

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
COVINGTON DIVISION**

**State of Tennessee; Commonwealth  
of Kentucky; State of Ohio; State of  
Indiana; Commonwealth of  
Virginia; and State of West Virginia,**

*Plaintiffs,*

*and*

**Christian Educators Association  
International; A.C., by her next friend  
and mother, Abigail Cross,**

*Proposed Intervenor-Plaintiffs,*

v.

**Miguel Cardona, in his official  
capacity as Secretary of Education; and  
United States Department of  
Education,**

*Defendants.*

**Case No. 2:24-cv-00072-DLB-CJS**

**INTERVENOR-PLAINTIFFS' MOTION TO INTERVENE**

Proposed Intervenor-Plaintiffs Christian Educators Association International and A.C. (collectively, Intervenors), move to intervene under Federal Rule of Civil Procedure 24. Christian Educators is an association of Christian members who serve, teach, and mentor students in public schools in every state in the country, including in Plaintiff States. A.C. is a female student athlete in high school in West Virginia. Intervenors challenge the new rules published by the U.S. Department of Education on April 29, 2024. *See Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Financial Assistance*, 89 Fed. Reg. 33,474 (Apr. 29, 2024). The rule redefines the meaning of “sex” throughout Title IX—a statute that regulates Intervenors’ educational experiences.

This redefinition uniquely harms Intervenors and threatens their statutory and constitutional freedoms. For Christian Educators’ members (including those in Tennessee and Kentucky), the rules quash their freedom of speech, compels them to speak contrary to their beliefs, and invades their privacy. For A.C., the rules force her to compete against males in sports and to share vulnerable spaces like bathrooms, locker rooms, and hotel rooms on overnight trips with males. A.C. knows the injuries that result from reinterpreting sex as the rules demand. In middle school, she was forced to compete against a male student and lost athletic opportunities, was required to share a locker room with that student, and was subjected to the vulgar sexual comments that student made to her.

Intervenors challenge the new rules because they violate the Administrative Procedure Act (APA). Intervenors will set forth original arguments and represent different interests than the Plaintiff States to explain why the rules cannot satisfy the APA. Intervenors rely on the attached memorandum of law, proposed complaint, and declarations from Christian Educators, its members, and A.C. to justify their intervention.

Plaintiff States do not oppose this intervention. Defendants' position is unknown at this time because Defendants' counsel have not yet entered an appearance. Intervenors request oral argument on this motion.

Respectfully submitted this 3rd day of May, 2024.

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*\*Motion for pro hac vice admission filed concurrently*

*\*\*Motion for pro hac vice admission filed concurrently;  
practice supervised by one or more D.C. Bar members while D.C. Bar  
application is pending.*

### CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May, 2024, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system, and a true and exact copy of the foregoing document will be served by U.S. Certified Mail, to the parties identified below:

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The Honorable Miguel Cardona  
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