

From: [STATESUP](#)
To: [Kristen Kennedy](#); [Bianca Guzman](#)
Cc: [Kimberly Clarke](#)
Subject: FW: OCR Case Nos. 05-25-4050 & 05-25-1447
Date: Friday, March 21, 2025 8:55:46 AM
Attachments: [ISBE CPS LON - R - signed.pdf](#)
[Data Request - ISBE and CPS.docx.pdf](#)

Please review the message below and attachments and process/reply accordingly. Thank you

From: OCR Denver <OCR.Denver@ed.gov>
Sent: Thursday, March 20, 2025 2:22 PM
To: STATESUP <STATESUP@isbe.net>; 'ceo-martinez@cps.edu' <ceo-martinez@cps.edu>
Subject: OCR Case Nos. 05-25-4050 & 05-25-1447

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Please see attached.

US Department of Education
Office for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

March 20, 2025

Via e-mail only to:

Dr. Tony Sanders
State Superintendent of Education
Illinois State Board of Education
statesup@isbe.net

and

Pedro Martinez
Chief Executive Officer
Chicago Public Schools District 299
ceo-martinez@cps.edu

Re: Illinois State Board of Education - OCR Case Number 05-25-4050
Chicago Public School District 299 - OCR Case Number 05-25-1447

Dear Dr. Sanders and Mr. Martinez:

On March 18, 2025, the United States Department of Education, Office for Civil Rights (OCR), received a complaint against the Illinois State Board of Education (the ISBE) and the Chicago Schools District 299 (the District) alleging discrimination on the basis of sex. The complaint alleged that the Board and the District have policies and practices that force students to share intimate facilities, including restrooms, locker rooms, and overnight accommodations, with members of the opposite sex as a condition of their participation in their education programs and activities, prioritizing “gender identity” over sex.

Pursuant to its regulatory authority set forth in 34 C.F.R. § 106.81, OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations enforced by OCR.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department of Education, the District is subject to Title IX.

OCR's opening of this investigation is not itself evidence of a violation of federal civil rights laws and regulations. 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 in accordance with OCR's [Case Processing Manual \(CPM\) \(February 19, 2025\)](#) and OCR's [Complaint Processing Procedures](#). The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Enclosed at the end of this letter is an initial data request for information needed to process this complaint.

When appropriate, the complaint may be resolved before the conclusion of an investigation when a recipient expresses an interest to OCR to resolve the complaint and OCR determines that it is appropriate to resolve the complaint allegation(s) because OCR's investigation has identified concerns that can be addressed through a resolution agreement. If OCR determines during the course of the investigation that a complaint could be appropriate for mediation, OCR will contact the parties and offer this resolution option.

Please be advised that the ISBE and 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, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

When contacting OCR about this complaint, please include in the subject line of any e-mail correspondence and in any other communication, a reference to the case number at the top of this letter.

Upon receipt of this letter, please notify OCR of the name, address, e-mail address, and telephone number of the person who will serve as the Board's and the District's contact person during OCR's investigation of this complaint. If you have any questions, please contact the staff member who is assigned to investigate this complaint at (303) 844-4128 or me at (303) 844-4821.

Sincerely,

A solid black rectangular box used to redact the signature of Erica R. Austin.

Erica R. Austin
Acting Regional Director

Enclosure

Data Request

Case Number: 05-25-4050 and 05-25-1447
Recipient: Illinois State Board of Education and Chicago Public Schools
School Year: 2024-2025

Please produce the information requested below to the OCR Regional Office in Denver within **20 days from the date of this request, which is April 9, 2025**. OCR requests that you submit information electronically, if feasible. If any of the required items are available to the public on the Internet, you may provide the website address. If you have a question about any information requested below, please contact the attorney named below at the email address below. You may send documents and other information by any of the following means:

SharePoint: OCR may create an external sharing site through a browser-based portal in which the requested documents and information may be uploaded. Please contact Julie Schneider to receive online portal information to upload data.

E-mail: Julie.Schneider2@ed.gov

Mail: US Department of Education, Office for Civil Rights
1244 Speer Blvd, Suite 310
Denver, Colorado 80204

Please do **not** provide the information via an electronic cloud format such as Google Docs. Because e-mail is not reliably secure, please do not e-mail any document that contains personally identifiable or private information without first encrypting this information. You may upload this information using the SharePoint option described above.

Please do not include Social Security numbers in your responses. If any responsive documents or data contain Social Security numbers, please redact them before sending OCR the information.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the issue under investigation. To ensure that OCR can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees preserve the data and documents requested below for the timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case. The regulations implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6, 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 regulations implementing Title IX, at 34 C.F.R. § 106.81.

Please provide the following information, without redactions, for school year (SY) 2024-2025 unless otherwise indicated, or indicate in writing if any of the requested items do not exist.

1. The name, title, and contact information for ISBE or CPS:
 - Contact person for this complaint; and
 - Person authorized to resolve this complaint.
2. A copy of the Board or District's policy, procedure, or practice regarding the assignment of restrooms, locker rooms, and overnight accommodations for field trip or extracurricular activities based on sex.
3. A copy of any complaints the ISBE or CPS received during the 2024-2025 school year from parents or students alleging harassment based on sex when a student of the opposite sex was allowed to use a bathroom, locker room, or overnight accommodations based on their asserted gender identity.
4. Any other documentation or narrative explanation the ISBE or CPS would like OCR to consider in its investigation, including the identification of relevant witnesses. For each individual identified, please provide a name, title, and current contact information.