



*****OVERVIEW OF TITLE IX LITIGATION—PLEASE READ*****

Moms for Liberty’s historic federal lawsuit against the Department of Education (DOE) challenging the Biden administration’s rewrite of Title IX regulations led to a federal district court issuing a landmark preliminary injunction prohibiting the DOE from enforcing these changes in several states and at the schools attended by the children of members of Moms for Liberty.

It is important to understand that this injunction is preliminary in nature, meaning that unless an appellate court rules differently in the future, it will remain in effect until the district court can fully hear the case. It is currently under appeal. This Title IX litigation will likely continue for many months because challenges continue to be filed and then appealed through the legal system by parties on both sides of the fight. Ultimately, the issues surrounding the Biden Administration’s Title IX rewrite, which is blatantly unconstitutional and unlawful, will most likely be decided by the United States Supreme Court sometime in the next year.

FREQUENTLY ASKED QUESTIONS ON TITLE IX LITIGATION

Updated August 28, 2024

QUESTION: How will the Department of Education know that it can’t enforce its new Title IX regulations at schools where Moms for Liberty members’ children attend?

ANSWER: The district court stated that the Department of Education cannot implement or enforce its new Title IX regulations in *any* school attended by a child of a Moms for Liberty member. But because Moms for Liberty does not publish information on where its members children attend school, the district court told Moms for Liberty to submit a list of schools to put the Department of Education on notice that it cannot enforce or implement the Title re-write at those schools. This essentially created an opt-in system, allowing Moms for Liberty to submit a list of schools that its member’s children attend and to update that list on a continued basis. The list will not identify members by name, it will only list the schools.

Current Moms for Liberty members need to go through their “member portal” and click the link that says “Edit Profile” to opt into a list of schools that can be protected from Title IX implementation. This link is connected to a NEW list of US public schools that members can use to select their child’s school. If not already a member of Moms for Liberty, follow the link titled “Join the Fight” to sign up as a member and then continue to the opt-in to list to select the child’s school.

Detailed instructions of how to opt-in and ensure that Moms for Liberty can inform the district court that your child’s school is covered by the injunction can be found at momsforliberty.org/title9/. If you

do not see your US public school on the list in the member portal, please email Moms for Liberty at ITsupport@momsforliberty.org.

QUESTION: I read that my child's school had to be submitted to the court by July 15 to be covered by the injunction. Is that true?

ANSWER: No. The preliminary injunction prohibits the Department of Education from implementing or enforcing the Title IX rewrite at all schools attended by children of current and future Moms for Liberty members. Moms for Liberty can and will continue to update the list of schools it provides to the district court unless an appellate court says otherwise.

On July 15, other parties in the lawsuit provided the district court with a list of schools that their members attend, but because Moms for Liberty is organized at the county level it was not able to provide a list of schools at that time and only submitted the schools attended by the children of the four brave Moms for Liberty members who put their name on the lawsuit.

Simultaneously, Moms for Liberty's attorneys worked through the legal process to ensure maximum protections possible for Moms for Liberty members, ultimately obtaining clarification that the preliminary injunction applies to **both current and future members** and that it can continuously update the list of schools as needed.

The DOE has asked the appellate court to revisit the inclusion of schools of Moms for Liberty members who joined after July 2, 2024, and Moms for Liberty's attorneys are diligently defending their inclusion.

QUESTION: I am concerned that my child would be a target at school if a list of school names is released through the course of this litigation or given to the US Department of Education. How will they be protected?

ANSWER: Moms for Liberty and its legal team wants the district court's July 2024 order to apply to as many schools in the US as possible. To that end, the district court is allowing Moms for Liberty to submit (and update on a regular basis) a list of schools that its members' children attend so that it can notify the DOE that it cannot enforce the Title IX rewrite at those schools. The list of schools will NOT identify Moms for Liberty members by name—it only lists the schools, nothing else.

Historically, Moms for Liberty has never collected information on where members' children attend school. Because of this, inclusion of a member's child's school is completely opt-in and based on a NEW list of US public schools that members can choose from. The only way a school will appear on the list submitted to the district court is if a member logs in to the member portal and updates their member profile to include school information, or if a current non-member joins Moms for Liberty as a member and provides school information.

Members of Moms for Liberty and their families are heroes in standing up for the rights of their children, but in doing so they have become subject to harassment, threats, and intimidation. Moms for Liberty is committed to protecting the security and personal identifying information of its members while still availing them of this important legal victory. The organization and its legal team continue to work to make sure that this order can be applied in a safe, secure way.

QUESTION: Does it matter if I am a general or associate member? (Note: There are three layers to membership: National Membership, Chapter Associate Membership, and Chapter Regular Membership)

ANSWER: For purposes of the district court's preliminary injunction, it does not matter what type of Moms for Liberty member you are.

Moms for Liberty encourages ALL prospective members to begin the process of becoming a chapter regular member. This membership has many benefits, far beyond anything connected to the potential outcome of litigation. Chapter regular membership is the best value to anyone interested in joining the organization.

QUESTION: How will I know that Moms for Liberty added my child's school to the list submitted to the district court?

ANSWER: Once a list of member schools is submitted to the district court putting the district court and DOE on notice that those schools are covered by the injunction and included in the court's protection from implementation of the Title IX rewrite, those lists will all be available on this webpage (linked below) and with the lawsuit's key legal filings at <https://www.sfliberty.org/case/moms-for-liberty-and-young-americas-foundation-et-al-v-u-s-department-of-education/>.

Note: These legal filings are submitted periodically and not in real time. Members can contact their chapter chair for additional questions about their child's school.

QUESTION: How will my child's school know that the Department of Education can't enforce its Title IX rewrite against it?

ANSWER: It is important to know that individual schools will not be notified by the district court or Moms for Liberty that the DOE can't enforce its Title IX rewrite against it. It is not known currently if the DOE itself will notify schools or post a list of schools.

Parents can always choose to directly notify a child's school and/or school district that it is covered by the preliminary injunction by providing it with a copy of the notice Moms for Liberty files with the district court. (The lawsuit's key legal filings are available at <https://www.sfliberty.org/case/moms-for-liberty-and-young-americas-foundation-et-al-v-u-s-department-of-education/>)

If a school board questions whether or not a parent is a Moms for Liberty member, that parent can show the school board their membership confirmation email.

QUESTION: Why did the district court find the Biden Administration's Title IX rewrite violated the rights of Moms for Liberty members?

ANSWER: In its preliminary injunction opinion, the district court found the Title IX rewrite violates Moms for Liberty members' children's First Amendment rights because it is so vague and overbroad that no one knows how to comply with it.

Even the DOE itself admitted during oral argument that it didn't know when students could be punished for speaking out against gender ideology or advocating for their safety in private spaces. Instead, the DOE said "let's wait and see" — but the district court didn't buy that approach.

If the government itself can't even say when its rule applies, no one should be forced to comply with it. Moms for Liberty believes this is a huge win for parents across the country and for our American republic.

QUESTION: I am afraid that my child's school district will adopt policies on its own that mirror the Biden Administration's Title IX rewrite. What can I do to protect my child?

ANSWER: This is a valid concern shared by many parents across the country. There two important things all parents can and should be doing to stop radical gender ideology from taking hold in their child's school:

First, read up on the law. Learn more about the Title IX rewrite and why it and policies similar to it are unlawful and unconstitutional by scheduling a webinar for a Moms for Liberty chapter with Southeastern Legal Foundation by emailing info@southeasternlegal.org.

Second, educate a local school board on the law by providing it with copies of the [preliminary injunction order](#) and the district court's [clarification of the preliminary injunction order](#) in this lawsuit which provides strong legal reasoning and precedent, explaining why these policies are unlawful and unconstitutional.

Links to Lists of Schools Submitted to the District Court

[First Notice to DOE of Schools with Plaintiff Organizations' Members](#) (July 15, 2024)

[Second Notice to DOE of Schools with Plaintiff Organizations' Members](#) (July 26, 2024)

[Third Notice to DOE of Schools with Plaintiff Organizations' Members](#) (July 31, 2024)

[Fourth Notice to DOE of Schools with Plaintiff Organizations' Members](#) (Aug. 28, 2024)