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2024 Title IX Regulations Blocked Nationwide

January 10, 2025

Implementation of the 2024 Title IX Regulations (the "2024 Final Rule") is currently blocked nationwide. On January 9, 2025, the Eastern District of Kentucky permanently blocked implementation of the 2024 Final Rule. This was the latest District Court to hear a challenge to the 2024 Final Rule, and followed a series of rulings that led to a patchwork of enforcement across the country since the August 2024 implementation date. In June of 2024, the Eastern District of Kentucky joined several other federal courts in temporarily blocking implementation of the 2024 Final Rule on the grounds that including gender identity within the definition of sex was an abuse by the Department of Education (the "Department"), unconstitutional and arbitrary and capricious. However, with this latest ruling, the Eastern District of Kentucky has issued its final ruling in the case – one that is both expansive and has nationwide implications.

The decision blocks implementation of the 2024 Final Rule not only for recipient colleges and universities within the Plaintiff-States, but for *any institution,* nationwide, that is subject to Title IX. The Court did so through a vacatur, explaining that, "In essence, a vacatur order 'takes the unlawful agency action "off the books"—an entirely appropriate response when a plaintiff successfully establishes that the agency's conduct violates the law.'"[1] Although the Court acknowledged that it had discretion to implement a different remedy, it chose to vacate the 2024 Title IX regulations, thereby blocking the rule from being implemented for any entity to whom the rule would apply. The Court commented that its ruling was unlikely to have a disruptive effect since every district court that has heard challenges to the 2024 Rule and its regulations thus far has also found it to be unlawful, and that vacatur of the Final Rule would merely return Title IX to its status quo of the last 50 years.[2] Accordingly, the Court granted the Plaintiff-States' and intervenors' motions for summary judgment, and denied the Department's cross-motion for summary judgment.

The Department has yet to comment on the ruling or provide guidance to institutions whose policies and procedures were recently updated to comply with the 2024 Final Rule. Given that Donald Trump takes office in less than two weeks, and has previously vowed to undo the 2024 Final Rule, it is unclear whether the Department will appeal the decision. The Department could take a similar approach as it did previously, when it directed that the *2020* Final Rule remain in effect in those states and at those institutions where implementation of the 2024 Final Rule was temporarily enjoined.

Given this current state of uncertainty, we expect the Department to issue guidance for institutions that are currently operating under the 2024 Final Rule. Cullen and Dykman LLP's Higher Education team will continue to monitor for important developments surrounding this issue and will provide updates as necessary.

Should you have any questions about the impact of this ruling on your institution or your institution's Title IX policies and practices more generally, please contact Jennifer McLaughlin (**jmclaughlin@cullenllp.com**), Dina Vespia (**dvespia@cullenllp.com**), or Nicole Donatich (**ndonatich@cullenllp.com**).

This advisory provides a brief overview of the most significant changes in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

Footnotes

[1] *State of Tennessee, et al., v. Miguel Cardona*, Civil Action No. 2:24-072, Doc No. 143, "Memorandum Opinion and Order" at 12 (citing *Kiakombua v. Wolf*, 498 F. Supp. 3d 1, 50 (D.D.C. 2020)) (citation omitted).

[2] *State of Tennessee, et al., v. Miguel Cardona*, Civil Action No. 2:24-072, Doc No. 143, "Memorandum Opinion and Order" at 14 (citing *Sierra Club v. EPA*, 60 F.4th 1008, 1023 (6th Cir. 2023)).

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