

Kennewick School Board
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March 26, 2025

U.S. Department of Education
Office of Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, D.C 20202

RE: Title IX Complaint against Washington State, State Superintendent Chris Reykdal, Office of the superintendent of Public Instruction (OSPI) and the Washington Interscholastic Activities Association (WIAA)

To Whom It May Concern,

On behalf of the Kennewick School Board, we wish to file a formal Title IX Civil Rights complaint with the U.S. Department of Education's Office for Civil Rights ("OCR") Complaint Resolution Process against Washington State, Washington Superintendent (Chris Reykdal), Office of the Superintendent of Public Instruction (OSPI), and the Washington Interscholastic Activities Association (WIAA) for policies and practices leading to sex-based discrimination in Washington state schools and student athletics.

We respectfully request URGENT federal intervention due to open and egregious Title IX violations currently occurring within the state's student athletics as well as requisite school district policies mandated by the state which are in direct violation of Title IX. We are particularly concerned the openly discriminatory policies and mandates by the state of Washington, State Superintendent Reykdal, OSPI and WIAA not only directly harm our young women, but also jeopardize our district's essential federal funding, the loss of which would most severely impact our most impoverished and at risk populations.

Washington state policy and the WIAA allow biologic males to participate in female athletics in direct violation of the Executive Orders issued by President Donald J. Trump on January 20, 2025, and February 5, 2025. Currently in high school girls track there is at least one male competing against females. This male unfairly competed last year, winning the 2024 girl's state 400m title which directly led to his team winning the Girl's state 2A track title. Not only does his current inclusion in the 2025 season directly violate title IX and President Trump's Executive Orders, but it is also "demeaning, unfair, and dangerous" to the young women with whom he competes, and "denies [them] the equal opportunity to participate and excel in competitive sports."¹

Additionally, as described below, the Washington State Office of the Superintendent of Public Instruction (OSPI) has mandated that the Kennewick School District revise its Gender-Inclusive Schools Policy and Procedure to conform to a state-wide model policy (3211/3211P) that directly violates Title IX. In doing so, Washington state and the State Superintendent, Chris Reykdal, have blatantly disregarded directives

¹ Exec. Order No. 14201, "Keeping Men out of Women's Sports", February 5, 2025.

of the United States Department of Education, and the lawful Executive Orders issued by our current President, creating discriminatory and unsafe environments detrimental to our children and particularly damaging to our girls and young women.

Violations of Title IX and the Executive Orders would, at a minimum, jeopardize essential federal funding for our schools. In the Kennewick School District federal funding equates to roughly 10% of our annual budget (\$31,681,806 in our 24/25 budget). Considering that like most school districts, over 80% of our budgets are committed to staff salaries and benefits, a 10% loss of available funds would be absolutely devastating to our district. This is particularly concerning as the state of Washington and its legislative bodies have consistently refused to fully fund K-12 education leaving many districts in precarious financial positions throughout the state. Loss or delay in funding would only exacerbate the financial problems in districts around the state. Furthermore, the loss of this funding would most severely and directly impact our lower income and minority students, leading to even greater inequity.

Our school board now faces a serious dilemma: Either the Kennewick School District complies with state mandates that put our federal funding in jeopardy; or it complies with Executive Orders (that ensure protection of our girls and young women) and risks retaliation from Washington State Officials. This conflict threatens our district's ability to create a safe and nondiscriminatory environment for our 18,000 students and infringes on both federal and local authority.

Therefore, the Kennewick School Board feels morally obligated to file this complaint, intended to highlight the Title IX violations by Washington State, Washington Superintendent (Chris Reykdal), Office of the Superintendent of Public Instruction (OSPI), and the Washington Interscholastic Activities Association (WIAA).

Background and Legal Conflict

Title IX

In 2024, the Biden administration attempted to rewrite Title IX to transform it from a law protecting girls rights into a law protecting “gender identity” rights. This dramatic change in Title IX was litigated by 26 states with numerous federal courts concluding that **Title IX was intended to protect girls’ rights and not gender identity rights.**

On August 16, 2024, in an opinion combining the cases, *Dept. of Education v Louisiana* and *Cardona v Tennessee*, the US Supreme Court ruled unanimously that three provisions of the Biden Final Rule were illegal. These were:

1. The requirement that Trans Rights replace Girls Rights.
2. The requirement that Trans males be allowed in Girls Bathrooms & Locker Rooms.
3. Requiring the use of specific pronouns violates the First Amendment rights of teachers & students.

On January 9, 2025, a federal court in *Tennessee v Cardona* ruled that the word “sex” in Title IX meant “biological sex” and that changing its meaning to “gender identity” would render Title IX meaningless. Based on this ruling, on February 4, 2025, the US Department of Education Office of Civil Rights (OCR) issued a “Dear Colleague” letter notifying all K-12 schools in the United States that they needed to immediately comply with the original meaning of Title IX.

“In recent years, many educational institutions and athletic associations have allowed men to compete in women’s sports. This is demeaning, unfair, and dangerous to women and girls, and denies women and girls the equal opportunity to participate and excel in competitive sports. Moreover, under Title IX of the Education Act of 1972 (Title IX) educational institutions receiving federal funds cannot deny women an equal opportunity to participate in sports. As some Federal courts have recognized “ignoring fundamental biological truths between the two sexes deprives women and girls of meaningful access to educational facilities.” *Tennessee v. Cardona*, 24-cv-00072 at 73 (E.D. Ky. 2024). See also *Kansas v. U.S. Dept. of Education*, 24-cv-04041 at 23 (D. Kan. 2024).

President Trump signed Executive Order “Keeping Men Out of Women’s Sports” on February 5th, 2025. Chris Reykdal has refused to comply with Title IX, under his false legal theories and tortured construction of civil rights in Washington, that the word “sex” in Title IX means “gender identity” and that Washington State law has priority over federal law. In his own words admitting violations of Title IX, Superintendent Reykdal stated, “roughly five (5) to ten (10) youth have identified themselves as trans participating in those activities.”

On February 28th, 2025, in the press release regarding an investigation into a Title IX complaint in Washington State, Craig Trainor, Acting Assistant Secretary for Civil Rights stated, “OCR’s directed investigations of educational institutions, state boards of education, interscholastic associations, and school districts demonstrates that the Trump Education Department will vigorously enforce Title IX to ensure men stop competing in women’s sports. If Washington wants to continue to receive federal funds from the Department, it has to follow federal law.

The state continues to defy Title IX and President Trumps Executive Order “Keeping Men Out of Women’s Sports” allowing biological males to participate in biological females’ sports and biological males using biological female’s restroom and locker rooms. This is a clear violation of privacy and safety for biological females.

WSSDA Policy 3211/3211P

On February 21, 2025, OSPI issued its 2024-25 Statewide Civil Rights Review, finding our current Gender-Inclusive Schools Procedure (3211P) noncompliant with Revised Code of Washington 28A.642.080. **OSPI has set a compliance deadline for May 23, 2025.** It demands the adoption of a state-wide model policy, citing deficiencies in our approach to “communication and use of pronouns” and “collaborative family communication.”

Our current policy was designed to address all state requirements and elements of the law while still adhering to some local control. Indeed, our local community has expressed significant opposition to how WSSDA 3211/3211P excludes parents from critical decisions regarding their children and local control. The state-mandated policy prohibits school staff from informing parents about their child's gender identity decisions without the student's consent, even when these decisions have significant implications for the child's well-being and mental health. This state-imposed restriction erodes the trust between schools and families and unreasonably infringes on the precious fundamental right of parents in guiding their children's development.

Our school board addressed this by genuinely attempting to find a middle ground between the state mandate and the fundamental role of parents. We did so with slight modifications to the state-mandated policy that shouldn't offend any reasonable person. Nevertheless, OSPI has taken the position that our

slight modifications offend the law (as OSPI has interpreted it) and seems to have triggered the State Superintendent Chris Reykdal and OSPI.

Moreover, our attempt to find a middle ground still places us in conflict with three Executive Orders, as described in more detail below:

- Ending Radical Indoctrination in K-12 Schooling (Jan. 20, 2025)
- Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (Jan. 20, 2025)
- Keeping Men Out of Women's Sports (Feb. 5, 2025)

Each of these orders ties federal education funding to policies that align with biological sex rather than gender identity.

Thus, adopting OSPI's directive would put our district at risk of violating federal policy, potentially jeopardizing critical Title I and IDEA funds. At the same time, refusal to comply surely will result in the state retaliating in the form of withholding state funding, further threatening our ability to serve students in need. More importantly, OSPI's required policy of 3211/3211P forces school districts to dismiss parental involvement in life-altering decisions, contradicting community values and federal principles that uphold parental rights in education.

Specific Areas of Conflict

1. Restroom and Locker-Room Access: State Requirement (WSSDA 3211P per RCW 28A.642.080): Mandates access based on gender identity. Executive Order (Feb. 5, 2025) requires facilities to be assigned based on biological sex. Kennewick Policy: Ensures compliance with state law. Conflict: Even our current (required) policy (by adhering to state law) violates federal law, placing federal funding at risk.
2. Participation in Athletics State Requirement: Allows participation based on gender identity. Executive Order (Feb. 5, 2025) bars biological males from women's sports. Kennewick Policy: Ensures compliance with state law by providing opportunities for all students and deferring to a state organization charged with interscholastic athletics, the Washington Interscholastic Activity Association (WIAA). Conflict: Again, our current policy (by adhering to state law) remains at odds with federal requirements.
3. Gender Ideology and Pronoun Use State Requirement: Mandates staff training and pronoun policies. Executive Order (Jan. 20, 2025 - Ending Radical Indoctrination) prohibits federal funding for gender ideology programs. Kennewick Policy: Ensures compliance with state law. Conflict: Even our moderated approach contradicts federal law because of other state requirements.
4. Parental Rights State Requirement: Permits withholding gender identity information from parents. Executive Order (Jan. 20, 2025) requires parental transparency on sex-based policies. Kennewick Policy: Provides a common-sense approach to pronoun use in communications with parents. Conflict: OSPI's enforcement undermines federal parental rights protections.

Request for Federal Support

To navigate the conflict described above and ensure our district can both protect parental rights, biological female sports, and biological female restrooms and locker rooms and comply with federal law, we respectfully request:

1. Assurance of Federal Funding: Confirmation that our adherence to federal mandates will not result in the loss of Title I, IDEA, or other essential education funds.
2. Clarification of Federal Preemption: Guidance affirming that school boards either have local control over the matters addressed in this letter or that the Executive Orders federally preempt conflicting state policies.
3. Investigation of Civil Rights and Parental Rights Violations: Coordination with the Department of Justice to examine WA State OSPI's directive as a potential violation of Title IX and federal protections for parental involvement in education.

Conclusion

The Kennewick School Board is committed to fostering a school environment that respects both the rule of law and the fundamental role of parents in their children's education. The Kennewick School Board is committed to ensuring the protection of biological female athletics, maintaining "all-female" locker rooms separate from male locker rooms, and prioritizing the privacy rights of our students. However, we find ourselves caught between conflicting directives that threaten not only our federal funding but also the rights and values of the families we serve. We urge your department's immediate attention to this matter to prevent undue harm to our students and ensure that our district remains compliant with federal law.

We appreciate your leadership and look forward to your guidance. I am available for further discussion at (509) 619-3183 or gabe.galbraith@ksd.org.

Sincerely,

Gabe Galbraith, President - Board of Directors

Micah Valentine, Vice President - Board of Directors

Brittany Gledhill, Legislative Representative - Board of Directors

Dr. Joshua Miller - Board of Directors

Michael Connors - Board of Directors