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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

March 6, 2025

Sent by email to: clewis@mlsd161.org and
kijensen@mlsd161.org

Carol Lewis, Superintendent
Kirryn Jensen, School Board Chair
Moses Lake School District
1620 S Pioneer Way
Moses Lake, WA 98837

Re: **Moses Lake School District, Gender-Inclusive Schools**

Dear Superintendent Lewis and Chair Jensen:

The Equity and Civil Rights Office within the Office of Superintendent of Public Instruction (OSPI) is aware that the Moses Lake School District (District)'s School Board (Board) issued a [letter to OSPI Superintendent Chris Reykdal and Governor Bob Ferguson](#), dated February 25, 2025, in which the Board resolves to immediately limit athletic eligibility based on gender identity, as well as revise other policies in a manner that could violate state nondiscrimination laws

The Equity and Civil Rights Office is responsible for ensuring that school districts in Washington comply with state and federal nondiscrimination laws, rules, and guidelines, including Chapters [28A.640](#) and [28A.642](#) of the Revised Code of Washington (RCW) and [392-190](#) of the Washington Administrative Code (WAC). These laws prohibit Washington K-12 public schools from engaging in discrimination on the basis of gender identity and gender expression.

Washington nondiscrimination laws already comply with federal civil rights and nondiscrimination statutes. States are permitted to provide greater protections for students than what is required by federal minimum standards, and Washington's laws fit squarely within the scope of what is allowed by federal law. Any federal executive orders or interpretative correspondence demanding a different approach do not have independent force of law and thus do not require a change in school policy.

OSPI is compelled to notify the District that the Board's stated actions do not align with the nondiscrimination requirements of Chapter [28A.642](#) RCW and may expose students to discrimination on the basis of gender identity or gender expression. The Board's stated actions are not consistent with the state's civil rights guidelines, [Prohibiting Discrimination in Washington Public](#)

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Schools,¹ which state that school districts should allow students the opportunity to participate in athletic activities in a manner that is consistent with their gender identity. OSPI is also concerned that the Board's stated actions may have a chilling effect on the rights of all students, including transgender and gender-expansive students, to participate in the District's athletic programs and activities.

Further, the Board, through these stated actions, may be putting at risk the District's athletic directors' professional certifications by directing them to intentionally violate state nondiscrimination law, which may be a violation of the Code of Professional Conduct.

Given this, OSPI is strongly cautioning the District from any action that may be seen as implementing, enforcing, or otherwise giving effect to the Board's letter, or actions outlined therein, or that otherwise limits a student's access and opportunities to participate in athletic activities in a manner that is consistent with their gender identity, as it may be in violation of state nondiscrimination law, rules, and guidelines, which fits squarely within federal nondiscrimination law. Should the District take any such action, OSPI may take steps to issue appropriate corrective action as outlined in RCW [28A.642.050](#) and WAC [392-190-080](#).

The Board's stated actions violate state nondiscrimination law. OSPI fully expects the Board and District will not retaliate against District employees when they refuse to comply with any discriminatory directives. Such retaliation is prohibited under WAC [392-190-060](#) and [392-190-005](#).

At this time, OSPI is requesting the Board and District stop implementation of the actions it outlines in their letter, as such actions would be in violation of state nondiscrimination law. As a next step, please respond to OSPI's concerns, including any clarification the Board or District wishes to provide regarding its commitment to nondiscrimination under state law. If the Board or District is unable to voluntarily resolve these concerns, OSPI may take further action.

Please contact me if you have any questions.

Sincerely,

/s/ Sarah Albertson

Sarah Albertson, Managing Attorney
Equity and Civil Rights

Cc: Mick Hoffman, Executive Director, Washington Interscholastic Activities Association

¹ RCW [28A.642.020](#) mandates OSPI adopt civil rights guidelines to eliminate discrimination, and RCW [28A.642.050](#) gives OSPI the power to enforce and obtain compliance with these guidelines.