

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
(at Covington)

| | | |
|---|---|--------------------------------|
| STATE OF TENNESSEE, et al., |) | |
| |) | |
| Plaintiffs, |) | Civil Action No. 2: 24-072-DCR |
| |) | |
| V. |) | |
| |) | |
| MIGUEL CARDONA, in his Official |) | JUDGMENT |
| Capacity as Secretary of Education, et al., |) | |
| |) | |
| Defendants. |) | |

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In accordance with Rule 58 of the Federal Rules of Civil Procedure and the Memorandum Opinion and Order entered this date, it is hereby

ORDERED and **ADJUDGED** as follows:

1. Judgment is entered in favor of Plaintiffs Commonwealth of Kentucky, Commonwealth of Virginia, State of Indiana, State of Tennessee, and State of West Virginia and Intervenor Plaintiffs Christian Educators Association International and A.C., by her next friend and mother Abigail Cross, and against Defendants Miguel Cardona and the United States Department of Education.

2. The Final Rule entitled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” (the “Final Rule”), 89 Fed. Reg. 33474 (Apr. 29, 2024) is unlawful because: (a) Title IX’s prohibition on “sex” discrimination does not include the bases or conduct covered by § 106.02’s hostile-environment harassment definition, § 106.10, or § 106.31(a)’s regulation of sex-segregated facilities and programs; (b) it violates the Spending Clause and the First Amendment; (c) it is arbitrary and

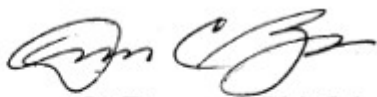
capricious; and, therefore, (d) the Plaintiff States, their political subdivisions, and their recipient schools need not comply with the Final Rule to receive federal funding.

3. The Final Rule entitled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” (the “Final Rule”), 89 Fed. Reg. 33474 (Apr. 29, 2024), and its corresponding regulations including, but not limited to 34 C.F.R. §§ 106.10, 106.31(a)(2), and 106.2 are **VACATED**.

4. This is a **FINAL** and **APPEALABLE** Judgment and there is no just cause for delay.

Dated: January 9, 2025.




Danny C. Reeves, Chief Judge
United States District Court
Eastern District of Kentucky