

Topeka Public Schools will protect the right of privacy of students and their families in connection with any surveys or physical examinations conducted, assisted, or authorized by the board or administration. The district will annually provide parents notice of their rights under the Protection of Pupil Rights Amendment and the Student Data Privacy Act, at the beginning of each school year, and at any other time the school district policies in the area are substantially changed.

I. Student Data Restrictions

A. Any student data submitted to and maintained by a statewide longitudinal student data system shall only be disclosed in accordance with the Student Data Privacy Act. Disclosure of all other student data or student record information maintained is governed by the Family Educational Rights and Privacy Act (“FERPA”) and board policy 8250 and regulation 8250-01 governing Student Records.

B. Annual written notice presented to parents and legal guardians of district students shall:

- 1. Require parent or guardian’s signature; and**
- 2. State student data submitted to and maintained by a statewide longitudinal data system only be disclosed as follows.**

Student data may be disclosed to:

- a. The authorized personnel of an educational agency or the state board of regents who require disclosures to perform assigned duties; and**
- b. The student and the parent or legal guardian of the student, provided the data pertains solely to the student.**

C. Student data may be disclosed to authorized personnel of any state agency, or to a service provider of a state agency, educational agency, or school performing instruction, assessment, or longitudinal reporting, provided a data-sharing agreement between the educational agency and other state agency or service provider provides the following:

- 1. Purpose, scope and duration of the data-sharing agreement;**
- 2. Recipient of student data will use such information solely for the purposes specified in the agreement;**
- 3. Recipient shall comply with data access, use, and security restrictions specifically described in the agreement; and**
- 4. Student data shall be destroyed when no longer necessary for purposes of the data-sharing agreement or upon expiration of the agreement, whichever occurs first.**
 - a. A service provider engaged to perform a function of instruction may be allowed to retain student transcripts as required by applicable laws and rules and regulations. Destruction shall comply with the NISTSP800-88 standards of data destruction.**

- D. Unless an adult student or parent or guardian of a minor student provides written consent to disclose personally identifiable student data, student data may only be disclosed to a governmental entity not specified above or any public or private audit and evaluation or research organization if the data is aggregate data. "Aggregate data" means data collected or reported at the group, cohort, or institutional level and which contains no personally identifiable student data.

The district may disclose:

1. Student directory information when necessary and the student's parent or legal guardian has consented in writing;
2. Directory information to an enhancement vendor providing photography, class ring, yearbook publishing, memorabilia, or similar services;
3. Any information requiring disclosure pursuant to state statutes;
4. Student data pursuant to any lawful subpoena or court order directing such disclosure; and
5. Student data to a public or private postsecondary educational institution for purposes of application or admission of a student to such postsecondary educational institution with the student's written consent.

II. Student Data Security Breach

If there is a security breach or unauthorized disclosure of student data or personally identifiable information submitted to or maintained on a statewide student longitudinal data system, each affected student or the student's parent or legal guardian, if a minor, shall be immediately notified, and an investigation into the causes and consequences of the breach or unauthorized disclosure will be conducted.

III. Biometric Data

- A. The district shall not collect biometric data from a student or use any device or mechanism to assess a student's physiological or emotional state, unless the adult student or the parent or legal guardian of the minor student consents in writing. "Biometric data" includes measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.
- B. Nothing in this policy shall prohibit the collection of audio voice recordings, facial expression information, and student handwriting for:
1. Provision of counseling or psychological services,
 2. Conducting student threat assessments,
 3. Completing student disciplinary investigations or hearings

4. Conducting child abuse investigations.

IV. Select Student Surveys

- A. No nonacademic test, questionnaire, survey, or examination containing any questions about the personal and private attitudes, values, beliefs or practices of the student or the student's parents, guardians, family members, associates, friends or peers shall be administered to any kindergarten through 12th grade student unless the parent or guardian:
1. Is notified in writing not more than four months in advance of the administration of such test, questionnaire, survey, or examination; and
 2. Gives written or electronic signature consent or, in the event of an emergency, gives verbal consent for the student to participate.
- B. Advance notification to a parent or guardian must include:
1. A copy of the test, questionnaire, survey or examination to be administered;
 2. Information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey, or examination;
 3. The name of the company or entity that produces or provides the test, questionnaire, survey, or examination to the school; and
 4. Whether the school will receive or maintain any resulting data and an explanation of how the school intends to use and maintain such data.

For written consent to be accepted, timely notice in compliance with this policy must be provided, and the parent or guardian must have had an opportunity to review the information. Written consent must be provided separately for each individual test, questionnaire, survey, or examination administered. Prior to administering any such test, questionnaire, survey, or examination, a copy of it must be posted on the district's website.

A student has the right to refuse to take any nonacademic test, questionnaire, survey, or examination at any time, regardless of the receipt of parent or guardian consent to participate. Prior to administering any such test, questionnaire, survey, or examination, each student shall be informed of their right to refuse to take it and that the student will not suffer any adverse consequences based on their refusal.

No personally identifiable student data shall be collected through any such test, questionnaire, survey, or examination.

Except as otherwise provided in this policy, this policy shall apply to any nonacademic test, questionnaire, survey, or examination administered or proposed to be administered to any student by any school district employee including, but not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.

If any district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers, or another school district employee, school personnel designated to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse. Prior to the administration of any such risk assessment or screening, the designated staff member shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain consent.

The designated staff member may administer the risk assessment or screening tool without such consent after reasonable attempts to notify the parent or guardian and efforts to obtain consent are documented. If a risk assessment or screening tool is administered without the parent or guardian's consent, the designated staff member shall notify the parent or guardian of the assessment or screening as soon as contact with the parent or guardian is made and provide the parent or guardian with all the information obtained from the risk assessment or screening tool.

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- 1. Purpose, scope and duration of the data-sharing agreement;**
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 1. Is notified in writing not more than four months in advance of the administration of such test, questionnaire, survey, or examination; and
 2. Gives written or electronic signature consent or, in the event of an emergency, gives verbal consent for the student to participate.
- B. Advance notification to a parent or guardian must include:
 1. A copy of the test, questionnaire, survey or examination to be administered;
 2. Information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey, or examination;
 3. The name of the company or entity that produces or provides the test, questionnaire, survey, or examination to the school; and
 4. Whether the school will receive or maintain any resulting data and an explanation of how the school intends to use and maintain such data.

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A student has the right to refuse to take any nonacademic test, questionnaire, survey, or examination at any time, regardless of the receipt of parent or guardian consent to participate. Prior to administering any such test, questionnaire, survey, or examination, each student shall be informed of their right to refuse to take it and that the student will not suffer any adverse consequences based on their refusal.

No personally identifiable student data shall be collected through any such test, questionnaire, survey, or examination.

Except as otherwise provided in this policy, this policy shall apply to any nonacademic test, questionnaire, survey, or examination administered or proposed to be administered to any student by any school district employee including, but not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.

If any district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers, or another school district employee, school personnel designated to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse. Prior to the administration of any such risk assessment or screening, the designated staff member shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain consent.

The designated staff member may administer the risk assessment or screening tool without such consent after reasonable attempts to notify the parent or guardian and efforts to obtain consent are documented. If a risk assessment or screening tool is administered without the parent or guardian's consent, the designated staff member shall notify the parent or guardian of the assessment or screening as soon as contact with the parent or guardian is made and provide the parent or guardian with all the information obtained from the risk assessment or screening tool.

No person shall be subjected to unlawful discrimination as prohibited by the laws of the state of Kansas and the United States, including discrimination on the basis of race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender, gender identity or expression, disability, or age. No person shall be denied the benefit of or be subjected to unlawful discrimination under any academic, counseling, research, occupational training, or any other educational program or activity provided by Unified School District No. 501. No person shall be subjected to retaliation for making a complaint alleging unlawful discrimination.

No person shall be subjected to harassment on any protected ground by any school district employee. No student shall subject another student or any school district employee to harassment on any protected ground. No person shall be subjected to retaliation for making a harassment complaint.

The building principal has the primary responsibility for working with students in establishing the rules, regulations, and bylaws that shall govern any school-sponsored student organization. Such rules shall be nondiscriminatory, provide an equal opportunity for representation and allow membership to all students regardless of race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender, gender identity or expression, disability, or age .

Any school-sponsored organization having a limited membership shall provide for selection and/or election procedures that ensure representation for all racial and ethnic groups served by the school. This representation should approximate the percentage of the racial and ethnic groups enrolled in the school. Ensured representation shall not apply to those activities in which performance skills are the primary criteria for selection.

The Topeka Public Schools do not discriminate on the basis of race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender, gender identity or expression, disability, or age in its services, programs or activities and provides equal access to the Boy Scouts and other designated youth groups. The Clerk of the Board of Education has been designated to receive and redirect or handle inquiries regarding nondiscrimination policies and procedures. The Clerk may be reached by calling (785) 295-3045 or by writing to 624 SW 24th Street, Topeka, Kansas 66611.

The U.S. Department of Education provides investigation and mediation services to enforce federal laws governing public education through their Office for Civil Rights (OCR). OCR may be contacted at: One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106 or by calling (816) 268-0550 or via email at OCR.KansasCity@ed.gov.

TOPEKA PUBLIC SCHOOLS	REGULATION NO.: 8100-01
SUBJECT: NONDISCRIMINATION	DATE OF ISSUE: 06/18/80 <hr/> REVISIONS: 06/05/09; 06/17/10; 11/04/11; 08/17/15; 06/25/18 <hr/> PREPARING OFFICE: TEACHING, LEARNING & ADMINISTRATION

I. PURPOSE :

To establish procedures for ensuring the implementation of the Board of Education's policy pertaining to nondiscrimination consistent with the requirements of federal and state law.

II. PROCEDURES:

A. Title IX

1. Course Offerings

Course offerings or other educational activities may not be provided separately on the basis of gender, unless the course deals with human sexuality. Participation in other courses and educational activities cannot be denied because of a student's gender.

Within classes, students may be separated by gender for contact sports (including but not limited to wrestling, rugby, basketball, football). Within classes, students may be grouped by ability or vocal range, even if such groupings result in single-gender or primarily single-gender groups. Gender may not, however, be the criterion for such groupings.

2. Counseling and Counseling Materials

Schools may not discriminate against any person on the basis of gender in the counseling or guidance of students.

3. Facilities

A school may provide comparable separate toilet, locker room, and shower facilities on the basis of gender.

4. Athletics

No person shall, on the basis of gender, be excluded from participation in, be denied benefits of, or be treated differently from another person in any interscholastic club or intramural athletics offered by a school.

Separate teams may be operated where and when:

NONDISCRIMINATION

- a. Selection for such teams is based on competitive skill; and
- b. The activity involved is a contact sport (including but not limited to wrestling, rugby, football, basketball).

5. Grievance Procedure

Students who wish to file a grievance or complaint alleging a violation of Title IX should follow the procedures in Regulation 8050-2. The Title IX compliance coordinator is the Superintendent and/or Superintendent's designee, and may be contacted at 624 SW 24th Street, Topeka, KS 66611-1294, (785) 295-3000.

6. Sexual Harassment

See Policy 8110.

B. Section 504

1. No otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in or be denied the benefits of: any course offering or other educational activity; any extracurricular activity; or any counseling or other special service available to all persons. An "otherwise qualified person" is one who is able to meet all requirements of the course, activity, or program in spite of his/her disability.

2. Facilities

Schools shall provide reasonable access to facilities for all handicapped or disabled persons by means of reasonable accommodation. Any requests to modify district facilities or equipment shall be forwarded to the Superintendent and/or the Superintendent's designee for investigation and for review by the school district's facilities committee prior to making any modifications.

3. Grievance Procedure

Students who wish to file a grievance or complaint under this policy and regulation follow the procedures in Regulation 8050-2.

4. Harassment on the Basis of Disability

See Policy 8110

C. Notice of Nondiscrimination

The following notice of non-discrimination shall be published in an easily visible location in all publications containing general information about the Topeka Public Schools, including all announcements; bulletins; handbooks; catalogs; or application forms which are made available to students, their parents and other interested persons:

NONDISCRIMINATION

The Topeka Public Schools, Unified School District No. 501 is committed to affirmative action and equal opportunity. No person shall, on the basis of race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender, gender identity or expression, disability, or age be denied lawful access to any appropriate educational service, program or activity provided by the school district. The Title VI and Title IX compliance coordinator is the Superintendent and/or the Superintendent's designee. The Section 504/Title II compliance coordinator is the Superintendent and/or Superintendent's designee. For employment, the EEO/AA officer is the general director of human resources. All compliance coordinators may be contacted at 624 SW 24th Street, Topeka, KS 66611-1294, (785) 295-3000. The clerk of the Board of Education has been designated to receive and redirect or handle inquiries regarding nondiscrimination policies, regulations and procedures. The clerk may be contacted by calling (785) 295-3045 or by writing to 624 SW 24th Street, Topeka, Kansas 66611-1294.

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 8100-2
SUBJECT: STUDENT ACTIVITIES AND ORGANIZATIONS	DATE OF ISSUE: 06/18/80; 06/17/10 <hr/> REVISIONS: 02/12/85 <hr/> PREPARING OFFICE: INSTRUCTION AND LEARNING

I. PURPOSE:

To establish the procedures for administration of student activities and organizations.

II. PERSONNEL AFFECTED

A. Building Administrators

B. Activity Sponsors

C. Students

III. PROCEDURE:

A. The written constitution and bylaws of any school-sponsored student organization shall be filed with the building principal.

B. The procedures for the selection or election of students in school-sponsored student organizations having a limited membership shall be filed with the Instruction and Learning Division. Changes to selection and/or election procedure must be submitted to the Instruction and Learning Division prior to the beginning of the school term.

C. Examples of organizations which should ensure a percentage of minority students are: cheerleading, drill teams, and student government. Athletic teams are not affected by this policy.

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 8100-03
SUBJECT: GUIDELINES FOR TRANSGENDER STUDENTS AT SCHOOL	DATE OF ISSUE: 08/17/15 <hr/> REVISIONS: 06/25/18 <hr/> PREPARING OFFICE: TEACHING/LEARNING/ADMINISTRATION

I. PURPOSE

School district policy requires that students be free from discrimination based on sex, sexual orientation, gender identity, or gender expression. The purpose of this regulation is to create a safe learning environment for all students by providing guidelines for schools and district staff to address the needs of transgender and gender nonconforming students. These guidelines cannot anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student’s social integration and minimizing stigmatization of the student.

II. DEFINITIONS

The definitions provided here are not intended to label students but rather to assist in understanding. Students might or might not use these terms to describe themselves.

- A. “Gender identity” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- B. “Transgender” describes people whose gender identity is different from their gender assigned at birth.
- C. “Gender expression” refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- D. “Gender nonconforming” describes people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and those who are perceived as androgynous.

III. GUIDELINES

- A. Privacy.** All persons, including students, have a right to privacy. This includes the right to keep one's transgender status or gender nonconforming presentation private at school.
1. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure.
 2. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.
- B. Official Record.** The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender.
1. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order.
 2. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.
 3. School records that are not permanent official records may be amended to reflect the student's preferred name and gender identity.
- C. Names/Pronouns.**
1. A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.
 2. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of these guidelines.
- D. Gender-Segregated Activities**

GUIDELINES FOR TRANSGENDER STUDENTS AT SCHOOL

1. To the extent possible, schools should reduce or eliminate the practice of segregating students by gender.
2. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

E. Student Information Systems

The record of a student in the student information system should be modified to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.

F. Restroom Accessibility

1. Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school.
2. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided access to a single stall restroom, but no student shall be required to use such a restroom.

G. Locker Room Accessibility

1. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student.
2. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school.
3. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

H. Physical Education Classes & Intramural Sports

1. Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

GUIDELINES FOR TRANSGENDER STUDENTS AT SCHOOL**I. Interscholastic Competitive Sports Teams**

1. Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the rules and regulations of the Kansas State High School Activities Association.
2. PROCEDURES:
 - a. Notice to the School: The student and/or parents of a transgender student shall contact the school principal or athletic director indicating that the student desires to participate in activities in a manner consistent with his or her gender identity.
 - b. Upon notice that a student desires to participate in activities in a manner consistent with the student's gender identity, the athletic director or school principal shall notify the Kansas State High School Activities Association (KSHSAA), prior to entering the student in the KSHSAA eligibility system and allowing participation.
 - c. Once a student elects to participate on a team consistent with their gender identity, the student must participate in that gender category in all sports for the remainder of their scholastic eligibility in grades 7-12. Annual renewal is not required.
 - d. In the event of a dispute over the student's participation, the KSHSAA Executive Board will make final rulings.

J. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

K. Discrimination/Harassment

Transgender and gender nonconforming students have a right to a safe school environment. Discrimination or harassment based on gender identity or gender expression is expressly prohibited by school district policy. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity shall be handled in the same manner as other discrimination or harassment complaints. (See Regulation 8050-02).

L. Transferring a Student to Another School

1. In general, schools should aim to keep transgender and gender nonconforming students at their home school site. Transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent.
2. If transfer is proposed, the student or the student's parent or guardian must consent to any such transfer.

BULLYING

The Board of Education is committed to providing a positive and productive learning and working environment. Bullying, hazing, harassment, intimidation, or menacing by students, staff or third parties, including parents or guardians, is strictly prohibited and shall not be tolerated in the district. The Board of Education hereby prohibits bullying in any form including electronic means (cyberbullying as defined by K.S.A. 72-8256) while on or utilizing school property, in a school vehicle or at a school-sponsored activity or event. The superintendent of schools shall propose, and the Board shall review and approve, a plan to address bullying while on or utilizing school property, in school vehicles or vehicles of contracted transportation providers or at a school-sponsored activity or event. The plan shall include provisions for the training and education of staff members and students and shall include appropriate community involvement as approved by the Board.

For purposes of this policy:

A. Bullying means:

1. Any intentional gesture of any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that such gesture, act or threat creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:
 - a. Harming a student or staff member, whether physically or mentally;
 - b. Damaging a student or staff member's property
 - c. Placing a student's or staff member in reasonable fear of harm to the student or staff member; or
 - d. Placing a student or staff member in reasonable fear of damage to student's or staff member's property.
2. Cyberbullying, which means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

- B. Parent includes a guardian, custodian or other person with authority to act on behalf of the child.**

ATTENDANCE REQUIREMENTS (continued)

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board of Education.

Individuals who violate this policy may also be referred to law enforcement officials.

DISCRMINATORY HARASSMENT: STUDENTS

The Board of Education is committed to providing a positive and productive learning and working environment, free from discrimination on the basis of sex or gender, including sexual harassment; discrimination on the basis of race, color or national origin, including racial harassment; and discrimination on the basis of disability, including of harassment on the basis of disability.

Harassment on any of these grounds of employees or students of the district by Board members, administrators, certificated and support personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited. Discrimination on the basis of sexual orientation, gender identity, gender expression or religion, including harassment on that basis is also prohibited.

A. RACIAL HARASSMENT

Racial Harassment is racially motivated conduct which:

1. Affords a student different treatment, solely on the basis of race, color or national origin, in a manner which interferes with or limits the ability of the student to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile academic environment; or
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with a student's academic performance or ability to participate in or benefit from the services, activities or programs of the school.

Racial harassment may result from verbal or physical conduct or written graphic material.

Racial Harassment is unlawful discrimination on the basis of race, color or national origin under Titles VI and VII of the Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. All forms of racial harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events. Racial harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

B. SEXUAL HARASSMENT

The board of education is committed to providing a positive and productive learning and working environment, free from discrimination on the basis of sex, including sexual harassment. The district does not discriminate on the basis of sex in admissions, employment, or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated in the school district. Discrimination on the basis of sex of employees or students of the district by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs, or events within the United States.

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Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following: (1) A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct; (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include, but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades, participation in extra-curricular activities, etc.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any time.

General Counsel, 624 SW 24th Street, Topeka, KS 66611, (785) 295-3028, has been designated to coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1967, and the Kansas Act Against Discrimination. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the Title IX Coordinator. Inquiries about the application of Title IX to the district may be referred to the Title IX Coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800)421-3481, or at OCR@ed.gov; or both.

Response to Harassment Complaints

The district takes all reports of sexual harassment seriously and will respond meaningfully to every report of discrimination based on sex, including sexual harassment, of which the district has actual knowledge. Any students who believe that he or she has been subjected to sexual harassment should report the alleged harassment to the building principal, another administrator, the guidance counselor, the Title IX Coordinator, or another licensed staff member. All employees receiving reports of sexual harassment from a student shall notify the Title IX Coordinator.

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Definitions

The following definitions apply to the district in responding to complaints of sexual discrimination including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

- The “complainant” means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.
- “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.
- The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.
- “Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.
- A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment.
- The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.
- A “respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- “Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.
- The “Title IX Coordinator” is the individual designated at the district level who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance, creating systems to centralize records, gathering relevant data, contacting the complainant (and/or parents or

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guardians, if applicable) once the district has actual knowledge of alleged sexual harassment, coordinating the implementation of supportive measures, signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment; the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes; and how to serve impartially, including by avoiding prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor, building administrator, or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate district officials may face disciplinary action. District officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable student conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct.

If discrimination or harassment has occurred, the district will take prompt, remedial action to stop it and prevent its recurrence.

The Title IX Coordinator shall promptly respond in a meaningful way to any reports of sexual discrimination including sexual harassment of which the district has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

Supportive Measures

The district will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the

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education program or activity without unreasonably burdening the other party. “Supportive Measures” shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the district’s educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Formal Complaint

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district concerning which the formal complaint is filed.
- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- An investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the board. The investigation shall be thorough. All interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

Formal Complaint Notice Requirements

Upon filing of a formal complaint, the district shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
 - the identities of the parties involved, if known;
 - the conduct allegedly constituting sexual harassment; and
 - the date and location of the alleged incident, if known.
- An explanation of the district’s investigation procedures, including any informal resolution process;

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- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
- Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
- Notice to the parties of any provision in the district's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice of the additional allegations shall be provided to known parties.

Formal Complaint Investigation Procedures

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate;
- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;
- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondents;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

Formal Complaint Investigation Report

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of the evidence standard to determine responsibility.

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Decision-Maker's Determination

Upon receiving the investigator's report, the decision-maker must make a determination regarding responsibility and afford each party the opportunity to submit written, relevant questions that the parties want asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps taken, including any notifications to the parties, site visits, methods used to gather evidence, and interviews;
- Include the findings of fact supporting the determination;
- Address any district policies and/or conduct rules which apply to the facts;
- Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the district to the complainant; and
- The procedures and permissible bases for the complainant and/or respondent to appeal the determination.

A copy of the written determination shall be provided to both parties simultaneously.

The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made. The Title IX Coordinator is responsible for the effective implementation of any remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed; or on the date the opportunity for an appeal expires.

Appeals

The complainant or respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or

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- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.

The request to appeal shall be made in writing to the Title IX Coordinator within 20 days after the date of the written determination. Appeals shall be on the record and heard by an attorney, an independent hearing officer appointed by the board, or the board. The appeal decision-maker may not be the Title IX Coordinator, the Investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, and information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the investigation of the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process;
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

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If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies, including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

The filing of a complaint or otherwise reporting sex discrimination including sexual harassment shall not reflect upon the individual's status or grades. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving sex discrimination, including sexual harassment, is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each district facility shall be published in student handbooks, and on the district's website as directed by the Title IX Coordinator. Notification of the policy may include posting informational notices, publishing in local newspapers, publishing in newspapers and magazines operated by the school, or distributing memoranda or other written communications to students and employees. In addition, the district is required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

C. HARASSMENT ON THE BASIS OF DISABILITY

Harassment on the Basis of Disability is conduct which:

1. Affords a student different treatment, solely on the basis of his or her disability, in a manner which interferes with or limits the ability of the student to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a

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hostile academic environment; or

3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with a student's academic performance or ability to participate in or benefit from the services, activities or programs of the school.

Harassment on the basis of disability is unlawful discrimination under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Kansas Acts Against Discrimination. All forms of harassment on the basis of disability are prohibited at school, on school property, and at all school-sponsored activities, programs or events.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to harass any student, employee, or other individual associated with the school on any protected basis. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

The district encourages all victims of discriminatory harassment and persons with knowledge of such harassment to report the harassment immediately. The district will promptly investigate all complaints of discriminatory harassment and take prompt corrective action to end the harassment.

Any student who believes that he or she has been subjected to discriminatory harassment should discuss the alleged harassment with the building principal, another administrator, the guidance counselor, or another certified staff member. Any school employee who receives a complaint of discriminatory harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the Assistant Superintendent for Teaching, Learning and Administration at 624 SW 24th Street, Topeka, Kansas, 66611, or by telephone at (785) 295-3000.

The building principal or Assistant Superintendent for Teaching, Learning and Administration shall discuss the complaint with the student to determine if it can be resolved. If the matter is not resolved to the satisfaction of the student in this meeting, the student may initiate a formal complaint under Regulation No. 8050-2.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes discriminatory harassment under the definitions outlined above. Unacceptable student conduct may or may not constitute discriminatory harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct.

An employee who witnesses an act of discriminatory harassment shall report the incident to the building principal. Employees who fail to report complaints or incidents of discriminatory harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of discriminatory harassment may also face disciplinary action.

When a complaint contains evidence of criminal activity or child abuse, the building coordinator or district coordinator shall report such conduct to the appropriate law enforcement or SRS authorities.

03/18/04

Revised: 05/04/06; 06/30/09; 06/17/10; 09/03/15; 09/06/20

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To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of discriminatory harassment. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

The filing of a complaint or otherwise reporting discriminatory harassment shall not reflect upon the individual's status or grades. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a discriminatory harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

False or malicious complaints of discriminatory harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each district facility. The policy shall also be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

COMPLAINTS

The board and district staff welcome inquiries, suggestions and constructive criticism of the district's programs, personnel, operations and facilities, particularly when motivated by a sincere desire to improve the quality of the educational program or to improve efficiency or effectiveness. The board encourages all complaints to be resolved at the lowest possible administrative level, and will allow professional staff every opportunity to consider the complaints and render decisions prior to involvement by the board. Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the administration for study and possible resolution.

Discrimination against any individual on the basis of race, color, ancestry, national origin, sex, sexual orientation, gender, gender identity or expression, age, religion, disability, political affiliation, or status as a veteran in the admission or access to, or treatment or employment in the district's programs and activities is prohibited. Harassment of an individual on any of these grounds is also prohibited. The Superintendent and/or the Superintendent's designee has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 for employees, and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 for students. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the compliance coordinator.

The District employs an Ombudsman to assist in resolving complaints. Persons with concerns or complaints are encouraged to involve the Ombudsman at any time. All discrimination coordinators and the Ombudsman office at the Burnett Administrative Center, 624 SW 24th Street, Topeka, KS 66611, and can be reached by telephone at 295-3000.

The following types of complaints shall be addressed in the following manner:

- **Complaints about Discrimination or Discriminatory Harassment**

Any parent, patron or person who believes they or their children have been subject to unlawful discrimination, may utilize the complaint and resolution procedures set forth in Regulation 8050-02.

- **Complaints About Discrimination on the Basis of Sex**

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in Board Policies 4065 and 8110 and shall be directed to the Title IX Coordinator at General Counsel, 624 SW 24th Street, Topeka, KS, (785) 295-3028.

- **Complaints Concerning Child Nutrition Programs**

Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in Board Policy 2410.

COMPLAINTS

- **Complaints about Bullying**

Any parent, patron or person who believes they or their children have been the targets of bullying may lodge a complaint with a building administrator. The building principal shall report any unresolved complaint about bullying to the superintendent and/or the superintendent's designee, who shall report any unresolved complaint about bullying to the board at the next regularly scheduled board meeting.

- **Complaints about Policy or Curriculum**

Complaints about policy or curriculum shall be directed to the superintendent and/or the superintendent's designee. The superintendent and/or the superintendent's designee shall report any unresolved complaint about policies or curriculum to the board at the next regularly scheduled board meeting.

- **Complaints about Instructional Materials**

Complaints about instructional materials shall be directed to the building principal or curriculum coordinator. In addressing complaints about instructional materials, staff shall utilize the processes contained in Regulation 6110-01. The building principal shall report any unresolved complaint about instructional materials to the superintendent and/or the superintendent's designee immediately after the process is completed.

- **Complaints about Facilities and Services**

Complaints about facilities and services shall be directed to the building principal, the general director in charge of providing the service or the Deputy Superintendent. The superintendent or deputy superintendent shall report any unresolved complaint about facilities and services to the board at the next regularly scheduled board meeting.

- **Complaints about Personnel**

Parents having concerns with individual faculty or staff members are encouraged to resolve complaints as close to their origin as possible. Anonymous complaints will be investigated to the extent possible with the information available. A parent wanting the concern formally documented must present the complaint in writing to the appropriate supervisor. The building principal involved shall report any unresolved complaint about personnel to the superintendent who shall report it to the board at the next regularly scheduled board meeting.

The district complaint policy and procedures shall be posted on the district website and shall be easily accessible to patrons, parents and students. Forms for filing complaints shall be accessible on the website.

The Board of Education will make available the public records of the district as defined in K.S.A. 45-215 et seq., unless an exception to required disclosure applies. The clerk of the Board is designated as the official custodian of all district public records. The director of communications is designated as the local Freedom of Information Officer. Requests for access to or copies of records should be directed to the Freedom of Information Officer, who will direct the request to the appropriate record custodian. A reasonable fee will be assessed for the inspection and production of USD 501 public records based on the hourly rate of the employee(s) involved. The superintendent shall prescribe procedures to implement the requirements of this law.

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 2485-01
SUBJECT: OPEN RECORDS	DATE OF ISSUE: 12/7/83 <hr/> REVISIONS: 5/18/93; 07/16/04; 03/18/05; 12/19/24 <hr/> PREPARING OFFICE: SCHOOL DISTRICT ATTORNEY

I. PURPOSE:

To establish procedures to implement K.S.A. 45-215 et seq (Kansas Open Records Act) and to allow inspection and copying of the public records of the district as required by law.

II. PERSONNEL AFFECTED:

A. All employees of the district

III. PROCEDURE:

A. The Board of Education has designated the clerk of the Board as the official custodian of all open public records of the school district. All requests for inspection and/or copying of open public records must be filed in writing with the clerk of the Board or designee, 624 SW 24 Street, Topeka, KS. The form attached to this regulation shall be used. The clerk may require proof of identity of any person requesting access to open public records.

1. Each request for access to open public records shall be acted upon as soon as possible but not later than the end of the third business day following the date the request is received.
2. If access to the open public records requested cannot be granted by the end of the third business day following receipt of the request, the clerk will provide a detailed explanation of the reason for further delay and earliest time, date, and place the records will be available for inspection.
3. If access is denied, the clerk shall, upon request, provide a written statement of the grounds for the denial and shall cite the specific law under which access is denied. Said written statement shall be provided to the requestor not later than the end of the third business day following the date the request for the statement is received.

B. All open public records will be available for inspection Monday through

Friday, 7:30 a.m. to 4:30 p.m. (except on the holidays and nonduty days outlined in the district's academic calendar).

- C. No original public record shall be removed from any school district facility without the written permission of the clerk. Copies of open public records shall be made while the records are in the possession, custody, and control of the administrator of the department that maintains the records and shall be made under the supervision of such administrator.
- D. No fees shall be charged for open public records by persons who are performing services for the school district, including: Board members; the District Citizens Advisory Council; employees; volunteers; consultants; professionals (including attorneys, architects, engineers and physicians); school site advisory councils; or school district committees appointed by the Board of Education or the superintendent. A fee of twenty-five cents (\$. 25) per page shall be charged for providing records, which includes the cost of copying materials, equipment depreciation, and ordinary staff time. To find, gather, research, or inspect the records, a reasonable fee based on the time required and hourly wage of the employee involved shall be charged, not to exceed \$60.00 per hour. For all computer records, the employee's hourly wage shall be charged, not to exceed \$60.00 per hour.
- E. The actual printing or purchase cost of reports, pamphlets, books, or other documents published by the school district shall be charged as the fee for extra nonarchival copies of such publications. The clerk shall also charge a fee for the actual expense incurred to deliver copies of open public records by long-distance fax (facsimile), U. S. mail, or other delivery service. All fees charged by the clerk shall be collected before copies are delivered to the requestor. These fees shall be remitted to the treasurer on a monthly basis and will be credited to the General Fund.
- F. The records custodian may refuse to provide access to a public record or to permit inspection, as allowed by K.S.A. 45-218(e), if by a preponderance of the evidence, a request places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the school district.
- G. Personnel records are not open public records; however, the Human Resources Department frequently receives requests from employees, former employees, or lawyers (by notarized release or subpoena) for copies of personnel files. In order to defray copying or printing expenses, the general director of human resources department is hereby authorized to charge twenty-five cents (\$.25) per page for all copies made, printed or emailed. Current employees will not be charged for the first five pages of any copies requested by the employee. Additional charges may be made for staff time, computer time, long-distance faxes or postage.

Request for Inspection and/or Copying of Open Public Records

All requests must be filed in writing with the Custodian of Public Records (Clerk of the Board or his/her designee) at 624 SW 24th Street, Topeka, Kansas 66611 on this form.

All records will be available for inspection Monday through Friday, 7:30 a.m. to 4:30 p.m., except holidays and nonduty days outlined in this District's academic calendar.

All persons requesting inspection and/or copying of open public records must provide the following certification as required by K.S.A. 45-230 and K.S.A. 45-220(c):

Name _____ Address _____

City, State, Zip Code _____ E-Mail _____

Telephone No. (_____) _____ FAX _____

I have not requested access to the open public records of Unified School District No. 501 for the purpose of selling or offering for sale any property or services to persons whose names and addresses are obtained from the records nor will I sell, give, or otherwise make available such information to any other person intending to do so.

_____ Date

_____ Signature

I want to inspect copy the records listed below.

Description of Records Requested:

If by the end of the third (3) business day following receipt of this request, access to the public records requested is not granted, the Clerk will provide a detailed explanation of the cause for further delay and give notice of the place and earliest time and date the records will be available for inspection and/or copying. If access is denied, the Clerk will, upon your request, provide a statement of the grounds for denial.

Clerk Comments:

When appropriate, a twenty-five cents (\$0.25) per page charge will be levied on requests to cover the cost of making copies. Additional charges may be made for staff time, computer time, and postage. Fees shall be collected in advance of releasing records. Fee: _____

Training

Volunteer

Our volunteers play a vital role in serving the LGBTQIA2S+ youth and their families by providing support while in temporary emergency shelter, providing professional services pro bono, leading weekly programs, facilitating support groups or serving as mentors. If you are ready to get involved in Braided Haven's important work, apply to volunteer, and become a part of our Braided Haven family. Email us at:

Board of Directors

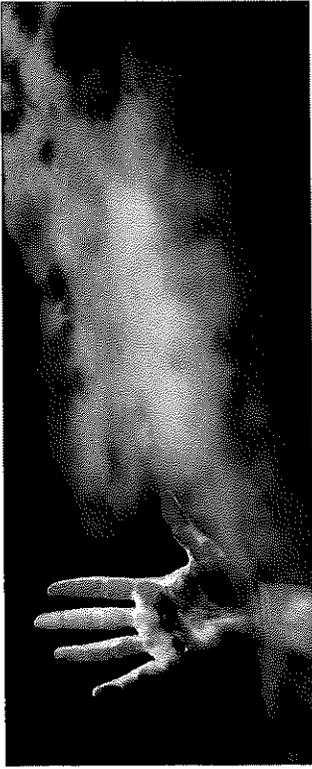
- Chair: Darin Stephens
- Vice Chair: Lisa Williams
- Secretary: Brian Laird
- Treasurer: Lance Royer
- Resident Agent: J. Bo Turney
- Members: Torey Lightcap, Kathleen Hickert, Khalani Britt, Lisa Williams, Adrienne Ralston, Sheila MacDonald, Josh Beshears

Kathleen Marker, Executive Director
785-424-5123 kathleen@braidedhaven.org



Our mission is to provide support, shelter, and other critical services to LGBTQIA2S+ youth

Braided Haven. Inc.
1701 SW Collins Ave
Topeka KS 66604



We collaborate with community partners to offer workshops to increase knowledge and skills for inclusive gender practices. We host public awareness forums to increase sensitivity to the plight and needs of LGBTQIA2S+ individuals and further a sense of community inclusion.

Emergency Housing Program

For many LGBTQIA2S+ youth, our Emergency Housing Program is their first bed since leaving home. Unlike other crisis shelters, our Emergency Housing, is short-term and hosted by volunteer community homes until they can transition to the Braided Haven House or other appropriate housing.

Safe Home Program

Braided Haven House, a licensed Group Home for LGBTQIA2S+ youth 14-18 who have been displaced or are experiencing homelessness. The program is designed to provide a home-like environment for displaced youth that empowers them to be the best version of themselves, serving their unique needs in a trauma informed environment.

Drop-In Center

At the Drop-In Center, LGBTQIA2S+ youth can participate in an accepting and welcoming community where they can be authentic and honest. Braided Haven encourages growth and independence with access to crisis intervention and life-saving services, as well as education, and referrals for specialized services.

Community Awareness

Braided Haven, Inc. advocates for issues and policies to eliminate violence and discrimination against LGBTQIA2S+ people; and to promote fair, respectful, and equitable treatment of and opportunities for LGBTQIA+ individuals.



Volunteer

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Board of Directors

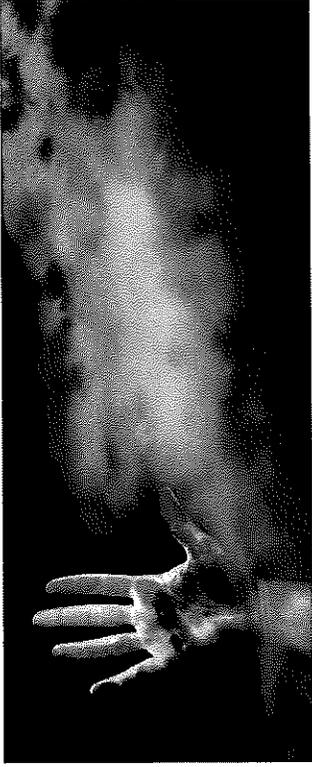
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UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

August 14, 2025

Dr. Tiffany Anderson
Superintendent
Topeka Public Schools, U.S.D. 501
624 S.W. 24th Street
Topeka, KS 66611

Sent via email only, to: tanderson@tps501.org

OCR Case No. 07251504
SPPO Case No. 25-0704

Dear Dr. Anderson:

The United States Department of Education (Department), Office for Civil Rights (OCR) and Student Privacy Policy Office (SPPO), write to inform you that the Department received a complaint dated June 24, 2025, alleging the Topeka Public Schools, U.S.D. 501 (the District) has a policy, procedure, or guidance (hereinafter policy) that permits male students to participate in interscholastic and intramural athletic programs designated for female students, and allows students to use restrooms and locker rooms designated for the opposite sex based on a student's "gender identity," in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106. The complaint also alleges the District has a policy that prevents school officials from disclosing a student's "transgender status" to the student's parents unless authorized by the student, in violation of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99.

TITLE IX

OCR enforces Title IX of the Education Amendments of 1972, 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 is subject to Title IX and to OCR's enforcement jurisdiction.

Pursuant to its regulatory authority, as set forth in 20 U.S.C. § 1682, 34 C.F.R. § 106.81, and 34 C.F.R. § 100.7, 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.

OCR is opening an investigation to examine whether the Topeka Public Schools, U.S.D. 501, policy permits male students to participate in interscholastic and intramural athletic programs

designated for female students, and/or permits students to use restrooms and locker rooms designated for the opposite sex, in violation of Title IX and its implementing regulations.

FERPA

SPPO enforces the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99. Pursuant to its regulatory authority, as set forth in 20 U.S.C. §1232g(f), 34 C.F.R. § 99.60, 34 CFR §§ 99.64 and 99.65, SPPO may investigate complaints and take appropriate action to enforce FERPA.

FERPA provides that parents have the right to inspect and review their children’s education records, which are defined as records, files, documents, and other materials 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.

The complaint alleges that the District has a policy that interferes with the right of parents to inspect and review their minor children’s education records. Specifically, the policy states (emphasis added):

School personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, *including parents* and other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

While the inclusion of “unless legally required to do so” may be interpreted to imply some deference for other factors that could include federal laws such as FERPA, the policy could be interpreted to give school officials discretion that would ultimately infringe on the rights of a parent under FERPA. Moreover, this type of scenario is addressed in U.S. Secretary of Education Linda McMahon’s cover letter that included the following strong reminder to state and local education authorities:

By natural right and moral authority, parents are the primary protectors of their children. Yet many states and school districts have enacted policies that presume children need protection from their parents. Often, such policies evade or misapply [FERPA], turning the concept of privacy on its head to facilitate ideological indoctrination in a school environment without parental interference or even involvement. Going forward, the Department of Education will insist that schools apply FERPA correctly to uphold, not thwart, parents’ rights.

SPPO is opening an investigation to determine whether the District policy violates FERPA and its implementing regulations. The Department has a number of enforcement options available to

bring a covered entity into compliance with FERPA, including withholding further payments, issuing a cease and desist order, and recovering funds. See 34 CFR § 99.67 and 20 U.S.C. § 1234c. The Court of Appeals in *United States v. Miami University*, 294 F3d. 797, 808 (6th Cir. 2002) also concluded that the United States has the inherent power to sue to enforce conditions imposed under FERPA on the recipients of federal grants. However, this Office is committed to working with the District to ensure voluntary compliance with FERPA as provided under § 99.66(c)(2) of the regulations.

The initiation of an investigation is not itself evidence of a violation of federal civil rights laws and regulations. However, the District's Regulation Number 8100-03, entitled Guidelines for Transgender Students at School, appears to adopt a position in irresolvable conflict with Federal law.

During the investigation, OCR and SPPO are neutral; OCR and SPPO will collect and analyze the evidence needed 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 (February 19, 2025). OCR and SPPO will reach out to you shortly with a data request.

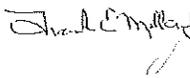
Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected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

OCR's Kansas City enforcement office will lead the Title IX investigation, while SPPO will lead the FERPA investigation. Should you have any questions regarding OCR's investigation, please do not hesitate to contact Bradley.Burke@ed.gov. Questions regarding FERPA may be directed to FERPA.ComplaintResponse@ed.gov.

Respectfully,

BRADLEY BURKE
Digitally signed by BRADLEY
BURKE
Date: 2025.08.14 06:50:01 -05'00'

Bradley R. Burke
Regional Director
Office for Civil Rights


Digitally signed by
FRANK MILLER
Date: 2025.08.13
20:51:12 -04'00'

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



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

August 22, 2025

Dr. Tiffany Anderson
Superintendent
Topeka Public Schools, U.S.D. 501
624 S.W. 24th Street
Topeka, KS 66611

Sent via email only, to: tanderson@tps501.org

OCR Case No. 07251504
SPPO Case No. 25-0704

Dear Dr. Anderson:

Enclosed with this letter is an initial Data Request for information. The Department will create a secure link to SharePoint in which the requested documents and information should be uploaded. **Please submit the requested information via SharePoint link by close of business September 5, 2025.** In order for your team to upload data to the link, we need you to provide a list of specific names and email addresses of the members of your team you designate to provide the data. You and the members of your team will be emailed a link to the SharePoint site following receipt of your list of names and email addresses. Please email the list of names and email addresses of your team who should be granted access to the SharePoint site to Bradley.Burke@ed.gov **by the close of business August 27, 2025.** Once I receive the list, I can send the SharePoint link to you and your team.

All data responses should be submitted via SharePoint, but other communication may be sent via e-mail. When contacting OCR about this investigation via e-mail, please include in the subject line of any e-mail correspondence and in any other communication, a reference to the case numbers at the top of this letter.

If you have any questions regarding this Data Request relating to Title IX, please contact Bradley.Burke@ed.gov, or relating to FERPA, please contact FERPA.ComplaintResponse@ed.gov.

Respectfully,

BRADLEY BURKE

Digitally signed by BRADLEY
BURKE
Date: 2025.08.22 11:06:22 -05'00'

Bradley R. Burke
Regional Director
Office for Civil Rights

Enclosure

**United States Department of Education
Data Request**

OCR Case Number: 07251504

SPPO Case Number: 25-0704

Recipient: Olathe Public Schools, U.S.D. 233 (the District)

Please submit the following information to the SharePoint link, by close of business **September 5, 2025**. If any item in this request is unclear, or if you experience any difficulty complying with this request, please contact Bradley.Burke@ed.gov or FERPA.ComplaintResponse@ed.gov **prior to September 5, 2025**. If any responsive documents contain Social Security numbers, please **redact all Social Security Numbers** before producing the documents to OCR and SPPO.

Preservation of requested and relevant data and documents: OCR and SPPO may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR and SPPO can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that recipient employees and contractors preserve the data and documents requested below for the timeframe specified in these requests and going forward, until you are notified by OCR and SPPO that this matter is resolved. **Please also ensure that recipient employees and contractors preserve other data and documents that are relevant to the issues identified in the Notification Letter** until OCR and SPPO notify you that this matter is resolved.

Separate and complete responses are required for each request. These requests are continuing in nature, and Recipient is under a duty to amend, supplement, or correct any response or production to these requests. Your response to these requests should include all responsive documents in your possession, custody, or control, or the possession, custody, or control of any of your predecessors, successors, employees, contractors, agents, servants, representatives, or attorneys. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and such agency, institution or person shall fail or refuse to furnish the information to the recipient, the recipient shall notify OCR of the efforts the recipient has made to obtain the information. All non-identical copies of every document whose production is requested should be separately produced.

All documents produced in response to an individual request shall be physically segregated from documents produced in response to any other requests, and the request to which they are responsive shall be specifically identified. If a document is responsive to more than one request, please specify each of the requests to which the document is responsive. Documents shall be retained in the order in which they were maintained in the file where found.

For the purpose of reading, interpreting, or construing the scope of a request, the terms used (including any purported ambiguity) shall be given their most expansive and inclusive

interpretation. A variant of any defined term (e.g., “include” is a variant of “including”) shall have the appropriate contextual meaning of the defined term’s variant. The singular of any word includes the plural and vice versa, and should be given whichever meaning that makes the Request more expansive and inclusive. The past tense of any word includes the present tense and vice versa, unless the change in tense distorts the clear meaning of the phrase. The terms “and” or “or” each should be construed conjunctively or disjunctively, and should be given whichever meaning that makes the request more expansive and inclusive. “Document” shall have the broadest meaning and includes all forms of written, printed, recorded, electronic, or graphic material – whether draft or final, original or copy – regardless of form or format. This includes correspondence, emails, memoranda, meeting notes, reports, policies, manuals, guidance, recordings, photographs, spreadsheets, data compilations, handbooks, contracts, websites, social media content, and any other tangible or electronic material in the possession, custody, or control of the Defendant or its agents. The term “communication” means any oral, written, or electronic transmission of information, including correspondence, emails, online chats, social media messages, meetings, or phone calls, and includes all associated records or summaries. “Relate,” “relate to,” “relating to,” or “regarding” means showing, reflecting, being evidence of, memorializing, referring to, constituting, or concerning any portion of the subject matter of the facts, contentions, or matter referenced in the request.

Notice on the Recipient’s obligation to provide responsive information

The Title IX implementing regulation relating to access to sources of information is found at 34 C.F.R. § 106.81, which incorporates the procedural provisions applicable to Title VI of the Civil Rights Act of 1964. Those procedures state in relevant part at 34 C.F.R. § 100.6:

(c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. **Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this part.** Information of a confidential nature obtained in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or where otherwise required by law.

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 regulation at 34 C.F.R. § 100.6(c), OCR and SPPO may review personally identifiable records without regard to considerations of privacy or confidentiality. OCR and SPPO will take all proper precautions to protect the identity of any individuals named in the documents.

Data Request

Unless otherwise indicated below, **for the school years 2023-2024, 2024-2025, and 2025-2026**, provide the following information **without redactions** (however no social security numbers should be provided), or indicate in writing if any of the requested information does not exist. Identify all responsive documents that have been lost, discarded, or destroyed. In so doing, state the type of document, its date, the approximate date it was lost, discarded, or destroyed, the circumstances under which it was lost, discarded, or destroyed, and the identity of each person having knowledge of the contents thereof.

Provide the following information:

1. The name, title, and contact information for:
 - a. The District's point of contact for this investigation; and
 - b. The individual authorized by the District to resolve any concerns identified or findings of noncompliance.
2. The name, job title, and current contact information for any District employee or representative with information relevant to the issues OCR and SPPO are investigating.
3. A copy of all documentation submitted by the District to the Kansas Department of Education requesting or applying for federal funding, including formula and discretionary grants.
4. Provide a copy of all policies, practices, rules, and guidance documents the District has instituted to ensure that the District complies with its FERPA requirements.
5. Provide a statement identifying all interscholastic athletic and intramural programs operated wholly or in part by the District, or on behalf of the District. Include whether the program is separated by sex, what year the program was first offered for each sex, when the program ended - if applicable, and the number of students who participated in each program disaggregated by sex.
6. If the District does not wholly operate interscholastic athletic or intramural programs, provide a copy of the procedure the District has adopted that is designed to assure the District that the operator or sponsor of such education program or activity takes no action affecting any student that the District would be prohibited from taking under Title IX. If the District has not developed and implemented such a procedure, indicate so in response to this item, and explain why the District has not implemented such a procedure.
7. Provide a statement describing what assistance the District provides directly or indirectly to any provider of interscholastic athletic or intramural programs offered to District students that is not wholly operated by the District.

8. Provide a statement describing whether the District provides sex-separated interscholastic athletic and intramural programs, when each program began, and why the programs are separated by sex.
9. Provide a statement describing whether the District provides sex-separated restrooms, locker rooms, or changing rooms, when the District began providing sex-separated restrooms, locker rooms, or changing rooms, and why the District provides sex-separated restrooms, locker rooms, or changing rooms.
10. Provide a statement describing all guidance the District has received that relates or refers to student participation in sex-separated interscholastic athletic or intermural programs based on a student's "gender identity" or similar terms. Indicate who provided the guidance, when the guidance was received, and provide a copy of all written guidance received and a description of all oral guidance received.
11. Provide a statement describing all guidance the District has received that relates or refers to utilization of District provided sex-separated restrooms, locker rooms, or changing rooms, based on a student's "gender identity" or similar terms. Indicate who provided the guidance, when the guidance was received, and provide a copy of all written guidance received and a description of all oral guidance received.
12. Provide a copy of all communications between the Kansas Department of Education and the District, and all communications between any other entity or individual and the District, that relate or refer to male students being eligible to compete in interscholastic athletic or intramural programs designated for female students, or to the ability of a student to participate in sex-separated interscholastic athletic or intermural programs based on a student's "gender identity" or similar terms.
13. Provide a copy of all communications between the Kansas Department of Education and the District, and all communications between any other entity or individual and the District, that relate or refer to students being permitted to utilize District provided sex-separated restrooms, locker rooms, or changing rooms, based on the student's "gender identity" or similar terms.
14. Provide a statement describing all guidance the District has provided to staff, parents/guardians, and students, that relates or refers to student participation in sex-separated interscholastic athletic or intermural programs based on a student's "gender identity" or similar terms. Provide a copy of all written guidance and a description of all oral guidance, and a copy of all related staff training material.
15. Provide a statement describing all guidance the District has provided to staff, parents/guardians, and students, that relates or refers to the use of District provided sex-separated restrooms, locker rooms, or changing rooms, based on an individual's "gender identity" or similar terms. Provide a copy of all written guidance and a description of all oral guidance, and a copy of all related staff training material.

16. Provide a copy of all District policies, practices, rules, and guidance documents, and all related staff training material, that relate or refer to students being able to compete in sex-separated interscholastic or intramural athletic programs based on their “gender identity” or similar terms. Include any amendments to such policies, practices, rules, and guidance documents, and indicate the respective effective date(s) for such amendments. Provide minutes from any meetings relating to the adoption or amendment of such policies, practices, rules, and guidance documents.
17. Provide a copy of all District policies, practices, rules, and guidance documents, and all related staff training material, that relate or refer to employees or students being able to utilize District provided sex-separated restrooms, locker rooms, or changing rooms, based on “gender identity” or similar terms. Include any amendments to such policies, practices, rules, and guidance documents, and indicate the respective effective date(s) for such amendments. Provide minutes from any meetings relating to the adoption or amendment of such policies, practices, rules, and guidance documents.
18. Provide a list of any District students who have been permitted to participate in sex-separated interscholastic athletic or intramural programs based on the student’s “gender identity” if the student’s “gender identity” is different from the student’s sex. Include the athletic program involved, the dates of participation, the head coach’s name and contact information, a roster of the team, and the team’s schedule for that season.
19. Provide a list of all complaints received by the District alleging that a male student participated on behalf of the District or against any student enrolled in the District in any interscholastic athletic or intramural program or activity that was designated for female students. Include the event, the date and location of the event, and the name and contact information of the head coach(s) for the team(s) involved. For any complaints received by the District related to such allegations, provide a copy of the investigative file with findings or an explanation of why an investigation was not conducted. Records include all internal and external correspondence, e-mail, voicemail, text messages, videos, notes, logs, reports, etc.
20. Provide a list of all complaints received by the District alleging that a student or employee utilized a District provided sex-separated restroom, locker room, or changing room, based on “gender identity” or similar terms. For any complaints received by the District related to such allegations, provide a copy of the investigative file with findings or an explanation of why an investigation was not conducted. Records include all internal and external correspondence, e-mail, voicemail, text messages, videos, notes, logs, reports, etc.
21. Provide a description of any action taken by the District related to the alleged failure or refusal of any student, parent/guardian, or employee to comply with the District’s Regulation Number 8100-03, entitled Guidelines for Transgender Students at School or any related policy or guidance.

22. Provide a description of any action taken by the District related to any student, parent/guardian, or employee complaints about, or opposition to, the District's Regulation Number 8100-03, entitled Guidelines for Transgender Students at School or any related policy or guidance.
23. Provide a description of all instances in which a parent/guardian alleged or complained that the District failed or refused to provide student records to the parent/guardian relating to the student's gender transition status or plan or related accommodations. For each allegation, provide a copy of the investigative file with findings or an explanation of why an investigation was not conducted. Records include all internal and external correspondence, e-mail, voicemail, text messages, videos, notes, logs, reports, etc.
24. Provide a description of all instances in which the District charged a fee to a parent/guardian to search for or to retrieve the education records of a student, including any records related to a student's gender transition status or plan or related accommodations.
25. Provide a description of any instance in which District staff, in communicating with a parent/guardian, chose to not disclose or communicate to the parent/guardian, the student's "transgender" status, "gender non-conforming presentation," "gender identity," "gender status," or preferred pronouns, because of the student's request or for any other reason.
26. Provide a copy of all communications from the District regarding OCR's and SPPO's investigation of this complaint.
27. Provide the names and titles of all individuals who assisted in the preparation of these data responses.
28. You are invited, but not required, to provide a narrative response to this investigation.
29. You may provide any other information you believe will be helpful to OCR or SPPO in resolving this investigation.

END

August 29, 2025

Sent Via Email: Bradley.Burke@ed.gov

Bradley R. Burke
Regional Director
Office for Civil Rights
U.S. Department of Education

**RE: OCR Case Nos. 07251501, 07251502, 07251503, 07251504
SPPO Case Nos. 25-0738, 25-0737, 25-0739, 25-0704**

**Requests for Extension of Time to Respond to Data Requests and
for Clarification regarding Data Requests**

Mr. Burke,

Kansas City, Kansas School District U.S.D. 500, Olathe School District U.S.D. 233, Shawnee Mission School District U.S.D. 512, and Topeka School District U.S.D. 501 (collectively referred to herein as the “School Districts”) are in receipt of the Data Requests that the Office for Civil Rights emailed to the respective superintendents on August 22, 2025. Because the School Districts received nearly identical investigation notice letters and Data Requests, this letter is provided jointly to efficiently address certain items in your letter and accompanying Data Requests.

The School Districts are unable to submit a response to the Data Requests within the nine business day deadline set forth in your August 22nd letter. Further, the School Districts also require additional time and clarification on multiple points in order to respond with fidelity to the Data Requests. Consequently, the School Districts request that OCR provide up to 90 additional days for submission of their responses to the Data Requests, with the 90-day timeline to begin running after sufficient clarification has been provided to enable the School Districts to understand what information OCR is seeking as well as pursuant to what authority OCR is seeking such information.

In your letter you requested a point of contact for this investigation and “*the individual authorized by the District to resolve any concerns identified or findings of noncompliance.*” The undersigned counsel for each School District will be the point of contact. Additionally, you can grant access to each undersigned counsel to the SharePoint site.

With respect to OCR's Data Requests regarding guidance the School Districts have received, the undersigned counsel provide legal guidance to their respective School Districts on a variety of legal matters, including on compliance with Title IX and other civil rights laws with respect to sex and gender identity.

Your August 22nd letter to the School Districts indicates: *"If you have any questions regarding this Data Request relating to Title IX, please contact Bradley.Burke@ed.gov, or relating to FERPA, please contact FERPA.ComplaintResponse@ed.gov."* Further, the Data Requests issued by OCR appear to seek information regarding both compliance with FERPA and with Title IX. This duality raises questions for the School Districts regarding the distinction between what exact issue(s)/complaint(s) are being investigated by OCR, and what exact issue(s)/complaint(s) are being investigated by SPPO.

As you are aware and as acknowledged in your August 14th correspondence, OCR does not have authority to enforce FERPA. Some of OCR's Data Requests, however, appear to directly relate to compliance with FERPA. Please clarify the legal authority for OCR's Data Requests related to FERPA compliance with specific citation to such authority.

As you may know, the School Districts have not been notified of any parent complaint alleging failure to provide access to education records (or failure to comply with any other parent right afforded under FERPA) that has been filed with the SPPO. Consequently, please clarify whether there is a pending parent/guardian complaint alleging a FERPA violation against any of the School Districts. If any parent/guardian of the School Districts has filed a complaint with the SPPO regarding FERPA, please: (a) provide a copy of the complaint and/or the specific complaint allegations to the appropriate School District, (b) identify the specific provision of FERPA that is alleged to have been violated so that the School District can provide a meaningful response; and (c) identify the SPPO representative who is assigned to the complaint by name, title, and contact information.

With regard to OCR's request for *"A copy of all documentation submitted by the District to the Kansas Department of Education requesting or applying for federal funding, including formula and discretionary grants"*, the School Districts' understanding is that the U.S. Department of Education readily has access to such records. Please clarify whether or not the U.S. Department of Education has access to documents submitted by the School Districts related to federal funding. Please also clarify how such records would be relevant to this investigation or would be determinative of the School Districts' compliance with FERPA or Title IX.

With regard to OCR's Data Requests concerning "*interscholastic athletic and intramural programs*", the School Districts seek clarification regarding the specific civil rights compliance concern that OCR is investigating. The School Districts are all members of the Kansas State High School Activities Association (KSHSAA) and are subject to KSHSAA's policies and rules. After the Kansas legislature passed the Fairness in Women's Sports Act (K.S.A. §§ 60-5601 *et. seq*) in 2023, KSHSAA modified its participation policy. The current KSHSAA policy requires that interscholastic activities "shall be expressly designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed."¹

As KSHSAA members, the School Districts must, and do, comply with this participation policy. If any parent/guardian of a School District student has filed a complaint with OCR regarding the KSHSAA participation policy, please: (a) provide a copy of the complaint and/or the specific complaint allegations to the appropriate School District and to KSHSAA, and (b) identify the specific provision of Title IX that is alleged to have been violated so that the School District can provide a meaningful response.

With regard to OCR's Data Requests regarding "*sex-separated restrooms, locker rooms, or changing rooms*", the School Districts seek clarification regarding the specific civil rights compliance concern that OCR is investigating. The School Districts' school buildings are each outfitted with typical sex-separated restrooms and locker rooms that would be present in any school building or other public building. The School Districts ensure students and staff have equal access to facilities, and they ensure equivalent quality and availability of athletic facilities. If any parent/guardian of the School Districts has filed a complaint with OCR regarding equal access to facilities, please: (a) provide a copy of the complaint and/or the specific complaint allegations to the appropriate School District, and (b) identify the specific provision of Title IX that is alleged to have been violated so that the School District can provide a meaningful response.

Thank you in advance for providing the requested clarification. The undersigned counsel have had minimal time to review the Data Requests and may have additional questions and requests for clarification as we work with OCR to resolve this investigation. The undersigned counsel are amenable to meeting with you to discuss the requested points of clarification and to provide information about the School Districts' practices with regard to working with transgender students and their families. We are confident that, through a civil and constructive discussion about the common sense manner in which our school staff work with parents and transgender students, any civil rights compliance concerns can be dispelled.

¹ See KSHSAA Policies for Transgender Student Participation, available here: <https://www.kshsaa.org/Public/PDF/TransgenderPolicyRecommendations.pdf>

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In response to request nos. 13, 15, and 17, all of which relate to restrooms, locker rooms, or changing rooms, the School Districts' policy, procedure, or guidance documents are public documents and they are being provided with, and are attached to, this response. The purpose of the School Districts' policy, procedure, or guidance documents is to comply with existing law regarding Title IX as it relates to transgender students.

If, after reviewing these documents, OCR determines that any provision would require the School Districts to take action in violation of Title IX, the School Districts request that a resolution meeting between OCR and the School Districts to discuss any potential specific provisions of the documents that OCR believes would be illegal and the specific authority for its opinion, as well as any proposed alternative language.

If there is any additional information or records that OCR requires in response to request nos. 13, 15, or 17, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to requests no. 19-23 and 25, all of which relate to complaints or incidents of alleged failure to comply with practices for accommodating transgender students, each of the School Districts has a Board of Education policy affirming compliance with Title IX and setting forth a grievance procedure for formal Title IX complaints that complies with the Department's 2020 regulations. The School Districts' designated Title IX compliance coordinators have not received any formal complaints alleging a Title IX violation related to transgender students' participation in athletics/activities and/or to transgender students' access to restrooms/locker rooms/changing rooms. In accordance with 34 C.F.R. § 106.45(b)(vi), the School Districts' respective non-discrimination/Title IX policies set forth appropriate remedies, including appropriate disciplinary sanctions, that may be taken if a determination is made that conduct which violated Title IX occurred.

As stated in the School Districts' August 29th letter, the School Districts have not been notified of any parent complaint alleging failure to provide access to education records (or failure to comply with any other parent right afforded under FERPA) that has been filed with the SPPO or any other entity. The School Districts have asked the Department to identify any complainants or individual students for which a Title IX or FERPA complaint has been filed, so that they can search for responsive records. Without the identity of a complaint or specific student, the School Districts have no ability to search for any records or correspondence concerning any informal complaints. Again, the School Districts stress that they have received no formal complaints under their Title IX non-discrimination/ non-harassment policies related to equal access and transgender students, nor have they received any parent FERPA complaints related to transgender students.

If there is any additional information or records that OCR requires in response to request nos. 19-23 and 25, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 24, the School Districts state that they have never “charged a fee to a parent to search for or to retrieve ... any records related to a student’s gender transition status or plan or related accommodations.” The School Districts have asked OCR/SPPO to identify any complainants or individual parents for which a FERPA complaint has been filed, so that they can search for responsive records. Without the identity of a complainant or specific parent, the School Districts have no ability to search for any records or correspondence concerning any informal complaints.

In response to request no. 26, the School Districts seek clarification regarding the “communications” that OCR is requesting. The School Districts have provided two communications to OCR regarding this investigation: their August 29, 2025 letter and this letter.

If there is any additional non-privileged information or records that OCR requires in response to request no. 26, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to requests no. 28 and 29, the School Districts refer OCR to their request for a meeting for the purpose of voluntary resolution.

September 19, 2025

Sent Via Email: Bradley.Burke@ed.gov and Frank.E.Miller@ed.gov

Bradley R. Burke
Regional Director
Office for Civil Rights
U.S. Department of Education

Frank E. Miller
Acting Director
Student Privacy Policy Office
U.S. Department of Education

**RE: OCR Case Nos. 07251501, 07251502, 07251503, 07251504
SPPO Case Nos. 25-0738, 25-0737, 25-0739, 25-0704**

**School Districts' Request for Meeting to Explore Voluntary
Resolution and Response to Data Request**

Dear Mr. Burke and Mr. Miller,

The Kansas City, Kansas School District U.S.D. 500, Olathe Public Schools U.S.D. 233, Shawnee Mission School District U.S.D. 512, and Topeka School District U.S.D. 501 (collectively referred to herein as the "School Districts") jointly request a meeting with you to explore voluntary resolution. In Attachment A to this letter, the School Districts provide initial responses to the Data Request in the above-referenced cases.

Request for Mediation or Resolution

In reviewing the Data Request, we note that the U.S. Department of Education (Department) is subject to statutory provisions stating that it shall take no action until it "has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by **voluntary** means."¹ Further, the Department "shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and **shall provide assistance and guidance to recipients to help them comply voluntarily** with this part."² Seeking voluntary compliance serves many purposes -- it facilitates faster, more efficient, and more satisfactory resolutions to disputes, while building trust and avoiding the adversarial nature

¹ Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d-1 (emphasis added).

² 34 C.F.R. § 100.6(a).

and high costs of formal proceeding; this is critical to improve government efficiency, to save taxpayers money, to expedite compliance, and ultimately to better serve our students. The importance of voluntary resolution is reflected in OCR's Case Processing Manual regarding mediation (Section 201) and voluntary resolution agreements (Section 302).³ Thus, the School Districts request a meeting with you both to facilitate voluntary resolution of the following three pending issues.

Before providing our response to the Data Request, we thought it would be helpful to identify and address the three issues set forth in the Department's August 14, 2025 letters identifying compliance concerns related to:

- (1) Male students participating in interscholastic and intramural athletic programs designated for female students, consistent with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106 (Title IX);
- (2) Transgender students accessing restrooms and locker rooms consistent with their gender identity, under Title IX; and
- (3) School staff disclosing a student's transgender status to the student's parents, under the Family Educational Rights and Privacy Act (FERPA).

After addressing each of the Department's three concerns below, we provide additional information that clearly explains why a meeting would be extremely important and necessary here. Specifically, we acknowledge that – (1) we are willing to proceed with either mediation or a meeting to explore voluntary resolution (as the Department deems appropriate), (2) the nature of the applicable case law under Title IX, (3) the importance of an oral, interactive discussion regarding the Schools Districts' policy, procedure, or guidance documents, and (4) how our response to your Data Request may need to be updated once we receive the information we requested from the Department. We welcome the opportunity to discuss these issues in addition to the Department's three concerns.

(1) Student Participation in Interscholastic and Intramural Programs

As outlined below (and previously referenced in the School Districts' August 29, 2025, letter to Mr. Burke (OCR)), the School Districts are in compliance with their state athletic association, the Kansas State High Schools Athletics Association (KSHSAA), policy regarding transgender students' participation in athletics and activities. This policy expressly

³ See, U.S. Department of Education, OCR, Case Processing Manual – February 19, 2025(PDF).

states that “Kansas interscholastic activities under the jurisdiction of the KSHSAA shall be expressly designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed. Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.”⁴ As KSHSAA members, the School Districts are reiterating that they must, and do, comply with this participation policy.

Additionally, each School District has, respectively, adopted policies requiring compliance with KSHSAA's policies. For example, Olathe Public Schools has agreed to “adhere to the policies, guidelines and procedures and governance of” KSHSAA.”⁵ Shawnee Mission similarly has a policy stating that “students who participate in any school activity shall meet ... all applicable KSHSAA regulations.”⁶ KCKPS also requires students to meet “applicable age and eligibility requirements required by KSHSAA.”⁷

The School Districts respectfully note that their compliance with KSHSAA's “Transgender Student Participation Policy” should resolve the first concern identified by the Department. This is particularly true given the positions that OCR has taken in similar investigations of K-12 school districts⁸, the apparent lack of any parent or student in attendance at the School Districts filing a complaint with OCR regarding transgender students' participation in athletics/activities, and that the School Districts have neither received, nor are aware of, any Title IX complaint as affirmed below in the Data Request response.

(2) Restroom and Locker Room Access

Given the positions that OCR has taken in similar investigations of K-12 school districts, and given statements in OCR's investigation notice letters to the School Districts, it is clear that OCR is taking the position that school districts act in violation of Title IX when they meet requests by transgender students and their parents to access school facilities that align with their gender identity. The law is unsettled in this area, although most federal courts of appeal have determined that schools must provide equal access to transgender students. The School Districts request that OCR meet with the School Districts to provide assistance and guidance, as supported by existing federal court interpretation of Title IX, regarding

⁴ A copy of KSHSAA's “*Transgender Student Participation Policy*” can be found on KSHSAA's website, <https://www.kshsaa.org/Public/PDF/TransgenderPolicyRecommendations.pdf>.

⁵ See, <https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=83DEZJ757D2B>.

⁶ See, <https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=D9USSG7410BB>.

⁷ See, <https://go.boarddocs.com/ks/kckps/Board.nsf/goto?open&id=9PFR7N69C053>.

⁸ <https://www.ed.gov/about/news/press-release/us-department-of-education-finds-five-northern-virginia-school-districts-violation-of-title-ix>;
<https://www.ed.gov/about/news/press-release/us-department-of-education-finds-five-northern-virginia-school-districts-violation-of-title-ix>

compliance with Title IX as it relates to equal access to restrooms and locker rooms for all students. In particular, the School Districts request a meeting and follow-up with specific written guidance with supporting legal authority under Title IX related to student access to locker rooms and bathrooms based upon a student's gender identity.

(3) Disclosure of Student's Gender Identity

The Department's August 14, 2025 notification letters state that each "[School] District has a policy that prevents school officials from disclosing a student's 'transgender status' to the student's parents unless authorized by the student, in violation of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99."

This statement is both confusing and inaccurate. The applicability of FERPA is at best unclear or more likely -- not applicable -- given that the School Districts do not maintain information about gender identity in their education records of students in attendance. The School Districts only maintain information about students' sex (M or F), as recorded on their birth certificate, in their education records of students in attendance. Additionally, the School Districts have no such policies. In stark contrast to the Department's statement, the School Districts have enacted policies ensuring their compliance with FERPA, as noted below in Attachment A in the response to the Data Request.

We respectfully request resolution of this matter as this response addresses any potential FERPA concerns. Given the apparent lack of any parent of a student in attendance at the School Districts filing a complaint with SPPO regarding any alleged denial of access to education records, and given that the School Districts have not received any such FERPA complaint as affirmed below in response to the Data Request, this response should resolve any compliance concerns with respect to disclosure of student's gender identity.

(4) Request for Mediation or Voluntary Resolution

The OCR Case Processing Manual ("CPM") sets forth three different methods for resolution of a complaint: rapid resolution, mediation, and informal resolution. Article II of the CPM specifically addresses mediation of allegations. Article I, Section 110 of the CPM addresses rapid resolution. In light of the information provided above, if OCR wishes to proceed with rapid resolution for a dismissal or resolution letter, we would be glad to discuss these options.

Additionally, the School Districts would be amenable to mediation, however, according to the CPM, the mediation process involves OCR facilitating a discussion and possible

agreement *between a complainant and a recipient*. It is unclear whether mediation is an available option to resolve this matter. However, if it is available, the School Districts remain amenable to mediation should a parent of a student in attendance at the School Districts have filed a complaint. In such a situation, the School Districts request that OCR act as a neutral facilitator and mediate the complaint.

Article III, Section 302 of the CPM addresses resolution agreements during an investigation. Because of the unsettled state of the law regarding Title IX protections for students and the myriad of court decisions enjoining the Department's attempted enforcement actions against recipients, it appears that this investigation would be most appropriate for a voluntary resolution process. Litigation would further consume taxpayer resources and that will neither serve students (whom we all jointly serve as part of our mission) and provide little benefit to either the Department or the School Districts. The School Districts request that OCR initiate voluntary resolution proceedings under CPM Section 302.

Specifically, we welcome the opportunity to meet with you both. If easier, would you please provide a few dates in the next two weeks or, if you prefer, undersigned counsel for the School Districts can email you dates that we are available to explore a resolution discussion.

(5) Applicable Case Law under Title IX

As OCR is well aware, case law has developed in a manner that strongly indicates that transgender students are protected under Title IX and that school districts are legally required to provide equal access to transgender students. The plain language of Title IX does not answer whether transgender students come under its protections. We therefore look to courts to interpret the law. *See Loper Bright Enterprises v. Raimondo* 603 U.S. 369 (2024) (holding that courts may not defer to an agency interpretation of the law simply because a statute is ambiguous, and that the Administrative Procedure Act requires courts to "decide all relevant questions of law").

The vast majority of federal appeals courts that have directly considered whether Title IX protects transgender students have found that excluding these students from facilities (or sports) consistent with their gender identity constitutes unlawful discrimination based on sex, often citing the U.S. Supreme Court precedent in the *Bostock v. Clayton County* case. There is only one federal court of appeals that has determined that Title IX protections do not extend to transgender students and our state, Kansas, is not in that jurisdiction.

As you likely know, the U.S. Supreme Court has yet to decide whether transgender status is a protected class under Title IX, or to determine if cisgender students' Title IX rights can be

violated when equal protection access is provided to transgender students. Most recently, on September 10, 2025, the U.S. Supreme Court denied a request to lift a federal appeals court's injunction order that requires a public school to allow a transgender boy to use the boys' bathroom while he challenges a state law that requires students to use bathrooms based on their biological sex at birth.⁹

(6) School Districts' Policy Documents

The School Districts are providing with this response their respective policy, procedure, or guidance documents regarding transgender students.¹⁰ The School Districts are also providing their respective non-discrimination/non-harassment policies, which ensure compliance with Title IX. The School Districts' position is that their non-discrimination policies, along with their practices with regard to responding to requests by transgender students and their parents, are in compliance with Title IX as it has been interpreted by federal courts.

We welcome a meeting as part of a resolution discussion with OCR and SPPO so that we may fully address, and hopefully resolve, the Department's three compliance concerns as we seek to find a path forward to voluntarily resolve any remaining questions regarding these three concerns.

(7) Response to Data Request Dependent on Receipt of Requested Information

Finally, we must express some frustration with our attempts to obtain additional information, both so that we can be responsive to the Department's Data Request, but more importantly

⁹ <https://www.scotusblog.com/cases/case-files/south-carolina-v-doe/>

¹⁰ Olathe Public Schools does not have a policy or documented procedure; however, it does have an informal guidance document, dated 12/2/21, that is provided. Shawnee Mission School District does not have a policy or procedure document. It has an informal living document titled "Transgender Student Practices & FAQs" that is an internal guidance document for school principals that has been updated as principals have raised questions. KCKPS does not have a policy or documented procedure, but has an internal guidance document titled "USD 500 Transgender and Gender Non-Conforming Students Internal Guidance Document", which is provided. Of note, this guidance document is **not** the document linked to your August 14, 2025, letter to KCKPS labeled as "Kansas City Kansas Public Schools Guidelines for Transgender and General Non-Conforming Students at School." As has been communicated repeatedly to the Kansas Attorney General and other inquiring parties, the document linked to your letter is not and has never been adopted, approved or utilized by the KCKPS. Rather, that document was included in a presentation made to KCKPS's Board of Education during an open public meeting on September 18, 2017. At the meeting (as reflected in the publicly available minutes), the Board accepted the report as an information item only and did not and has not ever adopted or approved the referenced "Guidelines for Transgender and Gender Non-Conforming Students at School". This document is only accessible on the district website through BoardDocs, because the document was presented to the Board at that meeting and, therefore, is required to remain part of the Board's public records.

to identify any potential harm to students. We know that our most important mission is to serve our students, and it is this mission that we jointly share. In trying to obtain information from your offices on whether there is any actual or potential harm to a student, we have encountered difficulties, but look forward to addressing any student-specific issues promptly once we receive such information.¹¹

We appreciate the time you are taking to carefully review our response. We also appreciate the opportunity to provide additional clarification in a meeting with you to address any outstanding questions or concerns.

Sincerely,

/s/ Counsel for the School Districts:

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Olathe School District U.S.D. 233
Chris Pittman, Staff Counsel
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Shawnee Mission School District U.S.D. 512
Rachel England, General Counsel
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Topeka School District U.S.D. 501
Donna Whiteman, General Counsel
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¹¹ The August 14, 2025 letters stated the Department had received a complaint alleging that the School Districts have “a policy, procedure, or guidance ...that permits male students to participate in interscholastic and intramural athletic programs designated for female students, and allows students to use restrooms and locker rooms designated for the opposite sex based on a student’s ‘gender identity [in violation of Title IX].” and “a policy that prevents school officials from disclosing a student’s ‘transgender status’ to the student’s parents unless authorized by the student, in violation of [FERPA].” On August 29, 2025, the School Districts requested the Department provide information about any complaint, complainant, and policies related to its letters. To date, the Department has not provided any information. The Department’s response stated only that “[r]equests for records must be submitted in accordance with [FOIA].” When the School Districts submitted their September 5, 2025 FOIA request, the Department’s September 8, 2025 letter indicated that “the current average request processing time is 185 business days.” Given that the Department denied the School Districts’ request for an extension beyond an additional 14 days, the Department has created a near-impossible situation under which the School Districts must respond to the Data Request without sufficient information. When the School Districts receive responsive information under FOIA, each School District reserves the right to supplement its response to the Data Request within a reasonable time following receipt of such information.

Attachment A
School Districts' Response to Data Request in
OCR Case Nos. 07251501, 07251502, 07251503, 07251504 and
SPPO Case Nos. 25-0738, 25-0737, 25-0739, 25-0704

The responses below are, as requested, for school years 2023-2024, 2024-2025, and 2025-2026 (through September 19, 2025).

In response to request nos. 1 and 2, as stated in the School Districts' August 29, 2025 letter, counsel for each School District will be the point of contact. The undersigned counsel provide legal guidance to their respective School Districts on a variety of legal matters, including on compliance with Title IX and other civil rights laws with respect to sex and gender identity. The undersigned counsel have "*information relevant to the issues OCR and SPPO are investigating.*"

In response to request no. 10, the undersigned counsel have provided "*guidance ... that relates or refers to student participation in sex-separated interscholastic athletic or intramural programs based on a student's 'gender identity' or similar terms.*"

In response to request no. 11, the undersigned counsel have provided "*guidance ... that relates or refers to utilization of District provided sex-separated restrooms, locker rooms, or changing rooms, based on a student's 'gender identity' or similar terms.*"

In response to request no. 27, the undersigned counsel assisted in the preparation of this response. Please note that the undersigned counsel must preserve the attorney-client privilege and attorney work product privilege as it relates to legal guidance given to their clients regarding Title IX and FERPA and as it relates to documents or records prepared in anticipation of litigation with the Department.

If there is any additional non-privileged information or records that OCR requires in response to request nos. 1, 2, 10, 11, or 27, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 3, as stated in the School Districts' August 29, 2025 letter, the School Districts' understanding is that the Department has access to "*a copy of all documentation submitted by the District to the Kansas Department of Education [KSDE] requesting or applying for federal funding, including formula and discretionary grants.*" The School Districts further understand that OCR has requested the same documents from KSDE.

If there is any specific funding documentation that OCR is seeking in response to request no. 3 that it does not have access to, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 4, each School District has a Board of Education policy ensuring compliance with FERPA. Those policies are publicly available on each School Districts' website. A link to those policies is provided below.

- Kansas City, Kansas Board Policy JR (Student Records):
<https://go.boarddocs.com/ks/kckps/Board.nsf/goto?open&id=9PFUX67C4418>
- Kansas City, Kansas Board Policy IDAE (Student Privacy Policy):
<https://go.boarddocs.com/ks/kckps/Board.nsf/goto?open&id=9PH2V57B36D7>
- Olathe Board Policy IDAE (Student Privacy):
<https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=9QU6Z97076AD>
- Olathe Board Policy JRB (Release of Student Records):
<https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=83DEZU757DE2>
- Shawnee Mission Board Policy JR (Student Records):
<https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=9QUARS796A2C>
- Shawnee Mission Board Policy IDAE (Student Privacy Policy):
<https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=CHBL7R55372A>
- Topeka Board Policy 8250 (Student Records) and accompanying Regulation 8250-01 (Collecting, Maintaining, and Releasing Information from Student Records):
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/About%20Us/Policies%20and%20Regulations/8000%20-%20Students/8250.pdf
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/About%20Us/Policies%20and%20Regulations/8000%20-%20Students/8250-01.pdf
- Topeka Board Policy 8065 (Student Privacy Policy):
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/FINAL%20Policy%208065%20Oct%206%2022.pdf

The School Districts comply with FERPA, including specifically parents' and eligible students' right to inspect and review their education records and parents' and eligible students' right to request that their education records be amended. The School Districts do not respond to requests to inspect or access education records of students in attendance at the School Districts differently for any parent, including parents of transgender students.

If there is any additional information or records that OCR requires in response to request no. 4, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request nos. 5-8, 12, 14, 16, and 18, all of which relate to interscholastic athletic or intramural programs, as stated in the School Districts' August 29, 2025 letter, the School Districts are all members of the Kansas State High School Activities Association (KSHSAA) and are subject to KSHSAA's policies and rules. Kansas law establishes that the authority and responsibility to regulate, supervise, promote, and develop activities such as athletics, music, forensics, dramatics and any other interschool extracurricular activities by students from grades 7 through 12 lies with KSHSAA.¹² Each of the School Districts' sports/athletic programs and performing arts activities are offered through and sanctioned by KSHSAA. After the Kansas legislature passed the Fairness in Women's Sports Act (K.S.A. §§ 60-5601 *et. seq*) in 2023¹³, KSHSAA modified its participation policy. The current KSHSAA policy requires that interscholastic activities "*shall be expressly designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed.*" The KSHSAA policy is publicly available on its website at: <https://www.kshsaa.org/Public/PDF/TransgenderPolicyRecommendations.pdf>

The School Districts comply with this KSHSAA participation policy. The School Districts' interscholastic activities are designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed. In accordance with the KSHSAA participation policy, the School Districts' athletic teams or sports designated for females, women, or girls are not open to students of the male sex. If, after reviewing the KSHSAA participation policy, OCR determines that any provision of the KSHAA policy would require the School Districts to take action in violation of Title IX, the School Districts request that OCR facilitate a mediation or resolution meeting between OCR, KSHSAA, and the School Districts to discuss any specific provisions of the KSHAA policy that OCR believes is illegal, the specific authority for such position, and possible resolutions.

If there is any additional information or records that OCR requires in response to request nos. 5-8, 12, 14, 16, and 18, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 9, as stated in the School Districts' August 29th letter, the School Districts' school buildings are each outfitted with typical sex-separated restrooms and locker rooms that would be present in any school building or other public building in accordance with 34 C.F.R. § 106.33. The School Districts ensure students and staff have equal access to facilities, and they ensure equivalent quality and availability of athletic facilities.

¹² See, KSHSAA enabling statutes at K.S.A. §§ 72-7114 *et seq*.

¹³ Note that this Kansas state law has not yet been challenged under Title IX or the Equal Protection Clause. The U.S. Supreme Court decision in the consolidated cases of *Hecox v. Little* and *B.P.J. v. W. Va. State Bd. of Educ.* will determine the legality of state laws barring transgender girls from girl's sports.

If there is any additional information or records that OCR requires in response to request no. 9, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM). Further, OCR is welcome to conduct an onsite inspection of the restrooms and locker room facilities.

In response to request nos. 13, 15, and 17, all of which relate to restrooms, locker rooms, or changing rooms, the School Districts' policy, procedure, or guidance documents are public documents and they are being provided with, and are attached to, this response. The purpose of the School Districts' policy, procedure, or guidance documents is to comply with existing law regarding Title IX as it relates to transgender students.

If, after reviewing these documents, OCR determines that any provision would require the School Districts to take action in violation of Title IX, the School Districts request that a resolution meeting between OCR and the School Districts to discuss any potential specific provisions of the documents that OCR believes would be illegal and the specific authority for its opinion, as well as any proposed alternative language.

If there is any additional information or records that OCR requires in response to request nos. 13, 15, or 17, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to requests no. 19-23 and 25, all of which relate to complaints or incidents of alleged failure to comply with practices for accommodating transgender students, each of the School Districts has a Board of Education policy affirming compliance with Title IX and setting forth a grievance procedure for formal Title IX complaints that complies with the Department's 2020 regulations. The School Districts' designated Title IX compliance coordinators have not received any formal complaints alleging a Title IX violation related to transgender students' participation in athletics/activities and/or to transgender students' access to restrooms/locker rooms/changing rooms. In accordance with 34 C.F.R. § 106.45(b)(vi), the School Districts' respective non-discrimination/Title IX policies set forth appropriate remedies, including appropriate disciplinary sanctions, that may be taken if a determination is made that conduct which violated Title IX occurred.

As stated in the School Districts' August 29th letter, the School Districts have not been notified of any parent complaint alleging failure to provide access to education records (or failure to comply with any other parent right afforded under FERPA) that has been filed with the SPPO or any other entity. The School Districts have asked the Department to identify any complainants or individual students for which a Title IX or FERPA complaint has been filed, so that they can search for responsive records. Without the identity of a complaint or specific student, the School Districts have no ability to search for any records or correspondence concerning any informal complaints. Again, the School Districts stress that they have received no formal complaints under their Title IX non-discrimination/

non-harassment policies related to equal access and transgender students, nor have they received any parent FERPA complaints related to transgender students.

If there is any additional information or records that OCR requires in response to request nos. 19-23 and 25, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 24, the School Districts state that they have never “charged a fee to a parent to search for or to retrieve ... any records related to a student’s gender transition status or plan or related accommodations.” The School Districts have asked OCR/SPPO to identify any complainants or individual parents for which a FERPA complaint has been filed, so that they can search for responsive records. Without the identity of a complainant or specific parent, the School Districts have no ability to search for any records or correspondence concerning any informal complaints.

In response to request no. 26, the School Districts seek clarification regarding the “communications” that OCR is requesting. The School Districts have provided two communications to OCR regarding this investigation: their August 29, 2025 letter and this letter.

If there is any additional non-privileged information or records that OCR requires in response to request no. 26, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to requests no. 28 and 29, the School Districts refer OCR to their request for a meeting for the purpose of voluntary resolution.

September 19, 2025

Sent Via Email: Bradley.Burke@ed.gov and Frank.E.Miller@ed.gov

Bradley R. Burke
Regional Director
Office for Civil Rights
U.S. Department of Education

Frank E. Miller
Acting Director
Student Privacy Policy Office
U.S. Department of Education

**RE: OCR Case Nos. 07251501, 07251502, 07251503, 07251504
SPPO Case Nos. 25-0738, 25-0737, 25-0739, 25-0704**

**School Districts' Request for Meeting to Explore Voluntary
Resolution and Response to Data Request**

Dear Mr. Burke and Mr. Miller,

The Kansas City, Kansas School District U.S.D. 500, Olathe Public Schools U.S.D. 233, Shawnee Mission School District U.S.D. 512, and Topeka School District U.S.D. 501 (collectively referred to herein as the "School Districts") jointly request a meeting with you to explore voluntary resolution. In Attachment A to this letter, the School Districts provide responses to the Data Request in the above-referenced cases.

Request for Mediation or Resolution

In reviewing the Data Request, we note that the U.S. Department of Education (Department) is subject to statutory provisions stating that it shall take no action until it "has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by **voluntary** means."¹ Further, the Department "shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and **shall provide assistance and guidance to recipients to help them comply voluntarily** with this part."² Seeking voluntary compliance serves many purposes -- it facilitates faster, more efficient, and more satisfactory resolutions to disputes, while building trust and avoiding the adversarial nature and high costs of formal proceeding; this is critical to improve government

¹ Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d-1 (emphasis added).

² 34 C.F.R. § 100.6(a).

efficiency, to save taxpayers money, to expedite compliance, and ultimately to better serve our students. The importance of voluntary resolution is reflected in OCR's Case Processing Manual regarding mediation (Section 201) and voluntary resolution agreements (Section 302).³ Thus, the School Districts request a meeting with you both to facilitate voluntary resolution of the following three pending issues.

Before providing our response to the Data Request, we thought it would be helpful to identify and address the three issues set forth in the Department's August 14, 2025 letters identifying compliance concerns related to:

- (1) Male students participating in interscholastic and intramural athletic programs designated for female students, consistent with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106 (Title IX);
- (2) Transgender students accessing restrooms and locker rooms consistent with their gender identity, under Title IX; and
- (3) School staff disclosing a student's transgender status to the student's parents, under the Family Educational Rights and Privacy Act (FERPA).

After addressing each of the Department's three concerns below, we provide additional information that clearly explains why a meeting would be extremely important and necessary here. Specifically, we acknowledge that – (1) we are willing to proceed with either mediation or a meeting to explore voluntary resolution (as the Department deems appropriate), (2) the nature of the applicable case law under Title IX, (3) the importance of an oral, interactive discussion regarding the Schools Districts' policy, procedure, or guidance documents, and (4) how our response to your Data Request may need to be updated once we receive the information we requested from the Department. We welcome the opportunity to discuss these issues in addition to the Department's three concerns.

(1) Student Participation in Interscholastic and Intramural Programs

As outlined below (and previously referenced in the School Districts' August 29, 2025, letter to Mr. Burke (OCR)), the School Districts are in compliance with their state athletic association, the Kansas State High Schools Athletics Association (KSHSAA), policy regarding transgender students' participation in athletics and activities. This policy expressly states that "Kansas interscholastic activities under the jurisdiction of the KSHSAA shall be expressly designated as

³ See, [U.S. Department of Education, OCR, Case Processing Manual – February 19, 2025\(PDF\)](#).

one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed. Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.”⁴ As KSHSAA members, the School Districts are reiterating that they must, and do, comply with this participation policy.

Additionally, each School District has, respectively, adopted policies requiring compliance with KSHSAA’s policies. For example, Olathe Public Schools has agreed to “adhere to the policies, guidelines and procedures and governance of” KSHSAA.”⁵ Shawnee Mission similarly has a policy stating that “students who participate in any school activity shall meet ... all applicable KSHSAA regulations.”⁶

The School Districts respectfully note that their compliance with KSHSAA’s “Transgender Student Participation Policy” should resolve the first concern identified by the Department. This is particularly true given the positions that OCR has taken in similar investigations of K-12 school districts⁷, the apparent lack of any parent or student in attendance at the School Districts filing a complaint with OCR regarding transgender students’ participation in athletics/activities, and that the School Districts have neither received, nor are aware of, any Title IX complaint as affirmed below in the Data Request response.

(2) Restroom and Locker Room Access

Given the positions that OCR has taken in similar investigations of K-12 school districts, and given statements in OCR’s investigation notice letters to the School Districts, it is clear that OCR is taking the position that school districts act in violation of Title IX when they meet requests by transgender students and their parents to access school facilities that align with their gender identity. The law is unsettled in this area, although most federal courts of appeal have determined that schools must provide equal access to transgender students. The School Districts request that OCR meet with the School Districts to provide assistance and guidance, as supported by existing federal court interpretation of Title IX, regarding compliance with Title IX as it relates to equal access to restrooms and locker rooms for all students. In particular, the School Districts request a meeting and follow-up with specific written guidance with supporting legal authority under Title IX related to student access to locker rooms and bathrooms based upon a student’s gender identity.

⁴ A copy of KSHSAA’s “*Transgender Student Participation Policy*” can be found on KSHSAA’s website, <https://www.kshsaa.org/Public/PDF/TransgenderPolicyRecommendations.pdf>.

⁵ See, <https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=83DEZJ757D2B>.

⁶ See, <https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=D9USSG7410BB>.

⁷ <https://www.ed.gov/about/news/press-release/us-department-of-education-finds-five-northern-virginia-school-districts-violation-of-title-ix>;

<https://www.ed.gov/about/news/press-release/us-department-of-education-finds-five-northern-virginia-school-districts-violation-of-title-ix>

(3) Disclosure of Student's Gender Identity

The Department's August 14, 2025 notification letters state that each "[School] District has a policy that prevents school officials from disclosing a student's 'transgender status' to the student's parents unless authorized by the student, in violation of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99."

This statement is both confusing and inaccurate. The applicability of FERPA is at best unclear or more likely -- not applicable -- given that the School Districts do not maintain information about gender identity in their education records of students in attendance. The School Districts only maintain information about students' sex (M or F), as recorded on their birth certificate, in their education records of students in attendance. Additionally, the School Districts have no such policies. In stark contrast to the Department's statement, the School Districts have enacted policies ensuring their compliance with FERPA, as noted below in Attachment A in the response to the Data Request.

We respectfully request resolution of this matter as this response addresses any potential FERPA concerns. Given the apparent lack of any parent of a student in attendance at the School Districts filing a complaint with SPPO regarding any alleged denial of access to education records, and given that the School Districts have not received any such FERPA complaint as affirmed below in response to the Data Request, this response should resolve any compliance concerns with respect to disclosure of student's gender identity.

(4) Request for Mediation or Voluntary Resolution

The OCR Case Processing Manual ("CPM") sets forth three different methods for resolution of a complaint: rapid resolution, mediation, and informal resolution. Article II of the CPM specifically addresses mediation of allegations. Article I, Section 110 of the CPM addresses rapid resolution. In light of the information provided above, if OCR wishes to proceed with rapid resolution for a dismissal or resolution letter, we would be glad to discuss these options.

Additionally, the School Districts would be amenable to mediation, however, according to the CPM, the mediation process involves OCR facilitating a discussion and possible agreement *between a complainant and a recipient*. It is unclear whether mediation is an available option to resolve this matter. However, if it is available, the School Districts remain amenable to mediation should a parent of a student in attendance at the School Districts have filed a complaint. In such a situation, the School Districts request that OCR act as a neutral facilitator and mediate the complaint.

Article III, Section 302 of the CPM addresses resolution agreements during an investigation. Because of the unsettled state of the law regarding Title IX protections for students and the myriad of court decisions enjoining the Department's attempted enforcement actions against recipients, it appears that this investigation would be most appropriate for a voluntary resolution process. Litigation would further consume taxpayer resources and that will neither serve students (whom we all jointly serve as part of our mission) and provide little benefit to either the Department or the School Districts. The School Districts request that OCR initiate voluntary resolution proceedings under CPM Section 302.

Specifically, we welcome the opportunity to meet with you both. If easier, would you please provide a few dates in the next two weeks or, if you prefer, undersigned counsel for the School Districts can email you dates that we are available to explore a resolution discussion.

(5) Applicable Case Law under Title IX

As OCR is well aware, case law has developed in a manner that strongly indicates that transgender students are protected under Title IX and that school districts are legally required to provide equal access to transgender students. The plain language of Title IX does not answer whether transgender students come under its protections. We therefore look to courts to interpret the law. See *Loper Bright Enterprises v. Raimondo* 603 U.S. 369 (2024) (holding that courts may not defer to an agency interpretation of the law simply because a statute is ambiguous, and that the Administrative Procedure Act requires courts to "decide all relevant questions of law").

The vast majority of federal appeals courts that have directly considered whether Title IX protects transgender students have found that excluding these students from facilities (or sports) consistent with their gender identity constitutes unlawful discrimination based on sex, often citing the U.S. Supreme Court precedent in the *Bostock v. Clayton County* case. There is only one federal court of appeals that has determined that Title IX protections do not extend to transgender students and our state, Kansas, is not in that jurisdiction.

As you likely know, the U.S. Supreme Court has yet to decide whether transgender status is a protected class under Title IX, or to determine if cisgender students' Title IX rights can be violated when equal protection access is provided to transgender students. Most recently, on September 10, 2025, the U.S. Supreme Court denied a request to lift a federal appeals court's injunction order that requires a public school to allow a transgender boy to use the boys' bathroom while he challenges a state law that requires students to use bathrooms based on their biological sex at birth.⁸

⁸ <https://www.scotusblog.com/cases/case-files/south-carolina-v-doe/>

(6) School Districts' Policy Documents

The School Districts are providing with this response their respective policy, procedure, or guidance documents regarding transgender students.⁹ The School Districts are also providing their respective non-discrimination/non-harassment policies, which ensure compliance with Title IX. The School Districts' position is that their non-discrimination policies, along with their practices with regard to responding to requests by transgender students and their parents, are in compliance with Title IX as it has been interpreted by federal courts.

We welcome a meeting as part of a resolution discussion with OCR and SPPO so that we may fully address, and hopefully resolve, the Department's three compliance concerns as we seek to find a path forward to voluntarily resolve any remaining questions regarding these three concerns.

(7) Response to Data Request Dependent on Receipt of Requested Information

Finally, we must express some frustration with our attempts to obtain additional information, both so that we can be responsive to the Department's Data Request, but more importantly to identify any potential harm to students. We know that our most important mission is to serve our students, and it is this mission that we jointly share. In trying to obtain information from your offices on whether there is any actual or potential harm to a student, we have encountered difficulties, but look forward to addressing any student-specific issues promptly once we receive such information.¹⁰

⁹ Olathe Public Schools does not have a policy or documented procedure; however, it does have an informal guidance document, dated 12/2/21, that is provided. Shawnee Mission School District does not have a policy or procedure document. It has an informal living document titled "Transgender Student Practices & FAQs" that is an internal guidance document for school principals that has been updated as principals have raised questions.

¹⁰ The August 14, 2025 letters stated the Department had received a complaint alleging that the School Districts have "a policy, procedure, or guidance ...that permits male students to participate in interscholastic and intramural athletic programs designated for female students, and allows students to use restrooms and locker rooms designated for the opposite sex based on a student's 'gender identity [in violation of Title IX]." and "a policy that prevents school officials from disclosing a student's 'transgender status' to the student's parents unless authorized by the student, in violation of [FERPA]."

On August 29, 2025, the School Districts requested the Department provide information about any complaint, complainant, and policies related to its letters. To date, the Department has not provided any information. The Department's response stated only that "[r]equests for records must be submitted in accordance with [FOIA]." When the School Districts submitted their September 5, 2025 FOIA request, the Department's September 8, 2025 letter indicated that "the current average request processing time is 185 business days." Given that the Department denied the School Districts' request for an extension beyond an additional 14 days, the Department has created a near-impossible situation under which the School Districts must respond to the Data Request without sufficient information. When the School Districts receive

We appreciate the time you are taking to carefully review our response. We also appreciate the opportunity to provide additional clarification in a meeting with you to address any outstanding questions or concerns.

Sincerely,

/s/ Counsel for the School Districts:

Kansas City, Kansas School District U.S.D. 500
Greg Goheen, Legal Counsel
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Olathe School District U.S.D. 233
Chris Pittman, Staff Counsel
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Shawnee Mission School District U.S.D. 512
Rachel England, General Counsel
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Topeka School District U.S.D. 501
Donna Whiteman, General Counsel
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responsive information under FOIA, each School District reserves the right to supplement its response to the Data Request within a reasonable time following receipt of such information.

Attachment A
School Districts' Response to Data Request in
OCR Case Nos. 07251501, 07251502, 07251503, 07251504 and
SPPO Case Nos. 25-0738, 25-0737, 25-0739, 25-0704

The responses below are, as requested, for school years 2023-2024, 2024-2025, and 2025-2026 (through September 19, 2025).

In response to request nos. 1 and 2, as stated in the School Districts' August 29, 2025 letter, counsel for each School District will be the point of contact. The undersigned counsel provide legal guidance to their respective School Districts on a variety of legal matters, including on compliance with Title IX and other civil rights laws with respect to sex and gender identity. The undersigned counsel have "*information relevant to the issues OCR and SPPO are investigating.*"

In response to request no. 10, the undersigned counsel have provided "*guidance ... that relates or refers to student participation in sex-separated interscholastic athletic or intramural programs based on a student's 'gender identity' or similar terms.*"

In response to request no. 11, the undersigned counsel have provided "*guidance ... that relates or refers to utilization of District provided sex-separated restrooms, locker rooms, or changing rooms, based on a student's 'gender identity' or similar terms.*"

In response to request no. 27, the undersigned counsel assisted in the preparation of this response. Please note that the undersigned counsel must preserve the attorney-client privilege and attorney work product privilege as it relates to legal guidance given to their clients regarding Title IX and FERPA and as it relates to documents or records prepared in anticipation of litigation with the Department.

If there is any additional non-privileged information or records that OCR requires in response to request nos. 1, 2, 10, 11, or 27, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 3, as stated in the School Districts' August 29, 2025 letter, the School Districts' understanding is that the Department has access to "*a copy of all documentation submitted by the District to the Kansas Department of Education [KSDE] requesting or applying for federal funding, including formula and discretionary grants.*" The School Districts further understand that OCR has requested the same documents from KSDE.

If there is any specific funding documentation that OCR is seeking in response to request no. 3 that it does not have access to, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 4, each School District has a Board of Education policy ensuring compliance with FERPA. Those policies are publicly available on each School Districts' website. A link to those policies is provided below.

- Kansas City, Kansas Board Policy JR (Student Records):
<https://go.boarddocs.com/ks/kckps/Board.nsf/goto?open&id=9PFUX67C4418>
- Kansas City, Kansas Board Policy IDAE (Student Privacy Policy):
<https://go.boarddocs.com/ks/kckps/Board.nsf/goto?open&id=9PH2V57B36D7>
- Olathe Board Policy IDAE (Student Privacy):
<https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=9QU6Z97076AD>
- Olathe Board Policy JRB (Release of Student Records):
<https://go.boarddocs.com/ks/olathe/Board.nsf/goto?open&id=83DEZU757DE2>
- Shawnee Mission Board Policy JR (Student Records):
<https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=9QUARS796A2C>
- Shawnee Mission Board Policy IDAE (Student Privacy Policy):
<https://go.boarddocs.com/ks/smsd/Board.nsf/goto?open&id=CHBL7R55372A>
- Topeka Board Policy 8250 (Student Records) and accompanying Regulation 8250-01 (Collecting, Maintaining, and Releasing Information from Student Records):
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/About%20Us/Policies%20and%20Regulations/8000%20-%20Students/8250.pdf
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/About%20Us/Policies%20and%20Regulations/8000%20-%20Students/8250-01.pdf
- Topeka Board Policy 8065 (Student Privacy Policy):
https://cdnsm5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/FINAL%20Policy%208065%20Oct%206%2022.pdf

The School Districts comply with FERPA, including specifically parents' and eligible students' right to inspect and review their education records and parents' and eligible students' right to request that their education records be amended. The School Districts do not respond to requests to inspect or access education records of students in attendance at the School Districts differently for any parent, including parents of transgender students.

If there is any additional information or records that OCR requires in response to request no. 4, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request nos. 5-8, 12, 14, 16, and 18, all of which relate to interscholastic athletic or intramural programs, as stated in the School Districts' August 29, 2025 letter, the School

Districts are all members of the Kansas State High School Activities Association (KSHSAA) and are subject to KSHSAA's policies and rules. Kansas law establishes that the authority and responsibility to regulate, supervise, promote, and develop activities such as athletics, music, forensics, dramatics and any other interschool extracurricular activities by students from grades 7 through 12 lies with KSHSAA.¹¹ Each of the School Districts' sports/athletic programs and performing arts activities are offered through and sanctioned by KSHSAA. After the Kansas legislature passed the Fairness in Women's Sports Act (K.S.A. §§ 60-5601 *et. seq*) in 2023¹², KSHSAA modified its participation policy. The current KSHSAA policy requires that interscholastic activities "*shall be expressly designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed.*" The KSHSAA policy is publicly available on its website at: <https://www.kshsaa.org/Public/PDF/TransgenderPolicyRecommendations.pdf>

The School Districts comply with this KSHSAA participation policy. The School Districts' interscholastic activities are designated as one of the following based on biological sex: 1. Males, men, or boys, 2. females, women, or girls; or 3. coed or mixed. In accordance with the KSHSAA participation policy, the School Districts' athletic teams or sports designated for females, women, or girls are not open to students of the male sex. If, after reviewing the KSHSAA participation policy, OCR determines that any provision of the KSHAA policy would require the School Districts to take action in violation of Title IX, the School Districts request that OCR facilitate a mediation or resolution meeting between OCR, KSHSAA, and the School Districts to discuss any specific provisions of the KSHAA policy that OCR believes is illegal, the specific authority for such position, and possible resolutions.

If there is any additional information or records that OCR requires in response to request nos. 5-8, 12, 14, 16, and 18, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM).

In response to request no. 9, as stated in the School Districts' August 29th letter, the School Districts' school buildings are each outfitted with typical sex-separated restrooms and locker rooms that would be present in any school building or other public building in accordance with 34 C.F.R. § 106.33. The School Districts ensure students and staff have equal access to facilities, and they ensure equivalent quality and availability of athletic facilities.

If there is any additional information or records that OCR requires in response to request no. 9, the School Districts shall make such documents available onsite to OCR representatives (in accordance with section 702(c)(3) of the CPM). Further, OCR is welcome to conduct an onsite inspection of the restrooms and locker room facilities.

¹¹ See, KSHSAA enabling statutes at K.S.A. §§ 72-7114 *et seq*.

¹² Note that this Kansas state law has not yet been challenged under Title IX or the Equal Protection Clause. The U.S. Supreme Court decision in the consolidated cases of *Hecox v. Little* and *B.P.J. v. W. Va. State Bd. of Educ.* will determine the legality of state laws barring transgender girls from girl's sports.



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**
Freedom of Information Act (FOIA) Service Center

FOIA REQUEST FORM

Use this form to request U.S. Department of Education records/information. Submit completed form and documentation via email: EDFOIAManager@ed.gov; fax 202-401-0920; or mail to U.S. Department of Education, Office of the Secretary, 400 Maryland Avenue, SW, LBJ 7W106, Washington, DC 20202-0121, Attn: FOIA Public Liaison.

REQUESTER INFORMATION

Title First Name M.I. Last Name

Business Name Title

Address Bldg/Apt#

City State Zipcode

Phone Number Fax Number Email

Requester Description

- An individual seeking information for personal use.
- Affiliated with a private corporation and seeking information for use in the company's business.
- A representative of the news media/press and this request is made as part of news gathering and not for commercial use.
- Affiliated with a public interest group and this request is not for commercial use.
- Affiliated with an educational or noncommercial scientific institution and this request is for a scholarly purposes.
 - Provide a description of the scholarly purpose the requested documents support.
 - If the scholarly purpose is currently funded by the Department of Education, provide funding numbers and award name.
 - If the documents requested are to increase the possibility of receiving a grant or contract to conduct a scholarly purpose, then the purpose of the request is commercial.

Comments (i.g. media agency, description of scholarly purpose)

Requester is an attorney submitting this request on behalf of 4 Kansas public school districts: (Kansas City, Kansas School District U.S.D. 500, Olathe School District U.S.D. 233, Shawnee Mission School District U.S.D. 512, and Topeka School District U.S.D. 501) to aid in providing responses to Data Requests from the U.S. Department of Education Office for Civil Rights.

Description of documents that are being requested. Be as specific as possible with regard to names, dates, places, events, subjects, etc. If known, you should include any file designations or descriptions for the records that you are requesting.

Any and all complaints or communications alleging a violation of civil rights laws, including Title IX, FERPA, or other laws received by the U.S. Department of Education Office for Civil Rights and/or Student Privacy Policy Office since August 1, 2023 concerning Kansas City, Kansas School District U.S.D. 500, Olathe School District U.S.D. 233, Shawnee Mission School District U.S.D. 512, and/or Topeka School District U.S.D. 501.

FEES AND FEE WAIVERS

- I agree to pay all applicable fees. (To view the fee structure, visit: <http://www2.ed.gov/policy/gen/leg/foia/fees.html>)
- I request a waiver or reduction of fees.
(To view the criteria for fee waivers, visit: <http://www2.ed.gov/policy/gen/leg/foia/fee-waiver.html>)
- Enter a specified amount which you agree to pay. I understand I will be notified if the estimated cost exceeds the specified amount I provided. (Note: The Department does not charge for request which total \$25 or less.)

EXPEDITED PROCESSING

If you are requesting expedited processing, choose the appropriate rationale for your request below.

- Failure to obtain requested records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Additionally, if immediate use of the FOIA is shown to be critical (as opposed to a mere allegation) to the preservation of a substantial right that fact may also be considered.

Explain

Requester needs the requested records by no later than Friday, September 12, 2025. OCR has set a response deadline for the 4 Kansas Public School Districts Data Requests of September 19, 2025.

- Request made by a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged Federal Government activity (this option available ONLY for requesters primarily engaged in disseminating information).

Explain

ADDITIONAL COMMENTS

Additional Comments

Privacy Act Statement:

AUTHORITY: 5 U.S.C. 301, Departmental Regulations and 5 U.S.C. 552, Freedom of Information Act (FOIA).

PURPOSE: to allow individuals to file electronic FOIA requests; to track all FOIA requests from receipt to response to compile statistics for the Annual FOIA Report; to research and respond to FOIA requests; to maintain case files to comply with records disposal requirements; and to maintain an administrative record to support any litigation.

ROUTINE USE: Requests are received, assigned a case number, routed to the appropriate office or organization for research and response, and filed in a case file. Requests that are transferred, receive a no records response, or granted in full are retained for 2 years and then destroyed. Requests that are denied in whole or in part are retained for 6 years then destroyed.

DISCLOSURE: Voluntary. We seek your full name and postal mailing address so we may mail a response to you. Failure to provide this information may result in your request not being processed (this page does not capture email addresses).

Information collected by this form is also used for trend analysis and may be shared with law enforcement personnel. Information submitted may be retained indefinitely.



United States Department of Education

Office of the Deputy Secretary

FOIA Service Center

September 8, 2025

Gregory Goheen
MVP Law
10 E. Cambridge Circle Drive,
Suite 300
Kansas City, KS 66103

RE: FOIA Request No. 25-04814-F

Fee Waiver Requested: No
Expedited Processing Requested: No

Dear Gregory Goheen:

This is an acknowledgment of your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated September 5, 2025, and received in the Department of Education's (Department) FOIA Service Center (FSC) on September 8, 2025. You requested the following:

“Any and all complaints or communications alleging a violation of civil rights laws, including Title IX, FERPA, or other laws received by the U.S. Department of Education Office for Civil Rights and/or Student Privacy Policy Office since August 1, 2023 concerning Kansas City, Kansas School District U.S.D. 500, Olathe School District U.S.D. 233, Shawnee Mission School District U.S.D. 512, and/or Topeka School District U.S.D. 501.”

Please review the Additional Information section below to learn if we need additional clarification and/or documentation in order to continue processing your request. **If no additional information is needed, nothing more is required from you at this time.** If we do require supplemental information, you have ten business days to respond. If you do not respond within this time frame, we will administratively close your case. An administrative closure is not a denial of your request and does not preclude you from making requests in the future.

Please be advised that the current average request processing time is 185 business days. If you have any questions, please contact the FSC at 202-401-8365 or EDFOIAManager@ed.gov. You may also check the status of your request at <https://doed.secureocp.com/app/CheckStatus.aspx>.

Additional Information

No additional information is needed at this time. However, we will contact you if, in the future, any additional information is needed in order to complete our search for documents.

Fees and Expedited Processing

There are currently no fees associated with this request. If we determine that a fee assessment is necessary, we will provide you with a fee estimate and the status of your requester category. If you requested a fee waiver and we determine a fee assessment is necessary, we will include our determination along with the fee estimate.

Additional Assistance

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS's assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison
Office of the Deputy Secretary
U.S. Department of Education
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Email: robert.wehausen@ed.gov
Phone: 202-205-0733
Fax: 202-401-0920

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road, OGIS
College Park, MD 20740-6001
Email: OGIS@nara.gov
Phone: 202-741-5770 or 1-877-684-6448

If expedited processing and/or a fee waiver was requested and denied, you have the right to appeal the Department's decision by submitting an appeal to the address below, no later than 90 calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal. It should be accompanied by this letter, a copy of your initial letter of request, and any documentation that supports the argument you wish the Department to consider in

making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office
Office of the Deputy Secretary
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W104
Washington, DC 20202-4536

Online Form: www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf

E-mail: EDFOIAappeals@ed.gov

Fax: 202-401-0920

Sincerely,

ED FOIA Service Center

Office of the Deputy Secretary

Kansas schools say they had no formal complaints about gender policies before investigation

KCUR | By Zane Irwin, Jodi Fortino

Published October 10, 2025 at 4:00 AM CDT



LISTEN • 4:18



Johnson County Post

Olathe Public Schools is one of four Kansas districts under investigation by the U.S. Department of Education over its policies for transgender students.

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The U.S. Department of Education threatened to withhold federal funding from four Kansas school districts last month over their policies for transgender students. The school districts are seeking support as they navigate a federal investigation.

The U.S. Department of Education has threatened to withhold federal funding from four Kansas school districts for potentially violating federal law with their policies for transgender students.

The department took issue with school policies it said allowed students to participate on the sports teams and use the restrooms that align with their gender identity. The districts also permitted teachers to maintain confidentiality with transgender students about what pronouns and names they use at school, the department alleged.

But in a letter to Kansas' federal delegation of U.S. representatives and senators, leaders of the Shawnee Mission, Olathe, Topeka and Kansas City, Kansas, school districts said they were not aware of any parent, student or staff who has filed a complaint with the department over those policies.

"Despite the lack of a complaint or any facts which might indicate a violation of current law, the Department has issued numerous data requests to our school districts and made threats to withhold federal funds," the school districts said.

"We write to solicit any support you can provide as we navigate this investigation."

The office of Democratic U.S. Rep. Sharice Davids said it had asked to be kept apprised of the investigation. Republican U.S. Sen. Roger Marshall's office encouraged the school districts to take the investigation seriously.

The federal investigation followed a complaint from the Defense of Freedom Institute, a conservative nonprofit based in Washington, D.C. Republican Kansas Attorney General Kris Kobach also urged federal officials to investigate.

"The most important duty of K-12 schools is to keep the students in their care safe from harm during the school day," Kobach wrote in a letter to the U.S. Department of Education.

children into a pipeline of 'social transitioning' without notifying parents who might object to this process and its potentially lifelong consequences."



Blaise Mesa / Kansas News Service

Republican Kansas Attorney General Kris Kobach has long criticized school policies that accommodate social transitioning for transgender students in Kansas schools.

In the letter, Kobach cited the case of a Shawnee Mission North teacher who is suing her school district. The teacher said administrators punished her for, among other things, criticizing the district's policies for transgender students.

But that lawsuit has been partially dismissed. And the Shawnee Mission School District noted in a news release that letters from the attorney general's office in 2023 and 2025 had not cited any specific instance where a parent was denied access to information about a transgender or gender-nonconforming student.

Kobach's office did not respond to a request for comment. The Defense of Freedom Institute said that "to protect individual privacy, we don't always comment on the origins of complaints," but added that public sentiment backs its goals.

“Public opinion is clear, and so is federal law: Women's sports and spaces are for women only, and schools have no right to keep secrets from parents,” a spokesperson said in a statement.

In 2023, Kansas lawmakers banned transgender girls from playing on girls' sports teams in schools and colleges. The Kansas State High School Activities Association reported that two student athletes in Kansas would be affected by the legislation at the time.

An 'extensive and challenging' request

In an Aug. 22 letter, the U.S. Department of Education made a sweeping list of requests for data from the four Kansas school districts with a two-week deadline to respond.

The department directed districts to the Office for Civil Rights, which handles Title IX complaints. Title IX is a federal civil rights law that prohibits sex discrimination in federally funded education programs.

The districts are also accused of violating the Federal Education Rights and Privacy Act, a law that governs student privacy. The department's Student Privacy Policy Office manages FERPA complaints.

KCUR obtained copies of the Education Department's data requests of Olathe Public Schools. The districts said in a letter to federal officials that they had all received nearly identical inquiries.

The 29-item request included the following:

- Any complaints that the school district received alleging “male students” participated in sports “designated for female students.”
- Any complaints that a student or staff member used a “sex-separated restroom, locker room, or changing room, based on ‘gender identity’ or similar terms.”
- Any complaints that a staff member chose not to tell a parent or guardian about “the student’s ‘transgender’ status, ‘gender non-conforming presentation,’ ‘gender identity,’ ‘gender status,’ or preferred pronouns, because of the student’s request or for any other reason.”

The department also asked districts to identify any gender-nonconforming students who participated in sports teams that aligned with their gender identity — an ask that noses

In their letter to Kansas' federal lawmakers, the four districts called the requests "extensive and challenging."

The most recent document KCUR reviewed is a Sept. 19 letter from the districts that partially fulfilled the data request. But the districts took issue with some aspects of the inquiry and asked to meet with investigators to find a non-adversarial resolution.

The districts reiterated that they already complied with state law that prohibits transgender students from participating in school sports according to their gender identity.



Carlos Moreno / KCUR 89.3

The districts said they comply with state law, which prohibits transgender students from competing in sports that align with their gender identity.

Further, the districts said the case law is not clear on whether transgender students' use of particular restrooms or locker rooms is a violation of Title IX.

Finally, the districts denied they had any policy of hiding students' gender identity from

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District counsel maintained throughout the response that they were not aware of any formal complaints made under Title IX policies or FERPA regarding transgender students. The districts formally requested those records — only to be told the wait time would be 185 business days.

“The Department has created a near-impossible situation under which the School Districts must respond to the Data Request without sufficient information,” the districts said in the Sept. 19 letter.

Federal funding threatened

In its news release announcing the investigation, the department warned that school districts could lose federal funding if they are found to violate Title IX or FERPA.

The department also warned in its Aug. 14 letter to districts that it has a “number of enforcement options available” to bring them into compliance with FERPA, including withholding further payments, issuing a cease and desist order and recovering funds.

But it’s unclear which federal funding sources and how much money would be on the line if districts don’t comply. Federal funding makes up 15.6% of district revenue in Kansas City, Kansas, Public Schools, according to the [Economic Policy Institute](#).

Topeka Public Schools relies on federal dollars to make up 13.8% of its revenue. Federal funding makes up 7.9% in the Shawnee Mission School District and 5.9% in Olathe Public Schools.

“Such an outcome would be devastating for each of our districts, with the most negative impact on our neediest students,” district leaders wrote in their letter to federal lawmakers.

If the Office for Civil Rights decided to disallow federal funding for Kansas school districts, it might not be a simple process.

“This idea that we’re going to withhold federal funding if you don’t give us this information is completely divorced from the way OCR is mandated to operate,” said Rachel Perera, a fellow in the Brown Center on Education Policy at the left-leaning Brookings Institution.

education across the country.

The Department of Education could soon deny millions of dollars in federal funding to school districts in Chicago, New York City and Fairfax, Virginia, for policies surrounding transgender students' use of locker rooms or restrooms.

"They do have that authority," Perera said. "But they are also required by law to follow certain processes to ensure that that authority is not abused."

Those processes include an investigation, a chance for districts to respond and the opportunity to appeal a decision to a federal judge, Perera said.

Some school districts have sued to challenge similar threats by the education department. The outcome of those battles, as well as a case before the U.S. Supreme Court on state laws banning transgender women in sports, could affect how things go for Kansas schools.

All of this lawfare, Perera said, is being waged over the heads of parents, students and teachers.

"These investigations are being opened in response to complaints from these national networks of right-wing advocacy groups," she said.

"They're not coming from the community. They're not coming from parents."



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Zane Irwin

Political discussions might make you want to leave the room. But whether you're tuned in or not, powerful people are making decisions that shape your everyday life, from access to health care to the price of a cup of coffee. As a political reporter for the Kansas News

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Jodi Fortino

As KCUR's education reporter, I cover how the economy, housing and school funding shape kids' education. I'll meet teachers, students and their families where they are — late night board meetings, in the classroom or in their homes — to break down the big decisions and cover what matters most to you. You can reach me at jodifortino@kcur.org.

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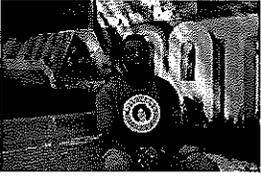
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