

Whistleblower Responses to Department of Education

- I. **Response to Department of Education Report – January 21, 2025**
- II. **Response to Department of Education Supp. Report – March 6, 2026**
- III. **Response to Department of Education Supp. Report – March 30, 2026**
- IV. **Consolidated Exhibit List**

➤ Response to Department of Education Report (1/21/2025)

[Tennessee et al v. United States Department of Education et al, Case No. 3:21-cv-308 \(E.D. Tenn. 2022\)](#) (publicly available online)

1. Challenged Documents / Guidance Documents
2. Letter from Human Rights Campaign to Secretary Cardona
3. Memorandum from Kansas City Regional Director

[2021-22 Civil Rights Data Collection A First Look: Students' Access to Educational Opportunities in U.S. Public Schools](#) (publicly available online)

[2023-24 Civil Rights Data Collection: General Overview, Changes, and List of Data Elements](#) (publicly available online)

[Master List of CRDC Definitions – 12/17/2024](#) (publicly available online)

[Spreadsheet: CRDC Definitions and their Historical Changes](#) (publicly available online)

➤ Response to Department of Education Supplemental Report (3/6/2026)

- A. Memorandum dated November 14, 2022, from the former Assistant Secretary addressing sexual orientation / gender identity (SOGI) cases
- B. Email dated June 4, 2024, directing staff to open SOGI case in **Kansas** (complaint was not opened because staff refused)
 - CMS Coding reflecting TIX – Gender Identity / Transgender – “Book Ban” (Title IX)
 - Complaint filed with OCR
 - Email dated June 4, 2024, directing staff to open the case
 - Email dated June 4, 2024, from OCR staff addressing injunction

- C. Email dated February 29, 2024, directing staff to open SOGI case in **Oklahoma** (complaint was transferred and opened for investigation)
- Email dated February 29, 2024, directing staff to open the case
 - Notification letters attached to email of February 29, 2024
 - Email dated February 29, 2024, declining to issue notification letters
 - Notification Letter dated March 1, 2024, issued by Chicago office of OCR
- D. SOGI Case – Forsyth – **Georgia** (opened, investigated, and resolved)
- CMS Coding reflecting TIX – Gender Identity / Transgender
 - [Resolution Letter – Forsyth Public Schools \(GA\)](#) (publicly available online)
 - [Resolution Agreement - Forsyth Public Schools \(GA\)](#) (publicly available online)
- E. SOGI Case – Owasso – **Oklahoma** (opened, investigated, and resolved)
- CMS Coding reflecting TIX – Gender Identity / Transgender
 - [Resolution Letter- Owasso Public Schools \(OK\)](#) (publicly available online)
 - [Resolution Agreement - Owasso Public Schools \(OK\)](#) (publicly available online)
- F. SOGI Case – Fairborn – **Ohio** (opened for investigation / SOGI allegation later dismissed)
- G. SOGI Case – Matanuska-Susitna – **Alaska** (opened for investigation / later dismissed)
- H. SOGI Case – Rogers – **Arkansas** (transferred and mediated / later dismissed)
- CMS Coding reflecting TIX – Gender Identity / Transgender
 - Complaint filed with OCR – Cover Page and Questions 6-8
 - Email dated May 9, 2024, approving Denver office to mediate case
 - Dismissal / Notification Letter, dated May 24, 2024, when mediation not successful
 - Dismissal Letter dated October 15, 2024
- I. SOGI Case – Bellbrook-Sugarcreek – **Ohio** (opened for investigation / SOGI allegation later dismissed)
- J. Email dated September 19, 2024, directing staff to dismiss cases by citing the injunction of the 2024 regulations, not the 2022 Injunction which was actually at issue
- Email dated September 19, 2024, directing staff to follow template in dismissing SOGI cases
 - Dismissal letter attached to email of September 19, 2024, to be used as template
 - Federal Register showing the 2024 TIX Regulations were not effective until August 1, 2024
- K. SOGI Case – Hinds County – **Mississippi** (opened for investigation / remains open)
- L. SOGI Case – Huntington County – **Indiana** (opened for investigation / remains open)
- M. SOGI Case – Oberlin College – **Ohio** (opened for investigation / remains open)
- N. SOGI Case – Rapides Parish – **Louisiana** (opened for investigation / remains open)
- O. SOGI Case / Other Allegations – Montana State U. – **Montana** (opened for investigation / SOGI allegations remain open – *case would remain open without SOGI allegations*)

- P. SOGI Case / Other Allegations – Ivy Tech – **Indiana** (opened for investigation / SOGI allegation remains open, despite partial dismissal letter drafted)
- Q. SOGI Case / Other Allegations – Arlington – **Tennessee** (opened for investigation / SOGI allegation remains open, despite partial dismissal letter drafted)
- R. SOGI Case – Bryan County – **Georgia** (opened for investigation / remains open, despite recommendation to pause work)
- S. SOGI Case – Fulton County – **Georgia** (opened for investigation / remains open, despite dismissal letter drafted)
- T. SOGI Case – Spartanburg – **South Carolina** (opened for investigation / remains open, despite recommendation to dismiss)
- U. SOGI Case – Charleston County – **South Carolina** (opened for investigation / remains open, despite recommendation to dismiss)
- V. OCR’s public facing website has different issue code than OCR’s internal case tracker & email to LGBTQ+ advocacy group for evidence – Owasso
- W. “Appendix A” to Resolution Agreement requires that SOGI complaints be addressed, but is not included on OCR’s public facing website – Owasso
 - Page 7 of 11 of Resolution Agreement references an “Appendix A”
 - “Appendix A” references an “OPS Report and Stop Bullying” online report
 - Document with timestamps that coincide with the timestamps listed in “Appendix A”

➤ **Response to Department of Education Supplemental Report (3/30/2026)**

- X. SOGI Case – Washington Elementary School District – **Arizona** (opened, mediated, and resolved)
 - Initial letter drafted by OCR investigative staff
 - OCR leadership rejects letter proposed by investigative staff
 - Email dated April 21, 2023, directing staff to mediate the case
 - Revised letter drafted by OCR leadership
 - Email dated April 24, 2023, from OCR staff initiating mediation
 - Redacted Mediation Agreement dated May 25, 2023
- Y. [Office for Civil Rights \(OCR\) - Organizational Structure – 8/28/2022](#) (publicly available online)

EMPOWER OVERSIGHT

Whistleblowers & Research



January 21, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Hampton Dellinger
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C., 20036-4505

RE: U.S. DEPARTMENT OF EDUCATION MISCONDUCT

Dear Mr. Dellinger:

Thank you for providing a copy of the response from the U.S. Department of Education (Department), dated December 12, 2024, to the inquiry opened by the Office of Special Counsel (OSC). The inquiry concerned the Department's compliance with an injunction (hereafter the "2022 Injunction") issued by a federal district court concerning guidance documents promulgated by the Department's Office for Civil Rights (OCR).¹ The allegation OSC referred to the Department on August 6, 2024, for investigation read:

The Department is failing to comply with a court injunction that prohibits the agency from addressing gender identity and/or transgender status and sexual orientation based on Title IX in states where the injunction applies.

In its response, the Department acknowledged the 2022 Injunction remains in effect. The Department, however, advised OSC that it "did not substantiate the [] allegation that OCR is violating the Court's injunction" and "determined that OCR took reasonable steps to ensure compliance with the Court's injunction." (Reply at 8—9).

The whistleblower disagrees with the Department's conclusion for five reasons:

1. The Department analyzed the wrong issue;
2. The Department mischaracterized the guidance documents and the Court's 2022 Injunction;
3. The Department's report contains false and misleading statements;
4. The Department's report omitted material facts; and
5. The Department continues to violate the Court's 2022 Injunction.

The Department's reply is a master class in obfuscation, misdirection, gaslighting, and half-truths intended to defend a position the Department knows is wrong.

¹ See Tennessee v. U.S. Dep't of Educ., Case No. 3:21-cv-00308 (E.D. Tenn. July 15, 2022), aff'd Tennessee v. U.S. Dep't of Educ., 104 F.4th 577, 615 (6th Cir. 2024).

1. The Department analyzed the wrong issue.

The most remarkable aspect of the Department's response to OSC is what it *does not* claim, namely, that the Department complied with the Court's 2022 Injunction. Instead, the Department engages in a bait-and-switch with respect to the Department's compliance. Specifically, the Department asserts:

[T]he appropriate benchmark for evaluating the Department's compliance with the Court's injunction is whether actions taken by OCR are consistent with the Notice of Compliance filed by DOJ on behalf of the Department in the district court litigation.

(Reply at 8–9, 11). Rather than analyzing whether actions taken by OCR are consistent with the 2022 Injunction, the Department *instead* analyzed “whether actions taken by OCR are consistent with the Notice of Compliance.”

The Department offers two rationales for adopting this approach. First, the Department contends that the 2022 Injunction was deficient under Federal Rule of Civil Procedure 65(d), which requires that an injunction must “state its terms specifically” and “describe in reasonable detail . . . the act or acts restrained or required.” (Reply at 9–10). Second, the Department asserts that “[t]o the extent the Court disagreed with the Department's interpretation, the Notice of Compliance provided the Court with an opportunity to clarify the scope of its injunction more than two years ago” and “[g]iven the Court's silence, the Department's understanding of the injunction is, at minimum, a reasonable one.” (Reply at 11–12). Neither of these arguments is availing.

With respect to the Federal Rules of Civil Procedure, the Department is making this claim for the first time in response to the OSC referral. The Notice of Compliance, on which the Department relies, does not allege the 2022 Injunction is vague. Before the Sixth Circuit, the Department argued the Court granted “relief that was overbroad” – not that the injunction was vague.² The issue of vagueness, therefore, was never raised on appeal. The whistleblower and the Kansas City Regional Director discussed the 2022 Injunction with the Assistant Secretary, who never claimed it was vague. In effect, the Department is asking OSC to find the 2022 Injunction deficient, even though the Sixth Circuit affirmed the 2022 Injunction on appeal.³

Relying on the Court's silence in response to the Department's Notice of Compliance is even less persuasive. Significantly, the Department never filed a motion for a hearing on its Notice of Compliance. It is unsurprising, therefore, that the Court never ruled on the Department's Notice of Compliance, as the Department never asked it to do so. It is black letter law that “a court speaks only through its orders.” Goldman v. Comm'r, 388 F.2d 476, 478 (6th Cir. 1967).⁴ The Court's silence, therefore, cannot be construed as acquiescence to or approval of the Department's Notice of Compliance. The Department's argument appears to be that “silence is consent” with respect to the Court—a position the Department knows is indefensible and offers no legal authority to support.

² Brief for Appellants, Tennessee, et al., Plaintiffs-Appellees, v. Dep't of Educ., et al., Defendants-Appellants, 2022 WL 17901086, at *59.

³ It would be helpful if the Department cited some legal authority – any authority at all – in support of its contention that the Court's injunction fails to comply with Federal Rule of Civil Procedure 65(d). However, All the Department offers is a similar injunction issued by a federal district court in Texas by way of comparison. It is not surprising, then, that the Department did not advance this argument on appeal.

⁴ See also Perkins v. LeCureux, 58 F.3d 214, 220 (6th Cir. 1995) (“It is a cardinal principle of Anglo-American jurisprudence that a court speaks only through its minutes”), Transcon. Leasing, Inc. v. Michigan Nat. Bank Detroit, NBA, 943 F.2d 52, 1991 WL 170904 at *3 (6th Cir. 1991) (“The district court speaks through its orders . . .”), Williams v. Brown, 921 F.2d 277, 1990 WL 208669 at *1 (6th Cir. 1990) (“Since a court speaks through its orders and judgments, the language in the judgment is controlling”).

OSC had it right when it asked the Department to investigate whether “[t]he Department is failing to comply with a court injunction.” Despite the Department’s attempt to change the subject, the plain language of the 2022 Injunction – not the Department’s self-serving interpretation of the injunction – is the standard to which the Department should be held. Compliance with the 2022 Injunction was the basis of the whistleblower’s complaint. In that sense, the Department has failed to respond to the referral from OSC or the whistleblower’s complaint, which in and of itself is an admission.

2. The Department mischaracterized the guidance documents and the Court’s 2022 Injunction.

a. The Department intentionally mischaracterized the guidance documents as non-binding.

In its reply, the Department explains that OCR “issued three documents to assist schools and other educational institutions receiving federal financial assistance to understand how OCR interprets and enforces Title IX” (hereafter the “challenged documents” or “guidance documents”). (Reply at 4). According to the Department, the challenged documents “discuss the Department’s interpretation of Title IX in light of the Supreme Court’s decision in Bostock v. Clayton County” and “clarify [its] enforcement authority over discrimination based on sexual orientation and discrimination based on gender identity under Title IX” Id. The challenged documents explicitly state that “the Department ‘will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity. . .’” Id.

The Department’s report claims the challenged documents were “non-binding and did not purport to have the force and effect of law,” even though the Court already rejected this argument. The Court held that the Department’s “self-serving labels are not controlling.” Tennessee, Case No. 3:21-cv-00308 at *27. Citing the Sixth Circuit, the Court stated, “the particular label placed upon [guidance] is not necessarily conclusive, for it is the *substance* of what the [agency] has purported to do and has done which is decisive.” Id., citing Detroit Edison Co. v. EPA, 496 F.2d 244, 249 (6th Cir. 1974) (emphasis in original). Accordingly, the Court held the Department’s “guidance determines the ‘rights and obligations’ of those subject to . . . Title IX, and thus constitute final agency action.” Id.

The Department’s position with respect to the challenged documents is disingenuous. Although the Department claims the documents are non-binding, OCR has repeatedly opened investigations—and resolved investigations—based on the interpretation of Title IX set forth in the challenged documents. So, the Department’s representation to OSC that the challenged documents are non-binding was not only rejected by the Court, but is also contradicted by OCR’s own actions.

b. The Department’s interpretation of the Court’s 2022 Injunction misrepresents what the Court held and is nonsensical.

The Department mischaracterizes the Court’s injunction as merely enjoining OCR from citing the challenged documents. The Department’s position is wrong for two reasons. First, the Department misrepresents what the Court actually stated in its opinion. Second, the Department’s interpretation of the Court’s 2022 Injunction is nonsensical. In discussing the Court’s opinion, the Department conveniently leaves out the first four words of the Court’s conclusion: “For the foregoing reasons.” The “foregoing reasons” addressed by the Court make it perfectly clear that the Court enjoined OCR’s novel interpretation of Title IX, not just a few pieces of paper that comprise the challenged documents.

In its opinion, the Court held as follows,

For the foregoing reasons, Plaintiffs’ Motion for Preliminary Injunction is **GRANTED** . . . Accordingly, it is hereby ordered that Federal Defendants . . . are **ENJOINED** and **RESTRAINED** from implementing the [guidance documents].

Tennessee, Case No. 3:21-cv-00308 at *46. The Court explained in its opinion that the Plaintiffs “challenge[d] the **content of the guidance** as being unlawful.” Id. at 19 (emphasis added). The Court noted that the guidance documents “guide the Department in processing complaints and conducting investigations” and “dictate[] how the Department will enforce Title IX going forward and requires the Department to investigate and pursue enforcement action . . . when discrimination based on sexual orientation and gender identity is alleged.” Id. at 27–28. Specifically, the Court held that “**Defendant’s guidance documents advance new interpretations of . . . Title IX and impose new legal obligations** on regulated entities.” Id. at 31. Clearly, the Court’s injunction encompasses the “content of the guidance” and the “*new* interpretations of . . . Title IX.”

Nevertheless, the Department claims that—notwithstanding the injunction—it can still investigate “all complaints alleging violations of Title IX’s statute or regulations, including complaints of discrimination against LGBTQ+ students or discrimination based on sexual orientation or gender identity.” (Reply at 9–10). Contrast this assertion with the Court’s opinion. In enjoining OCR from implementing the guidance documents, the Court held: “The Department of Education’s guidance creates rights for students and obligations for regulated entities not to discriminate based on sexual orientation or gender identity that appear nowhere in Bostock, Title IX, or its implementing regulations.” Tennessee, Case No. 3:21-cv-00308 at *41.

The Department’s position is pure sophistry. The Department contends that “implementing the challenged documents” is not the same as “engaging in enforcement actions consistent with those documents.” (Reply at 9), but this is a distinction without a difference. The Court, according to the Department, somehow enjoined implementation of the challenged documents without enjoining OCR from implementing what the challenged documents plainly say. Not only is this a misrepresentation of the Court’s opinion, but the Department’s interpretation is nonsensical and renders the 2022 Injunction meaningless.

3. The Department’s report contains false and misleading statements.

i. The Department misrepresented its investigation into Owasso Public Schools.

On February 21, 2024, the President of the Human Rights Campaign sent a letter directly to Secretary Cardona expressing concern that “efforts to stoke hate and discrimination across the country are having a direct, negative impact on the lives of trans and gender-expansive students.” The letter concluded by asking “the Department to urgently investigate whether Owasso High School unlawfully failed to address the discrimination and harassment to which [REDACTED] was subjected.” The same day, the Secretary of Education posted the following statement:



In retrospect, it is apparent that once Secretary Cardona posted this message, the Department (through OCR) was committed to investigating discrimination based on gender identity in Owasso Public Schools, regardless of any federal injunction.

The whistleblower referred this case to OSC after (1) the Deputy Assistant Secretary of OCR requested that the Kansas City Regional Office open an investigation into Owasso Public Schools based on the letter from the Human Rights Campaign, (2) the Enforcement Director responsible for the Kansas City Office changed the subject of the investigation from “sex stereotypes” to “gender identity,” and (3) the Assistant Secretary of OCR demanded that the Kansas City Office investigate discrimination based on gender identity as part of the case. When the whistleblower refused on behalf of the Kansas City Office, OCR transferred the case to the Chicago Regional Office.

The Department does not deny any of these facts. Instead, the Department claims that “even if the basis of OCR’s investigation were gender identity discrimination, the Court’s injunction should not be construed to prohibit such action.” (Reply at 16). The Department then makes an astonishing claim:

In resolving this case, OCR’s resolution letter did not rely upon or cite to the challenged documents nor did it rely on the theory that Title IX’s prohibition on sex discrimination includes discrimination on the basis of gender identity.

Id. (emphasis added). This claim, however, is belied by a review of OCR’s Resolution Letter in the Owasso Public Schools case.

The assertion that OCR did not “rely on the theory that Title IX’s prohibition on sex discrimination includes discrimination on the basis of gender identity” is inconsistent with OCR’s investigation and resolution of the case. OCR’s Resolution Letter documents the following findings by OCR in the “Facts” section of the letter (with emphasis added in bold font) :

Page 6: Both policies prohibit discrimination, harassment, and retaliation based on sex (real or perceived) and **gender identity or expression**. Policy 1.22 also states that “sexual harassment may occur between persons of the same gender or sex.”

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Not only is the “Facts” section of the Resolution Letter replete with references to gender identity, but the “Analysis” section incorporates and specifically addresses the issue of gender identity as well.

[REDACTED]



It is incontrovertible that the issues of gender identity, as well as sexual orientation, are woven throughout OCR's Resolution Letter in the Owasso Public Schools case. In fact, the terms "gender identity," "gender-neutral," "gender," or "gender nonconformity" are collectively used 20 times, the term "gay" appears 6 times, and the term "pronouns" is used 9 times in the Resolution Letter. The Department's claim, therefore, that it did not "rely on the theory that Title IX's prohibition on sex discrimination includes discrimination on the basis of gender identity" is both implausible and disingenuous.

ii. The Department falsely claimed that it dismissed cases identified by the whistleblower because the 2024 Title IX Regulations were enjoined.

The 2022 Injunction was issued by the Eastern District of Tennessee on July 15, 2022. The whistleblower's complaint, filed with OSC on April 5, 2024, concerned OCR's violation of the 2022 Injunction. All the cases identified by the whistleblower that potentially violated the 2022 Injunction necessarily involved conduct that pre-dated the whistleblower's submission to OSC on April 5, 2024. Therefore, the time period addressed by OSC's referral ranges from July 15, 2022 (when the 2022 Injunction was issued) to April 5, 2024 (when the whistleblower's complaint was filed).

OCR issued Title IX Regulations on April 29, 2024, after the whistleblower's complaint was filed with OSC. The 2024 Title IX Regulations (which are not retroactive) went into effect on August 1, 2024.⁵ While numerous federal district courts have enjoined the 2024 Title IX Regulations, none of these injunctions have any bearing on the cases identified by the whistleblower, as OCR had not even published the 2024 Title IX Regulations when the whistleblower's complaint was filed with OSC.

Nevertheless, the Department informed OSC that it dismissed four cases identified by the whistleblower because the 2024 Title IX Regulations were enjoined. With respect to Rogers Public Schools, the Department stated:

OCR notified the parties that it was closing this complaint . . . [t]he notification stated that . . . in light of recent Federal court orders, OCR is not investigating claims alleging discrimination on the basis of gender identity in those states and schools in which OCR is preliminarily enjoined from enforcing the Department's 2024 Title IX Regulations.

(Reply at 17–18). The Department further stated that OCR dismissed three additional cases identified by the whistleblower "in light of court orders enjoining enforcement of the Department's 2024 Title IX Regulations." (Reply at 19, Footnote 10).

⁵ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33476 (April 29, 2024) (to be codified at 34 C.F.R. pts. 106) ("As detailed more extensively below, the Department recognizes the practical necessity of allowing recipients of Federal financial assistance time to plan for implementing these final regulations. Taking into account the need for the time to plan, as well as consideration of public comments about an effective date as explained in the discussion of Effective Date and Retroactivity (Section VII.F), the Department has determined that these final regulations are effective August 1, 2024"), see also 89 Fed. Reg. 33482 ("While the Department understands commenters' desire to ensure that former students who were subjected to sex discrimination prior to the effective date of these regulations can still pursue a complaint, the Department does not intend the final regulations to be enforced retroactively").

The fig leaf the Department hides behind to justify this obviously false claim is language incorporated into OCR dismissal letters at the direction of the Deputy Assistant Secretary. The Deputy Assistant Secretary circulated specific language for the dismissal of cases involving transgender status and gender identity:

In light of recent Federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating claims alleging discrimination on the basis of gender identity. Therefore, OCR is closing the complaint as of the date of this letter and will take no further action on this complaint.

In an email dated September 16, 2024, the Deputy Assistant Secretary directed an Enforcement Director to be sure “that all the letters KC sent up follow [this] format.” In an email dated September 19, 2024, the Enforcement Director advised the Kansas City Regional Director, “I think he wants us to follow directly the template.”⁶

Instead of acknowledging the need for corrective actions, OCR used the *same* dismissal language in *all* cases dismissed due to *any* federal injunction, even when the 2024 Title IX Regulations could not possibly be implicated. This subterfuge obscured OCR’s dismissal of cases that were investigated or mediated in violation of the 2022 Injunction. The Department’s claim that OCR dismissed cases identified by the whistleblower due to federal courts enjoining the 2024 Title IX Regulation – and not the 2022 Injunction – is a blatant misrepresentation.

iii. The Department falsely claimed it found no evidence that OCR staff relied upon, cited, or otherwise implemented the challenged documents.

The whistleblower’s complaint identified twelve cases opened or mediated by OCR that potentially implicated the 2022 Injunction. (Reply at 12). The Department acknowledged that all but one of these cases was opened for investigation or mediated *after* the 2022 Injunction went into effect. (Reply at 19). In its reply, the Department advised OSC that “after reviewing the internal case files . . . as well as interviewing OCR staff with knowledge about these complaints, the Department found *no evidence* that OCR staff relied upon, cited, or otherwise implemented the challenged documents.” (Reply at 19) (emphasis added). The Department’s claim is false and misleading for four reasons.

First, the Department’s investigative team only interviewed three regional staff in two regional offices: the Kansas City Chief Attorney (the whistleblower), the Kansas City Regional Director, and the Seattle Chief Attorney. According to the Department, however, the cases identified by the whistleblower “span five different OCR regional offices.” (Reply at 18).⁷ The investigative team did not interview any regional staff from the Chicago, Atlanta, Metro, or Cleveland regional offices – all of which handled cases subject to the 2022 Injunction. The investigative team also did not interview any other staff in the Kansas City Regional Office, including the Program Manager, who would have confirmed the information provided by the whistleblower. Unsurprisingly, the Department “found no evidence” that OCR staff implemented the challenged documents when it failed to interview the OCR staff handling the cases.

Second, OCR dismissed four cases identified by the whistleblower following the referral

⁶ See the attached email chain, including an email dated September 16, 2024, from the Deputy Assistant Secretary to the Enforcement Director and an email dated September 19, 2024, from the Enforcement Director to the Kansas City Regional Director.

⁷ In fact, more than five regional offices handled cases subject to the 2022 Injunction. These regional offices include Chicago, Metro, Atlanta, Seattle, Kansas City, and Cleveland. If one includes the Denver office mediating the Rogers Public School case, the total rises to seven.

from OSC. The Department claims these cases were dismissed “in light of court orders enjoining enforcement of the Department’s 2024 Title IX Regulations.” *Id.* at 19. In reality, all four cases identified by the whistleblower and subsequently dismissed by OCR were opened for investigation or mediation before the Department’s 2024 Title IX Regulations were even published, much less effective. As explained above, the justification offered by the Department is simply wrong.

Third, corrective action was proposed at the regional level in three additional cases identified by the whistleblower. In these cases, the regional offices paused investigations or drafted dismissal letters in cases subject to the 2022 Injunction. The Department did not disclose any of these cases to OSC, which makes the Department’s failure to interview more than three regional staff even more troubling. *This brings the total number of cases identified by the whistleblower in which corrective actions were either taken by OCR or proposed by OCR regional offices up to 7 of 12.*

Fourth, most of the cases investigated and mediated by OCR in violation of the 2022 Injunction are identical, or very similar to, specific examples provided in the challenged documents. The challenged documents include “Confronting Anti-LGBTQ+ Harassment in Schools,” which lists the following “examples of the kinds of incidents [that] OCR can investigate”:

- An elementary school student with intersex traits dresses in a **gender-neutral** way, identifies as **nonbinary**, and **uses they/them pronouns**. The student’s teacher laughs when other students ask if they are “a boy or a girl” and comments that there is “only one way to find out.”
- On her way to the girls’ **restroom**, a **transgender** high school girl is stopped by the principal, who bars her entry. The principal tells the student to use the boys’ **restroom** or nurse’s office because her school records identify her as “male.” Later, the student joins her friends to try out for the girls’ cheerleading **team**, and the coach turns her away from **tryouts** solely because she is **transgender**. When the student complains, the principal tells her, “those are the district’s policies.”
- When he starts middle school, a **transgender** boy introduces himself as Brayden and tells his classmates he uses **he/him pronouns**. Some of his former elementary school classmates “out” him to others, and every day during physical education class, call him **transphobic slurs**, push him, and call him by his former name.

(Emphasis added). Nevertheless, the Department asserts the cases listed below merely concern “a range of allegations of race, sex, and disability harassment.” This claim is misleading. Some of the cases, in addition to gender identity or sexual orientation, also implicate race and disability. However, the presence of additional allegations does not excuse OCR’s decision to investigate or mediate allegations enjoined by the Court.

The Department acknowledged that OCR dismissed the following four cases identified by the whistleblower:

1. Rogers Public Schools (MO)

Allegation:



Opened/Mediated: Mediated by Denver Regional Office on [REDACTED], 2024.⁸

Current Status: Dismissed on [REDACTED] 2024.

2. Matanuska-Susitna Borough School District (AK)

Allegation: [REDACTED]

Opened/Mediated: Opened for investigation on [REDACTED] 2023.

Current Status: Dismissed on [REDACTED] 2024.

3. Bellbrook-Sugarcreek (OH)

Allegation: [REDACTED]

Opened/Mediated: Opened for investigation [REDACTED] 2022.

Current Status: Dismissed on [REDACTED] 2024.

4. Fairborn City Schools (OH)

Allegation: [REDACTED]

Opened/Mediated: Opened for investigation by OCR on [REDACTED] 2023.

Current Status: Title IX allegation dismissed on [REDACTED] 2024.

The Atlanta, Chicago, and Metro Regional Offices either paused work or drafted dismissal letters in three cases subject to the 2022 Injunction:

5. Bryan County Schools (GA)

Allegation: [REDACTED]

Opened/Mediated: Opened for investigation on [REDACTED] 2024.

⁸ The Department's Reply simply states: "Instructions were given to move forward with the mediation." (Reply at 17). The memorandum drafted by the Kansas City's Regional Director elaborates on what transpired. On or around February 8, 2024, the Enforcement Director stated that "she did not believe mediating the Rogers complaint would violate the Injunction and even if it did, the mediation is confidential, so the Court would not find out." (Memorandum at 16). On or around February 8, 2024, the Enforcement Director stated that the Deputy Assistant Secretary "felt 'quite strongly' that we needed to move forward on mediation . . . [as] this is an agency decision, a national direction." (Memorandum at 17). On February 26, 2024, the Enforcement Director stated that she and the Deputy Assistant Secretary "are ordering us to proceed with mediation." (Memorandum at 18). The same day, the Kansas City Regional Director asked the Enforcement Director for an email explaining "why she does not believe proceeding to mediation will violate the Injunction so we will have a written record of the instruction," to which she responded that "no such written instruction or order will be sent, and they do not want a paper trail of this." *Id.* On March 8, 2024, the Enforcement Director stated that she would personally ask someone in the Denver Regional Office to mediate the case. (Memorandum at 20).

Current Status:

[REDACTED]

6. Ivy Tech Community College (IN)

Allegation:

[REDACTED]

Opened/Mediated: Opened for investigation on [REDACTED] 2022.

Current Status: Dismissal letter drafted by Chicago Regional Office on [REDACTED] 2025.

7. Spartanburg Community School District (SC)

Allegation:

[REDACTED]

Opened/Mediated:

[REDACTED]

Current Status: Dismissal letter proposed by Metro Regional Office sent to OCR headquarters on [REDACTED] 2024.

It is undeniable that the Department failed to disclose all the cases that OCR investigated or mediated in violation of the 2022 Injunction. The Department falsely claimed that several of these cases were dismissed due to injunctions of the Department’s 2024 Title IX Regulations, even though these regulations were not yet issued. It is also undeniable that the Department’s investigation was inadequate since it only interviewed staff in two regional offices. Finally, the Department falsely represented to OSC that it “found no evidence that OCR . . . implemented the challenged documents,” even though many of the cases identified by the whistleblower involved investigations of the very same fact patterns laid out in the challenged documents.

4. The Department omitted material information from its report.

i. The Department’s report omitted material information from Kansas City’s Regional Director concerning OCR’s compliance efforts.

With respect to OCR’s compliance efforts, the Department only tells one side of the story. According to the Department, “OCR took reasonable steps to ensure its compliance with the Court’s injunction.” (Reply at 13). In support of this representation, the Department cites two emails from the Assistant Secretary, sent on July 20, 2022, and September 16, 2022. The Department also states, “the Assistant Secretary discussed the Court’s injunction on calls with Enforcement Directors and staff in OCR regional offices.” (Reply at 11). According to the Department, the Assistant Secretary “expressed disappointment with the Court’s injunction” and told staff “to continue their work while complying with the Court’s injunction.” *Id.* This is just one side of the story. The other side comes from the Regional Director of Kansas City.

On November 22, 2022, the Department’s investigative team interviewed the Regional

Director of Kansas City (hereafter Regional Director). Following the interview, the Regional Director sent a 25-page memorandum to the investigative team with his account of the events at issue in OSC's referral. In the memo, the Regional Director documented a meeting between the Assistant Secretary, the Enforcement Directors, and the Regional Directors of OCR that occurred on July 26, 2022.

The Regional Director recalled the following from the July 26, 2022, meeting:

The Assistant Secretary stated she disagrees with the guidance from OGC [Office of General Counsel] and DOJ attorneys working on the federal litigation regarding the preliminary injunction, and **she wanted to send us an email explaining what she wants us to do but she was persuaded to not make a written record of it, so she decided to have this call instead.** She wants us to continue opening and investigating Title IX SOGI [sexual orientation and gender identity] complaints including those covered by the preliminary injunction, and stated **there is a chance we may be found in violation of the injunction if we continue to move forward on these cases,** but she feels it is a risk that should only apply to her and senior staff, not field staff, but **in the event one of us is found in contempt for violating the injunction and fined, she is offering to pay for our legal representation and to pay any fines for us, either through the department or by her personally.** She said we should not be fined by the Court for doing our job, and **this is a fight worth having.**

(See Memorandum at 6–7) (emphasis added). The whistleblower was not a participant in the meeting; however, he received a call from the Regional Director the same day informing him of the information described above. The whistleblower can personally confirm the Regional Director reported the same information to him on July 26, 2022, and the whistleblower drafted contemporaneous notes documenting the conversation.

The Regional Director also documented a meeting on August 24, 2022, that included the Assistant Secretary, Enforcement Directors, and Regional Directors. The Regional Director recalled the following from the meeting:

The Assistant Secretary stated we should be moving forward with opening SOGI [sexual orientation and gender identity] investigations, even in injunction states, but before any letters opening investigations or dismissing complaints are issued, they should be sent to the Enforcement Director for approval. **The Assistant Secretary stated no one should have pencils down, people should have pencils up, in all the states.**

(Memorandum at 7). Notwithstanding these instructions from the Assistant Secretary, the whistleblower and Regional Director agreed that the Kansas City Regional Office would abide by the 2022 Injunction.

Five separate times in the Department's reply to OSC, the Department states it "found no evidence" that OCR violated the 2022 Injunction. Yet the Memorandum provided by the Regional Director is credible, firsthand evidence that OCR violated the 2022 Injunction, and that OCR did so with the knowledge and approval of senior OCR leadership. Even if the Department disagrees, it cannot honestly claim it "found no evidence" that the Court's 2022 Injunction was violated.

The Department's reply to OSC completely omitted the information provided by the Regional Director. There is no mention of the Regional Director's interview or the memorandum he sent to the investigative team. Moreover, the Department's report did not address any other witnesses' recollections of the substance of the Assistant Secretary's "calls with Enforcement

Directors and staff in OCR regional offices.” By failing to address the Assistant Secretary’s calls with OCR staff, the Department – at a minimum – omitted material information concerning OCR’s compliance efforts.

ii. The Department failed to address the Assistant Secretary’s meeting with Kansas City’s Regional Director and Chief Attorney on February 29, 2024.

The Deputy Assistant Secretary requested that the Kansas City Regional Office open the case for investigation on February 22, 2024. Per his request, the Kansas City Chief Attorney (the whistleblower) drafted Notification Letters and proposed to open an investigation into harassment based on “sex stereotypes” – a legal issue that was not part of the challenged documents or subject to the Court’s 2022 Injunction. On February 29, 2024, the Enforcement Director over the Kansas City Regional Office requested that the Kansas City Regional Office issue the Notification Letters but substituted “gender identity” for “sex stereotypes.”

The same day, the Kansas City Regional Office was scheduled to meet with the Assistant Secretary (via Microsoft Teams) as an office for most of the day. At the conclusion of the meeting, the Regional Director and Chief Attorney met separately with the Assistant Secretary. By this time, the Assistant Secretary was aware the whistleblower had declined to sign the Notification Letters investigating the issue of harassment based on gender identity. Rather than discussing the issue in “good faith,” as the Department claims, the Assistant Secretary demanded the whistleblower reconsider his position and future at OCR. The Assistant Secretary also criticized the whistleblower for expressing disagreement in writing and directed him not to do so in the future.

1. The Department acted in bad faith when the Assistant Secretary threatened the whistleblower’s employment.

When Kansas City’s Regional Director and Chief Attorney met with the Assistant Secretary on February 29, 2024, she stated the following:

Assistant Secretary: I think you should think hard about the position that you’re taking. . . So, you’re taking a position that no other lawyer is taking related to this order. And I really think you should think hard about whether that’s the position that you want to take moving forward . . . You don’t have to talk to me about it.

Assistant Secretary: Yeah. I mean . . . Um . . . Each of us has very difficult decisions that we make at different points in our job. And we have to look at our own souls about what we’re comfortable with, and, uh, make decisions about what we’re doing. And, I have had the experience where people left OCR because they did not feel comfortable with a particular path. That is a choice. I don’t think that has to be *the* choice. Uh, and so . . . Let’s figure out what the other options are, also.

2. The Department acted in bad faith when the Assistant Secretary directed the whistleblower not to express any disagreement in writing.

When Kansas City’s Regional Director and Chief Attorney met with the Assistant Secretary on February 29, 2024, she further stated:

Assistant Secretary: I do not appreciate the email traffic about it, so, I, you know, I think that’s not the way we roll, and you all should be able to operate the same way that I do, which is we can have a conversation, we don’t send an email

about it . . .

Assistant Secretary: I want to invite you to have a conversation with me if you need to in the future and I really want to say to you, DO NOT put in writing things, in a heavily oversight environment that is always contentious, that reflects disagreement. We can talk about that.

The Regional Director’s memorandum, which was provided to the investigative team, addresses this meeting as well. (See Memorandum at 20-22).

5. The Department continues implementing the guidance from the challenged documents in violation of the Court’s injunction.

i. OCR leadership requested that the Kansas City Regional Office investigate a case in violation of the 2022 Injunction, even after the whistleblower submitted his complaint to OSC.

Owasso Public Schools was not the final case that OCR instructed the Kansas City Regional Office to investigate in violation of the 2022 Injunction. After the whistleblower submitted his complaint to OSC on April 5, 2024, the Kansas City Regional Office proposed dismissing the case of Leavenworth U.S.D. 453 (hereafter the District) to OCR headquarters. The complaint alleged the District had adopted a policy of removing “LGBTQ/transgender books, characters, or themes below middle school” from the school library. In response to the proposed dismissal letter, the Enforcement Director sent an email on June 4, 2024, stating: “This case needs to open. I consulted with [the Deputy Assistant Director] and he agrees.”

The directions from the Enforcement Director and the Deputy Assistant Director were troubling because the Department of Education Organization Act, at 20 U.S.C. § 3403(b), specifically states the Department is not authorized “to exercise any direction, supervision, or control over . . . the selection or content of library resources. . .”⁹ Nevertheless, the Department published guidance on June 21, 2023, stating as follows (with emphasis added in bold font):

Protecting LGBTQI+ students from book bans that create a hostile environment in violation of Federal civil rights laws . . . **Book bans may violate Federal civil rights laws, depending on the facts and circumstances. OCR can investigate whether students have experienced a hostile environment at school based on sex, race or disability.** OCR has a webpage with Resources for LGBTQI+ Students, which includes a wide range of legal and other resources and information about how to file a complaint with OCR for students who believe they may have experienced discrimination, including harassment, at school.

Apparently, OCR’s position is that investigating “book bans” as a hostile environment would circumvent federal law governing the Department’s jurisdiction. It would not. OCR’s investigation of an alleged hostile environment resulting from the selection of library resources violates both federal law **and** the 2022 Injunction in states subject to the injunction.

For the reasons discussed above, opening an investigation into Leavenworth U.S.D. 453 —as requested by the Enforcement Director and Deputy Assistant Secretary—would have violated federal law and the 2022 Injunction in Kansas. On September 18, 2024, the Kansas City

⁹ See also 20 U.S.C. § 1232a (“No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.”)

Regional Director sent the Enforcement Director a revised dismissal letter, which she has yet to approve.

ii. **OCR violated federal law and the 2022 Injunction when it investigated and resolved a “book ban” case in Georgia in 2023.**

While investigating the Leavenworth U.S.D. 453 case, it came to the whistleblower’s attention that OCR violated both federal law and the 2022 Injunction when it investigated Forsyth County Schools in Georgia. On February 23, 2023, OCR sent a Notification Letter opening the case for investigation. The Notification Letter stated (with emphasis added in bold font):

The complaint alleged that **the District** discriminated against students based on sex, race, color, and national origin because it **removed books from its schools that were written by individuals or involved characters who are queer, non-binary or persons of color. . .**

OCR will investigate:

1. [REDACTED]
2. [REDACTED]

Because this case was opened in Georgia on [REDACTED] 2023, the case was opened in violation of the 2022 Injunction, in addition to federal law.

OCR resolved the case via a Resolution Agreement on [REDACTED] 2023, also in violation of the 2022 Injunction. OCR issued a Resolution Letter, which—like the Owasso Public Schools case—extensively addressed the issues of gender identity and sexual orientation. Consider the sections below (with emphasis added in bold font):

[REDACTED]

[REDACTED]

[REDACTED]

does not care about diversity.



(Emphasis added). Like Owasso Public Schools, it is incontrovertible that the issues of gender identity, as well as sexual orientation, are woven throughout OCR’s Resolution Letter in the Forsyth County Schools case. Because the case involved the selection of library resources, OCR’s investigation violated both federal law—20 U.S.C. § 3403(b) and 20 U.S.C. § 1232a—which restricts OCR’s jurisdiction over library resources, **and** the 2022 Injunction, which prohibits OCR from investigating cases based on gender identity and sexual orientation.

iii. The Civil Rights Data Collection Office (CRDC) is collecting data to assist OCR in its enforcement efforts, violating the 2022 Injunction.

According to the Department, “OCR administers the CRDC and uses the data to enforce civil rights laws that prohibit discrimination based on race, color, national origin, sex, and disability.” (2021-22 Civil Rights Data Collection A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools at 6). The website for the CRDC explains that “OCR relies on the CRDC data it receives from public school districts as it investigates complaints alleging discrimination, determines whether the federal civil rights laws it enforces have been violated, [and] initiates proactive compliance reviews”¹⁰ OCR’s implementing regulations require recipients of federal financial assistance from the Department to “submit to OCR ‘complete and accurate compliance reports at such times, and in such form and containing such information’ as OCR ‘may determine to be necessary.’”¹¹

Despite the 2022 Injunction – and all the other injunctions cited by the Department concerning the 2024 Title IX regulations – OCR is collecting data for the purpose of including gender identity and sexual orientation in its enforcement of Title IX. Consider three examples:

1. Providing data for nonbinary students was “optional for the 2021–22 CRDC but **required** for the 2023–24 CRDC.” (2023–24 Civil Rights Data Collection: General Overview, Changes, and List of Data Elements at 3–4) (emphasis added). The term nonbinary means “not exclusively male or female. Transgender students may be reported as male, female, or nonbinary.” (Master List of CRDC Definitions at 15–16).
2. The CRDC also redefined harassment on the basis of sex to include “harmful conduct based on actual or perceived gender identity (including harassment because a student identifies as or is perceived to be transgender, cisgender, or nonbinary).” (Master List of CRDC Definitions at 13, see also chart tracking changes to CRDC definitions).

¹⁰ See <https://civilrightsdata.ed.gov/about/faqs> (last accessed January 17, 2025).

¹¹ Id.

3. Providing data for “reported allegations of harassment or bullying of K-12 students on the basis of gender identity” is **required** from every school in the 2023-2024 CRDC.” (2021-22 Civil Rights Data Collection A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools at 31).

None of these changes comply with the 2022 Injunction or the later injunctions of the 2024 Title IX Regulations identified by the Department.¹²

Conclusion

As noted above, the Department’s reply is a master class in obfuscation, misdirection, gaslighting, and half-truths. Consider the following:

- **Obfuscation:**
 - Dismissing all cases that violate court orders with the same formulaic language, so it is difficult for readers to determine what cases violated the 2022 Injunction, and what cases were subject to injunctions after the 2024 Title IX Regulations were published.
 - Claiming that OCR was “engaging in enforcement actions consistent with [the enjoined] documents” but was not “implementing the challenged documents.”
- **Misdirection:**
 - Asserting that the Department should be judged by whether its actions conformed with the Notice of Compliance – not the Court’s order.
 - Admitting that OCR dismissed 4 cases identified by the whistleblower, but claiming the cases were dismissed due to injunctions of the 2024 Title IX Regulations – even though the 2024 Title IX Regulations were not published when the cases were opened and were not retroactive.
- **Gaslighting**
 - Claiming that OCR’s investigation of Owasso Public Schools did not “rely on the theory that Title IX’s prohibition on sex discrimination includes discrimination on the basis of gender identity” – even though the terms “gender identity,” “gender-neutral,” “gender,” “gender nonconformity” are used 20 times, the term “gay” appears 6 times, and the term “pronouns” is used 9 times.
 - Reporting the Department found “no evidence” that OCR violated the 2022 Injunction, while ignoring the 25-page memorandum from the Kansas City Regional Director documenting the Assistant Secretary’s verbal directions to violate the injunction.
 - Claiming the OSC referral resulted from a “good faith” disagreement, when the Assistant Secretary threatened the whistleblower’s employment with OCR and directed him not to express any disagreements in writing.
- **Half-truths:**
 - Claiming that OCR took “reasonable steps” to comply with the 2022 Injunction by citing written instructions in two emails from the Assistant Secretary but ignoring the Assistant Secretary’s verbal instructions to ignore the 2022 Injunction.

¹² See Louisiana v. U.S. Dep’t of Educ., No. 3:24-cv-00563 (W.D. La. June 13, 2024); Tennessee v. Cardona, No. 2:24-072-DCR (E.D. Ky. June 17, 2024); Kansas v. U.S. Dep’t of Educ., No. 24-4041-JWB (D. Kan. July 2, 2024); Texas v. United States, No. 2:24CV86-Z (N. D. Tex. July 11, 2024), Carroll Indep. Sch. Dist. v. Dep’t of Educ., No. 4:24-cv-00461-O (N.D. Tex. July 11, 2024); Arkansas v. U.S. Dep’t of Educ., Case No. 4:24 CV 636 RWS (E.D. Mo. July 24, 2024); and Oklahoma v. Cardona, No. CIV- 24-00461-JD (W.D. Okla. July 31, 2024).

- Reporting the Department found “no evidence” that OCR violated the 2022 injunction, when that finding resulted from the Department’s failure to interview regional staff who either drafted dismissal letters for, or paused working on, cases the whistleblower identified.

This is not a “good faith” disagreement between attorneys. The Assistant Secretary verbally directed staff to ignore the 2022 Injunction, and OCR investigated numerous cases—most notably Owasso Public Schools—in blatant violation of the Injunction. When confronted by the whistleblower, the Assistant Secretary doubled down, and senior staff at OCR went along. Now, faced with oversight from OSC, the Department conducted a half-hearted investigation and invented self-serving, threadbare excuses to justify its blatant (and ongoing) violation of the 2022 Injunction.

Cordially,

[/Tristan Leavitt/](#)
Tristan Leavitt
Empower Oversight
President

EMPOWER OVERSIGHT
Whistleblowers & Research



March 6, 2026

VIA ELECTRONIC SUBMISSION

The Honorable Jamieson Greer
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

RE: U.S. Department of Education Misconduct

Dear Mr. Greer:

Thank you for providing a copy of the Supplemental Response from the U.S. Department of Education (Department), dated February 19, 2026, to the inquiry opened by the Office of Special Counsel (OSC). The inquiry concerned the Department's compliance with a court order (hereafter the "2022 Injunction") issued by a federal district court concerning guidance documents promulgated by the Department's Office for Civil Rights (OCR).

The allegation OSC referred to the Department on August 6, 2024, for investigation read:

The Department is failing to comply with a court order injunction that prohibits the agency from addressing gender identity and/or transgender status and sexual orientation based on Title IX in states where the injunction applies.

In its Supplemental Response, the Department found:

The whistleblower's allegations "are entirely supported by the lengthy and detailed memorialization by the Regional Director for OCR Region VII." (Response at 12).

The whistleblower agrees with this conclusion but questions whether there has been or will be sufficient accountability for such serious conduct as ignoring a court order.

The Department also concluded that “OCR’s leadership provided the appearance of accepting the court’s order by not relying on the specific guidance documents it had issued in June 2021 even as OCR continued to aggressively enforce the very substance contained in those documents in the plaintiff states – and throughout the country.” *Id.* The whistleblower agrees with this conclusion as well.

The Department characterized OCR’s actions as a “relentless effort to continue executing the Department’s preferred sexual orientation and gender identity (SOGI) policies nationwide,” notwithstanding the 2022 Injunction. *Id.* The whistleblower strongly agrees with the Department’s description and offers the following specific examples that further corroborate the evidence addressed and conclusions reached by the Department.

- i. “The Department’s subsequent investigation has revealed significant shortcomings in the Dec. 12, 2024, response to OSC’s inquiry (i.e., the “Report”), including a failure to more accurately assess readily available materials.” *Id.* at 2.

The whistleblower agrees with this statement. The Department’s initial report completely failed to address the memorandum dated November 14, 2022, from the former Assistant Secretary, which was issued after the 2022 Injunction. *See Exhibit A.*

- ii. “In fact, it appears that in response to the Injunction, OCR’s leadership actively engaged in efforts to thwart at least one OCR regional office [Kansas City] from following the plain and unambiguous meaning of the order.” *Id.*

The whistleblower agrees with this statement. OCR leadership repeatedly asked the Kansas City office to open investigations or mediate cases in violation of the 2022 Injunction. *See Exhibits B, C, and H.* In two instances, cases were transferred to other offices when the Kansas City office refused to violate the 2022 Injunction. *See Exhibits C and H.*

- iii. “[T]he Department continued to open and resolve SOGI investigations based precisely on the interpretation of Title IX set forth in the Department’s guidance documents (June 2021), despite the court’s order.” *Id.* at 13.

The whistleblower agrees with this statement. Two SOGI cases were resolved by OCR in violation of the 2022 Injunction. *See Exhibits D and E.* Some cases opened by OCR in violation of the 2022 Injunction were closed following the whistleblower’s complaint in 2024. *See Exhibits F, G, H, and I.* Many cases opened in violation of the 2022 Injunction, however, remain open for investigation at this time. *See Exhibits K through U.*

- iv. The Department “does not dispute [whistleblower]’s characterization and identification of corrective actions continuing to be proposed at the regional level.” *Id.* at 9.

The whistleblower agrees with this statement. Corrective actions have been proposed at the regional level. In multiple cases. In some of these cases, it appears that OCR leadership actively prevented corrective actions from taking place. *See Exhibits P through U.*

- v. The Department found that “OCR’s leadership may also have engaged in efforts to conceal [their] efforts” to violate the 2022 Injunction. *Id.* at 2-3.

The whistleblower agrees with this statement. Even when OCR chose to dismiss SOGI cases that were opened in violation of the 2022 Injunction, OCR incorrectly attributed the dismissal to federal court decisions enjoining the 2024 regulation – which was not even effective when the relevant cases were opened – rather than the 2022 Injunction which was at issue in the cases. *See Exhibit J.*

In the Owasso case, OCR’s internal case tracker clearly identifies gender identity as the issue being investigated and the investigator contacted Oklahomans for Equality, a 2SLGBTQIA+ organization that was not a party in the case, as part of the investigation. Meanwhile, OCR’s public facing website was coded differently than OCR’s internal website and gender identity was removed from the notification letter. *See Exhibit V.* Moreover, the Resolution Agreement in the Owasso case contains an “Appendix A” that addresses gender identity discrimination, which is not included on OCR’s public facing website. *See Exhibit W.*

For the reasons described above, the whistleblower strongly agrees with the Department’s Supplemental Report. In particular, the Department accurately recounted the troubling actions of Assistant Secretary Lhamon. Unfortunately, many OCR staff—especially those in supervisory roles—chose to either actively participate in violating the court’s order, facilitate others who did so, capitulate to requests against their better judgment, or simply look the other way.

While the easiest path at this time is to place the blame entirely on Assistant Secretary Lhamon, the actions documented here constitute an agency-wide failure that occurred over multiple years, involved many regional offices, and required the knowledge and participation of several layers of management.

The whistleblower thanks OSC staff and Department staff for their perseverance in bringing this investigation to a conclusion, and respectfully requests:

1. The final report be completed at the earliest opportunity, and
2. Independent oversight authorities in both the Executive Branch and Congress ensure that the Department takes decisive steps to hold accountable those who actively participated violating the court’s injunction.

Cordially,
/Robert Cheren/
Robert Cheren
Senior Counsel

EMPOWER OVERSIGHT

Whistleblowers & Research



March 30, 2026

VIA ELECTRONIC SUBMISSION

The Honorable Jamieson Greer
Acting Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

RE: U.S. Department of Education Misconduct

Dear Mr. Greer:

I write to supplement Empower Oversight's previous letter, dated March 6, 2026, regarding **Whistleblower** assessment of the Supplemental Response from the U.S. Department of Education (Department) to the Office of Special Counsel (OSC), dated February 19, 2026.

In its Supplemental Response, the Department found that its Office for Civil Rights (OCR) "continued to open and resolve SOGI [sexual orientation and gender identity] investigations based precisely on the interpretation of Title IX set forth in the Department's guidance documents (June 2021), despite the court's order." (Response at 13).

As indicated in our March 6 letter, **Whistleblower** agrees with the Department's findings. Further, he has become aware of another case further showing the deliberate nature of OCR's actions. The attached documents demonstrate the following:

- OCR staff documented that the issues in a mediation were SOGI issues. *See Exhibit X.*
- OCR staff drafted a letter opening some of the allegations, but recommending that SOGI issue be dismissed pursuant to the court's order. *See Exhibit X-1.*
- OCR leadership rejected staff's recommendation that that the SOGI issues be dismissed. *See Exhibit X-2.*

- OCR leadership re-wrote the letter, opening for investigation the District’s refusal to “change the student’s name in the student information system.” *See Exhibit X-3.*
- OCR’s Enforcement Director emailed the Regional Director and Chief Attorney advising that the Deputy Assistant Secretary for Enforcement “has approved the statement of these four allegations.” *See Exhibit X-4.*
- OCR staff sent an email to initiate the mediation. *See Exhibit X-5.*
- The ultimate mediation agreement required that the District train staff on LGBTQ+ rights and create a gender support plan for the student, including preferred names, pronouns, and restrooms. *See Exhibit X-6.*

Whistleblower took significant risks to disclose these violations. This additional case further shows that the violations **Whistleblower** raised, which the Department confirmed, constituted an agency-wide failure that occurred over several years, involved multiple regional offices, and involved the knowledge and participation of several layers of management. *See Exhibit Y.* Accordingly, **Whistleblower** reiterates his view that the Department must take decisive steps to hold accountable those who actively participated in violating the court’s injunction.

Thank you for the opportunity to provide this brief supplement as you bring this matter to a conclusion.

Cordially,
/Tristan Leavitt/
Tristan Leavitt
President

EXHIBIT 1



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

Pursuant to a Federal court order, the Departments have been preliminarily "enjoined and restrained from implementing" this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. See *State of Tenn., et al. v. U.S. Dep't of Educ.*, No. 3:21-cv-308 (E.D. Tenn.) (July 15, 2022). June 2021

Confronting Anti-LGBTQI+ Harassment in Schools

A Resource for Students and Families

Many students face bullying, harassment, and discrimination based on sex stereotypes and assumptions about what it means to be a boy or a girl. Students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming may face harassment based on how they dress or act, or for simply being who they are. It is important to know that discrimination against students based on their sexual orientation or gender identity is a form of sex discrimination prohibited by federal law. It is also important that LGBTQI+ students feel safe and know what to do if they experience discrimination.

Public elementary and secondary schools, as well as public and private colleges and universities, have a responsibility to investigate and address sex discrimination, including sexual harassment, against students because of their perceived or actual sexual orientation or gender identity. When schools fail to respond appropriately, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from discrimination. CRT and OCR can also provide information to assist schools in meeting their legal obligations.

Examples of the kinds of incidents CRT and OCR can investigate:

A lesbian high school student wants to bring her girlfriend to a school social event where students can bring a date. Teachers refuse to sell her tickets, telling the student that bringing a girl as a date is "not appropriate for school." Teachers suggest that the student attend alone or bring a boy as a date.

When he starts middle school, a transgender boy introduces himself as Brayden and tells his classmates he uses he/him pronouns. Some of his former elementary school classmates "out" him to others, and every day during physical education class call him transphobic slurs, push him, and call him by his former name. When he reports it to the school's administrators, they dismiss it, saying: "you can't expect everyone to agree with your choices."

A community college student discloses he's gay during a seminar discussion. Leaving class, a group of students calls him a homophobic slur, and one bumps him into the wall. A professor witnesses this, but does nothing. Over the next month, the harassment worsens. The student goes to his dean after missing several lectures out of fear. The college interviews one, but not all, of the harassers, does nothing more, and never follows up with the student.

An elementary school student with intersex traits dresses in a gender neutral way, identifies as nonbinary, and uses they/them pronouns. The student's teacher laughs when other students ask if they are "a boy or a girl" and comments that there is "only one way to find out." The teacher tells the class that there are only boys and girls and anyone who thinks otherwise has something wrong with them. The student tells an administrator, who remarks "you have to be able to laugh at yourself sometimes."

On her way to the girls' restroom, a transgender high school girl is stopped by the principal who bars her entry. The principal tells the student to use the boys' restroom or nurse's office because her school records identify her as "male." Later, the student joins her friends to try out for the girls' cheerleading team and the coach turns her away from tryouts solely because she is transgender. When the student complains, the principal tells her "those are the district's policies."

EXHIBIT 1



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

What if a Student Experiences Discrimination in School?

If you have been treated unfairly or believe a student has been treated unfairly—for example, treated differently, denied an educational opportunity, harassed, bullied, or retaliated against—because of sexual orientation or gender identity, there are a number of actions you can take:

1

Notify a teacher or school leader (for example, a principal or student affairs staff) immediately. If you don't get the help you need, file a formal complaint with the school, school district, college, or university. Keep records of your complaint(s) and responses you receive.

2

Write down the details about what happened, where and when the incident happened, who was involved, and the names of any witnesses. Do this for every incident of discrimination, and keep copies of any related documents or other information.

3

If you are not proficient in English, you have the right to **ask the school to translate or interpret information** into a language you understand. If you have communication needs because of a disability, you have the right to receive accommodations or aids and services that provide you with effective communication.

4

Counseling and other mental health support can sometimes be helpful for a student who has been harassed or bullied. **Consider seeking mental health resources** if needed.

5

Consider filing a complaint with the Civil Rights Division of the U.S. Department of Justice at civilrights.justice.gov (available in several different languages), or with the Office for Civil Rights at the U.S. Department of Education at www.ed.gov/ocr/complaintintro.html (to file a complaint in English) or www.ed.gov/ocr/docs/howto.html (to file a complaint in multiple languages).

“All students should be able to learn in a safe environment, free from discrimination and harassment. The Civil Rights Division stands with LGBTQI+ students and will fight to protect their right to an education regardless of who they are or whom they love.”

– Kristen Clarke, Assistant Attorney General for Civil Rights, Department of Justice

“The Department of Education strives to ensure that all students—including LGBTQI+ students—have access to supportive, inclusive school environments that allow them to learn and thrive in all aspects of their educational experience. Federal law prohibits discrimination based on sexual orientation and gender identity, and we are here to help schools, students, and families ensure that these protections are in full force.”

– Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, Department of Education



EXHIBIT 1

Pursuant to a Federal court order, the Department has been preliminarily “enjoined and restrained from implementing” this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. *See State of Tenn., et al. v. U.S. Dep’t of Educ., No. 3:21-cv-308 (E.D. Tenn.) (July 15, 2022).*



Letter to Educators on Title IX’s 49th Anniversary Notice of Language Assistance

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

給英語能力有限人士的通知: 如果您不懂英語，或者使用英語有困難，您可以要求獲得向大眾提供的語言協助服務，幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊，請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線：1-800-877-8339)，或電郵：Ed.Language.Assistance@ed.gov。

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), hoặc email: Ed.Language.Assistance@ed.gov.

영어 미숙자를 위한 공고: 영어를 이해하는 데 어려움이 있으신 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 1-800- USA-LEARN (1-800-872-5327) 또는 청각 장애인용 전화번호 1-800-877-8339 또는 이메일주소 Ed.Language.Assistance@ed.gov 으로 연락하시기 바랍니다.

Paunawa sa mga Taong Limitado ang Kaalaman sa English: Kung nahhirapan kayong makaintindi ng English, maaari kayong humingi ng tulong ukol dito sa inpormasyon ng Kagawaran mula sa nagbibigay ng serbisyo na pagtulong kaugnay ng wika. Ang serbisyo na pagtulong kaugnay ng wika ay libre. Kung kailangan ninyo ng dagdag na impormasyon tungkolsa mga serbisyo kaugnay ng pagpapaliwanag o pagsasalin, mangyari lamang tumawag sa 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o mag-email sa: Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877- 8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.

EXHIBIT 1

Pursuant to a Federal court order, the Department has been preliminarily “enjoined and restrained from implementing” this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. See *State of Tenn., et al. v. U.S. Dep’t of Educ.*, No. 3:21-cv-308 (E.D. Tenn.) (July 15, 2022).



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

June 23, 2021

Dear Educator:

On this 49th anniversary of the passage of Title IX of the Education Amendments of 1972—our nation’s most powerful legal tool for combating sex discrimination in education—I take this opportunity to highlight a selection of resources available for you to ensure that the education environment you provide is free from sex discrimination in all forms. Among these resources is our recent [public notice](#) clarifying Title IX’s protection against discrimination based on sexual orientation and gender identity.

The U.S. Department of Education’s Office for Civil Rights works to ensure that Title IX’s mandate protects students in all aspects of their education, including recruitment, admissions, and counseling; financial assistance; athletics; protections from sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; discipline; equal access to classes and activities; and treatment of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) students.

I encourage you to review OCR’s recent report, [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#), in which we address the disparities based on sex, including sexual orientation and gender identity, as well as race, disability, and other characteristics experienced by students both before and during the pandemic in K-12 and postsecondary settings. On this anniversary of Title IX, I recognize the particular vulnerability of LGBTQI+ students and the often overwhelming challenges these students face in education compared to their peers, including feeling less safe, experiencing poor mental health, facing a higher risk of suicide, being more likely to miss school, and facing a disproportionate risk of being homeless.

I also want to bring to your attention OCR’s [public notice](#) based on the Supreme Court’s recent decision in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. ____ (2020), which clarifies that Title IX’s protection against sex discrimination encompasses discrimination based on sexual orientation and gender identity. Specifically, OCR clarifies that the Supreme Court’s decision in *Bostock* applies to the Department’s interpretation of Title IX. In its decision, the Supreme Court explained that “it is impossible to discriminate against a person” because of their sexual orientation or gender identity “without discriminating against that individual based on sex.” *Id.* at 1741. That reasoning applies regardless of whether the individual is an adult in a workplace or a student in school.

EXHIBIT 1

Page 2—Letter to Educators on Title IX’s 49th Anniversary

Consistent with this notice, OCR will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the Department. For more information, please see our accompanying [fact sheet](#) in which OCR and the U.S. Department of Justice’s Civil Rights Division provide examples of the kinds of incidents we can investigate.

OCR has also updated its website to provide the resources mentioned above and to provide additional information and [resources for LGBTQI+ students](#).

On Title IX more generally, you might find it useful to review this [Overview of the Law](#) and these [Answers to Frequently Asked Questions about Sex Discrimination](#).

We realize educators may have questions about the Department’s 2020 amendments to the Title IX regulations, and we appreciate that so many of you shared your insights and experiences during our virtual public hearing on Title IX held on June 7-11, 2021. We are reviewing the comments we received and, [as previously noted](#), anticipate issuing a notice of proposed rulemaking to amend the regulations. In addition, we plan to issue a question-and-answer document to provide additional clarity about how OCR interprets schools’ existing obligations under the 2020 amendments, including the areas in which schools have discretion in their procedures for responding to reports of sexual harassment.

If you have questions or would like additional information or technical assistance, please visit us at www.ed.gov/ocr or contact OCR at 800-421-3481 (TDD: 800-877-8339) or at ocr@ed.gov.

We at OCR share with you the responsibility to ensure that all students have equal access to education, regardless of race, color, national origin, sex, disability, or age. Thank you for all that you do to support all of our nation’s students and to ensure that they have the opportunity to learn and thrive in school.

Sincerely,



Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights

EXHIBIT 1



Pursuant to a Federal court order, the Department has been preliminarily “enjoined and restrained from implementing” this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. See *State of Tenn., et al. v. U.S. Dep’t of Educ.*, No. 3:21-cv-308 (E.D. Tenn.) (July 15, 2022).

DEPARTMENT OF EDUCATION

34 CFR Chapter I

Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity In Light of *Bostock v. Clayton County*

AGENCY: Office for Civil Rights, Department of Education.

ACTION: Interpretation.

SUMMARY: The U.S. Department of Education (Department) issues this interpretation to clarify the Department’s enforcement authority over discrimination based on sexual orientation and discrimination based on gender identity under Title IX of the Education Amendments of 1972 in light of the Supreme Court’s decision in *Bostock v. Clayton County*. This interpretation will guide the Department in processing complaints and conducting investigations, but it does not itself determine the outcome in any particular case or set of facts.

DATES: This interpretation is effective June 22, 2021.

FOR FURTHER INFORMATION CONTACT: Alejandro Reyes, Director, Program Legal Group, Office for Civil Rights. Telephone: (202) 245-7272. Email: Alejandro.Reyes@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Background: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681–1688, prohibits discrimination on the basis of sex in any education program or activity offered by a recipient of Federal financial assistance. The Department’s Office for Civil Rights (OCR) is responsible for the Department’s enforcement of Title IX.

OCR has long recognized that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sex discrimination. OCR also has long recognized that Title IX prohibits harassment and other forms of discrimination against all students for not conforming to stereotypical notions of masculinity and femininity. But OCR at times has stated that Title IX’s prohibition on sex discrimination does not encompass discrimination based on sexual orientation and gender identity. To ensure clarity, the Department issues this Interpretation addressing Title IX’s coverage of discrimination based on sexual orientation and gender identity

in light of the Supreme Court decision discussed below.

In 2020, the Supreme Court in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. ____ (2020), concluded that discrimination based on sexual orientation and discrimination based on gender identity inherently involve treating individuals differently because of their sex. It reached this conclusion in the context of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*, which prohibits sex discrimination in employment. As noted below, courts rely on interpretations of Title VII to inform interpretations of Title IX.

The Department issues this Interpretation to make clear that the Department interprets Title IX’s prohibition on sex discrimination to encompass discrimination based on sexual orientation and gender identity and to provide the reasons for this interpretation, as set out below.

Interpretation:

Title IX Prohibits Discrimination Based on Sexual Orientation and Gender Identity.

Consistent with the Supreme Court’s ruling and analysis in *Bostock*, the Department interprets Title IX’s prohibition on discrimination “on the basis of sex” to encompass discrimination on the basis of sexual orientation and gender identity. As was the case for the Court’s Title VII analysis in *Bostock*, this interpretation flows from the statute’s “plain terms.” See *Bostock*, 140 S. Ct. at 1743, 1748–50. Addressing discrimination based on sexual orientation and gender identity thus fits squarely within OCR’s responsibility to enforce Title IX’s prohibition on sex discrimination.

I. The Supreme Court’s Ruling in *Bostock*

The Supreme Court in *Bostock* held that sex discrimination, as prohibited by Title VII, encompasses discrimination based on sexual orientation and gender identity. The Court explained that to discriminate on the basis of sexual orientation or gender identity “requires an employer to intentionally treat individual employees differently because of their sex.” 140 S. Ct. at 1742.¹ As the Court also explained,

¹ The Court recognized that the parties in *Bostock* each presented a definition of “sex” dating back to Title VII’s enactment, with the employers’ definition referring to “reproductive biology” and the employees’ definition “capturing more than anatomy[.]” 140 S. Ct. at 1739. The Court did not adopt a definition, instead “assum[ing]” the definition of sex provided by the employers that the employees had accepted “for argument’s sake.” *Id.* As the Court made clear, it did not need to adopt

Continued

EXHIBIT 1

when an employer discriminates against a person for being gay or transgender, the employer necessarily discriminates against that person for “traits or actions it would not have questioned in members of a different sex.” *Id.* at 1737.

The Court provided numerous examples to illustrate why “it is impossible to discriminate against a person” because of their sexual orientation or gender identity “without discriminating against that individual based on sex.” *Id.* at 1741. In one example, when addressing discrimination based on sexual orientation, the Court stated:

Consider, for example, an employer with two employees, both of whom are attracted to men. The two individuals are, to the employer’s mind, materially identical in all respects, except that one is a man and the other a woman. If the employer fires the male employee for no reason other than the fact he is attracted to men, the employer discriminates against him for traits or actions it tolerates in his female colleague. Put differently, the employer intentionally singles out an employee to fire based in part on the employee’s sex, and the affected employee’s sex is a but-for cause of his discharge.

Id.

In another example, the Court showed why singling out a transgender employee for different treatment from a non-transgender (*i.e.*, cisgender) employee is discrimination based on sex:

[T]ake an employer who fires a transgender person who was identified as a male at birth but who now identifies as a female. If the employer retains an otherwise identical employee who was identified as female at birth, the employer intentionally penalizes a person identified as male at birth for traits or actions that it tolerates in an employee identified as female at birth. Again, the individual employee’s sex plays an unmistakable and impermissible role in the discharge decision.

Id. at 1741–42.

II. *Bostock*’s Application to Title IX

For the reasons set out below, the Department has determined that the interpretation of sex discrimination set out by the Supreme Court in *Bostock*—that discrimination “because of . . . sex” encompasses discrimination based on sexual orientation and gender identity—properly guides the

either definition to conclude that discrimination “because of . . . sex” encompasses discrimination based on sexual orientation and gender identity. *Id.* (“[N]othing in our approach to these cases turns on the outcome of the parties’ debate . . .”). Similar to the Court’s interpretation of Title VII, the Department’s interpretation of the scope of discrimination “on the basis of sex” under Title IX does not require the Department to take a position on the definition of sex, nor do we do so here.

Department’s interpretation of discrimination “on the basis of sex” under Title IX and leads to the conclusion that Title IX prohibits discrimination based on sexual orientation and gender identity.

a. *There is textual similarity between Title VII and Title IX.*

Like Title VII, Title IX prohibits discrimination based on sex.

Title IX provides, with certain exceptions: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” 20 U.S.C. 1681(a).

Title VII provides, with certain exceptions: “It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s . . . sex[] . . . ; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s . . . sex[]” 42 U.S.C. 2000e–2(a). (Title VII also prohibits discrimination based on race, color, religion, and national origin.)

Both statutes prohibit sex discrimination, with Title IX using the phrase “on the basis of sex” and Title VII using the phrase “because of” sex. The Supreme Court has used these two phrases interchangeably. In *Bostock*, for example, the Court described Title VII in this way: “[I]n Title VII, Congress outlawed discrimination in the workplace on the basis of race, color, religion, sex, or national origin.” 140 S. Ct. at 1737 (emphasis added); *id.* at 1742 (“[I]ntentional discrimination based on sex violates Title VII” (emphasis added)); see also *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 174 (2005) (“[W]hen a funding recipient retaliates against a person because he complains of sex discrimination, this constitutes intentional ‘discrimination’ ‘on the basis of sex,’ in violation of Title IX.” (second emphasis added)); *Meritor Sav. Bank v. Vinson*, 477 U.S. 57, 64 (1986) (“[W]hen a supervisor sexually harasses a subordinate because of the subordinate’s sex, that supervisor ‘discriminate[s]’ on the basis of sex.” (emphasis added)).

In addition, both statutes specifically protect *individuals* against

discrimination. In *Bostock*, 140 S. Ct. at 1740–41, the Court observed that Title VII “tells us three times—including immediately after the words ‘discriminate against’—that our focus should be on individuals.” The Court made a similar observation about Title IX, which uses the term *person*, in *Cannon v. University of Chicago*, 441 U.S. 677, 704 (1979), stating that “Congress wanted to avoid the use of federal resources to support discriminatory practices [and] to provide *individual* citizens effective protection against those practices.” *Id.* (emphasis added).

Further, the text of both statutes contains no exception for sex discrimination that is associated with an individual’s sexual orientation or gender identity. As the Court stated in *Bostock*, “when Congress chooses not to include any exceptions to a broad rule, courts apply the broad rule.” 140 S. Ct. at 1747. The Court has made a similar point regarding Title IX: “[I]f we are to give Title IX the scope that its origins dictate, we must accord it a sweep as broad as its language.” *N. Haven Bd. of Ed. v. Bell*, 456 U.S. 512, 521 (1982) (citations and internal alterations omitted). It also bears noting that, in interpreting the scope of Title IX’s prohibition on sex discrimination the Supreme Court and lower Federal courts have often relied on the Supreme Court’s interpretations of Title VII. See, e.g., *Franklin v. Gwinnett Cnty. Pub. Sch.*, 503 U.S. 60, 75 (1992); *Jennings v. Univ. of N.C.*, 482 F.3d 686, 695 (4th Cir. 2007); *Frazier v. Fairhaven Sch. Comm.*, 276 F.3d 52, 66 (1st Cir. 2002); *Gossett v. Oklahoma ex rel. Bd. of Regents for Langston Univ.*, 245 F.3d 1172, 1176 (10th Cir. 2001).

Moreover, the Court in *Bostock* found that “no ambiguity exists about how Title VII’s terms apply to the facts before [it]”—*i.e.*, allegations of discrimination in employment against several individuals based on sexual orientation or gender identity. 140 S. Ct. at 1749. After reviewing the text of Title IX and Federal courts’ interpretation of Title IX, the Department has concluded that the same clarity exists for Title IX. That is, Title IX prohibits recipients of Federal financial assistance from discriminating based on sexual orientation and gender identity in their education programs and activities. The Department also has concluded for the reasons described in this document that, to the extent other interpretations may exist, this is the best interpretation of the statute.

In short, the Department finds no persuasive or well-founded basis for declining to apply *Bostock*’s reasoning—discrimination “because of

EXHIBIT 1

... sex” under Title VII encompasses discrimination based on sexual orientation and gender identity—to Title IX’s parallel prohibition on sex discrimination in federally funded education programs and activities.

b. *Additional case law recognizes that the reasoning of Bostock applies to Title IX and that differential treatment of students based on gender identity or sexual orientation may cause harm.*

Numerous Federal courts have relied on *Bostock* to recognize that Title IX’s prohibition on sex discrimination encompasses discrimination based on sexual orientation and gender identity. See, e.g., *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), as amended (Aug. 28, 2020), reh’g en banc denied, 976 F.3d 399 (4th Cir. 2020), petition for cert filed, No. 20-1163 (Feb. 24, 2021); *Adams v. Sch. Bd. of St. Johns Cnty.*, 968 F.3d 1286, 1305 (11th Cir. 2020), petition for reh’g en banc pending, No. 18-13592 (Aug. 28, 2020); *Koenke v. Saint Joseph’s Univ.*, No. CV 19-4731, 2021 WL 75778, at *2 (E.D. Pa. Jan. 8, 2021); *Doe v. Univ. of Scranton*, No. 3:19-CV-01486, 2020 WL 5993766, at *11 n.61 (M.D. Pa. Oct. 9, 2020).

The Department also concludes that the interpretation set forth in this document is most consistent with the purpose of Title IX, which is to ensure equal opportunity and to protect individuals from the harms of sex discrimination. As numerous courts have recognized, a school’s policy or actions that treat gay, lesbian, or transgender students differently from other students may cause harm. See, e.g., *Grimm*, 972 F.3d at 617–18 (describing injuries to a transgender boy’s physical and emotional health as a result of denial of equal treatment); *Adams*, 968 F.3d at 1306–07 (describing “emotional damage, stigmatization and shame” experienced by a transgender boy as a result of being subjected to differential treatment); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1044–46, 1049–50 (7th Cir. 2017) (describing physical and emotional harm to a transgender boy who was denied equal treatment); *Dodds v. U.S. Dep’t of Educ.*, 845 F.3d 217, 221–22 (6th Cir. 2016) (describing “substantial and immediate adverse effects on the daily life and well-being of an eleven-year-old” transgender girl from denial of equal treatment); *Doe*, 2020 WL 5993766, at **1–3 (describing harassment and physical targeting of a gay college student that interfered with the student’s educational opportunity); *Harrington ex rel. Harrington v. City of Attleboro*, No. 15–CV–12769–DJC, 2018

WL 475000, at **6–7 (D. Mass. Jan. 17, 2018) (describing “‘wide-spread peer harassment’ and physical assault [of a lesbian high school student] because of stereotyping animus focused on [the student’s] sex, appearance, and perceived or actual sexual orientation”).

c. *The U.S. Department of Justice’s Civil Rights Division has concluded that Bostock’s analysis applies to Title IX.*

The U.S. Department of Justice’s Civil Rights Division issued a Memorandum from Principal Deputy Assistant Attorney General for Civil Rights Pamela S. Karlan to Federal Agency Civil Rights Directors and General Counsels regarding Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972 (Mar. 26, 2021), <https://www.justice.gov/crt/page/file/1383026/download>.

The memorandum stated that, after careful consideration, including a review of case law, “the Division has determined that the best reading of Title IX’s prohibition on discrimination ‘on the basis of sex’ is that it includes discrimination on the basis of gender identity and sexual orientation.” Indeed, “the Division ultimately found nothing persuasive in the statutory text, legislative history, or caselaw to justify a departure from *Bostock*’s textual analysis and the Supreme Court’s longstanding directive to interpret Title IX’s text broadly.”

III. Implementing This Interpretation

Consistent with the analysis above, OCR will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the Department. As with all other Title IX complaints that OCR receives, any complaint alleging discrimination based on sexual orientation or gender identity also must meet jurisdictional requirements as defined in Title IX and the Department’s Title IX regulations, other applicable legal requirements, as well as the standards set forth in OCR’s Case Processing Manual, www.ed.gov/ocr/docs/ocrcpm.pdf.²

Where a complaint meets applicable requirements and standards as just described, OCR will open an investigation of allegations that an individual has been discriminated against because of their sexual orientation or gender identity in education programs or activities. This includes allegations of individuals being

harassed, disciplined in a discriminatory manner, excluded from, denied equal access to, or subjected to sex stereotyping in academic or extracurricular opportunities and other education programs or activities, denied the benefits of such programs or activities, or otherwise treated differently because of their sexual orientation or gender identity. OCR carefully reviews allegations from anyone who files a complaint, including students who identify as male, female or nonbinary; transgender or cisgender; intersex; lesbian, gay, bisexual, queer, heterosexual, or in other ways.

While this interpretation will guide the Department in processing complaints and conducting investigations, it does not determine the outcome in any particular case or set of facts. Where OCR’s investigation reveals that one or more individuals has been discriminated against because of their sexual orientation or gender identity, the resolution of such a complaint will address the specific compliance concerns or violations identified in the course of the investigation.

This interpretation supersedes and replaces any prior inconsistent statements made by the Department regarding the scope of Title IX’s jurisdiction over discrimination based on sexual orientation and gender identity. This interpretation does not reinstate any previously rescinded guidance documents.

Accessible Format: On request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotope, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit

² Educational institutions that are controlled by a religious organization are exempt from Title IX to the extent that compliance would not be consistent with the organization’s religious tenets. See 20 U.S.C. 1681(a)(3).

EXHIBIT 1

32640

Federal Register / Vol. 86, No. 117 / Tuesday, June 22, 2021 / Rules and Regulations

your search to documents published by the Department.

Suzanne B. Goldberg,

Acting Assistant Secretary for Civil Rights.

[FR Doc. 2021-13058 Filed 6-21-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 11

[Docket No.: PTO-C-2013-0042]

RIN 0651-AC91

Changes to Representation of Others Before the United States Patent and Trademark Office; Correction

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is correcting an earlier final rule, "Changes to the Representation of Others Before the United States Patent and Trademark Office," that appeared in the *Federal Register* on May 26, 2021 and which takes effect on June 25, 2021. This document corrects a minor error. No other changes are being made to the underlying final rule.

DATES: This rule is effective June 25, 2021.

FOR FURTHER INFORMATION CONTACT: William R. Covey, Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline, at 571-272-4097.

SUPPLEMENTARY INFORMATION: This document corrects an error pertaining to revisions to definitions made in the final rule. Specifically, the Office intended to change the listed definition of "Roster" to "Roster or register." The Code of Federal Regulations editors informed the Office that the original *Federal Register* instruction to "revise" the definition was incorrect. Rather, the correct instruction should be to "remove and add" the intended definition. This document corrects that instruction.

In FR Doc. 2021-10528, appearing on page 28442 in the *Federal Register* of Wednesday, May 26, 2021, the following correction is made:

§ 11.1 [Corrected]

■ On page 28452, in the first column, in part 11, correct amendatory instruction 4 to read as follows:

■ 4. Amend § 11.1 by:

■ a. Revising the definitions of "Conviction or convicted" and "Practitioner;"

■ b. Removing the entry for "Roster" and adding, in alphabetical order, an entry for "Roster or register;" and

■ c. Revising the definitions for "Serious crime" and "State."

The revisions and addition read as follows:

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021-13145 Filed 6-21-21; 8:45 am]

BILLING CODE 3510-16-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 202, 203, 210, and 370

[Docket No. 2021-3]

Technical Amendments Regarding the Copyright Office's Organizational Structure

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: This final rule makes technical changes to the U.S. Copyright Office's regulations pertaining to its organizational structure in light of the agency's recent reorganization. It reflects recent structural changes, updates certain of the Office's division names, and adds a new section for the Copyright Claims Board established by the Copyright Alternative in Small-Claims Enforcement Act of 2020.

DATES: Effective July 22, 2021.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at regans@copyright.gov, Kevin R. Amer, Deputy General Counsel, by email at kamer@copyright.gov, or Joanna R. Blatchly, Attorney-Advisor, by email at jblatchly@copyright.gov or by telephone at (202) 707-8350.

SUPPLEMENTARY INFORMATION: The Copyright Office is publishing this final rule pursuant to its May 2021 reorganization. This effort is intended to accomplish two goals: (1) Rename divisions and realign certain reporting structures to improve the Office's effectiveness and efficiency; and (2) reflect the agency structure for the new copyright small-claims tribunal established by the Copyright Alternative

in Small-Claims Enforcement ("CASE") Act of 2020.¹ The Register has determined that these changes will optimize business processes and aid in the administration of her functions and duties as Director of the Copyright Office.²

Operational reorganization. The reorganization reduces the number of direct reports to the Register of Copyrights and is expected to create administrative and cost efficiencies by consolidating operational organizations currently headed by senior-level positions. The reorganization brings the Office of the Chief Financial Officer (renamed the Financial Management Division) and the Copyright Modernization Office (renamed the Product Management Division) under the supervision of the Chief of Operations (renamed the Assistant Register and Director of Operations ("ARDO")). Realigning these divisions under the ARDO consolidates operational support elements under one senior manager, in line with operational structures across the Library of Congress. This consolidation is expected to facilitate Office coordination with centralized Library services, and with similar functional elements of other service units. It is also expected to allow the Office to increase the effectiveness of communications across areas of operational responsibility, in alignment with strategic objectives.

The reorganization renames certain organizational elements and senior positions for purposes of greater clarity and consistency. The Office of Public Records and Repositories is renamed the Office of Copyright Records. As noted above, the Office of the Chief of Operations is renamed the Office of the Director of Operations. The following subordinate offices are also renamed: The Copyright Acquisitions Division ("CAD") is renamed Acquisitions and Deposits ("A&D"); the Administrative Services Office ("ASO") is renamed the Administrative Services Division ("ASD"); and the Receipt Analysis and Control Division ("RAC") is renamed the Materials Control and Analysis Division ("MCA"). The Copyright Modernization Office ("CMO") is renamed the Product Management Division ("PMD").

Further, the Office of the Chief Financial Officer ("CFO") is renamed the Financial Management Division ("FMD") and work units under this division are also renamed, including by

¹Public Law 116-260, sec. 212, 134 Stat. 1182, 2176 (2020).

²See 17 U.S.C. 701(a).

EXHIBIT 2



HUMAN
RIGHTS
CAMPAIGN_®

February 21, 2024

Miguel A. Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

RE: Request for Investigation on the Incidents Leading to the Death of [REDACTED]

Dear Secretary Cardona:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, I write to request that the Department of Education (the "Department") promptly begin an investigation on the circumstances leading to the death of **Student A** [REDACTED] Oklahoma.

[REDACTED] is a gut-wrenching tragedy that exposes the chilling reality of anti-transgender hatred spreading across the United States, and that the Department must investigate as part of Owasso High School's failure to address harassment and discrimination on its campus beginning in the 2023 school year.

As advocates for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals, the Human Rights Campaign (HRC) believes that all people—including transgender and gender-expansive youth like **Student A**—deserve to be accepted, seen, and safe, particularly in our nation's schools. However, efforts to stoke hate and discrimination across the country are having a direct, negative impact on the lives of trans and gender-expansive students. This includes young students like **Student A** who face harsh social and public environments largely influenced by this discourse that undermines their lives.

Available information shows that the depths of the cruelty inflicted on **Student A** are sickening. It [REDACTED] Nex [REDACTED] [REDACTED] at Owasso High School in Owasso, Oklahoma, where **Student A** was a student. Reports suggest that **Student A** experienced [REDACTED]. **Student A** was taken to [REDACTED] [REDACTED] 2024, **Student A** [REDACTED]. According to news reports, the Owasso Police Department was called

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P 202-628-4160 | F 202-423-2861 | HRC@HRC.ORG

EXHIBIT 2

out to the hospital by [REDACTED] [REDACTED] A statement by the Owasso Police Department implies it was [REDACTED] family, and not the school, who made the police [REDACTED] being attacked.¹

We believe that [REDACTED] Student A [REDACTED] is the natural consequence of a growing wave of hatred against LGBTQ+ people. This hatred is being fueled by an unprecedented, coordinated attempt to eliminate the rights and visibility of our communities across the country, which recently led us to declare a national state of emergency for LGBTQ+ people for the first time in our nearly half-century history.² Anti-LGBTQ+ legislative assaults, political extremism based on false rhetoric, and the violent attacks these efforts eagerly encourage have become commonplace, beginning in statehouses and now even dominating the halls of Congress.³ Many of these efforts are focused on demonizing transgender and gender-expansive youth specifically, including through the false suggestion that the presence of transgender or non-binary youth in girls' restrooms is inherently predatory.

Oklahoma has considered more than 85 anti-LGBTQ+ pieces of legislation since 2015, passing seven into law. This gives it the dubious distinction of being one of the nation's top five promulgators of anti-LGBTQ+ discrimination, following Texas, Missouri, Tennessee, and Iowa. It has considered legislation that covers all of the trending anti-LGBTQ+ categories: bills to allow the abusive, discredited practice of conversion therapy; bills targeting the performance of drag; bills limiting what schools are allowed to say about LGBTQ+ people; book bans; bans on critical health care for transgender people; bans on updating identity documents, such as birth certificates; bills to allow discrimination justified by religious belief in the areas of child welfare, government services, and more; and many others. Among the most egregious of the bills passed into law were the ban on gender-affirming care for transgender youth and the ban on transgender students being able to use names, pronouns, and the restroom at school consistent with their gender identity. Indeed [REDACTED] Student A family recently noted that [REDACTED] Student A had first begun being bullied after Oklahoma Governor Kevin Stitt signed the bill into law that forbids trans and gender expansive youth to access restrooms consistent with their gender identity.⁴

¹ More specifically, the police stated [REDACTED] Student A [REDACTED] Student A

² HUMAN RIGHTS CAMPAIGN, LGBTQ+ AMERICANS UNDER ATTACK: A REPORT AND REFLECTION ON THE 2023 STATE LEGISLATIVE SESSION (2023), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Anti-LGBTQ-Legislation-Impact-Report.pdf>.

³ HOUSE EQUALITY CAUCUS, OBSESSED: HOUSE REPUBLICANS' RELENTLESS ATTACKS AGAINST THE LGBTQI+ COMMUNITY IN 2023 (2024), <https://equality.house.gov/sites/evo-subsites/equality.house.gov/files/evo-media-document/CEC-Report---Obsessed-compressed.pdf>.

⁴ Bevan Hurley, *Oklahoma banned trans students from bathrooms. Now a bullied student is dead after a* [REDACTED] THE INDEPENDENT (2024), [https://www.independent.co.uk/news/world/americas/\[REDACTED\]-dead-oklahoma-b2499332.html](https://www.independent.co.uk/news/world/americas/[REDACTED]-dead-oklahoma-b2499332.html).

EXHIBIT 3

MEMORANDUM

To: [REDACTED] Office of General Counsel; and
[REDACTED], Office of General Counsel

From: [REDACTED] Regional Director, OCR Kansas City [REDACTED] [REDACTED]

Re: OSC Inquiry regarding *Tennessee, et al., v United States Department of Education, et al.*
Injunction

Date: November 22, 2024

Thank you for taking time to meet this morning to discuss the whistleblower complaint the Department received from the U.S. Office of Special Counsel alleging the Department is failing to comply with a court order issued in July 2022, by the U.S. District Court for the Eastern District of Tennessee.

As we discussed, below is a breakdown of the timeline, communications, and actions I am aware of regarding this matter. Please let me know if you need additional information. I will also send a copy of the dismissal letters in Rogers School District you requested at the end of our call today.

Background on Case Processing and the Preliminary Injunction

On January 21, 2021, OCR Deputy Assistant Secretary of Civil Rights, Randolph Wills, issued instructions to all Regional Directors and Enforcement Directors entitled "Pause" stating all OCR complaints under any stage of evaluation were on pause with the exception of disability-related cases, until further notice. The "pause" was gradually lifted over time for many types of cases. There was a period of time after the "pause" was lifted sexual orientation or gender identity complaints could be opened without approval from headquarters, but those investigations could not be resolved without approval from headquarters. Currently, all cases involving sexual orientation or gender identity (SOGI) and sex stereotyping must be submitted to headquarters for approval before any action can be taken on those complaints.

Around February 2021, the Regional Directors were informed during a series of meetings that the 2020 Amendments to Title IX from the previous administration were "put on hold."

On May 10, 2021, Acting Assistant Secretary for Civil Rights, Suzanne Goldberg, issued an email to OCR Enforcement Directors and Regional Directors "not for circulation" including an attached draft "Notice of interim final interpretation" seeking comments and feedback. The draft notice related to applying the U.S. Supreme Court's analysis in *Bostock v Clayton County* (2020) to Title IX.

EXHIBIT 3

On June 16, 2021, Acting Assistant Secretary for Civil Rights, Suzanne Goldberg, issued an email to all OCR staff informing staff OCR had “issued a Notice of Interpretation making clear that OCR’s enforcement of Title IX encompasses discrimination based on sexual orientation and gender identity.” Goldberg noted “the interpretation of Title IX follows the U.S. Supreme Court’s analysis in *Bostock v Clayton County* (2020)” and is “consistent with the DOJ’s memorandum on the interpretation of Title IX issued earlier this year.”

On June 22, 2021, OCR published an “Interpretation” in the Federal Register, stating effective immediately, OCR was interpreting Title IX to follow the U.S. Supreme Court’s analysis in *Bostock v Clayton County* (2020).

On July 15, 2022, U.S. District Court Judge, Charles E. Atchley, Jr. (Eastern District of Tennessee) issued a Memorandum and Order in *The State of Tennessee, et al., v United States Department of Education, et al.*, in case number 3:21-cv-308 ([Doc. 86](#)), granting the Plaintiffs’ Motion for Preliminary Injunction (Injunction). The Injunction applies only to the Plaintiff States, consisting of: Tennessee, Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, and West Virginia. ([Injunction](#), fn. 1 and 18).

In the Memorandum Opinion and Order, the Court identified certain documents published by the U.S. Department of Education as being subject to the Court’s jurisdiction and Order. Those relevant documents subject to the Injunction were identified by the Court as: (1) “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*,” 86 Fed. Reg. 32637 (June 22, 2021), hereinafter identified as the “[Interpretation](#)”; (2) “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021), hereinafter identified as the “[Dear Educator Letter](#)”; and (3) “U.S. Dep’t of Justice & U.S. Dep’t of Educ., Confronting Anti-LGBTQI+ Harassment in Schools” (June 2021), hereinafter “[Fact Sheet](#).”

“Interpretation”: <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>;

“Dear Educator Letter”:

<https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>;

“Fact Sheet”: <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>

The Court specifically noted that the Department has stated, in accordance with the Interpretation, the Department “will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the Department” and that “the Interpretation will guide the Department in processing complaints and conducting investigations.” ([Doc. 86](#), p. 4).

EXHIBIT 3

The most relevant portion of the “Interpretation” identified by the Court states:

For the reasons set out below, the Department has determined that the interpretation of sex discrimination set out by the Supreme Court in *Bostock*— that discrimination “because of . . . sex” encompasses discrimination based on sexual orientation and gender identity— properly guides the Department’s interpretation of discrimination “on the basis of sex” under Title IX and **leads to the conclusion that Title IX prohibits discrimination based on sexual orientation and gender identity.** [Emphasis added]. ([Interpretation](#), 86 Fed. Reg. 32638 (June 22, 2021), and [Doc. 86](#), p. 4).

The “Dear Educator letter” likewise states in relevant part: “Consistent with this notice, OCR will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities that receive Federal financial assistance from the Department.” [Dear Educator Letter](#), p. 2, and [Doc. 86](#), p. 4.

The [Fact Sheet](#) published by the U.S. Department of Education states in part:

Confronting Anti-LGBTQI+ Harassment in Schools A Resource for Students and Families

Many students face bullying, harassment, and discrimination based on sex stereotypes and assumptions about what it means to be a boy or a girl. Students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming may face harassment based on how they dress or act, or for simply being who they are. It is important to know that discrimination against students based on their sexual orientation or gender identity is a form of sex discrimination prohibited by federal law. It is also important that LGBTQI+ students feel safe and know what to do if they experience discrimination.

Public elementary and secondary schools, as well as public and private colleges and universities, have a responsibility to investigate and address sex discrimination, including sexual harassment, against students because of their perceived or actual sexual orientation or gender identity. When schools fail to respond appropriately, the Educational Opportunities Section of the Civil Rights Division (CRT) at the U.S. Department of Justice and the Office for Civil Rights (OCR) at the U.S. Department of Education can help by enforcing federal laws that protect students from

EXHIBIT 3

discrimination. CRT and OCR can also provide information to assist schools in meeting their legal obligations. ([Fact Sheet](#), and [Doc. 86](#), p. 6).

In granting the Plaintiffs' Motion for Preliminary Injunction, the Court ordered that "the Federal Defendants [including the U.S. Department of Education] and all their respective officers, agents, employees, attorneys, and persons acting in concert or participation with them are ENJOINED and RESTRAINED from implementing the [Interpretation](#), [Dear Educator Letter](#), [Fact Sheet](#), and the [EEOC publication entitled] Technical Assistance Document against Plaintiffs." ([Doc. 86](#), p. 46).

The Injunction was appealed to the 6th Circuit Court of Appeals, who upheld the Injunction. The Department of Education filed an emergency application for partial stay of Injunction with the U.S. Supreme Court on July 22, 2024. The Supreme Court denied the application on August 16, 2024.

Department of Education Notice to Staff Regarding the Injunction

On July 18, 2022, after hearing from the OCR Cleveland Regional Director [REDACTED] of a possible Injunction regarding Title IX, OCR Kansas City Regional Director [REDACTED] sent the following email to Deputy Assistant Secretary of Enforcement Wills and Enforcement Director [REDACTED]

From: [REDACTED]
Sent: Monday, July 18, 2022 9:39 AM
To: [REDACTED]

[REDACTED] ph
Whistleblower
[REDACTED]

Subject: FW: Preliminary Injunction re Title IX wrt LGBTQ
Importance: High

Good morning [REDACTED],

Please see the attached Injunction that [REDACTED] forwarded to the RDs this morning.

We need guidance on how to proceed. The plaintiffs include all of the states in Region VII, so it looks like this will impact our evaluations and investigations given the Department's guidance regarding Bostock's application to Title IX, which is referenced on page 3 of the Injunction.

EXHIBIT 3

Footnote 18 seems to say that the injunction only applies to plaintiff states, not a nationwide injunction, but for us, it applies to all of Region VII.

Please advise on next steps.

Thank you.

[REDACTED]

[REDACTED]

Regional Director, Region VII
U.S. Department of Education
Office for Civil Rights

[REDACTED]

Deputy Assistant Secretary Wills responded that same day, "Understood. Will get back to you."

OCR Guidance Regarding the Injunction

It is important to note, as illustrated below, there has been a clear difference between the written guidance distributed by Headquarters on this topic compared to the verbal instructions given during MS Teams calls.

On July 20, 2022, U.S. Department of Education, Assistant Secretary for Civil Rights, Catherine E. Lhamon, distributed an email to all OCR users, with the subject line: "Subject: Important information about a court injunction regarding sexual orientation and gender identity." The email informed staff of the Injunction and provided guidance on how staff should proceed in States that are subject to the Injunction. The email states as follows:

From: Lhamon, Catherine E. [REDACTED]
Sent: Wednesday, July 20, 2022 12:35 PM
To: OCR All User [REDACTED]
Subject: Important information about a court injunction regarding sexual orientation and gender identity

All:

On Friday, July 15, 2022, a district court issued the attached opinion and preliminary injunction against the Department of Education, the

EXHIBIT 3

Department of Justice, and the EEOC. The district court enjoined ED (and other agencies) from “implementing” certain documents that address discrimination involving sexual orientation and gender identity against any of the 20 States that are Plaintiffs in the action.

The three documents subject to the preliminary injunction relevant to ED are:

- Notice of Interpretation: “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*.” 86 Fed. Reg. 32637 (June 22, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-06-22/pdf/2021-13058.pdf>
- “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021), <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>;
- Fact Sheet: “Confronting Anti-LGBTQI+ Harassment in Schools” (June 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>.

The 20 States as to which ED is preliminarily enjoined from implementing those documents are: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and West Virginia.

As has been our practice, if you are working on a case that alleges discrimination based on sexual orientation and gender identity, please inform your Enforcement Director (ED). If you have any questions, you should also contact your ED.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

On July 26, 2022, the OCR Regional Directors, Enforcement Directors, and Assistant Secretary Lhamon, participated in a phone call over MS Teams regarding the preliminary injunction. The Assistant Secretary stated she believes the Court overstepped its authority and that the preliminary injunction really doesn’t accomplish anything because it says we cannot enforce the guidance, but that’s not what we do, we enforce the law, not guidance. The Assistant Secretary stated she disagrees with the guidance from OGC and DOJ attorneys working on the federal litigation regarding the preliminary injunction, and she wanted to send us an email explaining what she wants us to do but she was persuaded to not make a written record of it, so she decided to have this call instead. She wants us to continue opening and investigating Title IX SOGI

EXHIBIT 3

complaints including those covered by the preliminary injunction, and stated there is a chance we may be found in violation of the injunction if we continue to move forward on these cases, but she feels it is a risk that should only apply to her and senior staff, not field staff, but in the event one of us is found in contempt for violating the injunction and fined, she is offering to pay for our legal representation and to pay any fines for us, either through the department or by her personally. She said we should not be fined by the Court for doing our job, and this is a fight worth having.

Regional Director [REDACTED] immediately notified Whistleblower [REDACTED] of the conversation and told him notwithstanding the Assistant Secretary's instructions and assurances, we will not be taking any action that will violate the preliminary injunction. He agreed. [REDACTED] later also informed Program Manager [REDACTED] and the Kansas City Team Leaders of the general topics covered during the call and the instruction and assurance that we will not be taking any action that may violate the preliminary injunction. Staff all agreed and said they appreciated the assurance and support.

On August 24, 2022, the OCR Regional Directors, Enforcement Directors, and Assistant Secretary Lhamon, participated in a follow-up phone call over MS Teams regarding the preliminary injunction. The Assistant Secretary stated we should be moving forward with opening SOGI investigations, even in injunction states, but before any letters opening investigations or dismissing complaints are issued, they should be sent to the Enforcement Director for approval. The Assistant Secretary stated no one should have pencils down, people should have pencils up, in all the states.

The Assistant Secretary sent a follow-up email to all-staff on September 26, 2022. That email stated:

From: Lhamon, Catherine E. [REDACTED]
Sent: Monday, September 26, 2022 11:57 AM
To: OCR All Users [REDACTED]
Subject: RE: Important information about a court injunction regarding sexual orientation and gender identity

All:

This is a follow-up to my July 20, 2022, email regarding the preliminary injunction entered against the Department of Education, the Department of Justice, and the EEOC on July 15. As I noted at the time, the district court enjoined ED (and other agencies) from "implementing" certain documents that address discrimination involving sexual orientation and gender identity against any of the 20 States that are Plaintiffs in the action.

The three documents subject to the preliminary injunction relevant to ED are:

EXHIBIT 3

- Notice of Interpretation: “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*.” 86 Fed. Reg. 32637 (June 22, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>;
- “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021), <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/educator-202106-tix.pdf>;
- Fact Sheet: “Confronting Anti-LGBTQI+ Harassment in Schools” (June 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tix-202106.pdf>.

those documents against are: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and West Virginia.

OCR will continue to carry out its statutorily required responsibilities. To ensure compliance with the preliminary injunction for casework that arises in any of the 20 States listed above, OCR staff should continue to rely on Title IX, its implementing regulations, case law, and the specific facts and circumstances of each case in evaluating, opening, investigating, and resolving complaints, compliance reviews, and directed investigations that touch on allegations of discrimination on the basis of sexual orientation and gender identity. The three documents identified in the preliminary injunction should not be relied upon in determining what the statute and regulations mean.

As has been our practice, if you are working on a case that alleges discrimination based on sexual orientation and gender identity, please inform your Enforcement Director (ED). If you have any questions about how to proceed, you should also contact your ED.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

On November 14, 2022, Assistant Secretary Lhamon issued an email directive to all staff along with a Memorandum entitled *Opening Cases Potentially Involving Allegations of Gender Dysphoria*. The memorandum was “in response to a recent federal appellate decision” and

EXHIBIT 3

provided suggestions to staff on how to broaden complaints alleging discrimination against transgender individuals to also include disability based discrimination under Section 504 and/or Title II. It was explained on subsequent calls over MS Teams that the current injunction only covers Title IX, not Section 504 or Title II, so this was an avenue OCR should try to take to avoid Court scrutiny regarding the injunction.

On July 29, 2024, Regional Director [REDACTED] received a call from Enforcement Director [REDACTED] via MS Teams stating she just got off a call with Deputy Assistant Secretary Wills and they are informing us of an immediate one week pause on all SOGI cases across all 50 states, not just the states subject to the preliminary injunction. [REDACTED] indicated more guidance was coming from Assistant Secretary Lhamon and Program Legal Group (PLG) soon, but she believes we will be operating under the 2020 Title IX Amendments for a while. [REDACTED] stated this was pencils down for a week at the recommendation of DOJ. She indicated headquarters is trying to minimize communications in writing because this is just more stuff for discovery.

On August 1, 2024, Assistant Secretary Lhamon sent an email to the Regional Directors, entitled: Important instructions about the 2024 Title IX Final Rule effective date and court injunctions.:

From: Lhamon, Catherine E. [REDACTED]
Sent: Thursday, August 1, 2024 10:03 AM
To: OCR Regional Directors [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: Important instructions about the 2024 Title IX Final Rule effective date and court injunctions

Regional Directors:

This is an update regarding OCR's work to effectuate the 2024 Title IX Final Rule while complying with preliminary injunctions issued by federal district courts in Louisiana, see *Louisiana v. U.S. Dep't of Educ.*, No. 3:24-cv-00563 (W.D. La. June 13, 2024); Kentucky, see *Tennessee v. Cardona*, No. 2: 24-072-DCR (E.D. Ky. June 17, 2024); Kansas, see *Kansas v. U.S. Dep't of Educ.*, No. 24-4041-JWB (D. Kan. July 2, 2024); Texas, see *Texas v. United States* *Texas v. United States*, No. 2:24CV86-Z (N. D. Tex. July 11, 2024), see also

EXHIBIT 3

Carroll Indep. Sch. Dist. v. Dep't of Educ., No. 4:24-cv-00461-O (N.D. Tex. July 11, 2024); Missouri, see Arkansas v. U.S. Dep't of Educ., Case No. 4:24 CV 636 RWS (E.D. Mo. July 24, 2024); Oklahoma, see Oklahoma v. Cardona, No. CIV-24-00461-JD (W.D. Okla. July 31, 2024); and the federal court of appeals for the Eleventh Circuit, see Alabama v. U.S. Sec'y of Educ., No. 24-12444 (11th Cir. July 31, 2024). Please either share this email directly with your staff or relay its substance in any manner you think appropriate. These instructions will be updated to reflect any new court orders that affect the enforceability of the 2024 Title IX Final Rule.

Pursuant to these federal court orders, the Department is currently enjoined from enforcing the 2024 Title IX Final Rule:

- in Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming; and
- against the schools on the attached PDF list filed with the court in one of the cases (Kansas). This updated PDF will replace the list that is currently posted online. Per court order, this list of schools may be supplemented at subsequent times. For your convenience and reference, please find a SharePoint link to a spreadsheet for those schools, including their associated state and school district (when a K-12 school). The spreadsheet includes the schools on lists submitted through July 26, 2024, and will be updated to include the list filed on July 31, 2024. Both the SharePoint spreadsheet and the online PDF will continue to be updated if supplemental lists are received.

The Department's Title IX regulations, as amended in 2020, remain in effect in these states and schools, pending further court orders.

On behalf of the Department, the Department of Justice asked the Supreme Court on July 22, 2024, to stay portions of the preliminary injunctions in the first two of the cases that entered injunctions (Louisiana and Kentucky) so that unchallenged provisions of the 2024 Title IX Final Rule can be enforced in those states. The Department of Justice is hopeful that we will receive a decision from the Court soon.

EXHIBIT 3

Until you receive further written instructions, in response to an OCR complaint that alleges sex discrimination related to conduct that occurred on or after August 1, 2024, consult the list of enjoined states (above) and schools (SharePoint link) to determine whether the school identified in the complaint is a school that is covered by an injunction. (If the school is located in one of the states in which OCR is enjoined from enforcing the 2024 Title IX Final Rule, there is currently no need to determine whether the school is also on the separate list of schools.) In addition, consult with your Enforcement Director for a complaint against a school that is highlighted on the list or an online postsecondary institution that is not on the list.

- If the complaint is about a state or school where OCR is enjoined from enforcing the 2024 Title IX Final Rule, analyze any Title IX allegations consistent with the Department's Title IX regulations as amended in 2020. Please include the following text in official correspondence, such as a letter of notification or resolution letter, in which jurisdiction under Title IX is set out:

Pursuant to Federal court orders, the Department is currently enjoined from enforcing the 2024 Title IX Final Rule in [STATE or SCHOOL]. Pending further court orders, the Department's Title IX regulations, as amended in 2020 (2020 Title IX regulations) remain in effect in [STATE or SCHOOL]. Therefore, the 2020 Title IX regulations serve as the basis for OCR's determination in this matter.

- If the complaint is not from a state or about a school in which OCR is enjoined from enforcing the 2024 Title IX Final Rule, analyze the Title IX allegations consistent with the 2024 Title IX regulations for conduct alleged to have occurred on or after August 1, 2024. Note that there may be instances, such as when a pattern of sex-based harassment spans a period prior to and after August 1, 2024, in which OCR will evaluate the recipient's compliance with both the 2020 Title IX regulations and the 2024 Title IX Final Rule. Any resolution agreements would require the recipient to come into compliance with the 2024 Title IX Final Rule.

If you have any questions, please email OCR2024TitleIXFinalRuleTA@usdedeop.onmicrosoft.com to seek guidance. This is an inbox that is internal to ED and monitored by PLG. Inquiries from the public should be directed to OCR@ed.gov.

EXHIBIT 3

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

On August 19, 2024, Assistant Secretary Lhamon sent an email to the Regional Directors, including instructions relating to complaints alleging gender identity discrimination with an attached model dismissal letter and the following information:

From: Lhamon, Catherine E. [REDACTED]
Sent: Monday, August 19, 2024 11:03 AM
To: OCR Regional Directors [REDACTED]
Wills, Randolph [REDACTED]
Morey [REDACTED]
[REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: Important instructions relating to allegations of gender identity discrimination in states and schools where the 2020 Title IX Final Rule remains in effect

Regional Directors:

This is a further update regarding OCR's work to effectuate the 2024 Title IX Final Rule while complying with preliminary injunctions issued by federal district courts in Louisiana, see *Louisiana v. U.S. Dep't of Educ.*, No. 3:24-cv-00563 (W.D. La. June 13, 2024); Kentucky, see *Tennessee v. Cardona*, No. 2: 24-072-DCR (E.D. Ky. June 17, 2024); Kansas, see *Kansas v. U.S. Dep't of Educ.*, No. 24-4041-JWB (D. Kan. July 2, 2024); Missouri, see *Arkansas v. U.S. Dep't of Educ.*, Case No. 4:24 CV 636 RWS (E.D. Mo. July 24, 2024); Oklahoma, see *Oklahoma v. Cardona*, No. CIV-24-00461-JD (W.D. Okla. July 31, 2024); and the federal court of appeals for the Eleventh Circuit, see *Alabama v. U.S. Sec'y of Educ.*, No. 24-12444 (11th Cir. July 31, 2024). Please either share this email directly with your staff or relay its substance in any manner you think appropriate.

I will send a separate update to the Dallas Regional office regarding the preliminary injunctions regarding the 2024 Title IX Final Rule in Texas, see *Texas v. United States*, No. 2:24CV86-Z

EXHIBIT 3

(N.D. Tex. July 11, 2024), and Carroll Indep. Sch. Dist. v. Dep't of Educ., No. 4:24-cv-00461-O (N.D. Tex. July 11, 2024); and the permanent injunction arising out of the challenge to OCR's Bostock Notice of Interpretation in Texas, see Texas v. Cardona, No. 4:23-cv-00604 (N.D. Tex. Aug. 5, 2024).

On behalf of the Department, the Department of Justice asked the Supreme Court on July 22, 2024, to stay portions of the preliminary injunctions in the first two of the cases that entered injunctions (Louisiana and Kentucky) so that unchallenged provisions of the 2024 Title IX Final Rule can be enforced in those states. While the Supreme Court decided on August 16, 2024, not to stay the preliminary injunctions, appeals are currently pending in multiple circuits about the injunctions.

My August 1, 2024, instructions addressed what set of Title IX regulations should apply to the evaluation, investigation, and resolution of particular allegations involving conduct on or after August 1, 2024. These further instructions address how to process allegations of gender identity discrimination regardless of when the alleged conduct occurred in those states (other than in Texas) and schools in which the Department is currently enjoined from enforcing the 2024 Title IX Final Rule and is applying the Title IX regulations as amended in 2020.

As a reminder, pursuant to these federal court orders, the Department is currently enjoined from enforcing the 2024 Title IX Final Rule:

- in Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming; and
 - against the schools on the PDF lists filed with the court in one of the cases (Kansas), as linked on our website and for those schools, including their associated state and school district (when a K-12 school). Both the SharePoint spreadsheet and the online PDF will continue to be updated if supplemental lists are received.
- The Department's Title IX regulations, as amended in 2020, remain in effect in these states and schools, pending further court orders.

EXHIBIT 3

Until you receive further written instructions, any allegation (whether in evaluation, investigation, or negotiation) in these states (other than Texas) and schools should be dismissed/closed if it claims an individual was:

- denied access to a sex-separate restroom, locker room, living facility, class, or extracurricular activity based on a policy or practice that limits access to those spaces to individuals whose gender identity aligns with the sex they were assigned at birth;
- denied access to a sex-separate athletic team based on a policy or practice that limits access to the team to individuals whose gender identity aligns with the sex they were assigned at birth; or
- subjected to different treatment (other than harassment) because of their gender identity.

In addition, any allegation (whether in evaluation, investigation, or negotiation) in these states (other than Texas) and schools should be dismissed/closed if it involves harassment that would not meet the definition of “sexual harassment” in 106.30(a) of the 2020 regulations, as further clarified in the preamble to the 2020 Title IX Final Regulation (85 FR 30026, 30179 (2020)):

These final regulations focus on prohibited conduct, irrespective of a person's * * * gender identity. *** These final regulations include sexual harassment as unwelcome conduct on the basis of sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it denies a person equal educational access; this includes but is not limited to unwelcome conduct of a sexual nature, and may consist of unwelcome conduct based on sex or sex stereotyping. The Department will not tolerate sexual harassment as defined in § 106.30 against any student, including LGBTQ students.

If an allegation must be dismissed/closed, use the language in the sample dismissal letter. If a complaint involves multiple allegations, only some of which must be dismissed/closed, then use the language in the sample dismissal letter making clear that the other allegations remain pending for evaluation or investigation.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

EXHIBIT 3

laws or regulations OCR enforces pursuant to OCR Case Processing Manual Section 108(f) as required by Case Processing Manual Section 201(a). Only if OCR were to implement the interpretation of Title IX that the Department has been enjoined and restrained from using in the processing of complaints and conducting investigations, could OCR mediate the complaint as Enforcement Director ██████ had instructed.

Enforcement Director ██████ restated her opinion that mediating the Rogers complaint would not violate the injunction. Regional Director ██████ again asked Enforcement Director ██████ if the OCR KC triad could get an opinion from the Department of Education Office of General Counsel as to whether proceeding with mediating the Rogers complaint would violate the Injunction, but Enforcement Director ██████ informed Regional Director ██████ that no such request will be made or approved. Enforcement Director ██████ stated she would raise our concerns again with the Deputy Assistant Secretary of Enforcement, Randolph Wills and get back to us about our concerns.

On February 13, 2024, Regional Director ██████ had a call with Enforcement Director ██████ via MS Teams to have further discussions about the concerns with OCR mediating the Rogers complaint in light of the Injunction. Enforcement Director ██████ stated the Case Processing Manual was distributed to staff for training, and after that training, there were some slight tweaks to the Case Processing Manual (metadata indicates the document available online was created July 18, 2022, and modified July 19, 2022), because staff were putting complaints into mediation that should have been dismissed. Enforcement Director ██████ stated this was occurring because the version of the Case Processing Manual staff had received and were trained on, allowed for that to happen. Headquarters revised the Case Processing Manual so that did not continue. Regional Director ██████ pointed out to Enforcement Director ██████ that is precisely the concern that the regional staff had been expressing to Enforcement Director ██████. In accordance with the revisions to the Case Processing Manual, the Rogers complaint should be dismissed, not mediated. Enforcement Director ██████ said the Deputy Assistant Secretary of Enforcement felt “quite strongly” that we needed to move forward on mediation anyway. Enforcement Director ██████ stated that the Deputy Assistant Secretary of Enforcement feels this is an agency decision, a national direction.

Enforcement Director ██████ argued that the Injunction only relates to the use of certain documents and OCR is not relying on those documents. We discussed the difference between OCR implementing the new Interpretation and guidance documents versus OCR enforcing the specific guidance documents, and how the Injunction was in fact broader than merely enjoining the use of certain documents, it involved enjoining application of the new Interpretation of Title IX relating to sexual orientation and gender identity. Regional Director ██████ explained his reading of the Court’s Order which clearly indicates OCR cannot use the Interpretation that Title IX prohibits discrimination based on sexual orientation and gender identity in education programs and activities that receive federal financial assistance, in both the processing of complaints and conducting investigations. The Court’s discussion of the specific restrictions is found in large part on page 4 of the Injunction. Regional Director ██████ reiterated that without implementing the new interpretation, the Rogers complaint should be dismissed, and the only way the complaint is not dismissed and instead sent to mediation, is if the new interpretation of Title IX is implemented, in violation of the Injunction.

EXHIBIT 3

Enforcement Director ██████ said OCR has “plenty of SOGI cases that are in mediation.” Enforcement Director ██████ also argued transgender is different than gender identity and is not covered by the Injunction. Enforcement Director ██████ said the Deputy Assistant Secretary feels we have a position on this as an agency, so we need to proceed with mediation. Enforcement Director ██████ said she would raise it again with the Deputy Assistant Secretary of Enforcement. Enforcement Director ██████ also indicated she would probably ask another OCR Region to handle the mediation since we have these concerns.

On February 19, 2024, Program Manager ██████, who manages the regional mediation program for OCR Kansas City, called Regional Director ██████ to inform him that Enforcement Director ██████ called and informed her that the Deputy Assistant Secretary of Enforcement decided OCR Kansas City needs to proceed with mediating the Rogers complaint despite our concerns related to the Injunction.

On February 20, 2024, Regional Director ██████ asked Whistleblower ██████ to tell the team to hold off on proceeding with the mediation request in Rogers until we received clarification from Headquarters. Whistleblower ██████ sent an email to the team stating the case is on hold pending further guidance.

On February 26, 2024, Regional Director ██████, Whistleblower ██████, and Program Manager ██████ spoke with Enforcement Director ██████ during a call over MS Teams, reaffirming our position that proceeding with mediation in the Rogers complaint will require us to violate the Injunction. We reiterated that given the change in the Case Processing Manual, OCR must first determine, before a complaint is sent to mediation, that the complaint states a violation of one of the laws or regulations OCR enforces. Accordingly, moving the Rogers complaint to mediation, instead of dismissing it, would necessarily require us to implement the Interpretation in direct violation of the Injunction. We noted that the facts alleged in the Rogers complaint fit squarely within one of the scenarios in the Fact Sheet which is one of the documents subject to the Injunction. Enforcement Director ██████ dismissed our concerns and indicated she has shared our concerns with the Deputy Assistant Secretary of Enforcement and they both are ordering us to proceed with mediation.

Enforcement Director ██████ told the OCR KC triad that the Administration has made the decision to proceed in this manner and said: “there’s an entire body of these that have happened in other offices, even in preliminary injunction states.” Enforcement Director ██████ indicated we could speak with the Deputy Assistant Secretary of Enforcement to hear it from him directly if we needed to. Regional Director ██████ responded by asking Enforcement Director ██████ to email us a written order to mediate the complaint with an explanation of why she does not believe proceeding to mediation will violate the Injunction so we will have a written record of the instruction given the fact that we believe the instruction to mediate the complaint will violate the Injunction. Enforcement Director ██████ stated that no such written instruction or order will be sent, and they do not want a paper trail of this. Regional Director ██████ told Enforcement Director ██████ that if the Regional Director was called to testify before the Court regarding the injunction, he would have to testify that in his opinion, mediating the Rogers complaint would violate the Injunction.

EXHIBIT 3

Regional Director [REDACTED] told Enforcement Director [REDACTED] that before we proceeded any further, the team would like to speak with the Deputy Assistant Secretary of Enforcement about this decision. Regional Director [REDACTED] instructed the regional team to stand down on mediating the complaint until further notice. The meeting with the Deputy Assistant Secretary of Enforcement to discuss this decision never occurred.

On February 29, 2024, Regional Director [REDACTED] and Whistleblower [REDACTED] met with Assistant Secretary for Civil Rights, Catherine Lhamon, via MS Teams to wrap up the Assistant Secretary's visit with regional staff that day. We discussed, in part, the instruction we received to mediate the Rogers complaint. We explained that we and the Program Manager had been expressing our belief that mediating the complaint will cause us to violate the Injunction, and that we have explained those concerns to Enforcement Director [REDACTED] over the last several weeks, but we have been told the decision has been made by headquarters for us to facilitate mediation of the complaint despite our concerns. We explained the requirement in the Case Processing Manual that OCR first determine whether the Rogers complaint states a violation of a law or regulation OCR enforces, necessarily requires OCR to implement the Interpretation, otherwise the complaint should be dismissed. We noted that the facts alleged in the Rogers complaint fit squarely within one of the scenarios in the Fact Sheet, which is also one of the documents subject to the Injunction.

The Assistant Secretary stated she does not appreciate email traffic on this topic (same discussion regarding Owasso, see below), "that's not how we roll," and she expects us to operate the same way she does, that is to have a conversation and not to send email about it. She has concerns about staff creating records of dissent and FOIA requests in such a highly regulated environment. The Assistant Secretary then stated she understood our concerns and would speak with the Deputy Assistant Secretary of Enforcement and Enforcement Director [REDACTED] about whether we should proceed with mediating the Rogers complaint and either she or Enforcement Director [REDACTED] will let us know how she wants us to proceed. The Assistant Secretary said she agrees that we need to be careful and not take risks with the Injunction. The Assistant Secretary stated that the preamble to the 2020 Regulations is where we stand, and she is not interested in violating the Court Order. She said she wants to be in a place where all of us are comfortable to do our job that we signed up to do, and that we do our job to enforce the statutes and regulations that we have, even when we don't agree with them. The Assistant Secretary also indicated if a decision to proceed with mediation in Rogers is made by her, then it will be our job to implement it even if we disagree with the decision or believe it will violate the injunction.

The Assistant Secretary concluded her discussion regarding both the Rogers complaint and another case related to the Injunction (Owasso Public Schools, OCR Case number 07241254) by stating each of us have very difficult decisions we have to make at various times. She said we have to look at our own souls about what we're comfortable with and make decisions about what we're doing. The Assistant Secretary stated that she has experienced where people have left OCR because they did not feel comfortable with a particular path she had chosen. She stated that is a choice. She stated she doesn't think it has to be the choice, so let's figure out what the other options are. She concluded by saying she will discuss the matter and let us know next steps either through Enforcement Director [REDACTED] or she will tell us herself.

EXHIBIT 3

On March 8, 2024, Regional Director [REDACTED], [REDACTED], and Program Manager [REDACTED] had a call with Enforcement Director [REDACTED] to discuss various cases. At the end of the call, Enforcement Director [REDACTED] informed the OCR KC triad, that the Deputy Assistant Secretary of Enforcement decided the Rogers complaint needs to proceed with mediation and there can no longer be a delay. Enforcement Director [REDACTED] asked the OCR KC triad if they would assign the complaint to [REDACTED], a mediator in OCR Denver. The OCR KC triad each said that they believe it would violate the injunction and would not do it. Enforcement Director [REDACTED] stated she would make the call to [REDACTED] herself and ask him to mediate the complaint. Regional Director [REDACTED] asked to speak with the Deputy Assistant Secretary about the Decision based on the court records that we had reviewed, and Enforcement Director [REDACTED] said no, the instruction came directly from Deputy Assistant Secretary of Enforcement Wills.

At some point, Enforcement Director [REDACTED] coordinated with OCR Denver to attempt mediating the Rogers complaint. It is my understanding that mediation was not successful, and the case was dismissed and refiled with a new docket number, in accordance with Case Processing Manual Section 110(o). That complaint, OCR case number 07241444, was subsequently dismissed on October 15, 2024, because of the Injunction.

- **Owasso Public Schools (Oklahoma), OCR Case number 07241254**

On February 22, 2024, Regional Director [REDACTED] and Enforcement Director [REDACTED] received an email from Deputy Assistant Secretary of Enforcement Wills instructing [REDACTED] to review an attached letter from the Human Rights Campaign regarding a “Request for Investigation on the [REDACTED] to treat the letter as a complaint against the Owasso School District, and to have draft Letters of Notification to him by no later than [REDACTED] 2024, noon eastern time. The Human Rights Campaign letter alleged, in part, that the school district had failed to address documented [REDACTED]

[REDACTED] presented a draft Notification Letter package to Deputy Assistant Secretary Wills as instructed on February 27, 2024, at 10:42 am central. The letters were drafted to open an investigation into whether the school district failed to respond to notice of sex-based harassment, predicated on sex stereotypes, in violation of Title IX. The letters from the [REDACTED] were drafted precisely to comply with the September 26, 2022, guidance from the Assistant Secretary, and in a manner not to conflict with the Injunction. The [REDACTED] provided an explanation in the email to the Deputy Assistant Secretary of why he proposed opening the investigation as he did, and his concerns with not running afoul of the Injunction.

On February 29, 2024, Enforcement Director [REDACTED] emailed a revised Notification Letter package to [REDACTED], Regional Director [REDACTED], and Program Manager [REDACTED]. The draft Notification Letters originally presented by [REDACTED] were amended to include the term gender identity and an allegation involving disability harassment that had not

EXHIBIT 3

been alleged in the complaint. It is noted the disability related allegation tracked the November 14, 2022, guidance sent by Assistant Secretary Lhamon entitled: "Opening Cases Potentially Involving Allegations of Gender Dysphoria." Whistleblower responded by stating if he was to sign the draft letters, as amended, it would clearly violate the Injunction, so Whistleblower declined to sign the amended Notification Letters.

Shortly after sending Whistleblower email declining to sign the amended draft Notification Letters, Regional Director and Whistleblower met with Assistant Secretary Lhamon via MS Teams. was unable to participate in the call. The call coincided with the Assistant Secretary's visit with the region and was scheduled as a wrap up/ review of the visit. That call concluded with a conversation about Whistleblower's refusal to sign the revised Notification Letters because it would violate the Injunction.

The Assistant Secretary stated the following:

She understands that we are all declining to sign and participate in the opening of the investigation. She wants to make sure we have some information, and she wants us to think hard about the position we are taking. She stated we [the Department of Education] told the Court that we are enforcing statute and the regulations still. She stated that is not a position we have not briefed to the Court, and the Court is aware of and has not told us not to do. She stated nobody is enforcing the new interpretation. The 2020 regulation and its preamble say that it applies to LGBT students, and it says that the sexual harassment requirements apply to transgender and nonbinary kids. Nobody is asking you to do anything that violates the order. Lhamon stated they told the Court that we were doing this. Before we made a plan to open this case, we confirmed that with our OGC here in ED and we confirmed it with DOJ, who are our litigators, so you are taking a position that no other lawyer is taking related to this work, and I really think you should think hard about whether that's the position you want to take moving forward.

We engaged in a brief discussion about investigating sex stereotype discrimination versus gender identity harassment, as it relates to the Injunction, the 2020 Title IX Amendments and guidance, and court decisions.

The Assistant Secretary then stated she does not appreciate email traffic on this topic, "that's not how we roll," and she expects us to operate the same way she does, that is to have a conversation and not to send email about it or put these things in writing. She said she has concerns about staff creating records of dissent and FOIA requests in such a highly regulated environment. The Assistant Secretary said she agrees that we need to be careful and not take risks with the Injunction. The Assistant Secretary stated that the preamble to the 2020 Regulations is where we stand, and she is not interested in violating the Court Order. She said she wants to be in a place where all of us are comfortable to do our job that we signed up to do, and that we do our job to enforce the statutes and regulations that we have, even when we don't agree with them, and it's not OK with her for us not to do our jobs. The Assistant Secretary also stated that she will make a decision about the language in the letters opening the Owasso complaint, then it will be our job

EXHIBIT 3

to implement her decision even if we disagree with the decision or believe it will violate the injunction.

The Assistant Secretary concluded her discussion regarding both the Owasso complaint and the Rogers complaint by stating each of us has very difficult decisions we have to make at various times. She said we have to look at our own souls about what we're comfortable with and make decisions about what we're doing. The Assistant Secretary stated that she has experienced where people have left OCR because they did not feel comfortable with a particular path she had chosen. She stated that's a choice, she doesn't think it has to be the choice, so let's figure out what the other options are. She concluded by saying she will discuss the matter and let us know next steps either through Enforcement Director [REDACTED], or she will tell us herself.

It is noted that Assistant Secretary Lhamon did say during the February 29, 2024, call that she was not asking us to violate the Injunction, yet we kept receiving pressure from Headquarters to take action in Owasso and Rogers that would violate the Injunction. Assistant Secretary Lhamon's February 29, 2024, comments stood in stark contrast to her July 26, 2022, and August 24, 2022, instructions that we should open and investigate SOGI complaints despite the Injunction, and the pressure we were receiving continued to be consistent with that same direction. Nevertheless, we informed Headquarters we would not proceed with actions that would violate the Injunction.

On March 1, 2024, the OCR KC triad learned via news media reports (<https://www.hrc.org/press-releases/formal-complaint-from-hrc-triggers-department-of-education-investigation-into-owasso-public-schools-following-attacks-on> [REDACTED] [https://www.usatoday.com/story/news/nation/2024/03/01/\[REDACTED\]death-bullying-lgbtq/72809560007/](https://www.usatoday.com/story/news/nation/2024/03/01/[REDACTED]death-bullying-lgbtq/72809560007/)) that the complaint against Owasso Public Schools was opened by OCR Chicago staff in coordination with OCR headquarters, even though Oklahoma is not in OCR Chicago's Region. The case was assigned OCR case number 05241363. OCR headquarters did not communicate the highly unusual out-of-region assignment with any member of the OCR KC triad until after it had occurred.

On March 5, 2024, Enforcement Director [REDACTED] informed Regional Director [REDACTED] over an MS Teams call that with Owasso, there was a need for urgency, so they just had Chicago open the Owasso investigation. Headquarters decided the Owasso related complaints and an additional new complaint against Owasso alleging race discrimination, were to be assigned to OCR Chicago for processing and investigation. Enforcement Director [REDACTED] told [REDACTED] to delete Kansas City's Owasso case files and records, and that OCR Chicago would be using a Chicago case file for the investigation. [REDACTED] informed Enforcement Director [REDACTED] that would likely violate the litigation hold and suggested keeping the OCR Kansas City case files and just reassigning the cases to Chicago and giving OCR Chicago access to the records. That way all the records would be preserved. Enforcement Director [REDACTED] said she would get back to Regional Director [REDACTED] with further instructions. At the end of the Owasso conversation, [REDACTED] reiterated

EXHIBIT 3

his position to [redacted] that the Rogers complaint should not be mediated by OCR because of the injunction.

On March 6, 2024, Enforcement Director [redacted] called Regional Director [redacted] and stated the decision was to preserve the OCR Kansas City case files as suggested by [redacted], and for OCR Kansas City to transfer all the Owasso complaints and related records to OCR Chicago. OCR Chicago then processed all Owasso complaints relating to the Owasso Title IX complaint. On November 14, 2024, OCR announced the Owasso school district had entered into a Resolution Agreement to resolve the investigation.

- **Leavenworth U.S.D. 453 (Kansas), OCR Case number 07241127**

On [redacted] 2023, OCR Kansas City received a complaint alleging the Leavenworth U.S.D. 453 was violating Title IX with the school board's approval of a District policy regarding [redacted]

[redacted] The complaint was included in the Weekly Update because it alleges Title IX discrimination based on Sexual Orientation and Gender Identity, and implicates the Injunction.

In an email dated May 29, 2024, Regional Director [redacted] sent a draft dismissal letter to Enforcement Director [redacted] proposing to dismiss the complaint pursuant to Case Processing Manual, Section 108(f) - the allegation fails to state a violation of one of the laws or regulations that OCR enforces. Regional Director [redacted] proposed dismissing the complaint because federal statute states OCR has no jurisdiction [redacted] the complaint would not state a violation of the law under the 2020 Title IX Amendments which were the guiding regulations because of the Injunction.

On June 4, 2024, Enforcement Director [redacted] sent an email to Regional Director [redacted] stating: "This case needs to open. I consulted with [redacted] on it this morning and he agrees. [redacted]"

The Enforcement Director provided case law summaries to support her instruction to open the complaint. The case law summaries provided included:

See: Board of Education v. Pico, 457 U.S. 853 (1982) (plurality) ("While petitioners might rightfully claim absolute discretion in matters of curriculum by reliance upon their duty to inculcate community values in schools, petitioners' reliance upon that duty is misplaced where they attempt to extend their claim of absolute discretion beyond the compulsory environment of the classroom into the school library and the regime of voluntary inquiry that there holds sway."); *id.* at 921 (O'Connor, J., dissenting) ("If the school board can set the curriculum, select teachers, and determine initially what books to purchase for the school library, it surely can decide

EXHIBIT 3

which books to discontinue or remove from the school library so long as it does not interfere with the right of students to read the material and to discuss it.”)

Enforcement Director [REDACTED] further stated OCR has opened other cases with similar allegations.

On August 19, 2024, Assistant Secretary Lhamon circulated a draft form letter for general SOGI cases that are implicated by the preliminary injunctions. On September 18, 2024, Regional Director [REDACTED] sent a revised dismissal letter to Enforcement Director [REDACTED] again proposing to dismiss the Leavenworth U.S.D. 453 complaint. In the email, [REDACTED] pointed out that the draft dismissal letter was different than the August 19, 2024, draft form letter Assistant Secretary Lhamon circulated for general SOGI cases that are implicated by the preliminary injunctions, but that was because the Leavenworth complaint was on different footing.

The Leavenworth complaint deals with [REDACTED] The Department of Education Organization Act, at 20 U.S.C. § 3403(b), specifically states the Department is not authorized “to exercise any direction, supervision, or control over...the selection or content of library resources...” This is supported by the similar prohibition found in 20 U.S.C. 1232a which states: “No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control. . . over the selection of library resources. . . by any educational institution or school system...”

Regional Director [REDACTED] agreed with Enforcement Director [REDACTED] that curriculum might not necessarily include a decision on which books are offered in a school library, but 20 U.S.C. § 3403(b) and 20 U.S.C. § 1232a seem to be directly on point, and indicate OCR has no jurisdiction over the selection of library resources. Additionally, the case summaries regarding school curriculum provided by Enforcement Director [REDACTED] are distinguished from the Leavenworth scenario. The *Board of Education v. Pico*, 457 U.S. 853 (1982) case involved action taken by a local Board of Education, not the U.S. Department of Education, and the *Monteiro v. Tempe Union High School District* case out of the 9th Circuit in 1998 involved actions of a local school district, not OCR action. [REDACTED] indicated neither case is applicable to the Leavenworth complaint or override 20 U.S.C. § 3403(b) or 20 U.S.C. § 1232a.

The draft dismissal letter is still awaiting a final decision by Headquarters.

General Summary of How SOGI Complaints Have Been Processed in OCR Kansas City

With the exception of the three cases described above (Owasso, Rogers, and Leavenworth), the following is a general summary of how OCR Kansas City processed SOGI complaints relating to the Injunction.

EXHIBIT 3

SOGI complaints that should be dismissed regardless of which Title IX interpretation is used have dismissal letters submitted to Headquarters for review and approval on a rolling basis.

SOGI complaints that should be dismissed under the 2020 Title IX regulations but opened for investigation under the new Interpretation and/or under the 2024 Title IX Final Rule, which are subject to the injunction, were handled differently based on their relation to the Injunction:

- Two complaints, 07211287- Springfield R-XII School District, and 07211183 - Adams Central Public Schools, were opened for investigation on May 2, 2022, and May 12, 2022, in accordance with the existing Cases of Interest guidance. This occurred prior to the issuance of the Preliminary Injunction. Once the Injunction guidance was received by Regional Staff, the investigations were paused. Draft dismissal letters based on the model dismissal letter provided by Headquarters on August 19, 2024, have been submitted to Headquarters and are pending approval.
- One complaint, 07221218 - Greenville R-II School District, was opened for investigation on July 19, 2022, in accordance with the existing Cases of Interest guidance. That was a few days after the Preliminary Injunction had issued but before OCR Regional Staff received guidance from Headquarters regarding the Injunction. That guidance was not provided until July 20, 2022. Once the Injunction guidance was received, the investigation was paused. Draft dismissal letters based on the model dismissal letter provided by Headquarters on August 19, 2024, are in the case file awaiting further instructions from Headquarters. The last instructions were for us to standby until PLG decides the best avenue to take on these.
- The remaining complaints that would be dismissed under the 2020 Title IX Regulation but opened under the new Interpretation/2024 Title IX Final Rule have been kept in Evaluation status in CMS, but they have not been worked. Some of those complaints had draft dismissal letters based on the model dismissal letter provided by Headquarters on August 19, 2024, saved in the case file awaiting further instructions from Headquarters. Others did not yet have dismissal letters drafted. The last instructions were for us to standby until PLG decides the best avenue to take on these. Those complaints were not submitted to Headquarters to open because doing so would have violated the Injunction, and they were not previously submitted as dismissals because of the verbal instructions provided by Headquarters.

END

EXHIBIT A




UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 14, 2022

TO: OCR Regional Directors

CC: Randy Wills, Deputy Assistant Secretary for Enforcement
Monique Dixon, Deputy Assistant Secretary for Policy
Seth Galanter, Deputy Assistant Secretary for Legal Affairs
Suzanne B. Goldberg, Deputy Assistant Secretary
for Strategic Operations and Outreach

FROM: Catherine E. Lhamon, Assistant Secretary 

DATE: November 14, 2022

SUBJECT: Opening Cases Potentially Involving Allegations of Gender Dysphoria

OCR continues to receive complaints by or on behalf of individuals who allege discrimination by their educational institutions because they are transgender. OCR has traditionally evaluated such complaints for subject-matter jurisdiction under OCR's authority to enforce Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex.

In response to a recent federal appellate decision, this internal document discusses the circumstances under which complaints alleging discrimination against transgender individuals may warrant finding subject-matter jurisdiction under Section 504 of the Rehabilitation Act, 29 U.S.C. 794, or Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq. This document also includes some suggested topics OCR staff may elect to discuss with a complainant, as appropriate under the facts and circumstances of a case.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

EXHIBIT A

Instructions to OCR Enforcement Offices for Opening Cases Potentially Involving Allegations of Gender Dysphoria

OCR INTERPRETATION:

Both Section 504 and the ADA provide that the term “individual with a disability” does not include an individual on the basis of “gender identity disorders not resulting from physical impairments.” 29 U.S.C. 705(20)(F)(1); 42 U.S.C. 12211(b)(1).

OCR interprets that language in Section 504 and the ADA as *not* excluding individuals who experience gender dysphoria.

As discussed below in the Legal Background section, this interpretation is based on the statutory text of the provisions and of the Americans with Disabilities Act Amendments Act of 2008, the Department of Justice’s court filings in the prior two Administrations, and the weight of federal court opinions on the topic, including the only federal appellate decision to address the question.

This interpretation will still require OCR to determine whether a person experiencing, or regarded as experiencing, gender dysphoria meets other requirements for being a person with a disability (e.g., a substantial limitation of a major life activity, when considered in an unmitigated state).

FACTUAL BACKGROUND:

The American Psychiatric Association (APA) has [explained](#) that a subset of transgender people experience a medical condition called “gender dysphoria,” which is a “marked incongruence between one’s experienced/expressed gender and their assigned gender, lasting at least 6 months duration,” that is “associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.”

The APA recognizes social transition as a treatment for gender dysphoria. Social transition “may include an individual adopting pronouns, names, and various aspects of gender expression that match their gender identity.”

Courts have recognized the importance of allowing students to socially transition at school as part of treatment for gender dysphoria, *see, e.g., Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 615 (4th Cir. 2020), as amended (Aug. 28, 2020) (noting transgender student with gender dysphoria had “medical need to socially transition, as identified by his treating physician”), *cert. denied*, 141 S. Ct. 2878 (2021); and have found students are harmed when school policy prevents them from doing so, *see, e.g., Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1045 (7th Cir. 2017) (citing opinion of “a psychologist who specializes in working with adolescents and adults who have Gender Dysphoria” that school policy barring transgender boy from boys’ restroom “significantly and negatively impacted his mental health and overall

EXHIBIT A

Instructions to OCR Enforcement Offices for Opening Cases Potentially Involving Allegations of Gender Dysphoria

well-being” and put him “at risk for experiencing life-long diminished well-being and life-functioning”).

The Department of Justice has also [explained](#) in litigation that “[s]ocial transition, i.e., living consistent with one’s gender identity in all aspects of one’s life, ‘is an important—and often the most important—component of a treatment plan’” for gender dysphoria. In the same litigation, the Department of Justice explained: “‘Access to sex-segregated bathrooms and changing facilities consistent with gender identity is an essential part of the social role transition, as all people, transgender or not, need to access these facilities multiple times each day.’”

APPLICATION:

When appropriate and consistent with the [Case Processing Manual](#), OCR staff should open for investigation complaints that are framed by a complainant in terms of discrimination on the basis of gender identity or transgender status as disability discrimination claims under Section 504 and Title II in addition, as relevant and permissible, to discrimination claims under Title IX.

Below are some topics OCR staff may inquire about during an investigation to assess whether allegations of gender identity discrimination could violate Section 504 and Title II:

- Whether the student is currently experiencing, or had experienced in the past, significant distress or impairment in social, educational, or other important areas because their gender identity differs from their gender assigned at birth.
- Whether a health care or medical provider has diagnosed the student with gender dysphoria.
- Whether the student has experienced any challenges or barriers (including harassment or bullying) at school because of their gender identity, gender dysphoria, or conduct intended to treat their gender dysphoria.
- [ESE] If a student is experiencing, or has experienced, gender dysphoria, whether the school’s actions or failures to provide related aids and services or reasonable modifications are preventing the student from engaging in conduct intended to treat their gender dysphoria.
- [PSE] If a student is experiencing, or has experienced, gender dysphoria, whether the student has disclosed that they have gender dysphoria to the school and requested academic adjustments or reasonable modifications for their gender dysphoria, or for conduct intended to treat their gender dysphoria, to obtain meaningful access to the school’s programs and activities.

EXHIBIT A

Instructions to OCR Enforcement Offices for Opening Cases Potentially Involving Allegations of Gender Dysphoria

Some complainants may be confused or dismayed that OCR has opened an investigation related to, and is inquiring about, disability discrimination when they view their complaint through the lens of sex (or gender identity) discrimination. Below are some points that OCR staff may use to respond, if appropriate, to such concerns.

- OCR is committed to investigating complaints of discrimination using all the legal tools in OCR's toolbox. These tools include protections of federal disability laws, where appropriate, even though the complainant did not raise them.
- Our experience has shown – consistent with views expressed by members of the transgender community and experts who work regularly with transgender people – that many transgender people, especially children and youth, experience significant distress when they are not accepted for who they are – that is, when they are not treated consistent with their gender identity.
- We recognize that this is not the experience of every transgender person. But when it is true, this kind of distress – which if not addressed would interfere with major life activities like learning or interacting with others – may entitle a person to the protections of federal disability rights laws.
- Investigating whether a person is protected by the federal disability rights laws does not mean that OCR thinks that being a transgender person is an illness.
- The relevant federal laws, the Americans with Disabilities Act and Section 504, include an extremely broad definition of disability. This legal definition is not limited to what the word “disability” means in common speech.

LEGAL BACKGROUND:

Section 504 and the ADA were both amended by the Americans with Disabilities Act Amendments Act of 2008 to reject certain Supreme Court cases that had, in Congress's view, “narrowed the broad scope of protection.” Pub. L. No. 110-325, § 2(a)(4), (5), (6) (findings). Congress also found that “the question of whether an individual's impairment is a disability should not demand extensive analysis.” *Id.* § 2(b)(5) (purposes). Congress directed that the definition of disability “shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of the Act.” 42 U.S.C. 12102(4)(A). The 2008 Act did not alter the exclusionary language regarding gender identity disorders not resulting from physical impairments.

After the 2008 amendments, federal courts have interpreted the language excluding gender identity disorders not resulting from physical impairments in 29 U.S.C. 705(20)(F)(1) and 42 U.S.C. 12211(b)(1) in different ways. (1) Some courts have interpreted “gender identity

EXHIBIT A

Instructions to OCR Enforcement Offices for Opening Cases Potentially Involving Allegations of Gender Dysphoria

disorder” as identical to, or inclusive of, gender dysphoria and have denied claims that an individual can be an individual with a disability on the basis of gender dysphoria. (2) Other courts have interpreted the phrase “gender identity disorder” as distinct from gender dysphoria and have thus held that an individual can be an individual with a disability on the basis of gender dysphoria, so long as all the other requirements for being a person with a disability (e.g., an impairment substantially limiting a major life activity, when considered in an unmitigated state) are met. And finally, (3) some courts have held that an individual can be an individual with a disability on the basis of gender dysphoria, so long as all the other requirements for being a person with a disability are met, because gender dysphoria is a result of physical impairment.

In August 2022, in the first opinion by an appellate court, the Fourth Circuit adopted, in the alternative, both the second and third approaches described above, i.e., that individuals experiencing gender dysphoria are not precluded from showing they are individuals with disabilities because gender dysphoria is distinct from gender identity disorder, and because the plaintiff sufficiently alleged their gender dysphoria was the result of a physical impairment. See [*Williams v. Kincaid*](#), 45 F.4th 759 (4th Cir. Aug. 22, 2022), *petition for reh’g en banc denied* (Oct. 10, 2022). See also, e.g., *Shorter v. Garland*, No. 4:19CV108, 2021 WL 6062280 (N.D. Fla. Dec. 22, 2021); *Doe v. Pennsylvania Dep’t of Corr.*, No. 1:20CV00023, 2021 WL 1583556 (W.D. Pa. Feb. 19, 2021); *Lange v. Houston Cnty., Georgia*, 499 F. Supp. 3d 1258 (M.D. Ga. 2020); *Doe v. Mass. Dep’t of Corr.*, No. CV 17-12255, 2018 WL 2994403 (D. Mass. June 14, 2018); *Edmo v. Idaho Dep’t of Corr.*, No. 1:17-cv-00151, 2018 WL 2745898 (D. Idaho June 7, 2018); *Blatt v. Cabela’s Retail, Inc.*, No. 5:14-cv-04822, 2017 WL 2178123 (E.D. Pa. May 18, 2017).

The Department of Justice, on behalf of the United States, has also addressed the scope of the statutory exclusion. First, in *Blatt v. Cabela’s Retail, Inc.*, No. 5:14-cv-4822 (E.D. Pa. Nov. 16, 2016), DOJ, through its Civil Division, filed a [statement of interest](#) on behalf of the United States that focused on the meaning of the phrase “resulting from a physical impairment.” It stated that that phrase “broadly encompasses [gender identity disorders] rooted in biology or physiology, even if the precise etiology is not yet definitively understood.” DOJ further explained that “current research increasingly indicates that gender dysphoria has physiological or biological roots.” It concluded: “In light of the evolving scientific evidence suggesting that gender dysphoria may have a physical basis, along with the remedial nature of the ADA and the relevant statutory and regulatory provisions directing that the terms ‘disability’ and ‘physical impairment’ be read broadly, the [gender identity disorder exclusion] should be construed narrowly such that gender dysphoria falls outside its scope.” DOJ did not address the relationship between the “gender identity disorder” language of the statute and gender dysphoria.

EXHIBIT A

Instructions to OCR Enforcement Offices for Opening Cases Potentially Involving Allegations of Gender Dysphoria

The following year, under a new Administration, DOJ, through its Civil Division, filed [two statements of interest](#) on behalf of the United States in *Doe v. Arrisi*, No. 3:16-cv-08640 (D.N.J. July 17, 2017), and *Doe v. Dzurenda*, No. 3:16-cv-1934 (D. Conn. Oct. 27, 2017). They restated the United States' view that an allegation that gender dysphoria is the result of a physical impairment is sufficient for the claim to fall outside the exclusion for "gender identity disorders not resulting from physical impairments."

Most recently, in March 2022, DOJ, through its Civil Rights Division, issued a [letter to state Attorneys General](#) affirming that Section 504 "protects people with disabilities, which can include individuals who experience gender dysphoria" and cautioning that "[r]estrictions that prevent, limit, or interfere with otherwise qualified individuals' access to care due to their gender dysphoria, gender dysphoria diagnosis, or perception of gender dysphoria may violate Section 504."

While none of the authorities discussed above require OCR to adopt the interpretation expressed in this document, OCR finds the views of the Department of Justice and the weight of federal court opinions, including the only federal appellate decision to address the question, to be a persuasive reading of the text of 29 U.S.C. 705(20)(F)(1) and 42 U.S.C. 12211(b)(1), particularly in light of the provisions of the Americans with Disabilities Act Amendments Act of 2008.

EXHIBIT B

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **07241127**
Last Updated: 01/23/2025

Note: The "*" notes a required field.

Resolution Processing Age 406 Days
Updated By: ED\ [REDACTED]

Save Case

View History Of Updates

Office *	Kansas City	Recipient Name	Leavenworth U.S.D. 453
Team	A Team	Received Date *	12/14/2023
Case Type *	Complaint	Resolved Date	01/23/2025
Institution *	E&S	No Further OCR Action	01/23/2025
Current Stage	Closed	Resolution Type	Dismissals 108
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.42-1 Book Ban (Title IX)

Systemic:

Resolution: [Reserved] used prior to Feb 2025 - 108 (f) fails to state a violation

Resolution Date: 1/23/2025

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title VI - Other or Unknown

Issues: 100.3-11.3 Racial Harassment (other)

Systemic:

Resolution: [Reserved] used prior to Feb 2025 - 108 (f) fails to state a violation

Resolution Date: 1/23/2025

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT B

State: †

Zip Code:

4. What institution discriminated?

Institution Name: USD 453, Leavenworth KS

Address: 200 N 4th

City: Leavenworth

State: Kansas

Zip Code: 66048

[REDACTED]

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint?

Agency Name:

Date Filed
(MM/DD/YYYY): Mon, [REDACTED] 2023 - 00:00

If yes, what is the current status of the complaint? [REDACTED]

[REDACTED]

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? sex

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information:

Students, faculty, staff of USD 453

Board instituted PolicyIF (detailed above and link provided)

Do you have written information that you think will help us understand your complaint?

EXHIBIT B

yes or no

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date:

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? The board should rescind the policy which discriminates against LGBTQ/transgender students, and often our BIPOC students.

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation:

EXHIBIT B

From: [REDACTED]
Sent: Tuesday, June 4, 2024 9:38 AM
To: [REDACTED] [REDACTED] Whistleblower [REDACTED] Program Manager [REDACTED]
Subject: FW: "Book ban" dismissal - 07241127 Leavenworth U.S.D. 453 (KS) - day 180 = 6/11/2024

Good morning, Team –

This case needs to open. I consulted with Randy on it this morning and he agrees. Curriculum does not include the books offered in a library.

See: Board of Education v. Pico, 457 U.S. 853 (1982) (plurality) ("While petitioners might rightfully claim absolute discretion in matters of curriculum by reliance upon their duty to inculcate community values in schools, petitioners' reliance upon that duty is misplaced where they attempt to extend their claim of absolute discretion beyond the compulsory environment of the classroom into the school library and the regime of voluntary inquiry that there holds sway."); id. at 921 (O'Connor, J., dissenting) ("If the school board can set the curriculum, select teachers, and determine initially what books to purchase for the school library, it surely can decide which books to discontinue or remove from the school library so long as it does not interfere with the right of students to read the material and to discuss it.")

We need to open and get more information on what is happening and then proceed accordingly. Please let me know if you need more information, or would like to discuss. I can also give you names of cases where we opened that are good examples of the language that was used.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, May 29, 2024 11:20 PM
To: [REDACTED]
Cc: Whistleblower [REDACTED]
Subject: "Book ban" dismissal - 07241127 Leavenworth U.S.D. 453 (KS) - day 180 = 6/11/2024

Good evening [REDACTED]

Attached is a draft dismissal letter for your review and approval. Day 180 is June 11.

[REDACTED]

The team is recommending a 108(f) dismissal given the language provided in 20 U.S.C. § 1232a and 34 C.F.R. § 106.42 stating OCR does not have any control over curriculum or library materials.

I have attached a DM reference for the draft dismissal letter and the complaint.

Thank you,

[REDACTED]

[REDACTED]
Regional Director, Region VII
U.S. Department of Education
Office for Civil Rights

[REDACTED]

EXHIBIT B

From: [REDACTED]
To: Whistleblower ; Program Manager
Subject: RE: [REDACTED] Leavenworth U.S.D. 453 (KS) - day 180 = 6/11/2024
Date: Tuesday, June 4, 2024 10:13:18 AM
Attachments: [image001.png](#)
Importance: High

[REDACTED], I would like to have further discussion before a final decision is made to open the complaint for an investigation.

The plain language of the two federal statutes included below, as well as the provision of Title IX relating to textbooks and other curricular materials (this complaint alleges sex discrimination), clearly state that the Department of Education is not authorized to exercise any control over library resources, textbooks, or curricular materials.

- 20 U.S.C. § 3403(b) CURRICULUM, ADMINISTRATION, AND PERSONNEL; LIBRARY RESOURCES

No provision of a program administered by the Secretary [of Education] or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, **or over the selection or content of library resources**, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

- 20 U.S.C. § 1232a - Prohibition against Federal control of education

No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, **or over the selection of library resources**, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

- Additionally, it cannot be said that Title IX requires certain curricular materials be provided to students because of the language in 34 C.F.R. § 106.42 which states: Nothing in this regulation [Title IX] shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

In addition to the statutory and regulatory provisions stated above, this complaint (07241127 - Leavenworth U.S.D. 453) is also implicated by the Tennessee preliminary injunction, which is still in place.

I spoke with [REDACTED] and she told me she will not sign an NL opening the complaint. I agree with her.

Thoughts on how to respond to [REDACTED]

[REDACTED]

EXHIBIT C

From: [REDACTED]
To: Whistleblower [REDACTED]
Cc: [REDACTED]
Subject: HRC Letters
Date: Thursday, February 29, 2024 9:42:48 AM
Attachments: [OCR-#4596661-v2-Notification Letter - C \(Draft\) Owasso revd.docx](#)
[OCR-#4596666-v4-Notification Letter - R \(Draft\) Owasso revd.docx](#)
[OCR-#4596671-v3-Data Request - R \(Draft\) Owasso rev.docx](#)

Good morning, [REDACTED]

Attached please find the letters for this complaint. Please hold these for now. I will email you when we it is time to issue.

[REDACTED]

Enforcement Director
U.S. Department of Education, Office for Civil Rights

["Notification Letter" attachments follow]

EXHIBIT C



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

February __, 2024

Sent via email only to: [REDACTED]

[REDACTED]
President, Human Rights Campaign
1640 Rhode Island Avenue, N.W.
Washington D.C. 20036

Re: Owasso Public Schools
OCR Complaint No. 07241254

Dear [REDACTED]:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), is opening for investigation the above-referenced complaint that you filed against the Owasso Public Schools (the District). Your complaint alleges that the District discriminated against students by failing to respond appropriately to sex-based harassment (gender identity), of which it had notice, at Owasso High School during the 2023-2024 school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination based on sex in programs or activities receiving federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Education. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education and is a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II. Additional information about the laws OCR enforces is available on OCR's [website](#).

OCR is opening the following issues for investigation:

1. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Title IX.

EXHIBIT C

Page 2 – OCR Complaint No. 0724 _____

2. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Section 504 and Title II.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the [Case Processing Manual](#). Please also note that complainants may have a right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is the prompt resolution of the complaint. Information on OCR's complaint processing procedures are available [online](#).

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Attorney _____ at (____) ____ - ____ or by email at _____.

Sincerely,

Whistleblower

EXHIBIT C



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

February __, 2024

Sent via electronic mail only, to: [REDACTED]

[REDACTED] Superintendent
Owasso Public Schools
1501 North Ash Street
Owasso, Oklahoma 74055

Re: Owasso Public Schools
OCR Complaint No. 07241254

Dear [REDACTED]:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), is opening for investigation the above-referenced complaint filed against the Owasso Public Schools (the District). The complainant alleges that the District discriminated against students by failing to respond appropriately to sex-based harassment (gender identity), of which it had notice, at Owasso High School during the 2023-2024 school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination based on sex in programs or activities receiving federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Education. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education and is a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II. Additional information about the laws OCR enforces is available on OCR's [website](#).

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1. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Title IX.

EXHIBIT C

Page 2 – OCR Complaint No. 0724 _____

2. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Section 504 and Title II.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the [Case Processing Manual](#). Please also note that complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is the prompt resolution of the complaint. Information on OCR's complaint processing procedures is available [online](#). Please note the section on resolution of a complaint prior to the conclusion of an investigation. If the District expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the District pursuant to Section 302 of the Case Processing Manual.

Attached is a request for data necessary to investigate this complaint. OCR requests that the District submit this information by March __, 2024. We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us as provided below prior to March __, 2024. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact you may contact Attorney _____ at () ____ - ____ or by email at _____.

Sincerely,

Whistleblower

EXHIBIT C

From: Whistleblower
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: FW: HRC Letters
Date: Thursday, February 29, 2024 2:35:00 PM
Attachments: [OCR-#4596661-v2-Notification Letter - C \(Draft\) Owasso revd.docx](#)
[OCR-#4596666-v4-Notification Letter - R \(Draft\) Owasso revd.docx](#)
[OCR-#4596671-v3-Data Request - R \(Draft\) Owasso rev.docx](#)

[REDACTED]

As you know, I was concerned about the possibility of violating the injunction that remains in place in Oklahoma when we discussed opening this case for investigation last week. I worked on the case over the weekend and concluded that we could investigate the case without violating the injunction, as long as we clearly applied the Title IX interpretation and guidance that existed prior to the Title IX interpretation and guidance that are subject to the injunction.

OCR has been investigating sex stereotype cases for many years, and it is my belief that as long we clearly indicate in the notification letter that sex stereotypes – not gender identity – is the issue under investigation, and we stick with that issue during the investigation, then we can investigate the case without violating the injunction. I forwarded notification letters to Randy consistent with that conclusion on Tuesday and indicated my willingness to sign them. I stand by that opinion and offer.

The letters you have sent me today for my signature, however, would clearly violate the injunction. The letters state that the issue alleged is that “the District discriminated against students by failing to respond appropriately to sex-based harassment (gender identity)” and based on this allegation, we will investigate “whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Title IX.”

That is the exact Title IX interpretation and related guidance that we are currently enjoined from implementing! The injunction states:
“Plaintiffs can show that the Department of Education’s guidance creates rights for students and obligations for regulated entities not to discriminate based on sexual orientation or gender identity that appear nowhere in Bostock, Title IX, or its implementing regulations. . .” (page 41)

and

“Accordingly, it is hereby ordered that Federal Defendants and all their respective officers, agents, employees, attorneys, and persons acting in concert or participation with them are **ENJOINED** and **RESTRAINED** from implementing the Interpretation, Dear Educator Letter, Fact Sheet, and the Technical Assistance Document against Plaintiffs.” (page 46).

The hardest part of my job [REDACTED] is giving advice that I know people are not looking for. Usually, it involves asking staff to re-write letters or telling them a

EXHIBIT C

case needs more investigation. But today, I have to recommend that OCR not issue the proposed notification letters because doing so would violate the law.

As you know, this is a high-profile case and these notification letters will surely be presented to the Eastern District of Tennessee sooner than later. Under oath, at a hearing, I would have to admit that signing these letters constitutes a knowing violation of the law. As an officer of the court, I cannot violate a court order and cannot ask anyone on staff at OCR-Kansas City to do so either.

I considered sending this email sooner, but I thought that maybe the request to sign and issue these letters would not come. Unfortunately, it has. I hope that OCR will reconsider how to proceed in this case.

Best Regards,

Whistleblower
[REDACTED]

From: Chandra, [REDACTED]
Sent: Thursday, February 29, 2024 9:43 AM
To: **Whistleblower**, [REDACTED]
Cc: [REDACTED]
Subject: HRC Letters

Good morning, **Whistleblower**

Attached please find the letters for this complaint. Please hold these for now. I will email you when we it is time to issue.

[REDACTED]

[REDACTED]
Enforcement Director
U.S. Department of Education, Office for Civil Rights

EXHIBIT C



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37th FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

March 1, 2024

Sent via email only to: [REDACTED]

[REDACTED]
President, Human Rights Campaign
1640 Rhode Island Avenue, N.W.
Washington D.C. 20036

Re: Owasso Public Schools
OCR Complaint No. 05-24-1363

[REDACTED]:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), is opening for investigation the above-referenced complaint that you filed against the Owasso Public Schools (the District). Your complaint alleges that the District discriminated against students by failing to respond appropriately to sex-based harassment, of which it had notice, at Owasso High School during the 2023-2024 school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination based on sex in programs or activities receiving federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Education. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the U.S. Department of Education. Because the District receives federal financial assistance from the U.S. Department of Education and is a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II. Additional information about the laws OCR enforces is available on OCR's [website](#).

OCR is opening the following issues for investigation:

1. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Title IX.
2. Whether the District failed to appropriately respond to alleged harassment of students in a manner consistent with the requirements of Section 504 and Title II.

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www.ed.gov

EXHIBIT C

Page 2- OCR Complaint No. 05-24-1363

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the [Case Processing Manual](#). Please also note that complainants may have a right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is the prompt resolution of the complaint. Information on OCR's complaint processing procedures are available [online](#).

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Senior Attorney [REDACTED] at [REDACTED] or by email at [REDACTED], or Senior Attorney [REDACTED] at [REDACTED] or by email at [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]
Acting Regional Director

EXHIBIT D

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Note: The "*" notes a required field.

Save Case

Docket # 04221281

Resolution Processing Age 450 Days

Last Updated: 11/08/2024

Updated By: ED\ [REDACTED]

View History Of Updates

Office *	Atlanta	Recipient Name	FORSYTH COUNTY SCHOOLS
Team	CR Team F	Received Date *	02/23/2022
Case Type *	Complaint	Resolved Date	05/19/2023
Institution *	E&S	No Further OCR Action	11/08/2024
Current Stage	Closed	Resolution Type	Closure with Change
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



- Stage
- Issues
- Monitoring
- Status
- Recipient
- Contacts
- Complainant
- OCR Staff
- Docs
- Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title VI - Other or Unknown

Issues: 100.3-11.1 Racial Harassment (insults, slurs, derogatory expressions)

Systemic:

Resolution: S302 Resolution agreement before conclusion of investigation.

Resolution Date: 5/20/2023

Post Monitoring Code: Agreement complied with.

Post Monitoring Date: 11/6/2024

Delete

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-4.1 Sexual Harassment (insults, slurs, derogatory expressions, verbal intimidation)

Systemic:

Resolution: S302 Resolution agreement before conclusion of investigation.

Resolution Date: 5/19/2023

Post Monitoring Code: Agreement complied with.

Post Monitoring Date: 11/8/2024

Delete

EXHIBIT E

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **05241363**
Last Updated: 05/27/2025

Note: The "*" notes a required field.
Resolution Processing Age 266 Days
Updated By: ED [REDACTED]

Save Case

View History Of Updates

Office *	Denver	Recipient Name	Owasso Public Schools
Team	Team D	Received Date *	02/21/2024
Case Type *	Complaint	Resolved Date	11/13/2024
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Monitoring	Resolution Type	Closure with Change
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-4.3 Sexual Harassment (physical harassment or intimidation)

Systemic:

Resolution: S303b Resolution agreement after investigation (non-compliance determination.)

Resolution Date: 11/13/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - Other Disability Basis

Issues: 104.4-3.2 Disability Harassment (assault)

Systemic:

Resolution: S303a Insufficient evidence of non-compliance determination.

Resolution Date: 11/13/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT F

Docket # 15231130
Last Updated: 02/06/2026

Resolution Processing Age 1178 Days
Updated By: ED [REDACTED]

[View History Of Updates](#)

Office *	Denver	Recipient Name	FAIRBORN CITY SCHOOLS
Team	Team A	Received Date *	12/13/2022
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Alternative School <input type="checkbox"/> Magnet School		<input type="checkbox"/> Voc Ed <input checked="" type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Strategic Plan	
		Associated Docket	



[Stage](#) | [Issues](#) | [Monitoring](#) | [Status](#) | [Recipient](#) | [Contacts](#) | [Complainant](#) | [OCR Staff](#) | [Docs](#) | [Doc Upload](#)

Issues

Title VI Race
 Title VI Color
 Section 504
 Age
 No Jurisdiction
 Title VI National Origin
 Title IX
 Title II
 Boy Scouts
 Unknown

Specific Basis: **Title IX - Gender Identity / Transgender**

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: 110 (c) decisions of the federal courts

Resolution Date: 10/3/2024

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.33 FAPE

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 35.130b7 Modifications of Policy or Procedures

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT F



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

September 8, 2023

Via e-mail only to [REDACTED]

[REDACTED]
Superintendent
Fairborn City Schools
306 East Whittier Avenue
Fairborn, Ohio 45324

Re: OCR Docket No. 15-23-1130

Dear Superintendent [REDACTED]

On December 13, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Fairborn City Schools (the District). The Complainant alleges that the District discriminated against a student (the Student) on the basis of disability ([REDACTED] syndrome) and sex (transgender, nonbinary). Specifically, the Complainant alleges that in July 2022 the District discriminated against the Student based on disability when it did not allow the Student to sit while playing their musical instrument at the District's high school band camp as required by their Section 504 plan. The Complainant also alleges that since mid-December 2022 the District discriminated against the Student based on sex and disability when it refused to allow the Student to use the gender-neutral staff bathroom located on the second floor of the high school, which resulted in them missing instructional time.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department of Education and as a public entity, the District is subject to these laws.

Based on the complaint allegations, OCR will investigate the following issues to determine whether the District discriminated against the Student on the basis of disability and sex:

- whether the District, on the basis of disability, excluded a qualified student with a disability from participation in, denied the student the benefits of, or otherwise subjected the student to discrimination in its programs and activities, in violation of the regulation

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EXHIBIT F

Page 2 Superintendent [REDACTED]

implementing Section 504 at 34 C.F.R. § 104.4, and the regulation implementing Title II at 28 C.F.R. § 35.130;

- whether the District failed to provide a qualified student with a disability with a free appropriate public education (FAPE), in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.33;
- whether the District failed to make reasonable modifications in policies, practices, or procedures when the modifications were necessary to avoid discrimination on the basis of disability, in violation of the Title II implementing regulation at 28 C.F.R. § 35.130(b)(7); and
- whether the District, on the basis of sex, excluded a person from participation in, denied a person the benefits of, or subjected a person to discrimination under any education program or activity operated by the District, in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31.

Please understand that opening an allegation for investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint. OCR will ensure that its investigation is legally sufficient and addresses the allegation(s), in accordance with OCR's *Case Processing Manual*. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about:

- OCR's complaint evaluation and resolution procedures, including the availability of mediation;
- regulatory prohibitions against retaliation, intimidation, and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- application of the Freedom of Information Act and the Privacy Act to OCR investigations.

Additional information about the laws OCR enforces is available on OCR's website at <http://www.ed.gov/ocr>.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6, which is incorporated by reference in the Section 504 regulation at 34 C.F.R. § 104.61 and the Title IX regulation at 34 C.F.R. § 106.81, requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. Pursuant to the Title II regulation at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints.

In addition, in accordance with the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), and the Title VI

[Notification Letter: Pages 1-2 only]

EXHIBIT F



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

October 3, 2024

Via e-mail only to [REDACTED]

M. [REDACTED]
Superintendent
Fairborn City Schools
306 E. Whittier
Fairborn, Ohio 45324-5313

Re: OCR Docket Number 15-23-1130

Dear Superintendent [REDACTED]

On September 8, 2023, the U.S. Department of Education, Office for Civil Rights (OCR), previously notified you that we opened an investigation into the above-referenced complaint filed against Fairborn City Schools (the District) alleging that the District discriminated against a student (the Student) on the basis of disability ([REDACTED] syndrome) and sex (transgender, nonbinary). Specifically, the complaint alleged that in July 2022, the District discriminated against the Student based on disability when it did not allow the Student to sit while playing their musical instrument at the District's high school band camp as required by their Section 504 plan; and since mid-December 2022, the District had discriminated against the Student based on sex and disability when it refused to allow the Student to use the gender-neutral staff bathroom located on the second floor of the high school, which resulted in them missing instructional time.

As explained below, OCR is dismissing the portion of this complaint that relates to sex discrimination under Title IX but retaining the portion of this complaint that relates to disability discrimination under Section 504 and Title II.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department of Education and as a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II.

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[Dismissal Letter: Page 1 only]

EXHIBIT G

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **10231063**
Last Updated: 10/09/2024

Note: The "*" notes a required field.
Resolution Processing Age 685 Days
Updated By: ED [REDACTED]

Save Case

View History Of Updates

Office *	Seattle	Recipient Name	Matanuska-Susitna Borough SD
Team	Team B	Received Date *	11/04/2022
Case Type *	Complaint	Resolved Date	09/19/2024
Institution *	E&S	No Further OCR Action	09/19/2024
Current Stage	Closed	Resolution Type	Dismissals 110
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.41a Athletics - General

Systemic:

Resolution: Issue dismissed in compliance with the 2024 Title IX preliminary injunction

Resolution Date: 9/19/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: 110 (c) decisions of the federal courts

Resolution Date: 9/19/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT G



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

REGION X

ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA ISLANDS
OREGON
WASHINGTON

September 19, 2023

By E-mail Only to [REDACTED]

Dr. [REDACTED]
Superintendent
Matanuska-Susitna Borough School District
521 N. Gulkana
Palmer, Alaska 99645

Re: Matanuska-Susitna Borough School District
OCR Reference No. 10231063

Dear Superintendent [REDACTED]

The Office for Civil Rights (OCR) of the U.S. Department of Education received a complaint filed against the Matanuska-Susitna Borough School District. OCR will investigate whether the District is discriminating on the basis of sex by:

1. [REDACTED]
2. [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and the Title IX implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based on sex in education programs and activities of recipients of federal financial assistance from the Department. Because the District receives federal financial assistance from the Department, the District is required to comply with Title IX and the Title IX implementing regulations. More information about the laws enforced by OCR is available on OCR's website at www.ed.gov/ocr.

Opening the complaint for investigation in no way implies that OCR has made a determination about the merits of the allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the District, and other sources,

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[Notification Letter: Page 1 only]

EXHIBIT G



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

REGION X

ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA ISLANDS
OREGON
WASHINGTON

September 19, 2024

Sent By E-mail Only to [REDACTED]

D [REDACTED]
Superintendent
Matanuska-Susitna Borough School District
521 N. Gulkana
Palmer, Alaska 99645

Re: Matanuska-Susitna Borough School District, OCR Reference Number 10231063

Dear Superintendent [REDACTED]

On November 4, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against Matanuska-Susitna Borough School District (District) alleging that the District is discriminating on the basis of sex by:

1. [REDACTED]
2. [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance from this Department. Because the District receives federal financial assistance from this Department, OCR has jurisdiction over the District pursuant to Title IX.

On September 19, 2023, OCR sent the District a letter stating that we would investigate the above allegations.

In light of recent federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating claims alleging discrimination on the basis of gender identity. Therefore, OCR is closing the complaint as of the date of this letter and will take no further action on the complaint.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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[Dismissal Letter: Page 1 only]

EXHIBIT H

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # 07241444

Last Updated: 10/15/2024

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 144 Days

Updated By: ED [REDACTED]

[View History Of Updates](#)

Office *	Kansas City	Recipient Name	ROGERS SCHOOL DISTRICT
Team	Ambassadors	Received Date *	05/24/2024
Case Type *	Complaint	Resolved Date	10/15/2024
Institution *	E&S	No Further OCR Action	10/15/2024
Current Stage	Closed	Resolution Type	Dismissals 108
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	07231482 <input type="checkbox"/> Delete
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



[Stage](#) [Issues](#) [Monitoring](#) [Status](#) [Recipient](#) [Contacts](#) [Complainant](#) [OCR Staff](#) [Docs](#) [Doc Upload](#)

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: Issue dismissed in compliance with the 2024 Title IX preliminary injunction

Resolution Date: 10/15/2024

Post Monitoring Code: [REDACTED]

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT H

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? sex

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: The hereinafter described discrimination occurred related to a Rogers High School Choir trip

Thursday March 30, 2023

Friday March 31, 2023

Saturday April 1, 2023

Sunday April 2, 2023

The Superintendent informed us by way of the High School Principal and the [REDACTED]

There was no written policy we could find regarding this action and so we requested an appointment with Superintendent [REDACTED]. Attending that meeting were the following people: [REDACTED]

[REDACTED]. At that appointment he asserted that he was establishing a policy within his role as Superintendent and that the Rogers school board supported his position.

I made an audio recording of this meeting where the decision was told to us in person by RHS Superintendent [REDACTED] and where he explained his rationalization for violating [REDACTED]. He [REDACTED]

Do you have written information that you think will help us understand your complaint?

EXHIBIT H

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: Thu, [REDACTED]/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? [REDACTED]

[REDACTED]. There is now legislation in place which may further complicate this by involving the State of Arkansas in codifying this discriminatory action.

Issue a public apology from the Superintendent to [REDACTED] for the superintendent having violated [REDACTED] civil right to be treated within his authentic gender in this circumstance when no law or existing School Board Policy was in place compelling him to take this stance.

[OCR Complaint Form: Questions 6-8 Only]

EXHIBIT H

RE: Rogers School District #07-23-1482 201(A) Mediation

Reply Reply All Forward

Mon 5/13/2024 1:41 PM

CM
To: [Redacted]
Cc: [Redacted]
From: [Redacted]
Sent: Thursday, May 9, 2024 6:23 PM

Subject: RE: Rogers School District #07-23-1482 201(A) Mediation

This is approved.

Thank you for undertaking this mediation.

From: [Redacted]
Sent: Thursday, May 9, 2024 8:17 PM
To: [Redacted] Morey
Cc: [Redacted]
Subject: RE: Rogers School District #07-23-1482 201(A) Mediation

I have this one scheduled for May 23rd. Based on the challenges of this case, realities on the ground, discussions between the parties; I request an in person mediation for this one. This is a really tough one. I had a similar case in ND last year and I am hearing a similar stance, "We cannot enter into an agreement that violates state law." However, that parties in that case found a needle thin path to resolution. I am hoping for something similar here. But it has a greater likelihood of success if done in person.

Please let me know if approved.

Best regards,

[Redacted]

EXHIBIT H



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

May 24, 2024

D [REDACTED]
Superintendent
Rogers Public Schools
500 W. Walnut Street
Rogers, AR 72756

By email only to [REDACTED]

Re: OCR Case 07-23-1482 (dismissed)
OCR Case 07-24-1444 (new)
Rogers Public Schools

Dear D [REDACTED]

On August 21, 2023, the United States Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Rogers Public Schools (District). The Complainant alleged that the District discriminated against his son (Student) on the basis of sex in violation of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

The Complainant, District staff and its counsel, participated in OCR's early mediation process. On May 17, 2024, the parties were unable to reach an agreement to resolve the above-referenced complaint.

According to OCR's *Case Processing Manual*, Section 110(o), when the parties are unable to resolve a complaint at early mediation, OCR will reassign the same complaint a new docket number. Thus, this complaint will now be assigned OCR Docket No. 07-24-1444, and OCR Docket No. 07-23-1482 is closed as of the date of this letter.

Please note that the District need not do anything at this time. OCR staff will evaluate the complaint and contact you regarding the investigation.

If you have any questions, please contact the Kansas City OCR office at [REDACTED] or
OCR.KansasCity@ed.gov.

Sincerely,

Digitally signed by [REDACTED]

Date: 2024.05.24 12:46:55
-06'00'

Senior Equal Opportunity Specialist

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.
www.ed.gov

EXHIBIT H



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

October 15, 2024

Sent via email only to [REDACTED]

Re: OCR Complaint No. 07241444
Rogers School District

Dear [REDACTED]

On August 22, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint filed against the Rogers School District (District), Rogers, Arkansas, alleging discrimination on the basis of sex. Specifically, you allege the District discriminates based on gender identity by [REDACTED]

w [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

In light of recent Federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating claims alleging discrimination on the basis of gender identity. Therefore, OCR is closing the complaint as of the date of this letter and will take no further action on this complaint.

Please note that if OCR becomes available to investigate these claims due to, for example, changes in the applicable Federal court orders, the Complainant will be able to re-file this allegation with OCR within 60 days of receiving notice from OCR of this change.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have a right to file a private suit in court.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

[Dismissal Letter: Page 1 only]

EXHIBIT I

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # 15231169

Last Updated: 05/06/2025

Note: The "*" notes a required field.

Save Case

Resolution Processing Age: 1163 Days

Updated By: ED\Elizabeth.Wiegman

View History Of Updates

Office *	Denver	Recipient Name	BELLBROOK-SUGARCREEK LOCA
Team	Team A	Received Date *	12/28/2022
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	15231088 <input type="checkbox"/> Delete
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: 110 (c) decisions of the federal courts

Resolution Date: 10/2/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.4-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT I



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

March 11, 2024

Via E-mail Only to [REDACTED]

D. [REDACTED]
Superintendent
Bellbrook-Sugarcreek Local School District
3757 Upper Bellbrook Road
Bellbrook, Ohio 45305

Re: OCR Docket No. 15-23-1169

Dear [REDACTED]

On December 28, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Bellbrook-Sugarcreek Local School District (the District). The Complainant alleges that the District discriminated against a student (the Student), who is transgender, on the basis of sex when in November 2022 the District changed its policy regarding overnight band events and room assignments.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department of Education and as a public entity, the District is subject to this law.

Based on the complaint allegation, OCR will investigate the following issues to determine whether the District discriminated against the Student on the basis of sex and disability:

- whether the District discriminated against a student based on sex in violation of Title IX and its implementing regulation at 34 C.F.R. Part 106; and
- whether the District discriminated against a student based on disability (gender dysphoria) in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

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[Notification Letter: Page 1 only]

EXHIBIT I



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

October 02, 2024

Via e-mail only to [REDACTED]

Dr. [REDACTED]
Superintendent
Bellbrook-Sugarcreek Local School District
3757 Upper Bellbrook Road
Bellbrook, Ohio 45305

Re: OCR Docket Number 15-23-1169

Dear [REDACTED]

The U.S. Department of Education (Department), Office for Civil Rights (OCR), previously notified you that we opened an investigation into the above-referenced complaint filed against Bellbrook-Sugarcreek Local School District alleging discrimination on the basis of sex. The Complainant alleges that the District discriminated against a student (the Student), [REDACTED]

N [REDACTED]

Specifically, on March 11, 2024, OCR sent you a letter stating that we would investigate the following issues: (1) whether the District discriminated against the Student on the basis of sex in violation of Title IX and its implementing regulation at 34 C.F.R. Part 106; and (2) whether the District discriminated against the Student based on disability (gender dysphoria) in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department of Education and as a public entity, OCR has jurisdiction over it pursuant to Title IX, Section 504, and Title II.

In light of recent Federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating claims alleging discrimination on the basis of gender identity. Therefore, OCR is dismissing the

EXHIBIT I

Title IX issue opened for investigation as of the date of this letter and will take no further action on that issue. OCR will continue to investigate whether the District discriminated against the Student based on disability.

Please note that if OCR becomes available to investigate the claims OCR is dismissing due to, for example, changes in the applicable Federal court orders, the complainant will be able to re-file this allegation with OCR within 60 days of receiving notice from OCR of this change.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have a right to file a private suit in court.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions about this letter, you may contact me at [REDACTED] or [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]
Team Leader

EXHIBIT J

From: [REDACTED]
To: [REDACTED]
Subject: FW: 05231690 R-DISMISSAL West Des Moines CSD (8.20.24)
Date: Wednesday, January 8, 2025 11:52:41 AM
Attachments: [05231690 R-DISMISSAL West Des Moines CSD \(8.20.24\).docx](#)

From: [REDACTED]
Sent: Thursday, September 19, 2024 10:21 AM
To: [REDACTED]
Subject: FW: 05231690 R-DISMISSAL West Des Moines CSD (8.20.24)

[REDACTED] - I revised the letters for Kansas City that I previously sent to [REDACTED] - Ashland Greenwood and Stillwater, and then resubmitted them to comport with his directive below. I think going forward, I think he wants us to follow directly the template, but I will ask more specifically when I talk to him next. In your cover emails, you indicated that you added consent language in one, and FERPA language in another. I will ask specifically so that there is not additional revision needed.

[REDACTED]

From: [REDACTED]
Sent: Monday, September 16, 2024 12:24 PM
To: [REDACTED]
Subject: 05231690 R-DISMISSAL West Des Moines CSD (8.20.24)

[REDACTED]
Please be sure that all the letters KC sent up follow the format in the revised West Des Moines letter.

Thanks.

EXHIBIT J



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

JOHN C. KLUCZYNSKI FEDERAL BUILDING
230 S. DEARBORN STREET, 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

August __, 2024

Dr. [REDACTED]
Superintendent
West Des Moines Community School District

VIA E-MAIL ONLY to [REDACTED]

Re: Complaint #05-23-1690

Dear Dr. [REDACTED]

On September 18, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received your complaint filed against West Des Moines Community School District (District), alleging discrimination on the basis of sex. Specifically, the complaint alleged that the District discriminates against its students by restricting their ability to use restrooms consistent with their gender identity.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

In light of recent Federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating claims alleging discrimination on the basis of gender identity. Therefore, OCR is closing the complaint as of the date of this letter and will take no further action on this complaint.

Please note that if OCR becomes available to investigate these claims due to, for example, changes in the applicable Federal court orders, the Complainant will be able to re-file this allegation with OCR within 60 days of receiving notice from OCR of this change.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have a right to file a private suit in court.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law

[Dismissal Letter: Page 1 only]

EXHIBIT J

- 5. Nondiscrimination Policy and Grievance Procedures (§ 106.8)
 - 6. Training Requirements (§ 106.8(d))
 - 7. Recordkeeping (§ 106.8(f))
 - 8. Application of Title IX (§ 106.11)
 - 9. Duty to Address Sex Discrimination (§ 106.44)
 - 10. Title IX Coordinator Obligations: Duty to Monitor (§ 106.44(b) and (f))
 - 11. Notification Requirements (§ 106.44(c))
 - 12. Provision of Supportive Measures (§ 106.44(f)–(g))
 - 13. Impartial Review of Supportive Measures (§ 106.44(g)(4))
 - 14. Grievance Procedures (§§ 106.45 and 106.46)
 - 15. Regulatory Stability and Reliance Interests
 - 16. Training for Decisionmakers (§ 106.46(f)(4))
 - 17. Single-Investigator Model (§ 106.45(b)(2))
 - 18. Pregnancy or Related Conditions (§§ 106.40 and 106.57(e))
 - 19. Scope of Sex Discrimination (§ 106.10)
 - 20. Menstruation or Related Conditions
 - 21. Other
 - B. Regulatory Impact Analysis (RIA)
 - 1. Need for Regulatory Action
 - 2. Discussion of Costs, Benefits, and Transfers
 - 3. Benefits of the Final Regulations
 - 4. Costs of the Final Regulations
 - 5. Regulatory Alternatives Considered
 - 6. Accounting Statement
 - C. Regulatory Flexibility Act (Small Business Impacts)
 - 1. Introduction
 - 2. Final Regulatory Flexibility Analysis
- Executive Order 12250 On Leadership And Coordination of Nondiscrimination Laws
- Paperwork Reduction Act of 1995
- Assessment of Educational Impact
- Federalism
- Accessible Format
- Electronic Access to This Document

Effective Date

As detailed more extensively below, the Department recognizes the practical necessity of allowing recipients of Federal financial assistance time to plan for implementing these final regulations. Taking into account the need for the time to plan, as well as consideration of public comments about an effective date as explained in the discussion of Effective Date and Retroactivity (Section VII.F), the Department has determined that these final regulations are effective August 1, 2024.

Executive Summary

1. Purpose of This Regulatory Action

Enacted in 1972, Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” absent certain exceptions. 20 U.S.C.

1681.¹ The U.S. Department of Education (the “Department” or “we”) has authority to issue rules effectuating this prohibition on sex discrimination consistent with the objectives of the statute. 20 U.S.C. 1682. The history of the Title IX regulations is described in the preamble to the 2020 amendments to the Title IX regulations. 85 FR 30026, 30028 (May 19, 2020) (hereinafter “the 2020 amendments”); see also 87 FR 41390, 41393–95 (July 12, 2022). The 2020 amendments specify how a recipient² must respond to sexual harassment, and the preamble to the 2020 amendments acknowledged that the regulations issued under the 2020 amendments represented a partial change from the way the Department had enforced Title IX with respect to recipients’ duties to respond to sexual harassment prior to the 2020 amendments. 85 FR 30068.

Based on an extensive review of the 2020 amendments, information including stakeholder feedback received prior to the issuance of the notice of proposed rulemaking (the “July 2022 NPRM,” 87 FR 41390 (July 12, 2022)), and consideration of public comments on the July 2022 NPRM, the Department has determined that amendments are required to fully effectuate Title IX’s sex discrimination prohibition. Even if these amendments are not strictly required to effectuate the prohibition, the Department has, in the exercise of its discretion, determined that they further Title IX’s prohibition on sex discrimination. The Department therefore issues these final regulations to provide greater clarity regarding: the definition of “sex-based harassment”; the scope of sex discrimination, including recipients’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and recipients’ obligations to provide an educational environment free from discrimination on the basis of sex. Additionally, these regulations aim to fulfill Title IX’s protection for students, teachers, and other employees in federally funded

¹ The definition of the term “Federal financial assistance” under the Department’s Title IX regulations is not limited to monetary assistance, but encompasses various types of in-kind assistance, such as a grant or loan of real or personal property, or provision of the services of Federal personnel. See 34 CFR 106.2(g). Throughout this preamble, terms such as “Federal funding,” “Federal funds,” and “federally funded” are used to refer to “Federal financial assistance,” and are not meant to limit application of the statute or its implementing regulations to recipients of certain types of Federal financial assistance.

² Throughout this preamble, “recipient” is used to refer to a recipient of Federal financial assistance from the Department.

elementary schools and secondary schools and postsecondary institutions against all forms of sex discrimination, including sex-based harassment and sexual violence. The final regulations will help to ensure that all students receive appropriate support when they experience sex discrimination and that recipients’ procedures for investigating and resolving complaints of sex discrimination are fair to all involved. These final regulations also better account for the variety of recipients and education programs or activities covered by Title IX and provide discretion and flexibility for recipients to account for variations in school size, student populations, and administrative structures.

These regulations:

- Require recipients to adopt grievance procedures that provide for fair, prompt, and equitable resolution of complaints of sex discrimination and to take other necessary steps to provide an educational environment free from sex discrimination;
- Clarify that Title IX’s prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, hostile environment harassment, and four specific offenses (sexual assault, dating violence, domestic violence, and stalking); and
- Clarify that sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

2. Summary of the Major Provisions of This Regulatory Action

With regard to sex-based harassment, the final regulations:

- Define “sex-based harassment” as a form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity, that is quid pro quo harassment, hostile environment harassment, or one of four specific offenses referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (“Clery Act”) as amended by the Violence Against Women Reauthorization Act of 2013;
- Provide and clarify definitions of various terms related to a recipient’s obligations to address sex discrimination, including sex-based harassment;
- Clarify a recipient’s required response to sex discrimination, including sex-based harassment, in its education program or activity;

EXHIBIT K

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **06221313**
Last Updated: 05/14/2025

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 1497 Days

Updated By: ED [REDACTED]

View History Of Updates

Office *	Kansas City	Recipient Name	Hinds County School Di
Team	Ambassadors	Received Date *	01/24/2022
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

- Title VI Race
- Title VI Color
- Section 504
- Age
- No Jurisdiction
- Title VI National Origin
- Title IX
- Title II
- Boy Scouts
- Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.71-2 Retaliation

Systemic:

Resolution: [Empty]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Empty]

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT K

UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS



Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

July 18, 2022

[REDACTED] Superintendent
Hinds County School District
13192 Highway 18 West
Raymond, MS 39154

Via email only [REDACTED]

Re: Case No. 06221313
Hinds County School District

Dear [REDACTED]

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, received a complaint on [REDACTED] 2022 filed against the Hinds County School District (HCSO or District), in Raymond, Mississippi. The complainant alleges the District [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. The Title IX regulation at 34 C.F.R. § 106.71, which incorporates the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, prohibits retaliation against any individual who asserts rights or privileges under Title IX or who files a complaint, testifies, assists, or participates in a proceeding under Title IX. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX.

Because OCR has determined that it has jurisdiction and that the complaint allegations were filed timely, it is opening the above allegations for investigation. Please note that opening an investigation in no way implies that OCR has made a determination regarding its merits. During the investigation, OCR is a neutral fact finder, collecting and analyzing relevant evidence from the complainant, the recipient and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of

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[Notification Letter: Page 1 only]

EXHIBIT L

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **05241191**

Last Updated: 01/26/2026

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 801 Days

Updated By: ED [REDACTED]

View History Of Updates

Office *	Denver	▼
Team	Team D	▼
Case Type *	Complaint	▼
Institution *	E&S	▼
Current Stage	Investigation	▼
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<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket	
<input type="checkbox"/> Magnet School	<input checked="" type="checkbox"/> Strategic Plan	

Recipient Name	HUNTINGTON CO COM
Received Date *	12/22/2023	📅
Resolved Date	mm/dd/yyyy form	📅
No Further OCR Action	mm/dd/yyyy form	📅
Resolution Type		
Associated Docket		



[Stage](#) [Issues](#) [Monitoring](#) [Status](#) [Recipient](#) [Contacts](#) [Complainant](#) [OCR Staff](#) [Docs](#) [Doc Upload](#)

Issues

- Title VI Race
- Title VI Color
- Section 504
- Age
- No Jurisdiction
- Title VI National Origin
- Title IX
- Title II
- Boy Scouts
- Unknown

Specific Basis: Title IX - Gender Identity / Transgender ▼

Issues: 106.31-4.4 Sexual Harassment (gender stereotyping) ▼

Systemic:

Resolution: ▼

Resolution Date: mm/dd/yyyy form 📅

Post Monitoring Code: ▼

Post Monitoring Date: mm/dd/yyyy form 📅

Delete

Add Issue

Sport

Add Sport

Save Case

EXHIBIT L



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

May 21, 2024

[REDACTED]
Superintendent
Huntington County Community School Corporation

Sent by email only to [REDACTED]

RE: OCR Docket #05-24-1191

Dear [REDACTED]

On December 22, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the Huntington County Community School Corporation (Corporation) alleging discrimination on the basis of sex.

Specifically, the complaint alleges that, during the 2023-2024 school year, the Corporation:

1. [REDACTED]
2. [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity operated by a recipient of federal financial assistance from the Department. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department and a public entity, the Corporation is subject to these laws. Additional information about the laws OCR enforces is available on [OCR's website](#).

OCR will investigate the following issues:

1. Whether the Corporation discriminated against Student A on the basis of sex in violation of Title IX and its implementing regulation at 34 C.F.R. Part 106.
2. Whether the Corporation discriminated against Student A on the basis of disability in violation of Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

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www.ed.gov

[Notification Letter: Page 1 only]

EXHIBIT M

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Note: The "*" notes a required field.

Save Case

Docket # **15222194**

Resolution Processing Age 1277 Days

Last Updated: 05/06/2025

Updated By: ED [REDACTED]

View History Of Updates

Office *	Denver	▼	Recipient Name	OBERLIN COLLEGE	...
Team	Team A	▼	Received Date *	09/01/2022	📅
Case Type *	Complaint	▼	Resolved Date	mm/dd/yyyy form	📅
Institution *	PS	▼	No Further OCR Action	mm/dd/yyyy form	📅
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<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed		Associated Docket		
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket				
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan				



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

- Title VI Race
- Title VI Color
- Section 504
- Age
- No Jurisdiction
- Title VI National Origin
- Title IX
- Title II
- Boy Scouts
- Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.39 Health and Insurance Benefits and Services

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

EXHIBIT M



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

June 29, 2023

Via e-mail only to [REDACTED]

[REDACTED]
President
Oberlin College
Cox Administration Building, Room 201
70 North Professor Street
Oberlin, Ohio 44074

Re: OCR Docket No. 15-22-2194

Dear [REDACTED]

On September 1, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Oberlin College (the College). The issue raised in this complaint is whether the College discriminates against [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department of Education, the College is subject to this law.

Based on the complaint allegations, OCR will investigate the following issues to determine whether the College discriminated against the Complainant and other students on the basis of sex:

- whether, in providing any aid, benefit, or service to a student, the College, on the basis of sex, treated one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service; provided different aid, benefits, or services or provided aid, benefits, or services in a different manner; or subjected any person to separate or different rules of behavior, sanctions, or other treatment, in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31(b)(1), (2), or (4);

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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[Notification Letter: Page 1]

EXHIBIT N

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **06221436**
Last Updated: 05/09/2025

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 1470 Days
Updated By: ED [REDACTED]

View History Of Updates

Office *	Kansas City	Recipient Name	Rapides Parish School Board
Team	A Team	Received Date *	02/22/2022
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

- Title VI Race
- Title VI Color
- Section 504
- Age
- No Jurisdiction
- Title VI National Origin
- Title IX
- Title II
- Boy Scouts
- Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: [Empty]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Empty]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.33 FAPE

Systemic:

Resolution: [Empty]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Empty]

Post Monitoring Date: mm/dd/yyyy form

Delete

EXHIBIT N



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

March 18, 2024

[REDACTED] Superintendent
Rapides Parish Schools
619 Sixth Street, P.O. Box 7117
Alexandria, LA 71306
Sent only via email to [REDACTED]

Re: OCR Complaint No. 06221436
Rapides Parish Schools

Dear Superintendent [REDACTED]

On February 22, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, received the above-referenced complaint filed against the Rapides Parish Schools (District). The complaint alleges that the District discriminated against a transgender student (Student) on the basis of sex by prohibiting [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination based on sex in any education program or activity receiving federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any education program or activity receiving federal financial assistance, as well as Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the Department. Because the District is a recipient of federal financial assistance from the Department and is a public entity, OCR has jurisdiction to process this complaint pursuant to Title IX, Section 504, and Title II.

OCR conducted its evaluation of this complaint in accordance with OCR's [Case Processing Manual](#) (CPM). OCR has completed its evaluation of the complaint and is opening it for investigation.

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EXHIBIT N

OCR will investigate the following legal issues:

1. Whether the District discriminated against the Student based on sex in violation of Title IX and its implementing regulation at 34 C.F.R. Part 106; and
2. Whether the District discriminated against the Student based on disability in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

Opening an allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the issues under investigation, in accordance with the provisions of OCR's CPM.

Please note that a complaint investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve it because OCR's investigation has identified concerns that can be addressed through a resolution agreement. This resolution process is voluntary, and if approved, OCR will notify the complainant of the recipient's interest in resolution. If successful, the resulting resolution agreement will be supported by the evidence obtained during the investigation and will be consistent with the applicable statute(s) and regulation(s). More information about OCR's complaint processing procedures is available at: [Complaint Processing Procedures \(http://www.ed.gov/ocr/complaints-how.html\)](http://www.ed.gov/ocr/complaints-how.html).

OCR has enclosed a request for data to initiate investigative activities. Please submit the requested data response to the OCR Dallas Office no later than 15 calendar days from the date of this letter (by **April 2, 2024**). Your full and complete response will assist OCR in resolving the complaint.

The Department's regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, at 34 C.F.R. § 100.6(b) and (c), provides that a recipient of Federal financial assistance shall make available to OCR information and facilities that may be pertinent to reach a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3) of the regulation implementing the Family Education Rights and Privacy Act, OCR also has a right to review personally identifiable records without regard to considerations of privacy or confidentiality.

After reviewing the preliminary data submitted by the District in response to the data request, OCR may seek to supplement this information through additional data requests, interviews with District personnel and students, and conduct an onsite visit, if determined necessary. You will be contacted in the near future to discuss this case.

The District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

[Notification Letter: Pages 1-2 only]

EXHIBIT O

Doclet # 10232135
Last Updated: 01/07/2025

Resolution Processing Age: 1060 Days
Updated By: ED [REDACTED] [View History Of Updates](#)

Office *	Seattle	Recipient Name	Montana State University-Bozeman
Team	Team 5	Received Date *	04/10/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	PS	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Alternative School <input type="checkbox"/> Magnet School	<input type="checkbox"/> Voc Ed <input checked="" type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Strategic Plan	Associated Docket	

Target: 30 days: 5/10/2023 135 days: 8/23/2023 180 days: 10/7/2023
100%

Stage: Issues Monitoring Status Recipient Contacts Complaint OCR Staff Docs Doc Upload

Issues

- Title VI Race Title VI Color Section 504 Age No Jurisdiction
- Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title VI - Asian or Pacific Islander

Issues: 100.3-11.1 Racial Harassment (insults, slurs, derogatory expressions)

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Specific Basis: Title IX - Discrimination against females

Issues: 106.31-4.1 Sexual Harassment (insults, slurs, derogatory expressions, verbal intimidation)

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Specific Basis: Title IX - Sexual Orientation

Issues: 106.31-4.2 Sexual Harassment (sexual violence)

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Specific Basis: Title IX - Sexual Orientation

Issues: 106.71-2 Retaliation

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

Specific Basis: Title IX - Gender Identity/ Transgender

Issues: 106.31-4.2 Sexual Harassment (sexual violence)

EXHIBIT P

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # 05232037

Last Updated: 01/25/2026

Note: The "*" notes a required field.

Resolution Processing Age 1224 Days

Updated By: ED [REDACTED]

Save Case

View History Of Updates

Office *	Denver	Recipient Name	IVY TECH COMMUNITY COLLEGE
Team	Team D	Received Date *	10/28/2022
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	PS	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

- Title VI Race
- Title VI Color
- Section 504
- Age
- No Jurisdiction
- Title VI National Origin
- Title IX
- Title II
- Boy Scouts
- Unknown

Specific Basis: 504 Title II - General - Disability

Issues: 104.4-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic: []

Resolution: []

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: []

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Discrimination against males

Issues: 106.31-4.5 Sexual Harassment (other)

Systemic: []

Resolution: []

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: []

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.44 Academic adjustments

Systemic: []

Resolution: []

EXHIBIT P



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

December 6, 2022

[REDACTED]
Chancellor
Ivy Tech Community College
Sent via email only to [REDACTED]

Re: OCR Docket #05-23-2037

Dear [REDACTED]

On October 28, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against Ivy Tech Community College (College) alleging discrimination on the bases of disability and sex. Specifically, the complaint alleges the following:

1. [REDACTED]
2. [REDACTED]

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131–12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively. OCR is also responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 - 1688, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to these laws.

OCR is opening an investigation into the complaint allegations. Please understand that opening an investigation does not mean that OCR has made a decision about the complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint.

OCR offers, when appropriate, a mediation process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the mediation process is in the enclosure to this letter.

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[Notification Letter: Page 1 only]

EXHIBIT P



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

JOHN C. KLUCZYNSKI FEDERAL BUILDING
230 S. DEARBORN STREET, 37TH FLOOR
CHICAGO, IL 60604

January XX, 2025

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

[REDACTED]
Chancellor
Ivy Tech Community College-Evansville
Sent via email only [REDACTED]

Re: Complaint #05-23-2037

Dear [REDACTED]

On October 28, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR), previously notified you that we opened an investigation into the above-referenced complaint filed against Ivy Tech Community College (College) alleging discrimination on the bases of sex and disability. Specifically, the complaint alleged, among other allegations, that the [REDACTED]

[REDACTED] As explained below, OCR is dismissing this allegation.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the College receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

In light of recent Federal court orders, in those states and schools in which OCR is preliminarily enjoined from enforcing the 2024 Title IX Regulations, OCR is not investigating the gender identity portion of the allegation. Therefore, OCR is dismissing this portion of the allegation as of the date of this letter and will take no further action on that portion of the allegation. OCR will continue to investigate the other allegations that OCR opened for investigation.

Please note that if OCR becomes available to investigate these claims due to, for example, changes in the applicable Federal court orders, the complainant will be able to re-file this allegation with OCR within 60 days of receiving notice from OCR of this change.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have a right to file a private suit in court.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

[Draft Dismissal Letter: Page 1 only]

EXHIBIT Q

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **04231383**

Last Updated: 08/28/2024

Note: The "*" notes a required field.

Resolution Processing Age 1058 Days

Updated By: ED [REDACTED]

Save Case

View History Of Updates

Office *	Atlanta	Recipient Name	ARLINGTON COMMUNITY SC
Team	CR Team D	Received Date *	04/09/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Voc Ed <input type="checkbox"/> Alternative School <input checked="" type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Magnet School <input type="checkbox"/> Strategic Plan		Associated Docket	



[Stage](#)
 [Issues](#)
 [Monitoring](#)
 [Status](#)
 [Recipient](#)
 [Contacts](#)
 [Complainant](#)
 [OCR Staff](#)
 [Docs](#)
 [Doc Upload](#)

Next Step

Next Step	Target	Completed Date	Delete
SSG: Funding memo loaded to DM.	mm/dd/yyyy form	4/10/2023	<input type="checkbox"/> Delete Next Step
Title IX/SOGI Gender identity + restroom access. (jle)	mm/dd/yyyy form	4/11/2023	<input type="checkbox"/> Delete Next Step
Title IX/SOGI Gender identity + restroom access. (jle)	mm/dd/yyyy form	4/11/2023	<input type="checkbox"/> Delete Next Step
WEEKLY Submit report for week of 4.24.23. (jle)	mm/dd/yyyy form	4/11/2023	<input type="checkbox"/> Delete Next Step
Consent Executed form rec'd via USPS; delivered to TL and loaded to DM. (LKH)	mm/dd/yyyy form	4/17/2023	<input type="checkbox"/> Delete Next Step
Clarification interview with Complainant and the Student -srs	mm/dd/yyyy form	4/25/2023	<input type="checkbox"/> Delete Next Step
DRL/LON issued - srs	mm/dd/yyyy form	5/16/2023	<input type="checkbox"/> Delete Next Step
Data received from District - srs	mm/dd/yyyy form	5/30/2023	<input type="checkbox"/> Delete Next Step
NOTE: See also # 04-23-1681 - als assigned to SRS. (jle)	mm/dd/yyyy form	8/30/2023	<input type="checkbox"/> Delete Next Step
NOTE: See also # 04-24-1207, filed 1.13.2024 (jle)	mm/dd/yyyy form	1/16/2024	<input type="checkbox"/> Delete Next Step
Sent partial dismissal for review	mm/dd/yyyy form	8/28/2024	<input type="checkbox"/> Delete Next Step

EXHIBIT Q



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV**

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

May 17, 2023

Via E-Mail Only

[REDACTED]
Superintendent
Arlington Community Schools
12060 Arlington Trail
Arlington, Tennessee 38002
Email: [REDACTED]

Re: OCR Complaint # 04-23-1383

Dear [REDACTED]

On April 9, 2023, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint filed against Arlington Community Schools (District) by [REDACTED] on behalf of [REDACTED] student at [REDACTED] High School (School), on the basis of sex. This letter will refer to [REDACTED] as the Complainant and [REDACTED] as the Student.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. Additionally, OCR enforces Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department of Education and a public entity, the District is subject to these laws and to OCR's jurisdiction.

The Complainant alleged that from August 2021 through April 2023, the District refused to allow

[REDACTED]

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www.ed.gov

EXHIBIT Q

OCR Complaint # 04-23-1383

Page 2 of 7

Based on the above, OCR will investigate:

1. Whether the District discriminated against the Student on the basis of sex, in violation of Title IX and its implementing regulation at 34 C.F.R. Part 106.
2. Whether the District responded to harassment based on sex of the Student and other students, consistent with the requirements of Title IX and its implementing regulation at 34 C.F.R. Part 106.
3. Whether the District responded to harassment based on disability of the Student and other students, consistent with the requirements of Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.
4. Whether the District discriminated against the Student based on disability, in violation of Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

Please note that opening these allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral factfinder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will conduct its investigation in accordance with OCR's *Case Processing Manual*. A summary of OCR's complaint processing procedures can be found here: <https://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance from the Department of Education make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.81 and in the Section 504 regulation at 34 C.F.R. § 104.61. Under the Title II regulation at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Attached is a request for data. Please notify OCR of the name, address, and telephone number of the person who will serve as the District's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter.

In addition to the information requested in the attached data request, OCR may need to request additional information and interview pertinent personnel. During the course of this investigation, we may conduct one or more on-site visits and if so, we will schedule a mutually convenient time for the visits.

[Notification Letter: Pages 1-2 only]

EXHIBIT Q



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

XXXX, 2025

Email [REDACTED]

Re: Complaint Number 04-23-1383

Dear [REDACTED]

On April 9, 2023, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint filed against Arlington Community Schools (District) alleging discrimination on the basis of sex. [REDACTED]

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

On May 16, 2023, OCR sent you a letter stating that we would investigate the following issues: Based on the above, OCR will investigate:

1. Whether the District discriminated against the Student on the basis of sex, in violation of Title IX and its implementing regulation.
2. Whether the District responded to harassment based on sex of the Student and other students, consistent with the requirements of Title IX and its implementing regulation.
3. Whether the District responded to harassment based on disability of the Student and other students, consistent with the requirements of Section 504 and Title II and their implementing regulations.
4. Whether the District discriminated against the Student based on disability, in violation of Section 504 and Title II and their implementing regulations.

Regarding allegation and issue number 1, OCR is dismissing this allegation under Section 108(a) of OCR's [Case Processing Manual \(CPM\) \(Feb. 19, 2025\)](#). Under Section 108(a) of OCR's Case Processing Manual, OCR will dismiss an allegation when the allegation, on its face or as clarified, fails to state a violation of one of the laws and regulations OCR enforces. After further review, OCR has determined that the complaint allegations opened for investigation do not state

[Draft Dismissal Letter (no markup view): Page 1 only]

EXHIBIT R

Docket # **04241037**
Last Updated: 02/11/2026

Resolution Processing Age 864 Days
Updated By: ED [REDACTED] [View History Of Updates](#)

Office *	Atlanta	Recipient Name	BRYAN COUNTY SCHO...
Team	CR Team F	Received Date *	10/19/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Voc Ed <input type="checkbox"/> Alternative School <input checked="" type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Magnet School <input type="checkbox"/> Strategic Plan		Associated Docket	04231051 <input type="checkbox"/> Delete

Target

30 days: 11/18/2023 135 days: 3/2/2024 180 days: 4/16/2024

100%

Stage
Issues
Monitoring
Status
Recipient
Contacts
Complainant
OCR Staff
Docs

[Doc Upload](#)

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: [Empty]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Empty]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.71-2 Retaliation

Systemic:

Resolution: [Empty]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Empty]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.4-99 Different Treatment/Exclusion/Denial of Benefits (other)

EXHIBIT R



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

January 29, 2024

[REDACTED]
Superintendent
Bryan County Schools
8810 Hwy 280
Black Creek, GA 31308
By email only to [REDACTED]

Re: OCR Reference No. 04-24-1037

Dear [REDACTED]

On October 19, 2023, the U.S. Department of Education, Office for Civil Rights (OCR), received the above complaint against Bryan County Schools (District). The Complainant [REDACTED] alleges that the District discriminated against her child [REDACTED] (Student), on the bases of sex and disability. Specifically, the Complainant alleges that the District prohibited the Student from [REDACTED] attend [REDACTED] Middle School during the 2022-2023 school year and [REDACTED] High School beginning in the 2023-2024 school year, and the District denied a request to change the Student's educational records [REDACTED]. The Complainant also alleges that, as a result of her advocacy on behalf of the Student, the District retaliated against the Student [REDACTED].

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Additionally, OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681, *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. Section 504, Title II, and Title IX also prohibit retaliation. As a recipient of Federal financial assistance from the Department of Education and a public entity, the District is subject to these laws and to OCR's jurisdiction.

¹ The Student also may be identified as Trinity Heddlesten in District records.

EXHIBIT R

OCR Complaint No. 04-24-1037

Based upon the information contained in the complaint, OCR will investigate the following:

1. Whether the District discriminated against the Student on the basis of sex, in violation of Title IX, when it [REDACTED]
2. Whether the District discriminated against the Student on the basis of disability, in violation of Section 504 and Title II, when it [REDACTED]
3. Whether the District retaliated against the Student based on disability, in violation of Section 504 and Title II, and based on sex, in violation of Title IX, [REDACTED]

During OCR's investigation of this complaint, the allegations may be resolved in a variety of ways, including a voluntary written agreement in which the District agrees to take remedial actions that OCR determines fully resolve the allegations consistent with applicable legal standards. Where appropriate, the allegations may also be resolved through mediation facilitated by OCR. If a resolution of the complaint is not reached before OCR completes its investigation, OCR will make findings and a determination as to whether the District is in compliance with applicable legal standards and, in the event that non-compliance is found, OCR will propose that the District enter into a voluntary resolution agreement in which the District commits to take specific steps to comply with applicable laws and regulations.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will conduct its investigation in accordance with OCR's Case Processing Manual. Additional information about OCR's case processing procedures can be found at <https://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

OCR will conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Section 504 regulation at 34 C.F.R. § 104.61 and in the Title IX regulation at 34 C.F.R. Section 106.81. Under the Title II regulation, at 28 C.F.R. § 35.171(a)(3), OCR uses its Section 504 procedures to investigate Title II complaints. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

In addition to the information requested below, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, we will schedule a mutually convenient time for the visit.

EXHIBIT R

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **04241037**

Last Updated: 02/11/2026

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 864 Days

Updated By: ED [REDACTED]

[View History Of Updates](#)

Office *	Atlanta	Recipient Name	BRYAN COUNTY SCHOI
Team	CR Team F	Received Date *	10/19/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	04231051 <input type="checkbox"/> Delete
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



- Stage
 - Issues
 - Monitoring
 - Status
 - Recipient
 - Contacts
 - Complainant
 - OCR Staff
 - Docs
- [Doc Upload](#)

Next Step

Next Step	Target	Completed Date	Delete
NOTE: Counsel, [REDACTED], is primary contact for this complaint. (jle)	mm/dd/yyyy form	10/19/2023	<input type="checkbox"/> Delete Next Step

Recip provided new links/clarification to DRL but GA can't open one item	mm/dd/yyyy form	3/5/2024	<input type="checkbox"/> Delete Next Step
Recip provided GA outstanding DRL item	mm/dd/yyyy form	3/7/2024	<input type="checkbox"/> Delete Next Step
TL informed team to pause work on sexual orientation/gender identity cases	mm/dd/yyyy form	7/29/2024	<input type="checkbox"/> Delete Next Step
GA emailed TL SOC	mm/dd/yyyy form	2/11/2026	<input type="checkbox"/> Delete Next Step

[Add New Next Step](#)

EXHIBIT S

Docket # **04241055**
 Last Updated: 02/06/2026

Resolution Processing Age 859 Days
 Updated By: ED [REDACTED]

[View History Of Updates](#)

Office *	Atlanta	Recipient Name	FULTON COUNTY SCHC
Team	CR Team D	Received Date *	10/26/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Voc Ed <input type="checkbox"/> Alternative School <input checked="" type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Magnet School <input type="checkbox"/> Strategic Plan		Associated Docket	



[Stage](#) [Issues](#) [Monitoring](#) [Status](#) [Recipient](#) [Contacts](#) [Complainant](#) [OCR Staff](#) [Docs](#)

[Doc Upload](#)

Issues

- Title VI Race Title VI Color Section 504 Age No Jurisdiction
- Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-4.4 Sexual Harassment (gender stereotyping)

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Sexual Orientation

Issues: 106.31-4.1 Sexual Harassment (insults, slurs, derogatory expressions, verbal intimidation)

Systemic:

Resolution: [Dropdown]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [Dropdown]

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.4-3.3 Disability Harassment (other)

EXHIBIT S



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

61 FORSYTH STREET, SOUTHWEST, SUITE 19T10
ATLANTA, GEORGIA 30303-8927

REGION 4

ALABAMA
FLORIDA
GEORGIA
TENNESSEE

April 30, 2024

VIA EMAIL ONLY TO [REDACTED]

[REDACTED]
Superintendent
Fulton County Schools
Atlanta, Georgia

Re: OCR Complaint Number 04-24-1055

Dear Superintendent [REDACTED]

On October 26, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the above-referenced complaint filed against Fulton County Schools (District). The complaint alleges that the District discriminated on the basis of sex against the Complainant [REDACTED] and the [REDACTED] (Student), a student at [REDACTED] Middle School (School). Specifically, the Complainant alleges that the District has discriminated against the Complainant and the Student because both [REDACTED] [REDACTED] 2023.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department, the District must comply with Title IX and its implementing regulation. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department and a public entity, the District must comply with Title IX, Section 504, Title II, and their implementing regulations.

OCR will investigate the following issues:

1. Whether the District discriminated against the Complainant and the Student based on sex, including whether the District failed to respond to reports of sex-based harassment in a manner consistent with the requirements of Title IX.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.
www.ed.gov

[Notification Letter: Page 1 only]

EXHIBIT S

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **04241055**

Last Updated: 02/06/2026

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 859 Days

Updated By: ED [REDACTED]

View History Of Updates

Office *	Atlanta	Recipient Name	FULTON COUNTY SCHOOLS
Team	CR Team D	Received Date *	10/26/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



Stage [Issues](#) [Monitoring](#) [Status](#) [Recipient](#) [Contacts](#) [Complainant](#) [OCR Staff](#) [Docs](#) [Doc Upload](#)

Next Step

Next Step	Target	Completed Date	Delete
Consent (jle)	mm/dd/yyyy form	10/27/2023	<input type="checkbox"/> Delete Next Step
NOTE: See also # 04-21-1421 - TITLE IX - COI (jle)	mm/dd/yyyy form	10/27/2023	<input type="checkbox"/> Delete Next Step
COI - TITLE IX: [REDACTED]	mm/dd/yyyy form	10/27/2023	<input type="checkbox"/> Delete Next Step
WEEKLY Submit report for week of 11.13.23. (jle)	mm/dd/yyyy form	10/27/2023	<input type="checkbox"/> Delete Next Step
Weekly Report Entry sent by TL	mm/dd/yyyy form	11/3/2023	<input type="checkbox"/> Delete Next Step
LON/DRL submitted to TL for review	mm/dd/yyyy form	1/30/2024	<input type="checkbox"/> Delete Next Step
Original LON/DRL to team for follow-up (MBS)	mm/dd/yyyy form	3/22/2024	<input type="checkbox"/> Delete Next Step
Draft LON/DRL to team for follow-up (MBS)	mm/dd/yyyy form	3/27/2024	<input type="checkbox"/> Delete Next Step
LON with HQ's feedback returned to team for follow-up, along with background documents (MBS)	mm/dd/yyyy form	4/17/2024	<input type="checkbox"/> Delete Next Step
Team to finalize and issue LON/DRL per email from ED [REDACTED] on which TL was copied. (MBS)	mm/dd/yyyy form	4/29/2024	<input type="checkbox"/> Delete Next Step
Added disability issue for [REDACTED] consistent with HQ guidance	mm/dd/yyyy form	4/30/2024	<input type="checkbox"/> Delete Next Step

EXHIBIT S



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

September XX, 2025

By email only to [REDACTED]

Dr. [REDACTED]
Superintendent
Fulton County Schools
Atlanta, Georgia

Re: Fulton County Schools– OCR Complaint Number 04-24-1055

Dear Superintendent [REDACTED]

On October 26, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the above-referenced complaint filed against Fulton County Schools (District). The complaint alleges that the District discriminated on the basis of sex against the Complainant [REDACTED] and the [REDACTED] Student, a student at [REDACTED] Middle School (School). Specifically, the Complainant alleges that the District has discriminated against the Complainant and the Student [REDACTED]

[REDACTED] 2023.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department, the District must comply with Title IX and its implementing regulation. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. Additionally, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department and a public entity, the District must comply with Title IX, Section 504, Title II, and their implementing regulations.

OCR is dismissing this complaint under Section 108(a) of OCR's [Case Processing Manual \(CPM\) \(Feb. 19, 2025\)](#). Under Section 108(a) of OCR's Case Processing Manual, OCR will dismiss an allegation when the allegation, on its face or as clarified, fails to state a violation of one of the laws and regulations OCR enforces. OCR has determined that the complaint allegations do not state a violation of Title IX, Section 504, or Title II. Therefore, OCR is dismissing this complaint consistent with Section 108(a) of the CPM as of the date of this letter.

[Draft Dismissal Letter: Page 1 only]

EXHIBIT T

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **11221508**

Last Updated: 08/14/2025

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 1294 Days

Updated By: ED [REDACTED]

View History Of Updates

Office *	Metro	▼
Team	Team II	▼
Case Type *	Complaint	▼
Institution *	E&S	▼
Current Stage	Investigation	▼
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket	
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan	

Recipient Name	SPARTANBURG COUNT'
Received Date *	08/15/2022	📅
Resolved Date	mm/dd/yyyy form	📅
No Further OCR Action	mm/dd/yyyy form	📅
Resolution Type		
Associated Docket		



- Stage
- Issues
- Monitoring
- Status
- Recipient
- Contacts
- Complainant
- OCR Staff
- Docs
- Doc Upload

Issues

<input type="checkbox"/> Title VI Race	<input type="checkbox"/> Title VI Color	<input type="checkbox"/> Section 504	<input type="checkbox"/> Age	<input type="checkbox"/> No Jurisdiction
<input type="checkbox"/> Title VI National Origin	<input checked="" type="checkbox"/> Title IX	<input type="checkbox"/> Title II	<input type="checkbox"/> Boy Scouts	<input type="checkbox"/> Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.71-2 Retaliation

Systemic:

Resolution:

Resolution Date: mm/dd/yyyy form

Post Monitoring Code:

Post Monitoring Date: mm/dd/yyyy form

EXHIBIT T



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

December 12, 2022

By email only to [REDACTED]

[REDACTED]
Superintendent
Spartanburg School District One
P.O. Box 218
Campobello, South Carolina 29322

Re: Case No. 11-22-1508
Spartanburg County School District One

Dear [REDACTED]

On August 15, 2022, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against Spartanburg County School District One. The Complainant filed the complaint on behalf of a student who attends [REDACTED] School, whom we will refer to as the Student. The Complainant alleged that the District retaliated against the Student after the Complainant filed complaints with OCR on September 24, 2021 and January 7, 2022 regarding alleged discrimination on the basis of sex by, in August 2022, preventing the Student from enrolling in [REDACTED] in Spartanburg County School District Five for the 2022-2023 school year.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws. The District receives federal financial assistance from the Department of Education, so OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrepm.pdf>. More information about OCR's complaint processing procedures can be found at <http://www.ed.gov/ocr/complaints-how.html>.

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www.ed.gov

[Notification Letter: Page 1 only]

EXHIBIT T

Gender Identity Dismissals - Spartanburg 11-21-1382, 11-22-1159, and 11-22-1508

To: [Redacted]
Cc: [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]

C-DISMLETTER-Spartanburg Gender Identity Cases.docx.DRF .DRF File
 R-DISMLETTER-Spartanburg Gender Identity Cases.docx.DRF .DRF File

Reply Reply All Forward

Tue 12/17/2024 4:40 PM

Hi [Redacted],

Attached are draft dismissal letters addressing three complaints filed by the same complainant against Spartanburg School District One, located in the injunction state of South Carolina. I included comment bubbles in the complainant letter explaining why the allegations are based on gender identity. Please let us know if you have any questions or would like to discuss.

Thanks,
[Redacted]

Completed Step

Completed Step	Date	Delete
Acknowledgement Letter Sent	8/24/2022	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	12/6/2022	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure accepted by H	12/12/2022	<input type="checkbox"/> Delete Completed Step
Notification Letter Issued (or other Notice to Recipient)	12/12/2022	<input type="checkbox"/> Delete Completed Step
Data Received	8/7/2023	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	12/17/2024	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure not accepted, i	1/12/2025	<input type="checkbox"/> Delete Completed Step

Add New Completed Step

Save Case

[Email with draft dismissal letters sent to headquarters, but rejected]

EXHIBIT U

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **11231709**

Last Updated: 08/18/2025

Note: The "*" notes a required field.

Save Case

Resolution Processing Age 923 Days

Updated By: ED [REDACTED]

View History Of Updates

Office *	Metro	Recipient Name	CHARLESTON COUNTY
Team	Team V	Received Date *	08/22/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input checked="" type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		



- Stage
- Issues
- Monitoring
- Status
- Recipient
- Contacts
- Complainant
- OCR Staff
- Docs
- Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction

Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-99 Different Treatment/Exclusion/Denial of Benefits (other)

Systemic:

Resolution: [REDACTED]

Resolution Date: mm/dd/yyyy form

Post Monitoring Code: [REDACTED]

Post Monitoring Date: mm/dd/yyyy form

EXHIBIT U



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

July 23, 2024

By email only to [REDACTED]

[REDACTED]
Acting Superintendent
Charleston County School District
75 Calhoun Street
Charleston, SC 29401

Re: Case No. 11-23-1709
Charleston County School District

Dear [REDACTED]

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint on August 22, 2023 against Charleston County School District. The Complainant filed the complaint on behalf of a student at [REDACTED] School, whom we will refer to as the Student. The Complainant alleged that the School District discriminated against the Student on the basis of sex by [REDACTED] 2023.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance. The School District receives federal financial assistance from the Department of Education, so OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the School District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. More information about OCR's complaint processing procedures can be found at <http://www.ed.gov/ocr/complaints-how.html>.

When appropriate, a complaint may be resolved before the conclusion of an investigation if the school district expresses an interest to OCR in resolving the allegation(s) and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement

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www.ed.gov

[Notification Letter: Page 1 only]

EXHIBIT U

Gender Identity Dismissal - Charleston County 11-23-1709

To: [REDACTED]

Cc: [REDACTED]

← Reply ← Reply All → Forward ⋮

Tue 12/17/2024 5:03 PM

📧 You replied to this message on 12/18/2024 7:45 AM.

C-DISMLETTER Charleston 11-23-1709.docx.DRF .DRF File

R-DISMLETTER Charleston 11-23-1709.docx.DRF .DRF File

Hi [REDACTED]

Attached are draft dismissal letters for a complaint against Charleston County School District, located in the injunction state of South Carolina. Please let us know if you have any questions.

Thanks,
[REDACTED]

Docket # **11231709**

Last Updated: 08/18/2025

Resolution Processing Age: 923 Days

Updated By: ED [REDACTED]

[View History Of Updates](#)

Office *	Metro	Recipient Name	CHARLESTON COUNTY SCHC
Team	Team V	Received Date *	08/22/2023
Case Type *	Complaint	Resolved Date	mm/dd/yyyy form
Institution *	I&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Investigation	Resolution Type	
<input type="checkbox"/> Charter School <input type="checkbox"/> Voc Ed <input type="checkbox"/> Alternative School <input checked="" type="checkbox"/> Flag/Monthly Docket		Associated Docket	

Completed Step	Date	Delete	
Acknowledgement Letter Sent	8/22/2023		<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	1/12/2024		<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure accepted by HQ or Office Direr.	7/22/2024		<input type="checkbox"/> Delete Completed Step
Data Request Letter Sent	7/23/2024		<input type="checkbox"/> Delete Completed Step
Notification Letter issued (or other Notice to Recipient)	7/23/2024		<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	12/17/2024		<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure not accepted, returned to office	1/12/2025		<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	8/12/2025		<input type="checkbox"/> Delete Completed Step

[Email with draft dismissal letters sent to headquarters, but rejected]

EXHIBIT V

Office for Civil Rights - Case Management System

Case Edit

This system contains Controlled Unclassified Information (CUI).

[Return to Search Results](#)

Docket # **05241363**
Last Updated: 05/27/2025

Note: The "*" notes a required field.

Resolution Processing Age 266 Days

Updated By: ED [REDACTED]

Save Case

View History Of Updates

Office *	Denver	Recipient Name	Owasso Public Schools
Team	Team D	Received Date *	02/21/2024
Case Type *	Complaint	Resolved Date	11/13/2024
Institution *	E&S	No Further OCR Action	mm/dd/yyyy form
Current Stage	Monitoring	Resolution Type	Closure with Change
<input type="checkbox"/> Charter School	<input type="checkbox"/> Voc Ed	Associated Docket	
<input type="checkbox"/> Alternative School	<input type="checkbox"/> Flag/Monthly Docket		
<input type="checkbox"/> Magnet School	<input type="checkbox"/> Strategic Plan		

Target 30 days: 3/22/2024 135 days: 7/5/2024 180 days: 8/19/2024
100%

Stage Issues Monitoring Status Recipient Contacts Complainant OCR Staff Docs Doc Upload

Issues

- Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-4.3 Sexual Harassment (physical harassment or intimidation)

Systemic:

Resolution: S303b Resolution agreement after investigation (non-compliance determination.)

Resolution Date: 11/13/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - Other Disability Basis

Issues: 104.4-3.2 Disability Harassment (assault)

Systemic:

Resolution: S303a Insufficient evidence of non-compliance determination.

Resolution Date: 11/13/2024

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

EXHIBIT V



Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools

As a public service, the Office for Civil Rights (OCR) publishes this list of elementary-secondary and post-secondary institutions that are currently under investigation. OCR updates the list weekly.

An institution named on this list means that OCR has initiated an investigation of a case concerning that institution. Inclusion on the list does not mean that OCR has made a decision about the case. For more information about OCR's case processes, please refer to [OCR's Case Processing Manual](#).

Last Updated: January 14, 2025
Updated every Tuesday

State
OK

Basis of Discrimination
- Any -

Type of Discrimination
- Any -

Specific Date
mm/dd/yyyy

Show
20

Institution
- A -

Institution
- A -

Open Investigation Date
▼

Search
Reset

State	Institution	Institution	Type of Discrimination	Open Investigation Date
OK	TULSA PUBLIC SCHOOLS			07/24/2024
OK	CHOCTAW-NICOMA PARK PUBLIC SCHOOLS			07/17/2024
OK	CHOCTAW-NICOMA PARK PUBLIC SCHOOLS			07/17/2024
OK	CHOCTAW-NICOMA PARK PUBLIC SCHOOLS			07/17/2024
OK	CHOCTAW-NICOMA PARK PUBLIC SCHOOLS			07/17/2024
OK	PUTNAM CITY PUBLIC SCHOOLS			07/01/2024
OK	PUTNAM CITY PUBLIC SCHOOLS			06/18/2024
OK	FAIRLAND PUBLIC SCHOOLS			06/17/2024
OK	FAIRLAND PUBLIC SCHOOLS			06/17/2024
OK	SAYRE PUBLIC SCHOOLS			06/11/2024
OK	SAYRE PUBLIC SCHOOLS	ESE	Disability - Retaliation	06/11/2024
OK	ENID PUBLIC SCHOOLS	ESE	Disability - FAPE	06/06/2024
OK	JENKS PUBLIC SCHOOLS	ESE	Disability - FAPE	05/03/2024
OK	JENKS PUBLIC SCHOOLS	ESE	Title VI - Racial Harassment	05/03/2024
OK	JENKS PUBLIC SCHOOLS	ESE	Title IX - Retaliation	05/03/2024
OK	MUSTANG PUBLIC SCHOOLS	ESE	Title VI - Racial Harassment	04/10/2024
OK	LUTHER PUBLIC SCHOOLS	ESE	Disability - Accessibility	03/15/2024
OK	OWASSO PUBLIC SCHOOLS	ESE	Disability - Disability Harassment	03/01/2024
OK	OWASSO PUBLIC SCHOOLS	ESE	Title IX - Sexual Harassment	03/01/2024
OK	EDMOND PUBLIC SCHOOLS	ESE	Title VI - Racial Harassment	02/21/2024

Displaying 21 - 40 of 134 records

« First « 1 **2** 3 4 5 6 7 » Last »

EXHIBIT V

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: U.S. Department of Education investigation -- Owasso
Date: Thursday, April 25, 2024 10:03:22 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are very grateful you have reached out. We will inquire and make a list of contacts for you to get in touch with. [REDACTED]
Sent from my iPhone

On Apr 24, 2024, at 5:00 PM, [REDACTED] via YouTube [REDACTED] wrote:

Good afternoon,

I am an attorney with the United States Department of Education's Office for Civil Rights (OCR). My office is investigating Owasso Public Schools, including the issue whether the District failed to respond to alleged harassment of students in a manner consistent with the requirements of Title IX, the federal law prohibiting sex discrimination in education. I am reaching out to Oklahomans for Equality in the event that any of the young people your organization serves would like to share information that may be relevant to the federal investigation. In particular, any student who has reported sex-based harassment in Owasso Public Schools and could speak to the District's response—or failure to respond—to such a report would fall within the scope of our investigation.

Please feel free to share my contact information with your staff and members, and encourage anyone who may have relevant information to get in touch. When we interview individuals, particularly minors, we identify them in our case files by designators rather than names—i.e., Student 5, Student 6, etc. This allows witnesses to speak candidly and openly about their experiences.

I would be happy to discuss this request with a member of your staff at your convenience.

Sincerely,

[REDACTED]
Senior Attorney

EXHIBIT W

Owasso Public School District
OCR Docket #05-24-1363
Page 7 of 11

IX. CLIMATE SURVEY

- A. By **April 1, 2025**, the District will develop and conduct a climate survey to be distributed to its students and staff at the School as relates to sexual harassment. The District will use the information gathered in these surveys to inform its actions with respect to its Title IX compliance, including whether any interventions are needed to further improve the school climate. The survey will allow for students and staff to answer the survey anonymously and include questions designed to gather information regarding:
1. Level of perceived safety while accessing District programs and activities;
 2. Knowledge about what constitutes sexual harassment;
 3. Knowledge of the process by which students can make reports of sexual harassment;
 4. The prevalence of sexual harassment at the School;
 5. The willingness to report incidents of sexual harassment to District personnel;
 6. The perception of the District's responding to reports and complaints of sexual harassment; and
 7. Suggestions for reducing incidents of sexual harassment in the School and improving the District's response to reports and complaints of sexual harassment, including disciplinary and supportive measures.

B. REPORTING REQUIREMENTS

1. By **January 15, 2025**, the District will submit to OCR for its review and approval the proposed climate survey and a description of how the District plans to administer the climate survey at the School to maximize the response rate.
2. Within **30** days of OCR's approval of the climate survey, the District will administer the climate survey at the School.
3. Within **60** days after the District administers the climate survey at the School, the District will submit to OCR (a) a report summarizing the results of the survey; and (b) for OCR's review and approval, a description of further action(s), if any, the District proposes to take in response to the survey results.
4. By **May 31, 2025**, the District will submit to OCR documentation that it has taken the further action(s) in response to survey results.

X. COMPLAINT REVIEW

- A. By **January 15, 2025**, the District will review all complaints and reports of alleged conduct that could constitute sexual harassment made from the 2021-2022 through 2023-2024 school years, including any individual files OCR has identified in attached Appendix A, to determine whether the District investigated or otherwise responded to

[Resolution Agreement: Page 11 only]

EXHIBIT W

Resolution Agreement - Appendix A Owasso Public School District OCR Complaint # 05-24-1363

Item X of the Resolution Agreement requires the District review all complaints and reports of conduct that could constitute sexual harassment made from the 2021-2022 through 2023-2024 school years, including those identified herein, to determine whether the District investigated or otherwise responded to each complaint or report consistent with Title IX.

a. *OPS Report and Stop Bullying* online report submissions:

- i. Timestamp: 05/24/2021 at 21:15:57, submitted by [REDACTED]
- ii. Timestamp: 08/28/2021 at 14:30:51, submitted by [REDACTED]
- iii. Timestamp: 10/03/2021 at 13:44:12, submitted by [REDACTED]
- iv. Timestamp: 11/18/2021 at 18:17:59, submitted by [REDACTED]
- v. Timestamp: 01/30/2022 at 21:15:12, submitted by [REDACTED]
- vi. Timestamp: 02/23/2022 at 6:27:06, submitted by [REDACTED]
- vii. Timestamp: 05/05/2022 at 13:47:06, submitted by anonymous
- viii. Timestamp: 02/24/2023 at 8:56:53, submitted by [REDACTED]
- ix. Timestamp: 02/19/2024 at 16:30:08, submitted by [REDACTED]
- x. Timestamp: 02/19/2024 at 23:13:05, submitted by Anonymous
- xi. Timestamp: 02/20/2024 at 6:10:37, submitted by [REDACTED]
- xii. Timestamp: 02/20/2024 at 11:44:48, submitted by [REDACTED]
- xiii. Timestamp: 02/20/2024 at 14:15:36, submitted by Concerned Citizen
- xiv. Timestamp: 02/20/2024 at 16:10:29, submitted by [REDACTED]
- xv. Timestamp: 02/20/2024 at 17:34:16, submitted by anonymous
- xvi. Timestamp: 02/21/2024 at 17:05:23, submitted by anonymous

EXHIBIT W

Timestamp: [REDACTED] 2024 16:10:29

Person Reporting: Community Member

Name: [REDACTED]

School Site: Owasso High School

Date/Time: [REDACTED] /2024 12:00:00 PM

Incident Details: [REDACTED]

Changes to daily routine of reporter or victim: YES

Type of Discrimination: Transphobic

Repeat Offense: YES

Previous Complaint: YES

Inappropriate Behaviors: Gesture, written, or verbal expression

Timestamp: [REDACTED] 2024 17:34:16

Person Reporting: Community Member

School Site: Owasso High School

Date/Time: [REDACTED] /0024 1:00:00 PM

Incident Details: [REDACTED]

Changes to daily routine of reporter or victim: YES

Type of Discrimination: Sexual

Repeat Offense: YES

Previous Complaint: YES

Inappropriate Behaviors: Gesture, written, or verbal expression, Electronic communication: phone, e-mail, photos, social media, tweets, etc., Damaged or stolen property

Timestamp: [REDACTED] /2024 17:05:23

Person Reporting: Community Member

Name: Bigots will go to jail, you let [REDACTED]

Phone: [REDACTED]

School Site: Owasso High School

Date/Time: [REDACTED] 2024 10:00:00 AM

Incident Details: [REDACTED] you're responsible. I'm gonna help the family Sue you. I don't know who the hell you think think you are but this isn't happening. And the cops they're gonna get sued too.

Changes to daily routine of reporter or victim: YES

Type of Discrimination: Sexual

Repeat Offense: YES

Previous Complaint: NO

Inappropriate Behaviors: Gesture, written, or verbal expression, Electronic communication: phone, e-mail, photos, social media, tweets, etc., Damaged or stolen property

EXHIBIT X

Docket # **08221621** Resolution Processing Age 239 Days
Last Updated: 07/18/2024 Updated By: ED [REDACTED] [View History Of Updates](#)

Office *	Denver	Recipient Name	WASHINGTON ELEMENTARY
Team	Team 8	Received Date *	09/29/2022
Case Type *	Complaint	Resolved Date	05/26/2023
Institution *	E&S	No Further OCR Action	05/26/2023
Current Stage	Closed	Resolution Type	Mediation 201 (a) Successful

Charter School Voc Ed
 Alternative School Flag/Monthly Docket
 Magnet School Strategic Plan

Associated Docket

Target: 30 days: 10/29/2022 135 days: 2/11/2023 180 days: 3/28/2023
100%

Stage | Issues | Monitoring | Status | Recipient | Contacts | Complainant | OCR Staff | Docs | Doc Upload

Issues

Title VI Race Title VI Color Section 504 Age No Jurisdiction
 Title VI National Origin Title IX Title II Boy Scouts Unknown

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-5 Gender Harassment (not of a sexual nature)

Systemic:

Resolution: 201 (a) Complainant - Initiated Mediation

Resolution Date: 5/26/2023

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: Title IX - Gender Identity / Transgender

Issues: 106.31-5 Gender Harassment (not of a sexual nature)

Systemic:

Resolution: 201 (a) Complainant - Initiated Mediation

Resolution Date: 5/26/2023

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.33 FAPL

Systemic:

Resolution: 201 (a) Complainant - Initiated Mediation

Resolution Date: 5/26/2023

Post Monitoring Code

Post Monitoring Date: mm/dd/yyyy form

Delete

Specific Basis: 504 Title II - General - Disability

Issues: 104.35 Evaluation and placement

Systemic:

Resolution: 201 (a) Complainant - Initiated Mediation

Resolution Date: 5/26/2023

EXHIBIT X



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

April X, 2023



Sent via email only to [REDACTED]

Re: Washington Elementary School District
OCR Case Number 08-22-1621

Dear [REDACTED]

On September 29, 2022, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received the complaint you filed against Washington Elementary School District (District) alleging discrimination based on sex and disability. In your complaint, you allege that the District [REDACTED] discriminated against [REDACTED] (Student) [REDACTED] when it:

1. subjected the Student to a hostile environment by failing to adequately respond to reports of bullying, teasing, and harassment based on sex stereotypes;
2. denied the Student a free appropriate public education (FAPE) by failing to timely conduct an evaluation to determine whether he was eligible for a Section 504 Plan or Individualized Education Program (IEP); and
3. denied the Student FAPE when it failed to adequately respond to reports of bullying, teasing, and harassment. [REDACTED]

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

Because OCR has jurisdiction over the allegations and the complaint was filed timely, OCR is opening the allegations for investigation. OCR intends to conduct a prompt investigation of the

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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EXHIBIT X

Page 2 – OCR Case Number 08-22-1621

above allegations. Please note that opening allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral factfinder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the *Case Processing Manual (CPM)*.¹ Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

In your complaint and clarifying information provided to OCR, you also allege that the District discriminated against the Student based on sex because the District would not take an action that is consistent with the *Notice of Interpretation – Enforcement of Title IX with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County (Notice of Interpretation)* that OCR issued on June 22, 2021 or the *Confronting Anti-LGBTQI+ Harassment in Schools Fact Sheet (Fact Sheet)* that OCR issued on June 23, 2021. Specifically, you told OCR that the District would not change the Student's name in its Student Information System until the Student legally changed his name, even though the District knew that practice was contrary to OCR's guidance.

Section 110(c) of OCR's CPM states that OCR will close or dismiss an allegation when the allegation is foreclosed by previous decisions of the federal courts. On July 15, 2022, the United States District Court for the Eastern District of Tennessee issued an order stating, in part, that the Department has been preliminarily enjoined and restrained from implementing the Notice of Interpretation and Fact Sheet against the state of Arizona.² Therefore, your allegation that the District is discriminating based on sex by failing to abide by the Notice of Interpretation and Fact Sheet is foreclosed by a decision of a federal court and OCR is dismissing it effective the date of this letter.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against you or any other individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that could constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact [REDACTED] the attorney assigned to this complaint, at [REDACTED] or [REDACTED].

¹ See *Case Processing Manual* (July 18, 2022) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

² See *State of Tenn., et al. v. U.S. Dep't of Educ.*, No. 3:21cv-308.

[Draft Notification Letter: Pages 1-2 only]

EXHIBIT X

Docket # **08221621**
 Last Updated: 07/18/2024

Resolution Processing Age 239 Days
 Updated By: ED [REDACTED]

[View History Of Updates](#)

Office * Denver	Recipient Name WASHINGTON ELEMENTARY
Team Team B	Received Date * 09/29/2022
Case Type * Complaint	Resolved Date 05/26/2023
Institution * E&S	No Further OCR Action 05/26/2023
Current Stage Closed	Resolution Type Mediation 201 (a) Successful
<input type="checkbox"/> Charter School <input type="checkbox"/> Voc Ed <input type="checkbox"/> Alternative School <input type="checkbox"/> Flag/Monthly Docket <input type="checkbox"/> Magnet School <input type="checkbox"/> Strategic Plan	
Associated Docket	



[Stage](#) [Issues](#) [Monitoring](#) [Status](#) [Recipient](#) [Contacts](#) [Complainant](#) [OCR Staff](#) [Docs](#) [Doc Upload](#)

Next Step

Next Step	Target	Completed Date	Delete
Assigned to AM	mm/dd/yyyy form	10/7/2022	<input type="checkbox"/> Delete Next Step
AM asked C for a new consent form because both Sections A and B were filled out on form previously returned.	mm/dd/yyyy form	10/11/2022	<input type="checkbox"/> Delete Next Step
Intake scheduled for 10/17. AM again asked C for consent by 10/19.	mm/dd/yyyy form	10/14/2022	<input type="checkbox"/> Delete Next Step
Consent received	mm/dd/yyyy form	10/17/2022	<input type="checkbox"/> Delete Next Step
AM sent case summary to DC	mm/dd/yyyy form	10/18/2022	<input type="checkbox"/> Delete Next Step
Email sent to AM that allegations were approved for mediation by EM and RW	mm/dd/yyyy form	4/21/2023	<input type="checkbox"/> Delete Next Step
Parties invited to participate in 201(a) mediation	mm/dd/yyyy form	4/24/2023	<input type="checkbox"/> Delete Next Step
Mediation scheduled for 5/25	mm/dd/yyyy form	5/18/2023	<input type="checkbox"/> Delete Next Step

[Add New Next Step](#)

Completed Step

Completed Step	Date	Delete
Acknowledgement Letter Sent	9/29/2022	<input type="checkbox"/> Delete Completed Step
201 (a) Mediation Requested by Complainant	9/29/2022	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure sent to HQ	4/19/2023	<input type="checkbox"/> Delete Completed Step
Recommendation for mediation, opening, negotiation or closure not accepted, returned to office	4/20/2023	<input type="checkbox"/> Delete Completed Step
201 (a) Mediation Approved	4/21/2023	<input type="checkbox"/> Delete Completed Step
201 (a) Mediation Initiated by Sending Statement of Allegations to be Mediated	4/24/2023	<input type="checkbox"/> Delete Completed Step
201 (a) Mediation Concluded – Date Impasse or Agreement Reached	5/25/2023	<input type="checkbox"/> Delete Completed Step

EXHIBIT X

From: [REDACTED]
To: [REDACTED]
Subject: FW: Denver Case - 08-22-1621 - Washington Elementary School District - SOGI case (gender dysphoria)
Date: Friday, April 21, 2023 10:36:19 AM
Attachments: C - Draft LON Partial Dismissal EM v3 to RW.doc.DRF
R - Draft Notification Letter EM v3 to RW.docx.DRF

Hi [REDACTED],

We have received approval to mediate this case under 201(a). The approved language for the four identified allegations is in the attached letters. On Monday, can you please reach out to the District and ask if they are interested in mediating these allegations. Please let me know if you have any questions. Thank you.

[REDACTED]

From: [REDACTED]
Sent: Friday, April 21, 2023 9:32 AM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: FW: Denver Case - 08-22-1621 - Washington Elementary School District - SOGI case (gender dysphoria)

Adding [REDACTED] Thanks, [REDACTED]!

From: [REDACTED]
Sent: Friday, April 21, 2023 11:31 AM
To: [REDACTED]; [REDACTED]; [REDACTED]
[REDACTED]
Subject: Denver Case - 08-22-1621 - Washington Elementary School District - SOGI case (gender dysphoria)

Hi everyone. [REDACTED] has approved the statement of these four allegations and the team contacting the recipient regarding possible mediation of the allegations under 201(a). Please let me know if you have any questions. Best of luck with the mediation.

EXHIBIT X



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582



April X, 2023

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING



Sent via email only to [REDACTED]

Re: Washington Elementary School District
OCR Case Number 08-22-1621

Dear [REDACTED]

On September 29, 2022, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the complaint you filed against Washington Elementary School District (the District). Your complaint alleges that the District discriminated against [REDACTED] (the Student), [REDACTED] based on sex and disability at the [REDACTED] (School) when the District:

1. subjected the Student to [REDACTED];
2. [REDACTED];
3. denied the Student a free appropriate public education (FAPE) by failing to timely conduct an evaluation to determine whether he was eligible for a Section 504 Plan or Individualized Education Program (IEP); and
4. denied the Student a FAPE when the District failed to adequately respond to reports of peer and employee harassment of the Student, [REDACTED]

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive federal financial assistance from the Department; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department and a public entity, the District is subject to these laws and regulations.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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[Notification Letter: Page 1 only]

EXHIBIT X

From: [REDACTED]
To: [REDACTED]
Subject: Response Requested: OCR Case 08-22-1621 (Washington Elementary School District)
Date: Monday, April 24, 2023 1:35:00 PM
Attachments: [Confidentiality Agreement 08221621.pdf](#)
[Mediation Agreement to Participate 08221621.pdf](#)

Hi, [REDACTED] –

I'm writing to follow up regarding your complaint to OCR. In your complaint, and during our phone conversations, you expressed an interest in participating in mediation. If you are still interested, please complete the attached forms and return them to me. If you are no longer interested in mediation, please let me know.

If you and the District agree to participate in mediation, it is OCR's expectation that the parties will schedule and hold the mediation within 30 calendar days of this email.

The allegations approved for mediation are that Washington Elementary School District (the District) discriminated against [REDACTED] (Student), [REDACTED] w [REDACTED] based on sex and disability at the [REDACTED] (School) when the District:

1. subjected the Student to a [REDACTED] [REDACTED] [REDACTED]
2. [REDACTED]
3. denied the Student a free appropriate public education (FAPE) by failing to timely conduct an evaluation to determine whether he was eligible for a Section 504 Plan or Individualized Education Program (IEP); and
4. denied the Student a FAPE when the District failed to adequately respond to reports of peer and employee harassment of the Student, [REDACTED] [REDACTED]

Please note that if mediation is not successful and OCR opens an investigation, OCR retains the discretion to state differently the issues to be investigated.

Please feel free to contact me with any questions.

Thank you,

[REDACTED]

[REDACTED]

She/Her/Hers
Civil Rights Attorney
U.S. Department of Education • Office for Civil Rights

EXHIBIT X

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered into by and between [REDACTED] and Washington Elementary School District No. 6 ("District"), a political subdivision of the State of Arizona, collectively, (the "Parties").

RECITALS

1. WHEREAS, Complainant filed a complaint with the U.S. Department of Education, Office of Civil Rights (OCR) (Case No. 08-22-1621) ("OCR Complaint") and participated in mediation between the parties through OCR on May 25, 2023.
2. WHEREAS, the Parties desire to resolve and finalize all of the claims and disputes asserted in the OCR Complaint and through the date of this agreement.
3. WHEREAS, the District expressly denies any and all liability by District to Complainant on any basis or any improper or unlawful conduct or wrongdoing; and

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions hereinafter set forth, the parties agree as follows:

AGREEMENT

1. **Effect of Agreement.** This Agreement will fully and finally conclude all claims, known or unknown, related to the Parties and through the date of this release.
2. **Terms.** To resolve the dispute, the parties have agreed as follows:
 - a. **Compensatory Services Fund.** The District agrees to provide compensatory services to Student in the total amount of \$3,900.00. [REDACTED]

- b. **Training.** Before the start of the 2023-2024 school year, the District will provide training to District staff to include:

EXHIBIT X

- i. The rights of LGBTQ+ students;
- ii. The difference between sex and gender;
- iii. The importance of utilizing parent approved students' pronouns and preferred names;
- iv. Suicide statistics for LGBTQ+ youth;
- v. Discrimination and hostile environment training and grievance process.

c. **504 Eligibility Referral.** [REDACTED]

- d. **Gender Support Plan.** The Parties will work collaboratively to create a gender support plan for Student by the start of the 2023-2024 school year. The gender support plan will include, but is not limited to, pronouns, preferred names, and restroom preference. [REDACTED]

e. **Communication.** [REDACTED]

3. **Full Release.** Complainant acknowledges and agrees that the consideration set forth herein is reasonable and adequate to settle, waive, and release any and all claims against the District on their own behalf and on behalf of Student. In exchange, Complainant releases and forever discharges the District and its board members, employees, agents, representatives, successors, assigns, insurers, and attorneys from any and all liability, rights, actions, claims, obligations, demands, fees, and costs known or unknown, whether based on IDEA, the Rehabilitation Act, the Americans with Disabilities Act, or any other federal, state or common law that may be filed with any State or Federal agencies (e.g., Arizona Department of Education, Office for Civil Rights) or any State or Federal courts, whether included or not included in the OCR Complaint through the date this Agreement is executed by the Parties. The Parties retain any rights authorized by state or federal law to obtain implementation or enforcement of the terms of this Agreement.
4. **Miscellaneous.** This Agreement supersedes all prior agreements and may only be amended in writing. This Agreement is governing by Arizona law and is enforceable in its courts.
5. **Invalidity.** In the event that a court of competent jurisdiction determines that any provision of this Agreement is invalid, illegal, or unenforceable in any respect, such a determination will not affect the validity, legality, or enforceability of the remaining provisions of this Agreement, and the remaining provisions of this Agreement will continue to be valid and enforceable.