



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: John E. Tyler, Esq.
Deputy Superintendent and General Counsel

DATE: July 31, 2024

RE: Update on Litigation Regarding Title IX Rule

In previous memos dated [April 23, 2024](#), and [July 2, 2024](#), the South Carolina Department of Education (SCDE) committed to keep school districts apprised of significant legal developments related to the implementation of the new Rule under Title IX.

On July 30, 2024, the South Carolina Attorney General's Office moved for an emergency administrative injunction enjoining the enforcement of the new Title IX Regulations. On July 31, 2024, the Eleventh Circuit Court of Appeals issued the attached order enjoining the United States Department of Education from enforcing the final rule adopted on April 29, 2024.

Additionally, [as previously discussed](#), Budget Proviso 1.120 (SDE: Student Physical Privacy) requires that all South Carolina school districts must designate multi-occupancy restrooms and changing facilities for use only by members of one sex and prohibits students of the opposite sex from using the same bathrooms, changing facilities, overnight sleeping quarters, shared bathrooms, locker rooms, and shower rooms. The Proviso requires the SCDE to withhold 25% of state funds used to support district operations for violation of this policy.

Therefore, pursuant to the Eleventh Circuit's Order and Budget Proviso 1.120, the SCDE continues to recommend that Districts not implement the new Rule.

Prior to this ruling, six (6) federal district courts have enjoined the Rule in 22 states. Of note, one of those rulings halted enforcement of this Rule in more than 85 schools across more than 25 South Carolina school districts.

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The Department will continue to consult with lawmakers, the Governor, and the Attorney General on next steps and will remain in close communication with you as you begin your school year in the coming days and weeks.