

PUBLICATION

August 1 Deadline for Title IX Regulations Has Arrived Amidst Pending Litigation and Continuing Confusion

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The Department of Education's 2024 Title IX regulations became effective August 1, 2024, but only in about half of the states. Because of the pending litigation and preliminary injunctions issued by various courts across the country, the Department of Education is blocked from enforcing the 2024 regulations in the following states: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming. Moreover, the Department of Education is also blocked from enforcing its 2024 regulations in thousands of schools with certain affiliations, which may be in states that are not covered by an injunction. The Department of Justice asked the U.S. Supreme Court to take emergency action and weigh on the jurisdictional divide, but so far the U.S. Supreme Court has not done so.

The Eleventh Circuit Court of Appeals is one of the most recent courts to issue an injunction, and the language of the injunction leaves uncertainty as to whether it applies nationwide. The Department of Education issued an official interpretation of this preliminary injunction, stating that it interprets the Eleventh Circuit's Order as only enjoining the implementation of the new regulations in the four states that appealed, not nationwide.

In response to this ruling, however, the Department of Education held a webinar and officially stated that it would enforce the 2024 regulations starting on August 1 in the states where injunctions are not in effect, as well as the District of Columbia and Puerto Rico. The Department also states that in the states and those schools where enforcement of the 2024 regulations is enjoined, the 2020 regulations would continue to apply.

Thus, as of today, educational institutions in states covered by an injunction should be relying upon the 2020 regulations; otherwise, the 2024 regulations are in effect. It is unclear when the courts will further weigh in, so those institutions operating under the 2020 regulations should stand ready to implement their policy and procedure in compliance with the 2024 rule.

If you have any questions regarding Title IX regulations, please reach out to any member of Baker Donelson's [Education Team](#).