

# Judge Rejects Biden's Title IX Rules, Scrapping Protections for Trans Students

*The decision threw out the administration's proposed regulations, which prohibited discrimination based on gender identity.*

**By Zach Montague**  
**New York Times**

A federal judge in Kentucky on Thursday struck down President Biden's effort to expand protections for transgender students and make other changes to the rules governing sex discrimination in schools, ruling that the Education Department had overstepped and violated teachers' rights by requiring them to use students' preferred pronouns.

The ruling, which extends nationwide, came as a major blow to the Biden administration in its effort to provide new safeguards for L.G.B.T.Q. and pregnant students, among others, through Title IX of the Civil Rights Act. It arrived just days before those protections were likely to face more scrutiny under a Trump administration that is expected to be hostile to the new rules and could refuse to defend them in court.

In [a 15-page opinion](#), Chief Judge Danny C. Reeves of the Eastern District of Kentucky wrote that the Education Department could not lawfully expand the definition of Title IX to prohibit discrimination based on gender identity, as it had [proposed last year](#).

"The entire point of Title IX is to prevent discrimination based on sex," he wrote. "Throwing gender identity into the mix eviscerates the statute and renders it largely meaningless."

In April, the administration [announced a revised version of Title IX](#), the 1972 law that prohibits sex discrimination in educational programs receiving federal funding, that applied more explicitly to transgender students. While it stopped short of some major changes — such as requiring schools to accommodate transgender students in single-sex dorms or sports teams — it generally prohibited schools and their staff from rejecting a student's gender identity in most everyday contexts.

The changes ran into immediate opposition from Republican states, which filed [legal challenges](#), including one brought by Tennessee, Kentucky, Ohio, Indiana, Virginia and West Virginia that led to the decision on Thursday. Through that case and others, the rule had been [temporarily blocked in 26 states](#) while state attorneys general and policy groups opposing the changes fought the Education Department over their specifics.

On Thursday, Judge Reeves definitively ruled against the Biden administration, listing several reasons.

Citing the Supreme Court's [sweeping decision](#) in *Loper Bright Enterprises v. Raimondo* last year, which limited the regulatory power of federal agencies, Judge Reeves wrote that the Biden administration had overstepped when it sought to enforce its new interpretation of Title IX through federal rule-making.

But more significantly, the judge also rejected the revised rule on free-speech grounds, writing that it “offends the First Amendment” by potentially requiring educators to use names and pronouns associated with a student’s chosen gender identity.

“Put simply, the First Amendment does not permit the government to chill speech or compel affirmance of a belief with which the speaker disagrees in this manner,” he wrote.

Lastly, he firmly rejected [the Education Department’s position](#) that the protections for gay and transgender workers against workplace discrimination, established in [a landmark 2020 Supreme Court case](#), should also apply in schools.

That decision — in *Bostock v. Clayton County, Georgia* — held that Title VII of the Civil Rights Act, which prohibits employment discrimination based on race, religion, national origin and sex, extended the same rights to transgender workers.

Judge Reeves, however, found that the Supreme Court’s opinion was not applicable to Title IX.

The decision on Thursday was roundly criticized by student rights activists, who said that in addition to tossing out the new protections for transgender students, the decision eliminated other provisions in the Biden administration’s changes. Those included expanding safeguards for pregnant students and requiring schools to take a harder line in investigating cases of sexual assault.

“Today’s decision displays extraordinary disregard for students who are most vulnerable to discrimination and are in the most need for federal protections under the Title IX rule,” Fatima Goss Graves, the president of the National Women’s Law Center, said in a statement.

Legal groups focused on civil rights also said the decision broke with [years of revisions](#) that had broadened the law’s application, until [elements of Title IX law were weakened](#) during President Donald J. Trump’s first term, when Betsy DeVos led his Education Department.

“This opinion is an example of revisionist history, in writing, coming out of one of our federal courts,” said Maha Ibrahim, a senior attorney at Equal Rights Advocates. She noted that when Judge Reeves wrote that the Biden administration’s changes departed

from the rule's history, "he only refers to the history and trajectory of Title IX since the 2022 DeVos regulations — he's not referring to the 50 years before."

A spokesman for the Education Department did not immediately comment on the decision.

Conservative lawmakers and legal groups hailed the decision as a major victory. Transgender issues became a lightning rod during the 2024 election, and Mr. Trump [has vowed to reverse course](#) on the Biden administration's rules "on Day 1."

On Thursday, a variety of conservative groups celebrated the ruling as returning Title IX to what they described as its original purpose: cementing equal access to education for women, without consideration of gender identity.

"The court here made it very clear that, at least in the context of Title IX, 'sex' means male or female, and there's no room for debate in that," said Kim Hermann, the executive director of the Southeastern Legal Foundation, a conservative public-interest law firm.

"They were looking to a Supreme Court case on a completely different rule that had completely different language," she said of the Education Department. "And they were trying to utilize that to give themselves power to change the definition of sex in the context of Title IX, and the court today called them on it."