



COMMONWEALTH of VIRGINIA

Office of the Governor

Aimee Rogstad Guidera
Secretary of Education

June 18, 2024

As you know, earlier this year the U.S. Department of Education published regulations redefining the scope of Title IX of the Education Amendments of 1972 by issuing a Final Rule: “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” (the Final Rule)¹. This Final Rule and its accompanying regulations are scheduled to take effect on August 1, 2024.

Virginia joined a coalition of several states challenging this Final Rule in the U.S. District Court for the Eastern District of Kentucky. Yesterday, the court granted the coalition’s motion for a preliminary injunction/stay of the Final Rule and its accompanying regulations. In so doing, the court found that the coalition of states is likely to prevail on the merits of their challenge and that the states would be irreparably harmed if they were forced to implement the unlawful Final Rule by August 1. Accordingly, the court enjoined and restrained the U.S. Department of Education from implementing, enacting, or enforcing the Final Rule and its accompanying regulations in the plaintiff states, including Virginia, pending final resolution of the lawsuit.

Given the fact that the Final Rule is enjoined in Virginia, I urge all public schools serving elementary and secondary school-aged children, as well as all public four-year and public two-year institutions of higher education, regional higher education centers, and other impacted entities to immediately cease implementation of the Final Rule and its accompanying regulations pending the lawsuit’s resolution.

Sincerely,

A handwritten signature in blue ink that reads "Aimee R. Guidera".

Aimee R. Guidera

¹ See 89 Fed. Reg. at 33474 (Apr. 29, 2024).