

February 14, 2025

Via email only <Angelica.InfanteGreen@ride.ri.gov>
Angélica Infante-Green
Commissioner of Elementary and Secondary Education
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903

RE: Board of Education Regulation 200-RICR-30-10-1.

Dear Commissioner Infante-Green:

Yesterday, on behalf of the Rhode Island Center for Freedom & Prosperity, I submitted a petition for the repeal of Regulation 200-RICR-30-10-1, “Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression”. I asked for confirmation that the petition had been received but have not had a reply from the Department.

Instead, I read this morning an article in the Providence Journal⁴ that states:

RIDE's lawyers reject the arguments that lawyer Gregory Piccirilli made in his letter to state Education Commissioner Angélica Infante-Green on behalf of the advocacy group, which views the state's stance on transgender rights as a large issue.

The article goes on to cite R.I. Department of Education spokesman Victor Morente as stating the following:

The regulations the center is challenging "have been adopted by the R.I. Council on Elementary and Secondary Education as well as by every school district in Rhode Island." They are "supported by both state and federal law and will be enforced until the Rhode Island General Assembly and/or the U.S. Congress changes the applicable law."

These statements raise concerns for my client as to the impartiality and seriousness with which RIDE takes our petition.

First, under Board of Education Regulation 200-RICR-20-35-2, the Board must do the following:

2.5 Consideration and Disposition of Request for the Promulgation of a Rule:

- A. The Department shall promptly consider and respond to the request for the Promulgation of a Rule as provided in R.I. Gen. Laws § 42-35-6.

⁴ <https://www.providencejournal.com/story/news/politics/2025/02/13/rhode-island-schools-transgender-policy-jeopardizes-federal-funds-says-conservative-advocacy-group/78525172007/>

B. The Department may, at its discretion and within the thirty (30) day period prescribe by statute:

1. Hold a hearing for further consideration and discussion on the Petition;

or

2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her Petition.

The Administrative Procedures Act, R.I. Gen. Laws § 42-35-6, provides:

Any person may petition an agency to promulgate a rule. An agency shall prescribe, by rule, the form of the petition and the procedure for its submission, consideration, and disposition. Not later than thirty (30) days after submission of a petition, the agency shall:

(1) Deny the petition in a record and state its reasons for the denial; or

(2) Initiate rulemaking.

The response by RIDE to the Journal reporter's inquiry as to our petition raise these concerns:

Who are the RIDE lawyers who "rejected" our arguments in the petition, and what specific arguments are rejected and why?

Who authorized a RIDE spokesman to respond to the Journal's' inquiry, without having even acknowledging receipt of our petition, or providing us with an explanation for what appears to be a pre-judged denial?

What is the legal basis for ignoring what we cite as the lack of Rhode Island statutory authority for the Regulation, and why is there not a recognition that federal law has been interpreted as set forth in both the US Department of Education's new guidance on Title IX, as well as the myriad cases we cite, including from the U.S. Supreme Court, that sex does not mean gender under Title IX?

Hopefully, you or your office will respond to this letter as promptly as you have responded to press inquiries. Thank you.

Very truly yours,



Gregory P. Piccirilli, Esq.

*Advisor to the Law Centre at the RI Center for
Freedom & Prosperity*