

UPDATE: Implementation of 2024 Title IX Regulations Temporarily Blocked in Six Additional States

June 20, 2024

As of June 18, 2024, the [2024 Title IX regulations](#), due to be implemented on August 1, 2024, have been temporarily enjoined in six additional states: Tennessee, Kentucky, Ohio, Indiana, Virginia, and West Virginia. The six states, along with intervenors Christian Educators Association International and a fifteen-year-old girl named A.C. (the “plaintiffs”), moved for a preliminary injunction based on nearly identical arguments raised in a complaint filed by the attorneys general of Louisiana, Mississippi, Montana and Idaho, which resulted in the 2024 Title IX Regulations [being temporarily blocked in those four states](#) on June 13, 2024. The federal judge in the Eastern District of Kentucky similarly agreed with the plaintiffs, stating in his 93-page order that the plaintiffs “correctly argue[d] [that] the new rule contravenes the plain text of Title IX by redefining ‘sex’ to include gender identity, violates government employees’ First Amendment Rights, and is the result of arbitrary and capricious rulemaking.”^[i]

The court cited to the legislative history of Title IX in holding that the Department was exceeding its statutory authority in its interpretation of “on the basis of sex.”^[ii] It similarly referenced works by Benjamin Franklin, John Adams, and James Madison to underscore its stance that requiring schools to use students’ preferred pronouns constitutes compelled speech in violation of the First Amendment.^[iii]

Should you have any questions about this legal alert, please feel free to contact Cullen and Dykman's Title IX Team: Jennifer McLaughlin (jmclaughlin@cullenllp.com), Dina Vespia (dvespia@cullenllp.com), Nicole Donatich (ndonatich@cullenllp.com), or Sarah Franzetti (sfranzetti@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

^[i] *State of Tennessee, et al., v. Miguel Cardona*, Civil Action No. 2:24-072, “Memorandum Opinion and Order” at 1.

^[ii] *Id.*, at 16-28.

^[iii] *Id.*, at 32-48.

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