



2024 Joint Guidance on Federal Title IX Regulations Analysis on Section 106.1: Purpose

July 1, 2024

Note: This document focuses on a summary analysis of Section 106.1, specifically the Purpose of the Title IX Regulations.¹ For a full overview of the changes from the 2020 Regulations and the 2024 Final Regulations, see *Title IX Text for Text 2020 and 2024 Regulation Final Comparison*, available at <https://system.suny.edu/sci/titleix/>.

§ 106.1: Purpose

Section 106.1 states:

The purpose of this part is to effectuate Title IX, which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Public Law 93-380, 88 Stat. 484.

Analysis

Changes from the 2020 Final Regulations

This section has some changes from the 2020 Final Regulations. This section of the 2020 regulation did not change from the original regulations.

Text Changes from the Original Regulations

This section of the regulation was not changed in 2020² and was retained from the original regulations.³ Overall, the changes in this section were minimal from the 2020 and original regulations, and mostly consist of technical changes to make the section read in a more “plain

¹ The effective date of these Regulations will be August 1, 2024 and will apply prospectively. The Department has stated it will provide technical assistance during the transition period and after the effective date.

² Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19, 2020) (to be codified at 34 C.F.R. pt. 106) (hereinafter “2020 Title IX Final Regulations”).

³ 34 C.F.R. § 106.1 (2024).

language” fashion.⁴ The heading of the section has been changed from “Purpose and Effective Date” to now only state “Purpose” and remove the effective date that was originally in the section of the regulation from its initial adoption.⁵

Discussion in the Preamble

Request to Remove Language Related to Exceptions

One commenter requested that the Department remove the reference “(with certain exceptions),” from the text of the final regulation. The Department stated that it declined to do such because there are specific statutory exceptions that apply that do not constitute sex discrimination under the statute.⁶

Recipients that are not Educational Institutions

One commenter objected to the language that states that Title IX applies to “any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part.”⁷

The Department stated that it disagreed with this commenter’s objections to the use of that particular language because Title IX can apply to education programs or activities that receive Federal financial assistance that are offered by recipients that are not educational institutions. The Department specifically provided examples of libraries and hospitals as two areas that may be covered that are not educational institutions.⁸ Title IX would still apply to those education programs or activities. This language has been in the regulations since May 9, 1980.⁹

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⁴ See Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33,474, 33,480 (Apr. 29, 2024) (to be codified at 34 C.F.R. pt. 106) (hereinafter “2024 Title IX Final Rule”); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 87 Fed. Reg. 41,390 (proposed Jul. 12, 2022) (to be codified at 34 C.F.R. pt. 106) (hereinafter “2022 Title IX NPRM”).

⁵ 2022 Title IX NPRM, 87 Fed. Reg. 41399; see also 34 C.F.R. § 106.1, stating, “The effective date of this part shall be July 21, 1975.”

⁶ See 20 U.S.C. 1681(a)(1)-(9).

⁷ 2024 Title IX Final Rule, 89 Fed. Reg. 33882.

⁸ 89 Fed. Reg. 33481.

⁹ See Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance, 45 Fed. Reg. 30802, 30956 (May 9, 1980) (to be codified at 34 C.F.R. § 106.1).

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