



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

April 30, 2025

Chris Reykdal, Superintendent
Washington Office of Superintendent of Public Instruction
Old Capitol Building
P.O. Box 47200
600 Washington St. SE
Olympia, WA 98504-7200

Via Email to: XXXXXXXXXXXXXXXX

SPPO Case No. 25-0543
OCR Case No. 10258902

Dear Superintendent Reykdal:

Several Washington school districts have reported to the U.S. Department of Education that the Washington Office of Superintendent of Public Instruction (OSPI) has adopted policies that allow male students to participate on girls' athletics teams and enter girls' locker rooms and restrooms, 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. Moreover, OSPI issued a letter of finding to the La Center School District (District), dated February 26, 2025, that raises concerns as to whether OSPI is requiring districts throughout Washington to implement policies that potentially violate federal laws, specifically the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99, and the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, 34 CFR Part 98.

By way of background, on April 4, 2025, the U.S. Department of Education (Department) and the U.S. Department of Justice (DOJ) [announced](#) the creation of the Title IX Special Investigations Team (SIT) to ensure timely, consistent resolutions that protect students, especially female athletes, from the pernicious and generally unlawful conduct performed in school programs and activities in the service of radical gender ideology. Based on information the Department received, the SIT, through the Department's Student Privacy Policy Office (SPPO) and Office for Civil Rights (OCR), is initiating an investigation into OSPI for the following potential violations.

FERPA

FERPA provides that parents have a right to inspect and review their children's education records, which are defined as records that are directly related to a student and maintained by an educational agency or institution, or by a party acting for the agency or institution. 20 U.S.C.

§ 1232g(a)(1)(A); 34 CFR Part 99, Subpart B, and § 99.3 (“Education records”). Once a student reaches 18 years of age or attends a postsecondary institution, all FERPA rights transfer from parents to the student. 34 CFR §§ 99.3 (“Eligible student”) and 99.5. For this notification’s purposes, we assume that the students in question are not “eligible students” and that the parents retain their right to inspect and review their children’s education records under FERPA.

In its letter of finding, OSPI directed the District to adopt the model Gender-Inclusive Schools [policy](#) and [procedure](#) required under [RCW 28A.642.080](#), either in full as a standalone policy and procedure, or by fully incorporating the contents of the model policy and procedure into other District related policies and procedures. While the model procedure (the Procedure) references FERPA, and states that parents have the right under FERPA to request their student’s records, and if requested, a district will provide the records to the parent, it also states that:

Before contacting a student’s parents, the school will consult with the student about the student’s preferences regarding family involvement and consider whether safety concerns are present for the student.

The [Procedure](#) also states that:

Schools may change a student’s official gender designation upon parent or student request pursuant to the Office of the Superintendent of Public Instruction’s (OSPI’s) process.

While referencing a parent’s rights under FERPA, the Procedure could be reasonably interpreted as stating that a student’s rights could supersede a parent’s rights regarding gender status related issues. Indeed, this interpretation is bolstered by the June 5, 2024, OSPI [news release](#) that states:

It is the student’s decision when and if their gender identity is shared, and with whom.

SPPO acknowledges that FERPA does not include an affirmative obligation for districts to notify parents of a student’s stated preference with respect to pronouns. To the extent, however, that a district documents and maintains a student’s preferred pronouns, or develops a gender support plan, under FERPA, a parent must be afforded the right to inspect and review these education records.

Like the La Center School District, Mead School District and Kennewick School District have experienced the same predicament—that is, OSPI directing them to adopt its policies regarding student pronouns that appear to conflict with FERPA or these districts face losing state funding. Accordingly, given the number of local educational agencies likely involved in a similar situation, and to supplement the analysis of the documentation requested in our [March 28, 2025, Dear Colleague Letter](#), pursuant to its authority under 34 CFR § 99.60 and 20 U.S.C. §1232g(f), SPPO is taking appropriate actions to enforce FERPA by conducting an investigation in accordance with, among others, the [procedures](#) outlined in 34 CFR §§ 99.64 and 99.65. This letter serves as the written notification discussed in those procedures.

PPRA

PPRA generally [provides](#) that a local educational agency that receives funds under any applicable program shall develop and adopt policies, in consultation with parents to address the protection of student privacy and parents' rights under PPRA. 20 U.S.C. § 1232h(c)(1).

In its letter of finding, OSPI directed the District, and possibly other districts, to adopt, implement, and train staff on the use of a screening tool designed to identify and eliminate bias related to gender identity and gender expression in all textbooks and instructional materials, including reference materials and audio-visual materials. To the extent this training tool may implicate PPRA, it is unclear what role, if any, a parent would have in terms of consultation with the district's development of the policy regarding the use of such a screening tool, if the policy is written and required by OSPI.

TITLE IX

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, et seq., and its implementing regulations at 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. Pursuant to its regulatory authority, set forth in 20 U.S.C. § 1682 and 34 C.F.R. § 106.81, OCR may initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations that OCR enforces.

Several school boards and districts within Washington state, including Mead School Board, Kennewick School Board, Moses Lake School District 161, Eastmont School District, and Warden Joint Consolidated School District, reported to OCR that OSPI is violating Title IX by adopting policies that permit male student athletes to participate on girls' athletics teams and enter girls' locker rooms and restrooms. OCR received further reports that OSPI has threatened to withhold funding to school districts that refuse to comply with the OSPI policies that violate Title IX and its implementing regulations.

Based on this information, OCR is initiating a directed investigation into OSPI. OCR's directed investigation will examine whether OSPI denies equal athletic benefits and opportunities to female student athletes through general or athletics-specific participation policy(s) that permit, direct, instruct, or require Washington high schools to allow males to participate in girls' interscholastic athletics. As a corollary to this alleged conduct, a potential Title IX violation occurs when a covered entity denies female students female-only intimate facilities, such as sex-segregated locker rooms and bathrooms. Pursuant to its statutory authority, as set forth in 20 U.S.C. § 1682, and if necessary to enforce Title IX, OCR will act to terminate Federal financial assistance or effect compliance by "any other means authorized by law."

SPPO and OCR will contact you within one week with specific requests for data and information relevant to this joint investigation. The Department will create an external sharing site through a SharePoint portal in which the requested documents and information may be uploaded. Please

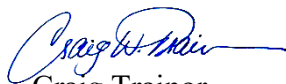
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contact Timothy Mattson at Timothy.Mattson@ed.gov to receive online portal information to upload data.

You may direct questions regarding FERPA and PPRA to FERPA.ComplaintResponse@ed.gov. With respect to Title IX, you may submit questions to OCR Regional Director Brad Burke at Bradley.Burke@ed.gov. Please reference the case numbers in any correspondence.

We look forward to working with you to resolve this investigation as expeditiously as possible.

Sincerely,



Craig Trainor
Acting Assistant Secretary
Office for Civil Rights



Frank E. Miller Jr.
Acting Director
Student Privacy Policy Office