

## Summary: The Impact of *State of Kansas v. Cardona* on GCCCD (August 26, 2024)

**Background on the Case:** The *State of Kansas v. Cardona* case arose from a legal challenge by the State of Kansas, joined by other states and advocacy groups, against the Department of Education's 2024 Final Rule on Title IX. The new regulations expanded the definition of sex discrimination under Title IX to explicitly include sexual orientation and gender identity. The plaintiffs argued that the Department of Education exceeded its authority, acted arbitrarily, and violated constitutional principles, including the Spending Clause and the First Amendment, by implementing these rules.

**Court's Decision and Injunction:** In response to the challenge, a federal district court in Kansas issued an injunction that temporarily blocked the enforcement of the 2024 Title IX regulations in four states: Kansas, Alaska, Utah, and Wyoming. The injunction was further expanded to include institutions nationwide that enroll students who are members of certain advocacy groups—namely, Young America's Foundation, Female Athletes United, and Moms for Liberty.

**Implications for GCCCD:** The recent ruling in *State of Kansas v. Cardona* has direct implications for the Grossmont-Cuyamaca Community College District (GCCCD) in California. Specifically, it has been determined that Grossmont College enrolls students who are members of the advocacy groups named in the court's injunction—Young America's Foundation, Female Athletes United, and Moms for Liberty. As a result, Grossmont College is prohibited from implementing the 2024 Title IX regulations and must instead maintain compliance with the 2020 regulations. Conversely, Cuyamaca College, which does not have students who are members of these advocacy groups, is required to comply with the 2024 Title IX regulations.

**Moving Forward:** To ensure compliance with the court's injunction and the differing regulatory requirements, GCCCD as a whole must take the following steps:

### 1. Policy Differentiation:

- **Grossmont College** is actively working to ensure that all Title IX-related policies, procedures, and training programs are fully aligned with the 2020 regulations by adhering to the 2020 Interim Board Policies and Administrative Procedures (BP/APs, 2020 DOE Title IX Regulations)
- **Cuyamaca College** should fully implement the 2024 Title IX regulations, ensuring that all relevant stakeholders are informed about the new requirements and that policies are updated accordingly. This includes

adjusting grievance procedures, definitions, and training materials to comply with the 2024 standards.

**2. Monitoring and Legal Compliance:**

- Both colleges will continue to monitor and track any changes in the legal landscape, especially regarding appeals of the Kansas ruling or additional rulings that might affect the applicability of the injunction.

**3. Contingency Planning:**

- Prepare to timely adjust policies and training programs if the injunction is lifted or if a new nationwide ruling changes the current requirements.

By taking these steps, GCCCD can navigate the complex regulatory environment effectively, ensuring that both Grossmont and Cuyamaca Colleges remain compliant with their respective Title IX obligations while being prepared for any future changes.

Respectfully submitted,  
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