

## The *Association of Christian Schools International* Case

**Case Name:** *State of Tennessee v. United States Department of Education*

**Case Status:** Oral arguments were heard at the U.S. Court of Appeals for the 6<sup>th</sup> Circuit on April 25, 2023

**Significance:** Whether the Biden administration may reinterpret federal law and ignore biological reality at the expense of women and women and girls.



**Background:** Schools around the country, like those that belong to the Association of Christian Schools International (ACSI), want to protect their female student athletes and give them a fair chance to be champions. ACSI's member schools are committed to protecting their female athletes consistent with their religious beliefs. Women's sports exist because of the clear biological differences between men and women. Female athletes, like Amelia Ford, dedicate their time and efforts to excellence. Yet, women and girls are getting side-stepped by male athletes identifying as females. In the Spring of 2021, the Department of Education, along with another federal agency, issued a fact sheet and document that provided a new interpretation for Title IX – reinterpreting sex to include gender identity. The Biden administration, which failed to notify the public of the new interpretation, not only reversed fifty years of advances for female athletes, but also abused its executive and administrative power. Our laws and policies must reflect biological reality, and that is why Alliance Defending Freedom joined this lawsuit. ADF, intervening on behalf of ACSI and Amelia Ford, filed a motion to defend women and girls who have been harmed and protect those who may be harmed in the future by the Biden administration's dangerous overreach.

### Key Points

- The Biden administration's radical redefinition of sex impacts more than sports: it undermines women's safety and turns back the clock on women's opportunities, to everyone's detriment.
- The Biden administration is ignoring legal norms and Supreme Court precedent to advance a radical agenda.
- Agencies, who are delegated specific powers from Congress, cannot impose mandates outside of their authority nor can they enact binding rules without a notice-and-comment opportunity.

### Key Facts

- President Biden and the Department of Education ignored precedent and procedure with their redefinition of Title IX – dishonoring women and girls.
- Science and common sense tell us that males are generally bigger, faster, and stronger than females; no amount of testosterone suppression or surgeries can undo all those advantages.

**The Bottom Line:** The Biden administration's radical push to redefine sex threatens the safety, competitiveness, and equality of opportunity for female athletes.