LOS ANGELES & SAN FRANCISCO
Daily Journal
www.dailyjournal.com
FRIDAY, FEBRUARY 6, 2026

Title IX: under various presidential administrations

As the Supreme Court considers transgender athlete bans, a wave of new Title IX investigations signals another turning point in how the current administration is shaping the law.

By **Angela Reddock-Wright**

Shutterstock

The Supreme Court heard oral arguments on Jan. 13 in two cases involving Title IX of the Education Amendments of 1972. *West Virginia v. B.P.J.* and *Little v. Hecox* focused on transgender athletes banned by state laws in West Virginia and Idaho from competing according to their chosen gender. Decisions in both cases, which are expected to favor the states, should be released in the spring or early summer of 2026.

On Jan. 14, the U.S. Department of Education's Office for Civil Rights (OCR) announced investigations into 18 educational entities in 10 states for alleged Title IX violations. These included K-12 school districts, postsecondary education institutions and state departments of education whose policies or practices allegedly discriminated on the basis of sex by permitting students to participate in sports based on their "gender identity" rather than their biological sex.

This appears to be yet another turning point for Title IX. How is the current presidential administration putting its stamp on the law? What does this mean for students and educational institutions?

Title IX basics

Although short in length (37 words long), Title IX is powerful in its impact: "No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

President Nixon signed it into law in 1972, and Congress enacted regulations for its application in 1975. Enforcement power rests with the U.S. Dept. of Education.

Title IX applies to public K-12 schools, colleges and universities. Private and religious schools may be subject to Title IX if they receive federal funding, but religious schools may seek a religious exemption. The law bars sex-based discrimination in schools receiving federal funds, including in school-sponsored programs and activities such as sports programs.

Title IX claims arise in a number of contexts: as student-on-student claims, employee-student claims, employee-to-employee claims, and third-party-student or employee claims. Because certain Title IX claims have a similar legal framework as employment claims, particularly in the discrimination and harassment context, many employment lawyers have added Title IX practice areas to their resume. Title IX claims may also focus on gender equality in sports, including transgender rights.

The Supreme Court first decided Title IX's scope in *Grove City College v. Bell* (1984) 465 U.S. 555. The law, it ruled, could be applied to a private school that refused direct federal funding but for which a large number of students had received federally funded scholarships; however, it would apply only to the institution's financial aid department and not to the school as a whole.

Title IX under various presidential administrations

Although Title IX is a relatively young statute in the nation's nearly 250-year history, each presidential administration has used its platform to make changes to the regulatory and enforcement framework of the statute.

In President George W. Bush's second term, amended regulations offered greater flexibility in the operation of single-sex classes or extracurricular activities at the primary and secondary school levels.

President Obama's Office for Civil Rights released a "Dear Colleague Letter" urging all schools to more diligently investigate and resolve reports of sexual assault. The letter called for use of a "preponderance of the evidence" standard of proof

and threatened fines or loss of future federal funds in the event of Title IX noncompliance. The administration also issued guidance stating that transgender students should be allowed to access bathrooms, locker rooms and sports teams in accordance with their gender identities. This guidance never fully went into effect because several states challenged it.

The first administration of President Trump rescinded the guidance on transgender students. It also shifted the standard used in Title IX investigations from "preponderance of the evidence" to "clear and convincing." Trump's Dept. of Education rescinded Obama-era guidelines calling for colleges and universities to more aggressively investigate campus sexual assaults and issued a letter stating that Connecticut's policy allowing transgender girls to compete in high school sports as girls was a violation of the civil rights of female student-athletes and Title IX.

An executive order issued by President Biden was intended to reverse changes made by the first Trump administration limiting the scope of Title IX to sex and excluding gender identity and sexual orientation. Rules issued in 2024 would have expanded coverage regarding gender identity and pregnancy, broadened the scope of sexual harassment cases requiring investigation, and removed a requirement to hold live hearings. The rules were challenged in many states and ultimately overturned by a federal judge in January 2025.

At the start of the second Trump administration, the Dept. of Education directed schools and colleges to return to policies from Trump's first term.

The current state of Title IX

Title IX has seen a complete reversal under the current administration and recent court rulings. On Jan. 9, 2025, the U.S. District Court for the Eastern District of Kentucky vacated the Biden administration's 2024 Title IX regulations. In *State of Tennessee v. Miguel Cardona*, the court held that the 2024 regulations exceeded the Dept. of Education's authority under Title IX, violated the United States Constitution and were the result of arbitrary and capricious agency action. The vacatur applies nationwide, meaning the 2020 Title IX final rule and Title IX regulations are effective.

On Feb. 5, 2025, Pres. Trump signed an executive order stating that schools and states that allow transgender girls and women to participate in girls' and women's school sports are in violation of Title IX and risk federal funding. The NCAA then changed its policy to align with the executive order, as did the U.S. Olympic and Paralympic Committee.

The principal differences between the first and second Trump administration rules include the definition of sex discrimination; the harassment and grievance procedures; and the federal enforcement mechanism, moving claims from administrative agencies to the courts. As a backdrop to these changes, the administration has been working to reduce the size of the Dept. of Education and possibly shut it down completely.

Recent Title IX cases

Title IX claims continue to evolve and to be at the top of court dockets. On Oct. 24, 2025, a federal judge granted a preliminary injunction preventing Concordia University, a private Division II school in Irvine, from dropping the women's swimming and tennis programs. Although women comprised 59% of Concordia's students, they received only 51.2% of the roster spots for sports. The judge agreed with the plaintiffs that by dropping the programs, Concordia was violating Title IX.

In August 2025, a federal judge in Texas issued a preliminary injunction against Stephen F. Austin State, preventing that school from eliminating its women's beach volleyball, bowling and golf programs. At least eight other schools since 2020 have been ordered to reinstate programs after Title IX challenges: Iowa, William & Mary, UConn, Dartmouth, Clemson, East Carolina, North Carolina Pembroke and Dickinson College.

In the West Virginia case just heard by the Supreme Court, Becky Pepper-Jackson, a 15-year-old transgender girl, was told that a recently enacted state law prevented her participation on sports teams. She and her family challenged the law before she began middle school, and she was allowed to participate in cross country and track and field. She argued that she had a right to compete on the girls' teams because her gender identity matched the category and she had not undergone male puberty. West Virginia countered that her participation on girls' teams violated Title IX because her birth sex was not female.

The issue in both transgender cases is whether Title IX prevents a state from consistently designating girls' and boys' sports teams based on biological sex determined at birth; and whether the equal protection clause of the 14th Amendment prevents a state from offering separate boys' and girls' sports teams based on biological sex determined at birth.

Resolution of Title IX cases

The public rarely hears of the average Title IX case. The vast majority of these cases are handled at the local school level through the standard administrative, investigation and hearing process.

The cases we do hear about are those with multiple alleged victims and/or great societal impact. These may be class action, mass tort or multi-party cases. The stakes are generally very high in these cases —both monetarily and with respect to risks to reputations, careers and the financial stability of the school or institution. For this reason, most of these cases are settled privately.

In recent years, we've read about several such high-stakes settlements. In May 2018, Michigan State University reached a landmark $500 million settlement with 332 survivors of sexual abuse by sports doctor Larry Nassar. In June 2019, USC agreed to a $215 million settlement with patients of ex-gynecologist George Tyndall. The University of Michigan agreed in January 2022 to a $490 million settlement of claims related to sexual assault by Dr. Robert Anderson. In June 2025, a $2.8 billion settlement in *House v. NCAA* ended three separate federal antitrust lawsuits that claimed the NCAA illegally limited the earning power of college athletes.

Although Title IX cases are often resolved through a formal hearing process or in litigation, many can be resolved through an informal or formal mediation process, with the help of a skilled mediator. Resolving these matters through mediation allows the parties to reach early settlement of contentious issues, protect reputations and keep sensitive information out of the public's view.

The mediator for Title IX cases should be knowledgeable of the underlying substantive laws and issues, able to show respect for both the alleged victims and the accused, able to navigate the complexities of multi-party litigation, and be trauma-informed and trained.

Conclusion

What is the future of Title IX? If history tells us anything, it is that this area of law will continue to evolve, particularly as we debate and find common ground on alleged sex and gender discrimination in sports and other school activities, and as we see more claims of alleged sexual misconduct and assault in schools, sports, the workplace and other environments.

Because Title IX tends to reflect the values of the administration in power, it will continue to be a compelling and interesting practice area for the lawyers and neutrals who do this work. Stay tuned for more updates on the law.

Angela Reddock-Wright *is a mediator and neutral with Signature Resolution, specializing in employment and labor matters, Title IX, mass tort, class actions, multi-district litigation, and complex claims involving private, public and non-profit sector, school, church and religious institution clients. She also is available to serve as a court-appointed neutral, monitor, or referee, and as a settlement or claims administrator.*

Reprinted with permission from the *Daily Journal*. ©2026 Daily Journal Corporation. All rights reserved. Reprinted by ReprintPros 949-702-5390.