

Trump Administration Sues CDE and CIF for Title IX Violations

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The United States Department of Education (Department) has determined that the California Department of Education (CDE) and the California Interscholastic Federation (CIF) violated Title IX of the Education Amendments of 1972 (Title IX) by “allowing males in girls’ sports and intimate spaces,” and preventing equality of opportunities for girls in athletics.

Background

On February 5, 2025, President Trump signed an Executive Order (EO) titled “Keeping Men Out of Women’s Sports” (EO 14201). In this EO, President Trump asserted that women’s sports are “reserved for biological women,” and stated that Title IX action would be prioritized against educational institutions that deny female students an equal opportunity to compete in sports by requiring them to compete with or against or appear unclothed before men. President Trump also threatened to withdraw funding from educational programs that failed to comply with this EO. (Lozano Smith did a deeper dive into this EO in our 2025 [Client News Brief No. 12.](#))

On June 2, 2025, the U.S. Department of Justice (DOJ) sent letters to all California local educational agencies (LEAs), informing them of their obligation to certify that they would not implement CIF Bylaw 300.D, which allows for students to participate in CIF sports and activities in manner that is consistent with their gender identity. California’s State Superintendent, Tony Thurmond, issued a statement on June 3, 2025, affirming that California public schools would continue to follow California law, which permits transgender students to participate in athletics and use facilities that correspond with their gender identity. Days later, California filed a lawsuit against the DOJ challenging the legality of its demands of California LEAs. (*State of California v. U.S. Department of Justice*, June 9, 2025.)

On June 25, 2025, in alignment with its investigation findings, the Department issued a proposed Resolution Agreement, giving CDE and CIF ten (10) days, or until July 7, 2025, to comply and change their practices regarding allowing transgender female students to participate in female sports and occupy female intimate facilities.

On July 7, 2025, CDE and CIF rejected the Department’s proposed Resolution Agreement, citing their disagreement with the Department’s analysis. In response, the DOJ filed a lawsuit against CDE and CIF, alleging that California’s

policies allowing transgender female athletes to participate in girls' sports violates federal anti-discrimination laws. (*United States v. California Interscholastic Federation and California Department of Education*, July 9, 2025.) Specifically, the lawsuit cites California Education Code section 221.5, subdivision (f), or California's "Sex Equity in Education" act, and CIF Bylaw 300.D as the main policies that violate Title IX.

The Supreme Court will also be weighing in on the issue of transgender athletes during the Fall 2025 session. They have agreed to hear a case out of the 9th Circuit, *Little v. Hecox*, where they will be reviewing whether laws that limit transgender students from participating in girls' and women's sports violate the Equal Protection Clause. The outcome of this case could have an impact on California law as it applies to transgender athletes in public schools.

Takeaways

At present, the Department's Title IX investigation findings do not change the law as it relates to California public schools. California law continues to permit transgender and nonbinary students to participate on the sports teams and use the facilities of the gender they identify with. This directly contradicts the Department's interpretation of Title IX and EO 14201. Therefore, compliance with California law as it applies to transgender students continues to run the risk of an Office of Civil Rights (OCR) complaint. However, California public schools that no longer allow transgender female athletes to participate on female sports teams and/or use female facilities (consistent with the Department's findings), will be out of compliance with California law, which could result in lawsuits from community members or California agencies.

This area of the law continues to evolve and develop, and we will continue to monitor updates from the Department, California agencies, and any related litigation. Lozano Smith will issue further guidance as needed.

If you have any questions about the DOJ lawsuit against CDE and CIF, or any law related to transgender and nonbinary athletes, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), and [LinkedIn](#) or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.