

FEDERAL TITLE IX TRANSGENDER RULE BLOCKED IN 6 MORE STATES - THE EPOCH TIMES



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A federal judge on June 17 issued an order temporarily blocking the Biden administration's new Title IX transgender rule in an additional six states. The rule has sparked controversy for changing the definition of "sex" to include "gender identity" and giving female-identifying male students access to girls' locker rooms and bathrooms.

"There are two sexes: male and female," begins the [memorandum and opinion](#) written by U.S. District Judge Danny C. Reeves, filed on June 17 at the U.S. District Court of the Eastern District of Kentucky, Covington Division.

The judge's order grants a preliminary injunction blocking enforcement of the new rule in six states: Kentucky, Indiana, Ohio, Tennessee, Virginia, and West Virginia. The rule has also been blocked in at least five other states.

Judge Reeves found that the Department of Education (DOE) exceeded its statutory authority in setting the new rules and acted in a way that was "arbitrary and capricious."

In a move that sparked controversy and a flurry of lawsuits, the DOE on April 19 [announced a final rule](#) expanding the decades-old Title IX law that prohibits sex discrimination in schools to now include "sexual orientation" and "gender identity."

The changes, which are slated to go into effect on Aug. 1, give males who identify as females the right to use women's restrooms and locker rooms and to join female-only organizations while construing "harassment" as including the use of pronouns that conform to one's sex rather than one's chosen gender identity. The new rules also mean that schools that refuse to comply risk losing essential federal funding and face the prospect of lawsuits.

Judge Reeves said the department failed to meaningfully address concerns regarding risks posed by the new rule to student and faculty safety and that the expanded Title IX has "serious" implications for free speech.

"The rule includes a new definition of sexual harassment which may require educators to use pronouns consistent with a student's purported gender identity rather than their biological sex," the judge wrote. "Based on the 'pervasive' nature of pronoun usage in everyday life, educators likely would be required to use students' preferred pronouns regardless of whether doing so conflicts with the educator's religious or moral beliefs.

"A rule that compels speech and engages in such viewpoint discrimination is impermissible."

A DOE spokesperson told The Epoch Times in an emailed statement that Judge Reeves's ruling is under review.

"We are reviewing the ruling," the spokesperson said. "Title IX guarantees that no person experience sex discrimination in a federally funded educational environment. The Department crafted the final Title IX regulations following a rigorous process to realize the Title IX statutory guarantee. The Department stands by the final Title IX regulations released in April 2024, and we will continue to fight for every student."

By contrast, Kentucky Attorney General Russell Coleman praised the ruling.

"The judge's order makes clear that the U.S. Department of Education's attempt to redefine 'sex' to include 'gender identity' is unlawful and beyond the agency's regulatory authority," Mr. Coleman said in a statement.

The case in Kentucky is among at least seven backed by more than 20 GOP-led states opposing the Title IX rule.

A Texas judge [recently ruled](#) to block enforcement of the new rule in the Lone Star State, while a judge in Louisiana halted its enforcement in Louisiana, Mississippi, Montana, and Idaho.

President Joe Biden issued an [executive order](#) on March 8, 2021, that formally tasked the DOE with amending Title IX in a way that includes protections for an educational environment free of "discrimination on the basis of sexual orientation and gender identity." The department [finalized](#) the Title IX changes in April, expanding the definition of sex discrimination and sex-based harassment.