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Title IX Update: Implications for South Carolina Higher Education Institutions

A recent court ruling in Kansas will temporarily block the implementation and enforcements of the Biden administration's new Title IX Rule at certain South Carolina schools, colleges, and universities. This decision comes amidst ongoing legal challenges surrounding the new Title IX 2024 final rule, pertaining to sex discrimination in educational institutions, which is scheduled to take effect on August 1, 2024.

The Biden administration's reinterpretation of Title IX includes protections against discrimination based on gender identity, an extension that has sparked considerable controversy.

The Kansas injunction halts certain institutions from "implementing, enacting, enforcing, or taking any action to enforce" the Title IX Rule until further notice. The Biden administration has sought a stay on portions of this ruling, aiming to allow the Title IX Rule to take effect

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while the case is appealed. However, no further decision has been made regarding this request.

South Carolina, along with several other states have requested injunctions against the 2024 Title IX final rule. A US District Court in Louisiana has enjoined the new regulations in their entirety for Louisiana, Mississippi, Montana, and Idaho, with the judge arguing that the new regulations subvert the original intent of Title IX, which was to protect women from discrimination in education. Similarly, a US District Court in Kentucky has issued an injunction preventing the Department of Education from enforcing the 2024 regulations in Tennessee, Kentucky, Ohio, Indiana, Virginia, and West Virginia. The US District Court in Kansas issued an injunction affecting Alaska, Kansas, Utah, and Wyoming. The Kansas injunction is unique because it also applies to any school attended by a member (or child of member) of one of three plaintiff organizations, meaning over 1000 K-12 and colleges/universities are impacted.

In the meantime, twelve other states, including South Carolina, have similarly sued to enjoin the regulations but are still awaiting rulings. The case involving South Carolina, Alabama v. Cardona, had oral arguments on July 1, 2024 and a decision could come at any time.

Even though South Carolina is not directly involved in the Kansas lawsuit, the ruling's implications extend to many of our state's educational institutions, which are now preliminarily enjoined from enforcing the new Title IX Rule.

These injunctions will likely be appealed to their respective Courts of Appeals. Given the imminent August 1st implementation date, quick appellate rulings and potential US Supreme Court action may be expected.

For now, educational institutions in South Carolina that are not on the Kansas case's list should continue planning to implement the 2024 rules. However, this could change if South Carolina gets a state-wide injunction. If so, schools will likely continue operating under the 2020 rules.

The situation is complex and fluid, and it is likely that states will operate under different sets of regulations after the August 1, 2024 deadline. Institutions must stay informed, work with their counsel, and be prepared for swift changes in compliance requirements related to Title IX.

***NOTE* As of August 1, 2024 a preliminary injunction against the 2024 regulations requested by Alabama, Georgia, Florida, and South Carolina has been granted by the 11th U.S. Circuit Court of**

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Appeals, reversing the decision of U.S. District Court Judge Annemarie Carney Axon. According to the injunction, the U.S. Department of Education is barred from enforcing the new Title IX rules pending further court orders.

Cassidy Coates Price assists state and private educational institutions, including navigating the complexities of laws directly impacting Title IX. If you would like to learn more, please contact [Cole Goode](#), [Ross Plyler](#), or visit our [website](#).

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