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Dear Colleague Letter: U.S. Department of Education to Enforce 2020 Title IX Rule Protecting Women

1 message

U.S. Department of Education <ed.gov@info.ed.gov>
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**UNITED STATES DEPARTMENT OF
EDUCATION**

OFFICE FOR CIVIL RIGHTS

THE ACTING ASSISTANT SECRETARY

January 31, 2025

Dear Colleague:

This letter is to clarify that, effective immediately, the United States Department of Education's (ED) Office for Civil Rights (OCR) will enforce Title IX under the provisions of the [2020 Title IX Rule](#), rather than the recently invalidated [2024 Title IX Rule](#). Accordingly, lawful Title IX enforcement includes, inter alia, the definition of sexual harassment, the procedural protections owed to complainants and respondents, the provision of supportive measures to complainants, school-level reporting processes, and the interpretation of "sex" to mean the objective, immutable characteristic of being born male or female as outlined in the 2020 Title IX Rule.

On January 9, 2025, the United States District Court for the Eastern District of Kentucky issued a [decision](#) vacating the 2024 Title IX Rule, which prohibited ED from enforcing it in any jurisdiction.¹ Prior to that decision, federal courts in other jurisdictions enjoined the 2024 Title IX Rule, which amounted to a prohibition against its enforcement in 26 states.² Indeed, "every court presented with a challenge to the [2024 Title IX Rule] has indicated that it is unlawful."³

In OCR's view, the Eastern District of Kentucky's decision expressed the proper textual and original meaning of Title IX, and it correctly repudiated the 2024 Title IX Rule's expanded "meaning of 'on the basis of sex' to include 'gender identity,'" which, if left in place, would "turn Title IX on its head."⁴ Likewise, the court rejected the 2024 Title IX Rule's statement that discrimination on the basis of sex also includes discrimination on the basis of sex stereotypes, sex characteristics, and sexual orientation.⁵

Equally fatal to the 2024 Title IX Rule, on January 20, 2025, President Trump issued an Executive Order, [Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#), that directly contradicts the vacated rule's novel and expansive meaning of "on the basis of sex." President Trump ordered all agencies and departments within the Executive Branch to "enforce all sex-protective laws to promote [the] reality" that there are "two sexes, male and female," and that "[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality." As a constitutional matter, the President's interpretation of the law governs because he alone controls and supervises subordinate officers who exercise discretionary executive power on his behalf.⁶ That unified control extends to ED and OCR; therefore, Title IX must be enforced consistent with President Trump's order.

In light of these federal court decisions and President Trump's Defending Women Executive Order, the binding regulatory framework for Title IX enforcement includes the principles and provisions of the 2020 Title IX Rule and the longstanding Title IX regulations outlined in 34 C.F.R. 106 et seq., but excludes the vacated 2024 Title IX Rule. Accordingly, open Title IX investigations initiated under the 2024 Title IX Rule should be immediately reoriented to comport fully with the requirements of the 2020 Title IX Rule.

Resources pertaining to Title IX and the 2020 Title IX Rule are available [here](#).

Sincerely,

/s/

Craig Trainor
Acting Assistant Secretary for Civil Rights
United States Department of Education

¹ Tennessee v. Cardona, No. 24-0072-DCR, 2025 WL 63795, at *6 (E.D. Ky. Jan. 9, 2025).

² See Alabama v. U.S. Sec. of Educ., No. 24-12444, 2024 WL 3981994 (11th Cir. Aug. 22, 2024); Oklahoma v. Cardona, No. CIV-24-00461-JD, 2024 WL 3609109 (W.D. Okla. July 31, 2024); Arkansas v. Dep't of Educ., No. 4:24-CV-636-RWS, 2024 WL 3518588 (E.D. Mo. July 24, 2024); Texas v. United States, No. 2:24-CV-86-Z, 2024 WL 3405342 (N.D. Tex. July 11, 2024); Kansas v. Dep't of Educ., No. 24-4041-JWB, 2024 WL 3273285 (D. Kan. July 2, 2024); Louisiana v. Dep't of Educ., No. 3:24-CV-00563, 2024 WL 2978786 (W.D. La. June 13, 2024).

³ Tennessee, 2025 WL 63795, at *7 (collecting cases).

⁴ Id. at *3.

⁵ Id. at *6.

⁶ See Seila Law LLC v. CFPB, 591 U.S. 197, 203-4, 213 (2020) ("Under our Constitution, the executive Power—all of it—is vested in a President, who must take Care that the Laws be faithfully executed. Because no single person could fulfill that responsibility alone, the

Framers expected that the President would rely on subordinate officers for assistance As Madison explained, if any power whatsoever is in its nature Executive, it is the power of appointing, overseeing, and controlling those who execute the laws.") (citations omitted) (cleaned up).