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Texas's Title IX Case Is About a National Abortion Ban, Not Student Attendance

Jessica L. Waters, American University

A new case out of Texas, brought by Attorney General Ken Paxton for the state of Texas and joined by two University of Texas (UT) Austin professors, broadly challenges the U.S. Department of Education's interpretation of Title IX — the federal law that prohibits sex discrimination in education — that is set to go into effect later this summer.

The Department's guidance states, in part, that Title IX protects students from discrimination based on sex, including "pregnancy or related conditions" and that the definition of "related conditions" includes abortion.

The case is generating headlines partly because the two plaintiff professors have declared (in advance) that they will not comply with the Title IX guidance. They lodge a range of complaints about using non-binary gender pronouns and "cross-dressing" teaching assistants, and, notably, students who seek abortions.