# Biden appeals to Supreme Court over anti-LGBTQ+ discrimination rules



The Biden administration has turned to the Supreme Court to seek permission to enforce new anti-discrimination rules in educational institutions, particularly focusing on protections for the LGBTQ+ community, pregnant women, women who have had abortions. This move follows recent challenges and injunctions from lower courts.

On Monday, the administration made two separate requests to the Supreme Court, aiming to implement some of the newly established rules starting next month. These rules are part of a broader effort to enhance civil rights protections, under Title IX, for various groups including those within the LGBTQ+ community.

The Department of Education had earlier this year announced revisions to Title IX – a key law that prohibits sex discrimination in schools, which encompasses sexual violence and harassment. These revisions were slated to be effective nationwide from August. Key among the changes is the explicit prohibition on discrimination based on pregnancy and related conditions such as childbirth, termination of pregnancy, and recovery from pregnancy.

Despite these progressive steps, several Republican-led states opposed the expanded protections. A coalition of GOP attorneys general filed lawsuits to halt the enforcement of measures aimed at protecting LGBTQ+ students. These contested changes are designed to address discrimination based on sex stereotypes, sexual orientation, gender identity, and sex characteristics, according to the Department of Education.

Last month, the enforcement of these Title IX updates was obstructed by two federal judges who issued nationwide injunctions in ten states. The affected states include Tennessee, Kentucky, Ohio, Indiana, Virginia, West Virginia, Louisiana, Mississippi, Montana, and Idaho.

In response, the Biden administration petitioned appeals courts to limit the scope of the injunctions to the specific provisions affecting LGBTQ+ students, as these were the elements directly challenged in court. However, these requests were denied by the appeals courts, prompting the administration to escalate the matter to the Supreme Court.

Solicitor General Elizabeth Prelogar, representing the administration, argued that the lower courts had made an error in blocking the entirety of the new rules. She emphasized that such a broad injunction prevents the Department of Education from fulfilling its legal obligations under Title IX, a vital civil rights statute ensuring non-discrimination in the nation's education system.

“If the Supreme Court does not narrow these injunctions, the Department of Education will be hindered in applying critical protections outlined by the statute across a significant section of the country,” Prelogar stated. She noted that the GOP-led lawsuits did not contest the rule changes related to protections for pregnant and postpartum students, including the provision of lactation spaces and prohibitions against retaliation.

Prelogar further argued that the legal challenges related to gender-identity discrimination do not justify delaying or preventing the implementation of the other significant reforms intended to support pregnant students.

Title IX compliance is mandatory for institutions seeking to receive federal education aid, underscoring the significance of the Supreme Court's impending decision on this matter. As the legal battle continues, schools, policymakers, and advocacy groups await clarity on the enforcement of these critical anti-discrimination protections.