 6,000 Catholic schools is of grave concern, the vast majority of Catholic families attend or teach in **public** K-12 schools and universities. We must be concerned about the even greater impact of the Act in public settings, where students and teachers will encounter and be expected to conform to an ideology that contradicts their rights or their faith. The Act would, in sum, require parents, teachers, and students to reject the truth that human beings are created male and female, with the family formed by a married couple as the first building block of society. Here are some examples, both of direct effects and of other possible consequences that some advocates, courts, and government agencies could create when they interpret and enforce the Act:

- It would force girls and women to compete against males in **school athletics**, creating a competitive imbalance that decreases girls’ enjoyment of sports and is fundamentally unfair.
- Similarly, **scholarships or programming** designated for girls and women (for example, efforts to increase their representation in STEM fields) would be opened to males who self-identify as female.
- The bill would compel girls and women to share **locker rooms, gym showers, restrooms, dormitories, and overnight field trip sleeping spaces** with males who self-identify as female.
- The Act would mandate that schools **require students to support** other children’s “gender identity” (such as treating classmates as the opposite sex in conversations or in single-sex spaces) and teachers, likely resulting in punishing children and teachers who dissent.
- The Act would also likely prevent trusted **counselors and teachers** from being allowed to offer students help in loving themselves and their bodies and would instead *mandate* that they only promote life-altering attempts to change sex as the sole option, even if they do not believe it is in the best interests of a particular student.

- Accordingly, it would likely restrict **children and teens** who are struggling with their gender – which is being experienced at skyrocketing rates with great social pressure – from accessing needed help from counselors and other trusted adults at school in loving themselves and their bodies and would instead falsely present life-altering attempts to change sex as their *only* option.
- The Act could lead to schools’ having to change their **curriculum** to falsely teach children that they can change their sex, and that doing so, and that having same-sex sexual relationships, are the only way for some of them to be healthy (in addition to including LGBT-affirming representation in everything from history to math problems).
- It would likely require all **fraternities and sororities** to become fully co-ed or disband.
- It could put **parents’ rights and custody with respect to their own children** at risk by sending a powerful signal that encourages more school board policies that hide students’ asserted gender identity from parents or influences state and local governments to undermine parents who do not give unquestioning “affirmation” to sudden appearances of LGBT self-identities in their children by characterizing such parents as “unfit.”

### Does the Equality Act affect Title IX?

The Equality Act does not amend Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs and activities that receive federal funding. This does not relieve concerns, however, because the Equality Act’s amendments to Title VI of the Civil Rights Act of 1964 would **supersede** Title IX. This is troubling because Title IX has nuances for sex-specific spaces and programs and accommodates religious freedom; the Equality Act does not (indeed the Act *eliminates* religious freedom protections).

### What is the impact of similar policies in state and local jurisdictions?

Throughout the country there have been state and local laws that are similar to what the Equality Act would do nationally. Some examples of legal cases arising from school sports or restrooms include\*:

<https://www.adflegal.org/selina-soule-track-athlete-story>;

<https://adflegal.org/client-story/alexis-lightcap>;

<https://will-law.org/doe-v-mmsd/>, and

<https://adflegal.org/blog/school-district-changes-its-restroom-policy-then-ignores-sexual-assault-five-year-old-girl>.

*\*These pages are solely for reference and are not materials of USCCB.*

### What can I do about the Equality Act right now?

Contact your U.S. Senators on social media, via email, or by phone today and leading up to key votes! You may do this on your own or follow the form and sample here:

<https://www.votervoice.net/USCCB/Campaigns/80967/Respond>.

### Where can I learn more about these issues?

- For resources on the Equality Act: <https://www.usccb.org/equality-act>.
- For medical, theological, and parental information on addressing “gender identity”: <https://personandidentity.com/>.\*

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