

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

Rapides Parish School Board,

Plaintiff,

v.

**United States Department of
Health and Human Services, et al.,**

Defendants.

Case No. 1:25-cv-00070-DDD-JPM

Judge Dee D. Drell

**Magistrate Judge Joseph H.L.
Perez-Montes**

**PLAINTIFF RAPIDES PARISH SCHOOL BOARD'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

In connection with the Plaintiff Rapides Parish School Board's motion for partial summary judgment [Dkt. 19], the School Board hereby submits this notice of supplemental authority.

One of the School Board's claims runs against Defendant HHS's gender identity mandate under Section 1557 of the Affordable Care Act. See Complaint at 53–56 [Dkt. 1]. The complaint seeks permanent relief “to the extent that [the 1557 rule] address[es] gender identity” including “on the basis of gender identity *or* sex stereotypes or other theory.” *Id.* at 68–69 (emphasis added).

On October 22, 2025, Judge Guirola of the U.S. District Court for the Southern District of Mississippi issued a summary judgment order that includes a universal vacatur of specific parts of the Section 1557 rule:

to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination: 42 C.F.R. § 438.3(d)(4), 42 C.F.R. § 438.206(c)(2), 42 C.F.R. § 440.262, 42 C.F.R. § 460.98(b)(3), 42 C.F.R. § 460.112(a), 45 C.F.R. § 92.101(a)(2)(iv), 45 C.F.R. § 92.206(b)(1)–(4), 45 C.F.R. § 92.207(b)(3)–(5), 45 C.F.R. § 92.8(b)(1), 45 C.F.R. § 92.10(a)(1)(i), and 45 C.F.R. § 92.208.

Tennessee v. Kennedy, 2025 WL 2982069, at *11 (S.D. Miss. Oct. 22, 2025).

Notably, the order did not vacate 45 C.F.R. § 92.101(a)(2)(v), the definition banning discrimination on the basis of sex stereotypes, even to the extent it encompasses gender-identity discrimination. The vacatur of § 92.101 specifies only subparagraph (iv), the definitional language specifying “gender identity” discrimination. Consequently, even if the vacatur becomes final because either it is not appealed or it is upheld on appeal, it would only partially provide the relief Plaintiff seeks here, because it did not include vacatur of and injunctive relief against the rule’s sex stereotypes discrimination ban to the extent that it encompasses gender-identity discrimination. This is particularly relevant due to another court having held that the sex stereotypes discrimination ban in Section 1557’s implementing regulations encompasses gender identity discrimination in addition to the specific “gender identity” language in the definition. *See Walker v. Azar*, 480 F. Supp. 3d 417, 427 (E.D.N.Y. 2020); *Walker v. Kennedy*, 790 F. Supp. 3d 138, 141–42 (E.D.N.Y. 2025) (expressing willingness to consider summary judgment to permanently restore gender identity mandate through sex stereotypes language).

Respectfully submitted this 4th day of November, 2025.

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