

Insights

Title IX Ruling Limits Definition of “Sex” in Education Parity, May Impact Employers

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A recent federal court ruling that struck down expanded Title IX protections has implications that could extend well beyond educational institutions. By rejecting the Biden administration’s Title IX rules that expanded sex discrimination to include gender identity and sexual orientation, the Kentucky federal court’s decision in *Tennessee v. Cardona* raises questions about similar protections in the workplace. Though the ruling specifically addresses Title IX in educational settings, its interpretation of “sex” and attempted reliance on the *Bostock* precedent could reshape how other federal employment laws are enforced. This decision not only impacts schools but also signals potential changes ahead for employers nationwide.

The Court’s Decision

The U.S. District Court for the Eastern District of Kentucky ruled that the U.S. Department of Education exceeded its constitutional authority when it adopted regulatory changes that expanded the scope of individuals entitled to protection under Title IX of the federal Education Amendments of 1972, which prohibits sex-based discrimination in schools receiving public funding. The court’s order in *State of Tennessee, et. al. v. Miguel Cardona, in his Official Capacity as Secretary of Education, et. al.*, effectively invalidated the administration’s changes nationwide, marking a significant victory for conservative groups and states that challenged the new regulations.

Background on Title IX Changes

The Biden administration introduced sweeping changes to the Title IX regulations in April 2024, expanding the law’s anti-discrimination provisions to include gender identity and sexual orientation. The changes, which took effect in August 2024, also aimed to provide greater safeguards for pregnant students and alter how schools handle sexual harassment and assault cases. However, the administration’s revisions came under fire from more than two dozen conservative-led states, including Florida,

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which argued that the changes contradicted the original intent of Title IX, which was designed to prevent sex discrimination, specifically between males and females.

Key Findings

U.S. District Judge Danny C. Reeves sided with these states, stating that the expansion of Title IX to include gender identity “eviscerates” the statute and goes beyond what Congress had intended. He ruled that the law’s prohibition on sex discrimination only pertains to biological sex, and adding gender identity to this definition was a misinterpretation of Title IX’s original purpose.

The ruling also addressed concerns about free speech, asserting that the new regulations would have infringed on educators’ First Amendment rights by requiring them to use students’ preferred pronouns.

Additionally, the court disagreed with the Biden administration’s reliance on the 2020 Supreme Court decision in *Bostock v. Clayton County*, which extended workplace protections to LGBTQ+ individuals under Title VII. Judge Reeves ruled that the *Bostock* decision did not apply to Title IX.

Reactions and Future Implications

Conservative leaders hailed Judge Reeves’ decision, arguing that it protected women’s sports and ensured privacy in single-sex facilities, like bathrooms and locker rooms. Senate Republicans also praised the decision, claiming it reaffirmed the original intent of Title IX. On the other hand, advocacy groups for LGBTQ+ rights and women’s organizations criticized the ruling, with many arguing that it undermined the rights of vulnerable students, particularly transgender and pregnant students.

This decision follows a series of legal challenges to the Biden administration’s Title IX changes, including lawsuits filed by states such as Ohio, Tennessee, Kentucky, and West Virginia. The ruling is likely to impact ongoing debates around transgender rights, sports, and educational policies.

The ruling sets the stage for further legal battles, with the U.S. Supreme Court potentially weighing in on the broader issues of gender identity and civil rights protections in the coming year.