

Testimony of Jennifer Nicole Navarro

In Strong Support of LD 2239 – OUGHT TO PASS

Judiciary Committee – April 14, 2026 (Zoom)

Chair, Ranking Member, and distinguished Members of the Judiciary Committee:

Good morning. My name is Jennifer Nicole Navarro, a resident of Brunswick, Maine.

I testify today in strong support of LD 2239, An Act to Designate School Sports Participation and Facilities by Sex.

My prior submissions to the Secretary of State were designated “Neither For Nor Against” because they addressed only the procedural neutrality and clarity of ballot language. Those comments are fully consistent with my substantive support for this bill.

LD 2239 enacts a clear, objective, and uniform statewide standard: public schools must designate athletic teams, bathrooms, showers, and locker rooms according to a student’s sex as recorded on the original birth certificate. This directly advances the sex-based civil rights framework of **Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681**, which prohibits discrimination “on the basis of sex” in any federally assisted education program.

For decades, Title IX regulations and federal courts have recognized that biological sex produces material average differences in strength, speed, bone density, muscle mass, and cardiovascular capacity after puberty. These objective distinctions justify separate athletic categories and intimate facilities to ensure fair competition, privacy, and equal opportunity—particularly for female students, the group Title IX was enacted to protect.

Maine’s current policies, which permit participation and access based on gender identity, stand in direct tension with Title IX as applied in the ongoing federal enforcement action *United States v. Maine Department of Education*. The U.S. Department of Justice filed this civil lawsuit in April 2025, alleging violations that deprive girls of equal athletic opportunity. Federal agencies have issued violation findings, pursued discovery of athletic records, and initiated proceedings that place substantial federal K-12 education funding—hundreds of millions of dollars annually—at risk. This misalignment is legally and fiscally unsustainable for Maine schools, administrators, and taxpayers.

LD 2239 resolves this by restoring consistent, administrable standards that reduce litigation exposure and fulfill Title IX’s core promise. Nothing in LD 2239 precludes the Legislature from exploring additional voluntary accommodations in parallel. In my view, creating state-funded public school options open to any family by preference—and subject only to available

capacity—would be a constructive complement. Such measures would support diverse student needs without displacing the clear, sex-based categories essential to fair competition, privacy, and equal opportunity in mainstream public education. LD 2239 protects the sex-based civil rights of every child, aligns Maine with federal requirements, and safeguards critical funding

Laws must be clear, consistent, and enforceable. When they are not, the burden falls on students to navigate uncertainty that belongs at the legislative level. LD 2239 places that burden where it belongs—here—by setting objective standards that schools can implement and courts can uphold with confidence.

. I urge the Committee to advance the bill favorably as **OUGHT TO PASS**, without amendments that would weaken its protections.

Thank you for your time and consideration.

Respectfully submitted,

/s./ Jennifer Nicole Navarro

Brunswick, Maine