

***School Law FYI***

Federal District Court Strikes Down 2024 Title IX Final Regulations

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In April 2024, the Department of Education issued final regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX), and, in August 2024, these final regulations became effective. Recently, a federal district court in Kentucky issued a final decision ruling that the 2024 Title IX Regulations were unconstitutional and violated the Administrative Procedures Act.

BACKGROUND

There have been several lawsuits brought in various federal courts throughout the United States to prevent these final regulations from being implemented. Many courts have issued preliminary injunctions that prevented the rule from taking effect in several states. No court ruling specifically prevents the final regulations from taking effect in Wisconsin. However, in July 2024, a federal district court judge in Kansas issued orders that enjoined the Department of Education from implementing or enforcing the 2024 Title IX regulations against schools attended by current and prospective members of Young America's Foundation or Female Athletes United, as well as schools attended by children of current and prospective members of Moms for Liberty.

Tennessee v. Cardona is another lawsuit against the 2024 Title IX regulations. The plaintiffs in this case included the states of Tennessee, Kentucky, Indiana, Virginia, and West Virginia. Previously, the federal district court in Kentucky issued a preliminary injunction, preventing the regulations from being implemented in those states. After granting this preliminary injunction, the court then moved forward and addressed further arguments from the parties.

On January 9, 2025, the court issued a final decision ruling that the 2024 Title IX Regulations were unconstitutional and violated the Administrative Procedures Act. This decision essentially vacated the 2024 Title IX regulations, likely preventing their application to every school district that might otherwise be subject to the regulations.

WHAT THIS DECISION MEANS FOR SCHOOLS

Although the January 9 *Cardona* decision did not directly involve the state of Wisconsin, the decision likely impacts schools in Wisconsin because the decision could be interpreted to apply to all jurisdictions subject to the 2024 Title IX regulations. However, districts should remain cautious before taking action. For example, the decision will likely be appealed and other ongoing court cases may impact this decision or the 2024 regulations. Furthermore, President Trump will take office on January 20, 2025, and his administration may take actions that will affect this decision or the 2024 regulations.

In the end, Wisconsin school district officials will need to determine how this decision impacts its Title IX policies, complaints, and training. Not all districts have taken the same steps regarding the 2024 regulations. School districts should contact their legal counsel for advice on the best way to process any complaints in light of this decision. For school districts that may need training, our firm worked with the Wisconsin Association of School Boards (WASB) to provide training, and this training is available on the WASB website.

CONCLUSION

Our School Law attorneys have been actively working to ensure that Wisconsin school districts, technical colleges, and higher educational institutions are provided guidance on Title IX. We will continue to provide updates on these final regulations. Please contact a member of the [Boardman Clark School Law Practice Group](#) with any specific questions on these regulations.

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