

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

B.E.; <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 2:21-cv-00415-JRS-MG
VIGO COUNTY SCHOOL CORPORATION,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	

**MOTION FOR LEAVE TO FILE AMICUS BRIEF IN OPPOSITION  
TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

The States of Indiana, Alabama, Alaska, Arkansas, Georgia, Idaho, Kentucky, Mississippi, Montana, Nebraska, South Carolina, South Dakota, Tennessee, and West Virginia move the court for leave to file an amicus brief in opposition to Plaintiffs’ Motion for Preliminary Injunction.

In support of their motion, Amici States assert that they all have public school and public university systems that receive federal funding under Title IX. They have a strong interest in the efficient operation of these educational institutions and in protecting the health, safety, welfare, and privacy of all students. Many are involved in a multistate lawsuit challenging the federal government’s guidance interpreting Title IX’s prohibition of sex discrimination to cover discrimination on the basis of sexual orientation and gender identity. *See Tennessee v. U.S. Dep’t of Educ.*, No. 3:21-cv-00308 (E.D. Tenn.). In a “public school environment[,] . . . the State is responsible for maintaining discipline, health, and safety.” *Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie Cnty. v. Earls*, 536 U.S. 822, 830 (2002). Requiring schools to allow some students to use the restrooms or locker rooms of the opposite biological sex threatens the privacy (and safety)

of all students. And mandating that every teacher remember and use the preferred pronoun of every student, regardless of biological sex, interferes with school operations and educational missions and is tantamount to mandating that teachers speak each student's preferred language. No law imposes such a requirement.

For these reasons, Amici States respectfully request that this Court grant their motion to file an amicus brief in opposition to Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted,

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