

February 28, 2025

From: David Spring, Director, Washington Parents Network

To: U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW, Washington, DC 20202-1100

RE: Title IX Complaint against Washington Superintendent, Chris Reykdal and Washington Governor, Bob Ferguson

Sent via email

To Whom It May Concern:

This is a Title IX Civil Rights complaint filed under the U.S. Department of Education's Office for Civil Rights ("OCR") Complaint Resolution Process against Washington State Superintendent, Chris Reykdal, Office of the Superintendent of Public Instruction, (OSPI), 600 Washington St SE, Olympia, WA 98504 and Washington State Governor, Bob Ferguson, Office of the Governor, PO Box 40002, Olympia, WA 98504-0002.

The Washington Parents Network is an association of over 2,600 parents in Washington state. We are dedicated to protecting the rights of parents and their children. Our complaint includes this 4 page cover letter, a 74 page summary of their violations – divided into 15 sections – and Declarations from 11 of our members outlining how their rights and the rights of their children and students under Title IX were violated by policies advanced directly or indirectly by Chris Reykdal and Bob Ferguson, who we contend have been violating the plain meaning of Title IX for more than 8 years.

To be clear, in this complaint, we have only summarized a few of the worst violations of Title IX that have been inflicted on our children, parents, teachers and school board members during the past 8 years. We contend that all of our members and all of their children – and in fact, all of the children in Washington state - have been harmed by Reykdal and Ferguson's failure to comply with Title IX. As we explain below, even the recent Title IX complaint, filed on February 17, 2025 against the Tumwater School District, should more properly be directed against Chris Reykdal and Bob Ferguson, since the school district was forced to comply with Washington State Policy 3211 – under the threat by Chris Reykdal that the school district would lose state funding if they failed to comply.

While Reykdal's threats to withhold funding from school district was contrary to Article IX, Sections 1 and 2 of the Washington State Constitution, his threats were allowed to be made - and subsequent forced violations of Title IX - were allowed to be made by then Attorney General and now Governor Bob Ferguson. Thus, the two of them have acted in concert to commit thousands of ongoing violations of Title IX.

Legal Basis for our Title IX Complaint

On January 9, 2025, a federal court in Tennessee v Cardona ruled that the word "sex" in Title IX and that changing its meaning to "gender identity" would render Title IX meaningless. Based on this ruling, on February 4, 2025, Craig Trainer, with 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. <https://www.ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf>

Sadly, Chris Reykdal and Bob Ferguson have refused to comply with Title IX, under their false legal theories that the word "sex" in Title IX means "gender identity" and that Washington State law has priority over federal law. We therefore urge the OCR to investigate Chris Reykdal and Bob Ferguson to verify their actions described below and take all necessary steps to restore the biological sex-based Title IX rights of all students in Washington state – by requiring Chris Reykdal and Bob Ferguson to end the thousands of ongoing violations of Title IX which are occurring on a daily basis in Washington state. In particular, we ask the OCR to issue a determination that Washington Policies 3211 and 3211P as well as associated Washington state laws are in violation of Title IX.

Request for waiver of normal rules

Given the extremely serious, pervasive and unusual nature of these ongoing violations of Title IX, we ask the Office of Civil Rights to **waive the normal 180 day period to report incidents of discrimination under Case Processing Manual (CPM) Section 107**. There are at least four reasons to waive this 180 day time period. The first reason is that it has taken the federal courts the past 8 years to finally reject Reykdal and Ferguson's crazy claim that Title IX was intended to protect "gender identity" rights rather than "biological sex" rights.

That federal court determination did not become legally binding on

Washington state until the January 9, 2025 ruling in Tennessee v Cardona. We have filed our complaint within 60 days of this date as required by Section 107a of the Office of Civil Rights Case Processing Manual. <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>

The second reason to waive the 180 day requirement is that even after the January 9, 2025 ruling in Tennessee v Cardona, it was not clear if Washington state would comply with the federal ruling. It is only in the past few weeks that statements by Chris Reykdal and Bob Ferguson have made it clear that they do not intend to comply with Title IX.

The third reason to waive the 180 time period is that we maintain that the Title XI discrimination is ongoing and represents a historical pattern of 8 years of Title IX violations by Chris Reykdal and Bob Ferguson.

The fourth and perhaps most important reason to waive the 180 day requirement is the sheer scope of these violations of Title IX. Never before has an entire state failed to comply with Title IX for an 8 year period of time. It is important to take into account 8 years of harming children, brainwashing teachers and lying to the media when determining the scope of the remedies needed to *“overcome the effects of such discrimination.”*

In addition, we ask the Office of Civil Rights to waive the requirement that the complaint be filed against a particular agency. We understand that Title IX is written such that the OCR must take action against an “educational agency that receives federal funds.” **If educational agencies are needed, then consider this a Title IX complaint against the Washington State Office of the Superintendent of Public Instruction (OSPI) and the Washington State Interscholastic Athletic Association (WIAA).**

However, while OSPI and WIAA are state educational agencies that receive federal funds to disburse to our schools, these two agencies can hardly be held responsible for the 8 years of ongoing violations, when the actual violations were required by Chris Reykdal and Bob Ferguson through Policies 3211 and 3211P and when the staff at OSPI and WIAA relied on their fallacious legal theories. Like the 295 individual school boards in Washington state, OSPI and WIAA administrators were merely following orders given to them by Chris Reykdal and Bob Ferguson. It was Reykdal and Ferguson who made up the now rejected legal farce that Title IX was intended to apply to “gender identity” instead of “biological sex.”

Justice as well as corrective remedies require that the actual perpetrators of the violations be held accountable for their actions. In this case, the perpetrators were Chris Reykdal and Bob Ferguson - who misled our state legislature into passing their draconian policies 3211 and 3211 P and misled teachers and administrators into following these policies. Thus, the remedies must end Title IX violations by Chris Reykdal and Bob Ferguson.

In addition, we ask the Office of Civil Rights to waive the requirement that each violation be given a separate case number. The total number of violations is in the tens of thousands and these violations are ongoing. Therefore assigning separate case number to each of our complaintants would be confusing rather than helpful. Instead, we ask that all of these violations and cases be consolidated into a single case where the remedies below address all of the past and current violations of Title IX.

We further ask that Chris Reykdal and Bob Ferguson be required to publicly acknowledge that they have been in violation of Title IX during the past 8 years and be required to take active steps to correct the harm that they have inflicted on all of our students here in Washington state.

We further ask that all WIAA records be corrected to comply with Title IX so that the true biological females in all past WIAA events be properly awarded for their accomplishments as the actual winners.

Finally, we ask that the Office of Civil Rights follow the 911 Commission policy of appointing a Special Master to be the **Washington State Title IX Compliance Officer** with authority to supervise mandatory corrective Title IX Training of all school district directors, administrators and teachers in Washington state to make up for the past 8 years of Title IX misinformation inflicted on them by Chris Reykdal and Bob Ferguson.

Given that it took 8 years of lies and legal fallacies to create this severe violation of federal law, it will likely take 8 years of truth telling to fully restore Title IX compliance here in Washington state. The sooner this Title IX compliance process starts, the better it will be for our students.

Sincerely, David Spring M. Ed.
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Title IX Washington State Complaint

February 28, 2025

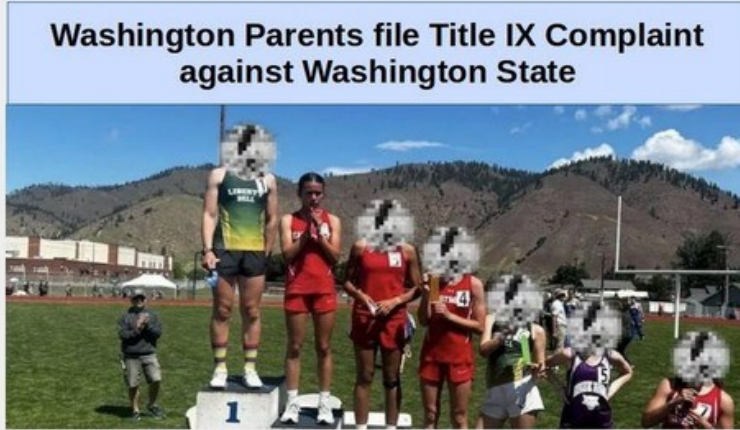


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I Recent Legal Rulings clarifying the meaning of Title IX

For the past 8 years, both Reykdal and Ferguson have repeatedly and falsely claimed that their policies of allowing boys in girls bathrooms, boys in girls locker rooms and boys in girls sports here in Washington state did not violate Title IX because according to their convoluted reasoning, the word “sex” in Title IX actually meant “gender identity.” Therefore, Title IX required allowing biological males who identified as girls to compete in girls sports – even though the clear meaning of the word “sex” in Title IX meant “biological sex” and intent of Title IX was the exact opposite of their claims.

In 2024, the Biden administration adopted the Ferguson Reykdal interpretation of Title IX and 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.

Here is a link to their order:

https://www.supremecourt.gov/opinions/23pdf/24a78_f2ah.pdf

Here is a quote from this decision: *“All Members of the Court accept that the plaintiffs were entitled to preliminary injunctive relief as to three provisions of the rule, including the central provision that newly defines sex discrimination to include discrimination on the basis of sexual orientation and gender identity... respondents are entitled to interim relief as to three provisions of that Rule: (defining sex discrimination) (2) **(prohibiting schools from preventing individuals from accessing certain sex-separated spaces consistent with their gender identity)**, and §106.2’s definition of hostile environment harassment. “*

On January 9, 2025, Reykdal and Ferguson’s false interpretation of Title IX was rejected by a federal court ruling in Tennessee v Cardona which vacated the 2024 Biden Title IX Final Rule – returning all 50 states to the original meaning of Title IX – that **the term “sex” means biological sex and not gender identity**. Here is a link to this 15 page ruling:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2025/2025-1-title-ix.pdf>

Here are quotes from this ruling: ***“When Title IX is viewed in its entirety, it is abundantly clear that discrimination on the basis of sex means discrimination on the basis of being a male or female.”***

*“As this Court and others have explained, **expanding the meaning of “on the basis of sex” to include “gender identity” turns Title IX on its head.** While Title IX sought to level the playing field between men and women, it is rife with exceptions that allow males and females to be separated based on the enduring physical differences between the sexes... **the entire point of Title IX is to prevent discrimination based on sex—throwing gender identity into the mix eviscerates the statute and renders it largely meaningless.**”*

“The Final Rule also suffers significant constitutional infirmities. The Court remains persuaded that the Final Rule offends the First Amendment... the Final Rule’s definitions of sex discrimination and sex-based harassment, require Title IX recipients, including teachers, to use names and pronouns associated with a student’s asserted gender identity... Put simply, the First Amendment does not permit the government to chill speech or compel affirmance of a belief with which the speaker disagrees.”

*“The seriousness of the error weighs heavily in favor of vacating the Final Rule, as it is unlawful on numerous fronts... vacatur of the Final Rule would simply **“cause a return to the status quo” that existed for more than 50 years prior to its effective date.**”*

Note that the January 9, 2025 ruling did not merely return Title IX to the previous Trump Final rule. Instead, it clearly defined the word “sex” as meaning male or female and returned Title IX to its original purpose which was to protect the rights of females - as to interject “gender identity” into Title IX ***“eviscerates the statute and renders it largely meaningless.”***

II Presidential Orders enforcing federal laws have the force of law

At recent press conferences, both Bob Ferguson and Chris Reykdal have claimed that Presidential Orders do not have the force of law and can therefore be ignored here in Washington state. This claim may or may not be true in some cases and in such cases, litigation in federal court may be appropriate for some Presidential Orders.

However, Presidential Orders enforcing federal laws do have the force of law and therefore can not be ignored here in Washington state and can be enforced without the need to go before a federal court.

A clear example of a Presidential Order is the one signed on February 5, 2025 entitled “Keeping Men out of Womens Sports.” This Presidential Order refers specifically to enforcing Title IX.

President Trump signs Executive Order to withhold federal funds for any state refusing to comply with Title IX

On February 5, 2025, President Trump signed an Executive Order which states: *“Under Title IX of the Education Amendments Act of 1972 (Title IX), educational institutions receiving Federal funds cannot deny women an equal opportunity to participate in sports... Therefore, **it is the policy of the United States to rescind all funds from educational programs that deprive women and girls of fair athletic opportunities.**”*

Here is a link to this order: <https://www.whitehouse.gov/presidential-actions/2025/02/keeping-men-out-of-womens-sports/>

Litigating about this question in federal court is particularly not appropriate given that in the past year numerous federal courts have issued rulings on this exact question. These courts include the US Supreme Court. Most binding is the January 9, 2025 ruling of a federal court in Tennessee v Cardona which concluded that the word sex in Title IX meant “biological sex” and not “gender identity” and the same court ruled that replacing biological sex with gender identity would render Title IX protections for girls and women to be “meaningless.”

It is time for Reykdal and Ferguson to publicly acknowledge that their claim that Title IX included Gender Identity was nothing more than a legal farce – and to accept their responsibility to fully comply with the actual meaning of Title IX to protect the rights of girls and women.

III Washington State ongoing Failure to comply with Title IX

The August 16, 2024 US Supreme Court ruling combined with the January 9th federal court ruling finally ended the 8-year legal farce of Bob Ferguson and Chris Reykdal that Title IX was about gender identity rights rather than girls rights. However, **on February 6, 2025, Chris Reykdal ignored these rulings and released a statement saying:**

*“The President’s order directly contradicts state law, including the Washington Law Against Discrimination, and our laws prohibiting discrimination in our public schools. Our state law prohibits discrimination on the basis of gender identity, and **we will not back down from that.**”*

Here is the link: <https://ospi.k12.wa.us/about-ospi/news-center/news-releases/state-superintendent-chris-reykdals-statement-president-trumps-order-discriminate-against-trans>

Then on February 7, 2025, Chris Reykdal issued a 9 page bulletin called **Guidance on Returning to the 2020 Title IX Rules** which again fails to comply with Title IX. Here is a three paragraph quote from this document:

“On February 4, 2025, the Department’s Office for Civil Rights (OCR) issued guidance stating that it will begin enforcing Title IX pursuant to the 2020 Title IX Rules, outlined at 34 C.F.R. Part 106 et seq. In this same guidance, OCR further clarified that all open Title IX investigations that were initiated under the 2024 Title IX rules should be “immediately reevaluated to ensure consistency with the requirements of the 2020 Title IX Rule and the preexisting regulations at 34 C.F.R. 106 et seq.”

“Notably, the 2020 Rule expressly protects people, regardless of gender identity or sexual orientation (2020 Rule at 30178).”

“Washington state law expressly prohibits discrimination based on sexual orientation, gender identity, and gender expression. The court’s order vacating the 2024 Title IX rules does not impact Washington schools’ obligations to prohibit discrimination based on these legally protected classes. Washington law, at Chapter 28A.640 RCW and 392-190 WAC, also prohibits sex discrimination, including sexual harassment, in schools.”

Reykdal’s guidance document then provides 7 pages detailing how the 2020 Trump Rule is different from the 2024 Biden Rule regarding the process for resolving sexual harassment complaints.

Here is a link provided in the document to **2020 Rule at 30178**:

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

This is a link to a several hundred page document. Scroll down to page 30177, the Section begins with the title **Gender-based Harassment**.

Here are quotes: *“The word “sex” is undefined in the Title IX statute. The Department did not propose a definition of “sex” in the NPRM and declines to do so in these final regulations. The focus of these regulations remains prohibited conduct... Thus, any individual—irrespective of sexual orientation or gender identity—may be victimized by the type of conduct defined as sexual harassment.”*

“Title IX and its implementing regulations include provisions that presuppose sex as a binary classification, and provisions in the Department's current regulations, which the Department did not propose to revise in this rulemaking, reflect this presupposition.”

*“In promulgating regulations to implement Title IX, the Department expressly acknowledged physiological differences between the male and female sexes... For example, the Department's justification for not allowing schools to use “a single standard of measuring skill or progress in physical education classes . . . [if doing so] has an adverse effect on members of one sex” [796] was that “if progress is measured by determining whether an individual can perform twenty-five push-ups, the standard may be virtually out-of-reach for many more women than men **because of the difference in strength between average persons of each sex.**”*

*“defining sex is not necessary to effectuate these final regulations... **Anyone may experience sexual harassment, irrespective of gender identity or sexual orientation.**”*

*“The Department acknowledged physiological differences based on biological sex in promulgating regulations to implement Title IX with respect to physical education... **These final regulations concern sexual harassment and not the participation of individuals, including transgender individuals, in sports or other competitive activities.**”*

In short, the 2020 Trump Final Rule does not align with the Reykdal claim that ***“The 2020 Rule expressly protects people, regardless of gender identity or sexual orientation (2020 Rule at 30178).”***

Instead, the Trump Final Rule simply clarifies the process for filing claims of sexual harassment. It makes no determination on whether Gender Identity is included or is not included in the definition of “sex” as defined by Title IX.

But that does not mean that the term “sex” as used in Title IX does not have a definition. Instead, the Trump Final Rule, along with numerous federal courts – including the US Supreme Court – uses the plain ordinary **meaning of the word “sex” as it existed in 1975 when Title IX was passed by Congress.** In 1975, the word “sex” meant biological sex and the term “gender identity” did not even exist.

The 2020 Trump Final Rule does protect people, regardless of gender identity, but only as the protection relates to sexual harassment. **In all other aspects, such as allowing boys in the girls bathrooms or boys in girls sports, the Trump Final Rule, along with numerous federal courts – including the US Supreme Court relies on the plain meaning of sex – meaning biological males or females.**

As the January 2025 federal court ruling stated: ***“throwing gender identity into the mix eviscerates the statute and renders it largely meaningless.”*** Therefore, all Washington state laws and policies and rules, including WIAA rules, allowing biological males in girls sports are contrary to the intent of Title IX as they render girls rights meaningless.

In addition, as the January 2025 federal court also noted: *“Put simply, the First Amendment does not permit the government to chill speech or compel affirmance of a belief with which the speaker disagrees in this manner.”*

Therefore, all Washington state laws, rules or policies that require a student or teacher to use pronouns based on gender identity violate the First Amendment of the US Constitution.

More than a dozen federal courts have ruled this to be the case in the past 10 months. Yet nowhere in Reykdal’s Guidance letter does he even mention either changing policies on males in girls bathrooms, males in girls locker rooms, males in girls sports or restricting the use of pronouns. Instead, more than a month has passed since the January 9, 2025 federal court order and Washington state still is not in compliance with Title IX.

IV Chris Reykdal actions confirm his disregard for Title IX

On February 6, 2025, at 8:51 am, Chris Reykdal sent an email to all School District Superintendents in Washington state. In this email, Reykdal wrote:

“Regarding Executive Order: Keeping Men Out of Womens Sports

*The Presidents Executive Orders are not law, and there are serious legal questions about whether this order is able to override **the rights of states to further define Title IX consistent with each states laws** and the human rights framework established in each state.” (emphasis mine)*

What Reykdal is referring to are several recently passed Washington State laws that are in direct violation of Title IX because they all place the rights of Transgender but biological males above the rights of biological females.

While Title IX does allow some leeway in interpretation to the states, it does not allow so much leeway for **a state to interpret Title IX in a manner that would render Title IX to be meaningless**. As several federal courts and the US Supreme Court have recently ruled, allowing biological males to enter girls bathrooms and take over girls sports would in fact render Title IX meaningless in terms of protecting the rights of biological girls to private spaces and fair sports competition.

Here is another quote from the February 6, 2025 Reykdal email:

*“Regarding the President’s attempt to withhold funds, we do not believe the US Department of Education can lawfully withhold funding provided to the states or local education agencies when the dollars were provided by congressional action for purposes unrelated to the topic of gender equity and inclusion... **At this time, schools should continue to follow state law prohibiting discrimination on the basis of gender identity.** “*

While it is true that in the past 50 years since the adoption of Title IX, no state or local education agency has ever had funding withheld due to a failure to comply with Title IX, it is also true that **no state or local agency has ever committed such a blatant and ongoing 8-year violation of Title IX**. Note that despite both the US Supreme Court and numerous federal courts ruling that Title IX is about protecting the rights of biological girls, Reykdal still orders school district superintendents to interpret Title IX using “gender identity” which in turn renders Title IX to be meaningless.

As for Reykdal's claim that the US Department of Education can only withhold federal funds which are related to the topic of gender equity and inclusion, this is basically an admission that he knows he is violating Title IX but trying to reassure school superintendents that only some funds will be withheld.

Reykdal is ignoring a crucial point of his ongoing violation of Title IX. Even if only a single dollar was withheld, it is a violation of Reykdal's Oath of Office to knowingly violate Title IX – regardless of the impact of the penalty.

Furthermore, he is incorrect in his claims about the limited power of the US Department of Education Office of Civil Rights. The following federal document details the requirements that must be satisfied before **denying or terminating federal funds to** a state or local educational agency:

<https://www.justice.gov/crt/title-ix#C.%C2%A0%20Complaints>

A four step process is involved:

#1: OCR must notify the recipient that it is not in compliance with Title IX and that voluntary compliance cannot be achieved;

#2: After an opportunity for a hearing on the record, the "responsible Department official" must make an express finding of failure to comply. Hearings on terminations **cannot be held less than 20 days** after receipt of notice of the violation. See, e.g., 45 C.F.R. ¶ 80.9(a) (HHS).

#3: The head of the agency (the US Department of Education) must approve the decision to suspend or terminate funds; and

#4 The head of the agency must file a report with the House and Senate legislative committees having jurisdiction over the programs involved and **wait 30 days before terminating funds**. The report must provide the grounds for the decision to deny or terminate the funds to the state or local agency. 42 U.S.C. ¶ 2000d-1; 20 U.S.C. ¶ 1682; See, e.g., 45 C.F.R. ¶ 80.8(c) (HHS).

Thus, federal law does not limit the penalties to just funding associated with gender equity and inclusion. It is up to the US Department of Education to impose a penalty sufficient to bring the state into compliance with Title IX.

Here are more federal regulations:

“Agency Fund Termination Limited to the Particular Political Entity, or Part Thereof, that Discriminated: *Congress specifically limited the effect of fund termination by providing that it...shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.”*

A Fifth Circuit ruling called Finch, 414 F.2d 1068, determined that it was up to the federal agency (in this case the US Department of Education) “to establish the basis for findings as to the scope of discrimination” and that a “fund termination order must be based on program-specific (i.e., grant statute specific) findings of noncompliance... If the funds provided by the grant are administered in a discriminatory manner, or if they support a program which is infected by a discriminatory environment, then termination of such funds is proper. “

In the case of Washington state, Policy 3211 is required to be implemented in every school district. Since we show below that **Policy 3211 violates Title IX**, then every school district in Washington state is in violation of Title IX. While it is likely that violations are limited to educational programs and thus only federal educational funds will be withheld, this is still an amount that could exceed one billion dollars per year.

Here is another quote from the February 6, 2025 Reykdal email confirming his intent to violate Title IX: *“We are continuing to receive a lot of questions about federal funding. While the breakdown in funding is different for each school district, just 7% of our overall K-12 funding (on average) comes from federal sources. Of those funds, roughly 5% are formula directed funds, which we expect would be protected. We anticipate that there will be further legal action to prevent federal agencies from complying with the President’s orders to condition the receipt of **federal funds on compliance with executive orders that exist outside of our state laws.** “*

Once again, Reykdal is falsely claiming that state laws have priority over an executive order which is intending on enforcing Title IX. In fact, state laws which fail to comply with Title IX violate the federal rights of every student in Washington state and **such state laws must therefore be repealed as a condition of restoring federal funding.**

In addition, if withholding federal funding fails to bring Reykdal and Ferguson into compliance with Title IX, the US Department of Education is required to **refer the matter to the US Department of Justice** which will take the matter to the federal courts to get a federal court order to achieve compliance. Here are more relevant federal enforcement regulations:

Department of Justice Role Under Title IX

The Department of Justice has two roles to play in Title IX enforcement: coordination of federal agency implementation and enforcement, and legal representation of the United States and the Department of Education. The Attorney General shall "coordinate the implementation and enforcement by Executive agencies" of Title VI, Title IX, Section 504 and "any other provision of federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

Except for approval of agency regulations implementing Title IX and Title VI and the issuance of coordinating regulations, all other responsibilities have been delegated to the Assistant Attorney General for Civil Rights. While each federal agency extending federal financial assistance has primary responsibility for implementing Title IX with respect to its recipients, overall coordination in identifying legal and operational standards, and ensuring consistent application and enforcement, rests with the Civil Rights Division of the Department of Justice. In interpreting Title IX, the Department will look closely at, and coordinate and consult with, the Department of Education, the agency with the most Title IX experience and the agency with the regulations that served as the basis for the Title IX common rule.

Cost of Non-Compliance with Title IX

The actual cost of non-compliance depends on which federal funds the Trump administration Department of Education decides to withhold. At a minimum, it could be \$358 million. This would result in the firing of more than 6,000 teachers. At a maximum, it could exceed one billion dollars a year and result in the firing of more than 18,000 teachers. Here is a link to a detailed analysis: <https://edlawcenter.org/research/trump-2-0-federal-revenue-tool/>

More evidence of bad faith by Chris Reykdal

On February 20, 2025, Chris Reykdal posted a video on Youtube attempting to justify his ongoing violations of Title IX. You can watch his video at this link: <https://www.youtube.com/watch?v=ouTkWtTTMxg>

Here are quotes from his video:

"We have a civil rights framework in the state that includes trans youth. This is a biological question. It is quite simply inaccurate to say biologically that there are only boys and there are only girls. There is a Continuum. There is a science to this. There are children who are born intersex."

*"There are children whose chromosomes and their hormones are not consistent with their sex at birth. That is not a debate we are going to have today. I just want to remind you of our civil rights obligation. **Our state laws make clear that students get to identify and participate in activities based on the gender in which they identity. We are going to uphold that law. And here is why... There is no law on the federal level that prohibits that. And an executive order of the president is not a law. He can interpret existing federal laws. But he can not make new laws... Our laws protect these youth to participate... Until Congress acts differently to change the law or our state legislature changes the law, we are going to follow the current law and the current civil rights framework of this state.**"*

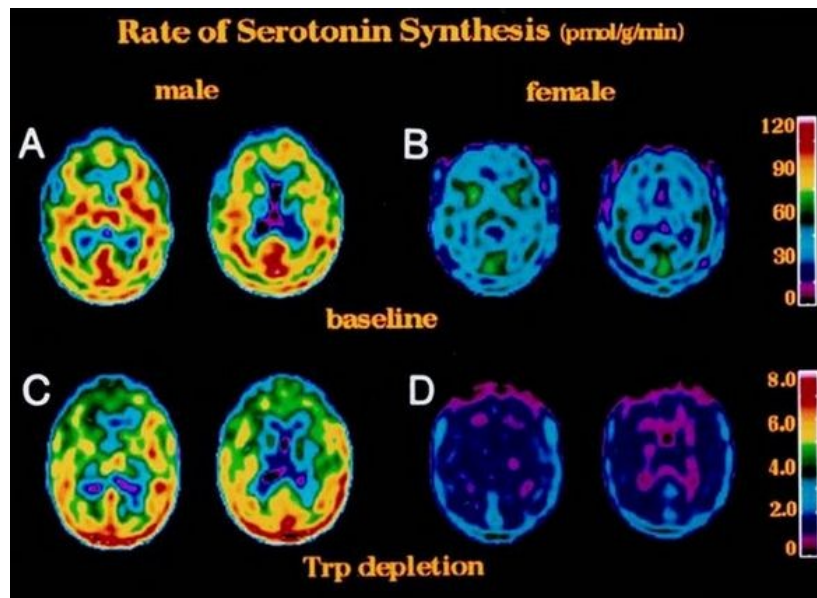
First of all, Reykdal's claims about biological sex existing along a "Continuum" are false. In well over 99.99 percent of all cases, infants are conceived with either XX (female) or XY (male) chromosomes. There are almost no cases of infants being born "intersex." There are also almost no cases of children whose hormones are not consistent with their sex at birth. In fact, numerous scientific studies have proven that the hormones of boys have almost no overlap with hormones of girls. There is no Continuum.

As just one example, serotonin differences in the brain are regulated by a group of genetic markers that act (are expressed) much differently in males and females. The serotonin levels in male brains is about 52% greater than in female brains. Here is a link to this study:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC24674/>

This is likely one of the reasons why girls are more sensitive to stress and why girls are more likely to suffer from Depression than boys.

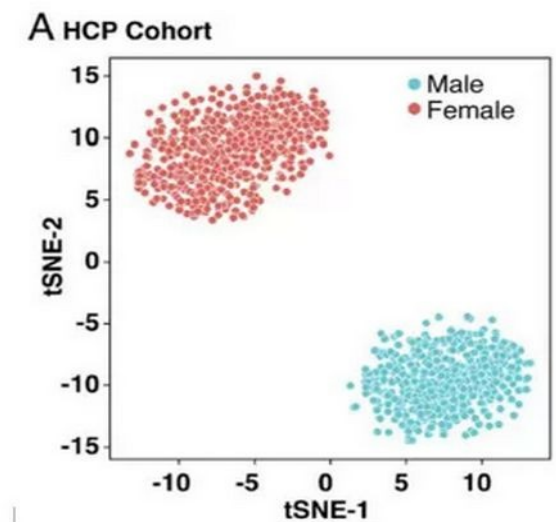
Here are brain scans of 8 male and 7 female subjects:



Serotonin synthesis capacity values declined at an earlier age in girls than in boys. <https://pubmed.ncbi.nlm.nih.gov/10072042/>

In another recent study of brain differences using three independent cohorts (N ~ 1,500 young adults aged 20 to 35), the researchers also found huge differences in brain functioning. Here is the link: <https://www.pnas.org/doi/10.1073/pnas.2310012121>

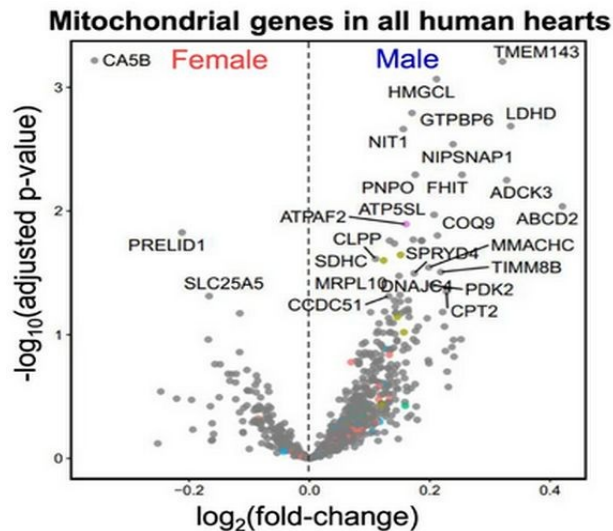
Here is the graph:



You can plainly see that there is no overlap or continuum between males and females.

Here is a quote: “These findings strongly suggest that what’s going on in a woman’s brain at rest is significantly different from what’s going on in a man’s brain at rest. These findings strongly suggest that the determinants of cognitive functions in male brains are profoundly different from the determinants of cognitive functions in female brains.”

Here is a 2022 study of huge sex differences in heart mitochondria:



Here is the link: <https://www.nature.com/articles/s41467-022-31544-5>

Here is the quote: “**We observed that expression of genes encoding mitochondrial proteins are higher in males than females in humans.**”

In short, there is no science that supports the ridiculous claims that Reykdal frequently makes about a “continuum.” Instead, hundreds of scientific studies confirm that there are only two sexes – male and female – and these two sexes are radically different.

Reykdal also falsely claims that “There is no law on the federal level that prohibits that (by which he means) **students get to participate in activities based on the gender identity.**”

In fact, there is a federal law. It is called Title IX. At the risk of sounding like a broken record, allowing biological males to participate in girls sports and enter girls bathrooms violates Title IX protections for those girls and renders Title IX meaningless. This is not merely my opinion or Donald Trump’s opinion. It is the clear opinion of the US Supreme Court and numerous other federal courts. Yet, despite all of these important court rulings in the past year, Reykdal insists on continuing his ongoing violations of Title IX.

Because of Reykdal's claim that state law has priority over state law, on **February 24, 2025**, the Superintendent of the Tacoma School District emailed parents and posted the following statement on their website noting that they will follow Reykdal's guidance on following state law despite the fact that state law violates Title IX:

Update on executive order impacting transgender girls in sports

Earlier this month, an executive order was signed, attempting to restrict transgender girls from participating in girls' sports with their peers. The order calls for withholding federal funds from school districts that do not comply. The order directly contradicts [Washington State law](#), including the Washington Law Against Discrimination, and laws prohibiting discrimination in public schools. Our state law prohibits discrimination on the basis of gender identity. We will continue to follow Washington state law.

In our state, high school and middle school athletic programs are governed by the Washington Interscholastic Activities Association (WIAA). Current WIAA rules state students can participate in programs consistent with their gender identity or the gender most consistently expressed. We will monitor any potential change to WIAA rules. We will also work closely with the state Office of the Superintendent of Public Instruction to understand the impact on Tacoma Public Schools in response to the executive order.

<https://www.tacomaschools.org/about/newsroom/story-detail/~board/2024-2025-school-year/post/update-on-executive-order-impacting-transgender-girls-in-sports>

V Bob Ferguson's numerous violations of Title IX

Before we review how Washington Policy 3211 violates Title IX, we will summarize the essential role that Bob Ferguson's many convoluted legal filings have played during the past 8 years in his ongoing violations of Title IX. Ferguson's many legal filings have basically rested on two false claims. The first claim was that the meaning of the word "sex" in Title IX meant "gender identity" rather than "Biological sex". This claim was exposed to be a farce by numerous federal courts in 2024 – including the US Supreme Court – as well as the very clear ruling by the federal court on January 9, 2025 – which drove the final stake into Ferguson's legal monstrosity.

The second false claim was that students suffering from gender confusion needed to be given drugs and allowed to enter bathrooms and play in sports of the other sex because otherwise they would be highly likely to commit suicide. Together Ferguson combined these false claims to create and promote what can best be described as the **Ferguson Trans Drug Cult** – because it promoted giving toxic Trans drugs to kids as young as 9 years old based on a mountain of legal lies and junk science falsehoods. From 2016 to 2024, Ferguson went on a legal rampage making the same false claims over and over again. Ferguson began filing more than a dozen Transgender Drug Promotion Amicus briefs beginning in 2016.

The Trans Drug Cult legal battle started on March 31, 2015, when a federal court published a 44 page opinion citing numerous previous cases and concluding that a transgender student did not have a right under Title IX to use the bathrooms or locker rooms of the other biological sex. The case was called **Johnston v. Univ. of Pittsburgh of Commonwealth System of Higher Education.**, 97 F. Supp. 657 (W.D. Pa. 2015). Here is a quote: *"The issue this Court must decide is whether Plaintiff has stated a cognizable claim of discrimination on the basis of sex under the Fourteenth Amendment and Title IX... This case presents one central question: whether a university, receiving federal funds, engages in unlawful discrimination, in violation of the United States Constitution and federal and state statutes, when it prohibits a transgender male student from using sex-segregated restrooms and locker rooms designated for men on a university campus. The simple answer is no... **Title IX does not prohibit discrimination on the basis of transgender itself because transgender is not a protected characteristic under the statute.**"*

Here is a link to this case:

<https://cases.justia.com/federal/district-courts/pennsylvania/pawdce/3:2013cv00213/212325/43/0.pdf?ts=1427935122>

Despite this ruling, on June 11, 2015, the ACLU sued the Gloucester County School Board in federal court in Virginia on behalf of a transgender student named Gavin Grimm. Grimm wanted to use bathrooms according to her “gender identity” rather than her biological sex. Thus began an important case called **Grimm v. Gloucester County School Board**. The district court dismissed the case. But on appeal, on April 19, 2016, the Fourth Circuit improperly gave “deference” to an Obama administration letter claiming that Trans rights were covered by Title IX.

Emboldened by the Grimm Fourth Circuit ruling, on May 13, 2016, the Obama Department of Education published another Guidance letter that made even more radical claims about the new requirements of Title IX. This new letter for the first time falsely claimed that Title IX requires that transgender males must be allowed to use the girls bathrooms and locker rooms and be allowed to participate in girls sports. In fact, none of the claims made in this guidance letter have any link to Title IX and instead were policies in direct opposition to the single sex requirements of Title IX to protect the privacy rights of biological females to have their own bathrooms and locker rooms and participate in their own sports. The Obama administration threatened to withhold federal education funding from any state that did not comply with their Trans Cult Letter.

In response, on May 25, 2016, 13 states filed a complaint in federal court asking for a Temporary Injunction. See **Texas v. United States, 201 F. Supp. 3d 810 (N.D. Tex. 2016)**.

Bob Ferguson was so outraged about 14 states not wanting to let boys use the girls bathrooms and locker rooms and taking over girls sports, that he wrote a 37 page brief opposing these states. He convinced 12 other states to sign onto his brief – including Kamala Harris, Attorney General of California. Here is a link to Bob’s first Trans Drug Cult brief:

https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/StatesAmicusBrief.pdf

On page 28, Ferguson notes that Trans kids have a high rate of attempted suicide. He then refers to a study claiming that Trans kids who do not get to use their preferred bathroom have a 20% higher rate of suicide. Here is the link to this study:

<http://www.tandfonline.com/doi/pdf/10.1080/00918369.2016.1157998>

Sadly, the study is behind a paywall. However, it claims that rate of lifetime suicide attempts for **transgender survey respondents** who had been denied access to bathroom facilities was 60.5%, compared to 43.2% for transgender people who had not been denied access. As I have explained in many articles, self-report surveys are not really science in part because it is not a random sample and in part because there is no way of verifying the accuracy of responses.

The Texas federal judge disagreed with Ferguson. The judge issued an order granting the preliminary injunction on August 21, 2016. The judge held that the 2016 Department of Education Letter was not entitled to deference because Title IX was not ambiguous and referred to biological sex – not gender identity. Here is a link to the 38 page Court Order issued on August 21, 2016: <https://clearinghouse.net/doc/87993/>

2017 Ferguson fools the Grimm Court

Recall that, in their 2016 Grimm decision the Fourth Circuit claimed that the Obama letter should be given “deference.” The school district appealed this decision to the US Supreme Court which was going to hear the issue in March 2017. But **unexpectedly, Trump won the 2016 Presidential election**. In one of his first acts as President in February 2017, Trump withdrew the Obama guidance letter.

Nevertheless, Ferguson wrote a 66 page brief to the US Supreme Court explaining why Trans boys should be allowed to use the girls bathrooms. Here is a link to Ferguson’s March 2017 Supreme Court brief:

https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/16-273%20bsac%20States%20%282%29.pdf

On page 33, Ferguson again claims that 40% have attempted suicide. He then referred to the same bathroom “survey” he used in his previous brief.

Here is a picture of Bob Ferguson with Gavin Grimm:



The Supreme Court disagreed with Ferguson. They ruled that the lower court would have to reconsider their decision without using the Obama guidance letter.

So back in the Fourth Circuit, on May 15, 2017, Bob Ferguson filed a 59 page brief again arguing that Trans boys should be allowed in girls bathrooms. Here is a link to this brief:

https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/2017.05.15%2015-2056%20NY%20et%20a%20Amicus%20Brief%20%28STAMPED%29.pdf

Again Ferguson falsely claimed that preventing Trans boys from using the girls bathrooms violated Title IX. Again Ferguson said that 40% of Trans people had attempted suicide. Again, he referred to the bathroom survey that is hidden behind a paywall. And he falsely claimed that there was no safety concern in allowing boys in the girls bathroom. Ironically, by now, both sides were tired of litigating this issue and the case, now called **Grimm One** was dismissed. But it was not over. A couple months later, after Grimm graduated, Grimm filed a second case.

This time, Grimm claimed he was harmed because even though he no longer attended the school, he might want to use the bathroom while attending a football game. The new case was called Grimm Two. This case worked its way up to Fourth Circuit where Ferguson filed yet another 42 page brief on November 15, 2019. Here is the link:

<https://oag.ca.gov/system/files/attachments/press-docs/Grimm%20v.%20Gloucester%20County%20School%20Board%20--%20amicus%20brief%20%28as%20filed%29.pdf>

On Page 9, Ferguson again claims that 40% of Trans people attempt to commit suicide and that, according to a survey of trans people, allowing them to use the bathroom reduces this risk. On page 15, Ferguson claims that students do not need privacy when using the bathroom. So no problems with boys in the girls bathroom.

On August 26, the Fourth Circuit split two judges to one in favor of Bob Ferguson's interpretation of Title IX. The two "activist" judges used a recent Supreme Court decision called **Bostock** to decide that Title IX was not really about protecting the rights of biological females – but instead it was about protecting the rights of Trans students.

The dissenting judge noted the insanity of this interpretation and went to great length to explain why Bostock, which was a Title IX Employment case, was not applicable to Title IX. Here is a link to Grimm Two.

<https://cases.justia.com/federal/appellate-courts/ca4/19-1952/19-1952-2020-08-26.pdf?ts=1598472058>

The Grimm Two decision inspired the Biden administration to attempt to change the meaning of Title IX – which led two dozen states to protest in federal court and ultimately led the US Supreme Court to comment in August 2024 that Bostock had nothing to do with Title IX. The attempt by Biden and Harris to allow biological males into girls bathrooms, girls locker rooms and girls sports was so unpopular with the American people that it led to the election of Donald Trump in November 2024. In February 2025, Trump withdrew the Biden – Harris – Ferguson interpretation of Title IX. Meanwhile, it seems unlikely Ferguson will honor Title IX so it looks like a legal war is on the horizon.

2022 Ferguson argues that kids need Trans Drugs not counseling

In August 2022, Bob Ferguson along with 19 other Attorney Generals from Democrat led states, filed a legal brief in a federal case challenging an Alabama law which banned giving gender mutilation drugs to minors. Here is a link to the brief:

<https://www.splcenter.org/sites/default/files/documents/eknes-tucker-v-marshall-states-amicus.pdf>

In 2022, Washington Attorney General Bob Ferguson filed a legal brief using lies to promote gender mutilation of minors, including claiming that giving kids toxic drugs is safe & effective.



Thankfully, on August 21, 2023, the 11th Circuit Court of Appeals ruled against Bob Ferguson and in favor of the right of the state of Alabama to protect their children from gender mutilation drugs. Here is a link to their 59 page opinion.

<https://media.ca11.uscourts.gov/opinions/pub/files/202211707.pdf>

The case was called **Eknes-Tucker v. Governor, State of Alabama** Here is a quote from their decision: *“States have a compelling interest in protecting children from drugs, particularly those for which there is uncertainty regarding benefits, recent surges in use, and irreversible effects... these medications can cause loss of fertility and sexual function.”*

August 30, 2024 Washington Bob Ferguson filed brief in favor of the Michigan counseling ban

On August 30, 2024, Bob Ferguson filed a 36 page Amicus brief in favor of the Michigan Counseling ban. Here is a link to his brief:

https://oag.ca.gov/system/files/attachments/press-docs/030-1_StatesAmiciBr.pdf

On page 21 of 36, Ferguson compared child counselors to “terrorist organizations.” On page 25, Ferguson continues to cling to the lie that giving kids drugs instead of counseling is some sort of consensus view. Tell this to all the states and nations that have banned the drugs and are now recommending counseling.

Ferguson thinks Trans Rights are more important than Girls Title IX Rights

These cases are just the tip of the iceberg. On June 4, 2020, Ferguson filed a 119 page brief in DC Federal Court opposing the Trump administration Title IX final rule (The Trump rule returned Title IX to being Girls Rights instead of Trans Rights). Here is the link:

https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/TitleIX_Complaint.pdf

On August 12, 2020, the DC federal court denied Ferguson's motion. **This was the 64th lawsuit Ferguson filed against the Trump Administration. It was about the 20th brief arguing that Trans rights were more important than Girls rights to privacy and fair sports competition.**

On November 26, 2021, Ferguson filed a 55 page brief in the Florida case of Adams v. School Board of St. Johns Co. (Eleventh Circuit)

https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/School%20Board%20of%20St.%20Johns%20Co.pdf

The 11 judge panel disagreed with Ferguson. On December 31, 2022, the U.S. Court of Appeals for the Eleventh Circuit issued a 7-4 150 page decision affirming that public schools have the right to segregate bathrooms and locker rooms by biological sex.

<https://media.ca11.uscourts.gov/opinions/pub/files/201813592.2.pdf>

On July 19, 2024, Ferguson filed a 52 page opposition brief in the case of Bridge v. Oklahoma State Department of Education, et al. (10th Cir.). On September 18, 2024, 25 states filed a 23 page brief in favor of the Oklahoma State Department of Education, et al. (10th Cir.). Oral argument is set for March 18, 2025. <https://law.alaska.gov/pdf/amicus/2024/091824-Amicus.pdf>

On August 13, 2024, Ferguson also filed a 52 page brief in favor of the now-dead Biden Final Rule in the case of Tennessee versus Cardona <https://oag.ca.gov/system/files/media/title-ix-amicus-brief.pdf>

This Court like all the other federal courts in 2024 ruled that the Biden Final Rule did not comply with the plain meaning of Title IX.

VI Why Ferguson's claims that Trans Drugs are safe and effective are false

Bob Ferguson falsely claims that giving minors Trans drugs is safe. In fact, Trans drugs such as puberty blockers and cross sex hormones are so toxic that they cause permanent sterility. A 9 year study from the world's largest Transgender clinic in the United Kingdom found that **98% of children who were administered puberty blockers went on to take cross-sex hormones and 100% of those taking cross sex hormones became sterile**. The same UK study found no improvement in the mental health of the victims. Instead, the study confirmed that those taking Trans Drugs reported increased thoughts of suicide. After a year on puberty blockers, there was a significant increase found in those answering the statement "I deliberately try to hurt or kill myself". See

<https://acped.org/topics/sexuality-issues-of-youth/gender-confusion-and-transgender-identity/deconstructing-transgender-pediatrics>

Trans drugs are so toxic that they cause brain tumors. In July 2022, the Food and Drug Administration (FDA) in the US issued a warning label about the risk of puberty blockers after six minors (ages 5-12) experienced severe symptoms of tumor-like masses in the brain. Over the last two decades, nearly 70,000 reports of harm from puberty-blockers were submitted to the FDA's Adverse Event Reporting Database (AERS).

<https://brownstone.org/articles/none-of-the-70000-adverse-events-of-puberty-blocking-drugs-were-a-safety-priority-for-bidens-fda/>

Trans drugs are so toxic that they cause cancer. Several studies have linked cross sex hormones to huge increases in cancer rates. Giving girls huge amounts of testosterone has been linked to tumors. In 2019, a study was published of more than 3,000 minors given hormone drugs. The study confirmed that the risk of breast cancer rose 46 times (4,600 percent) in boys subjected to huge amounts of estrogen.

<https://www.bmj.com/content/bmj/365/bmj.l1652.full.pdf>

Cross-sex hormones are also associated with a fourfold increase in heart attacks in biological females, and a threefold increase in the venous thromboembolism in biological males (Alzahrani, [2019](#); Nota et al., [2019](#))

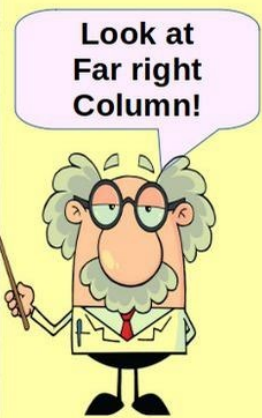
Bob Ferguson also falsely claims that giving kids Trans Drugs is effective at reducing the rate of suicide of gender confused kids. In fact, giving kids Trans drugs actually increases their suicide rate.

A 10 year study from Sweden showed that individuals who were subject to gender transition surgery had very high suicide rates:

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

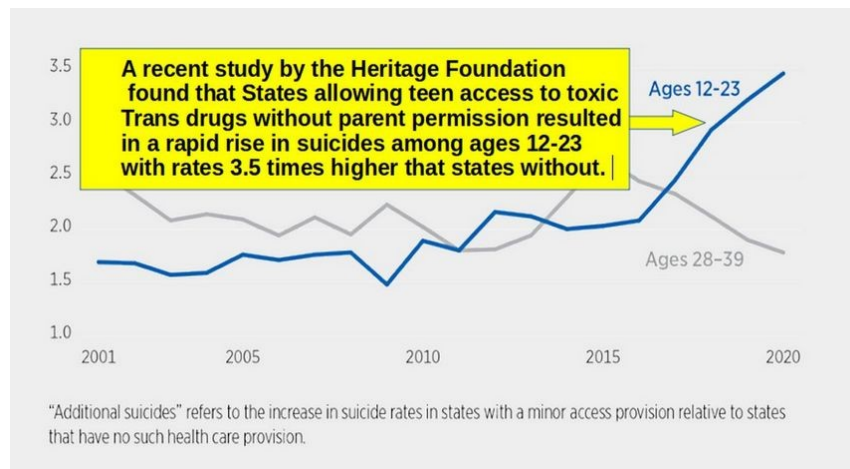
Below is a table of adverse outcomes compared to normal controls:

2011 Sweden study confirms increased risk of suicide, heart disease, drug abuse and committing a major crime!				
		Cases	Controls	
Any death	27/99	7.3 (5.0-10.6)	2.5 (2.0-3.0)	2.9 (1.9-4.5)
Death by suicide	10/5	2.7 (1.5-5.0)	0.1 (0.1-0.3)	19.1 (6.5-55.9)
Death by cardiovascular disease	9/42	2.4 (1.3-4.7)	1.1 (0.8-1.4)	2.6 (1.2-5.4)
Death by neoplasm	8/38	2.2 (1.1-4.3)	1.0 (0.7-1.3)	2.1 (1.0-4.6)
Any psychiatric hospitalisation‡	64/173	19.0 (14.8-24.2)	4.2 (3.6-4.9)	4.2 (3.1-5.6)
Substance misuse	22/78	5.9 (3.9-8.9)	1.8 (1.5-2.3)	3.0 (1.9-4.9)
Suicide attempt	29/44	7.9 (5.5-11.4)	1.0 (0.8-1.4)	7.6 (4.7-12.4)
Any accident	32/233	9.0 (6.3-12.7)	5.7 (5.0-6.5)	1.6 (1.1-2.3)
Any crime	60/350	18.5 (14.3-23.8)	9.0 (8.1-10.0)	1.9 (1.4-2.5)
Violent crime	14/61	3.6 (2.1-6.1)	1.4 (1.1-1.8)	2.7 (1.5-4.9)



Look at the far right column in the above table to see the risk ratio for transgender adults compared to control adults. For example, those who had gender mutilation surgery were 19.1 more times likely to commit suicide. Nor is this study unique. States that started giving kids Trans Drugs in the past 9 years have seen a dramatic rise in the number of suicides between the ages of 12 to 23 to the point that the rate is now 3 and a half times higher than in states where kids are not given trans drugs.

<https://www.heritage.org/gender/report/puberty-blockers-cross-sex-hormones-and-youth-suicide>



While giving kids toxic drugs increases the suicide rate, giving them counseling reduces the suicide rate. A 2019 review of 40 studies on counseling found that 37 (92%) concluded that counseling reduces both suicidal thoughts and suicide attempts.

<https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2019.00277/full>

This combination of studies showing that drugs do not work while counseling does work led Sweden to move away from recommending gender mutilation drugs and towards counseling as the best option for minors. Sweden concluded the risks of puberty blockers and sex hormones outweigh any benefits. <https://pubmed.ncbi.nlm.nih.gov/37069492/>

In addition, in April 2024, a several hundred page study called the Cass Review found that Trans curriculum used in UK schools was extremely harmful to child development. The study was written by Dr Hilary Cass, past president of the Royal College of Pediatrics and Child Health. Here is a link to this study:

<https://cass.independent-review.uk/home/publications/final-report/>

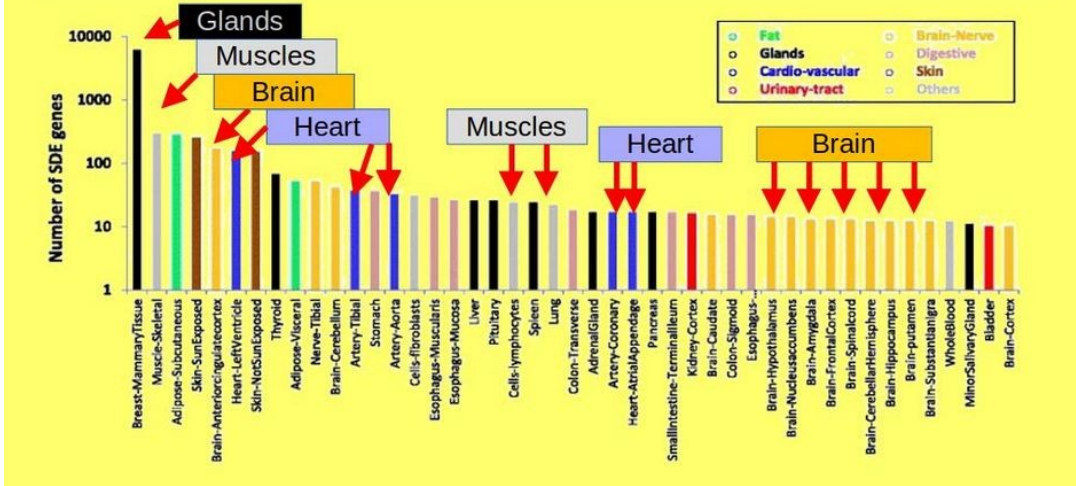
Why Trans Drugs and Gender Mutilation Increase the Suicide Rate

The reason Trans Drugs and Gender Mutilation increase the suicide rate is that the entire Trans Drug Cult is based on a fundamental lie – namely, the false claim that by taking Trans Drugs and chopping off body parts, a child can be magically changed from a girl to a boy or a boy to a girl. It may take the child 10 to 20 years to realize that they have been lied to and that these lies have destroyed their lives. But when they do finally realize that their dream of changing to the other sex is simply not possible, at least some will elect to end their life. The odds of this terrible outcome are increased by failing to give the person the counseling they need to help them address their underlying mental health problems that caused them to want to be the other sex in the first place.

Why it is not biologically possible to change into the other sex

The reason it is not possible to change into the other sex, no matter how many drugs a child is given, is that there are at least 6,500 genetic differences between human males and females. Over 30 different areas of the body are affected by these 6,500 differences. Here is a link to a 2017 study: <https://bmcbiol.biomedcentral.com/articles/10.1186/s12915-017-0352-z>

There are at least 6,500 Genetic Differences between Boys & Girls!



All of these 6,500 variations are at the cellular level – meaning they affect nearly every cell in the body including every neuron in a person’s brain. Therefore altering the concentration of a single hormone still leaves 6,499 genetic differences. Put in plain English, it is not biologically possible to turn a male into a female or vice versa. Children who wish to change from one sex to the other deserve to be told this fundamental biological truth. Parents and teachers who currently think it is possible to change a child’s sex by giving them drugs and chopping off their body parts also need to be told this fundamental biological truth.

VII Biological Male awarded Washington Girls State Track Championship in violation of Title IX

Failure to comply with Title IX has caused serious harm to girls here in Washington state. For example, in May 2024, a biological male was allowed to compete in and win the Washington State Girls Track championship:



The previous year, this biological male had competed as a boy. During his competition against other biological males, there were more than 500 biological males in Washington state who had faster times than this biological male.

Some of the girls in the above state track championship ran so fast that they broke the girls state track record. Yet they were still several seconds behind this biological male as can be seen in the above image.

In addition, allowing this biological male to race in the Girls Track Championship deprived the right of biological females to run in the qualifying and final races.

Given this clear violation of Title IX, WIAA records need to be amended to clarify that this biological male was not entitled to compete in the Girls state track championship and that the actual winners were the three top placing girls.

VIII Girl injured by Biological Male in Girls Basketball Game in violation of Title IX

Just a couple of weeks ago, a biological girl in Washington state was injured by a biological male that was much bigger and stronger than she was in a Tumwater High School basketball game.

This incident started in 2024, when a 14 year old biological girl basketball player named Frances, attending Tumwater High School, just south of the State Capital near Olympia Washington, was traumatized by seeing a large biological male who at the time was 17 years old in her Girls Locker Room. This was a male who has never taken any Trans drugs but is nevertheless allowed in the Girls Locker Room simply because that is where he prefers to be. The male was a player on an opposing team's Girls Basketball team.

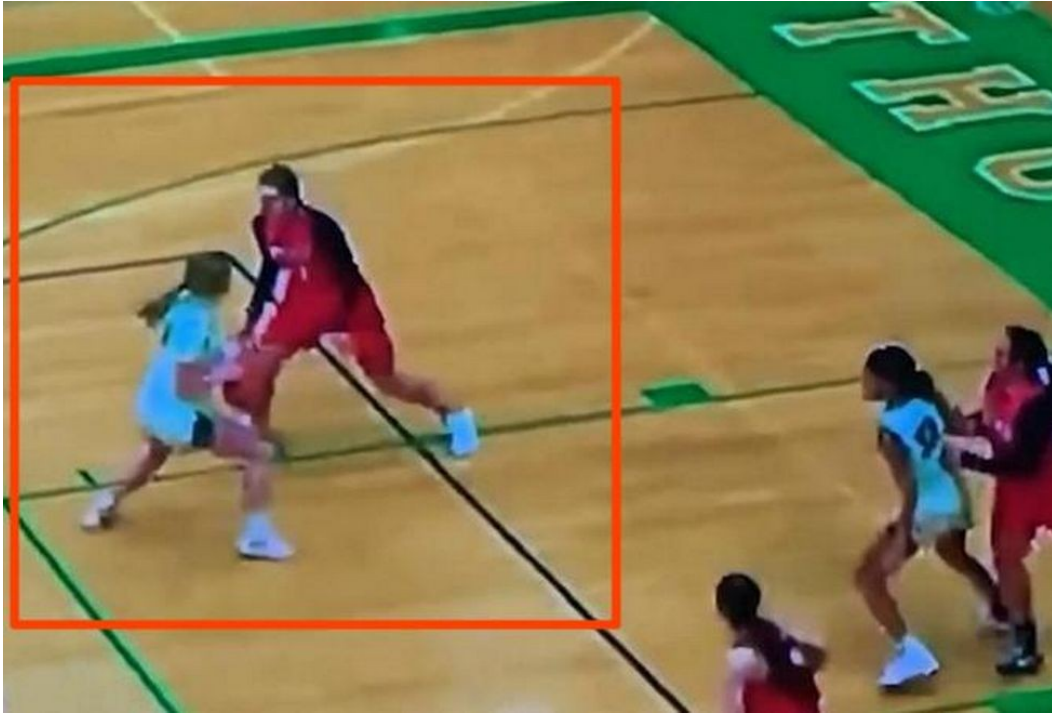
When Frances told her parents about this incident, her parents assured her they would support her decision should she decide she did not want to play basketball against a biological male. Then, on February 6, 2025, the now 15 year old girl saw this same biological male now 18 years old during warmups for her team's final game of the year.

Frances told her mother she would not play against this boy. The girl's mother asked her coach if he was aware that the opposing team had a biological male on the team. The coach replied that he was not allowed to comment about this. The coach said the mother needed to talk to the athletic director. The mother then went to the athletic director who was also at the game and asked if he was aware that the person on the other team was a boy. The athletic director replied that he ***"does not discriminate. We follow WIAA and Washington State law."***

The mother pointed out that just one day earlier, President Trump had signed an executive order protecting girls from having to compete against biological males. The athletic director replied that ***"We do not have to follow that order. We follow Washington State law."***

The mother then went back to her seat and asked her 13 year old son to video tape the game so she would have a record of what happened. A male school employee threatened her son who then stopped video taping the game. Frances remained on the bench and watched as one of her team mates was injured by the biological male and was carried off the court crying in pain (see pictures below).

This is a picture of a biological girl in a white jersey in a Tumwater High School Junior Varsity game being forced to play against a much larger and much taller biological male in a red jersey who is pretending to be a girl:



The girl in white is going to attempt to drive the lane and shoot the ball.



She drives past the boy who then basically tackles her like it was a football game. Note that the boy later said it was an accident and perhaps he lost his footing when he knocked the girl down:



The girl fell to the ground and the biological male landed on top of her:



The male was not injured but the girl remained motionless on the ground:



The male got up and helped his teammate get up. But the injured girl remained face down on the ground:



The male briefly looked down at the injured girl and then walked away. Note that **the official, who was a biological female, failed to call a foul on this play – despite the fact that tackling another player is not allowed in a basketball game.**

Even at the professional level, tackling another player in this manner not only would have resulted in a foul being called, but likely a Technical Foul, with the person who committed the foul being tossed out of the game – even if the player who knocked down the other player did it accidentally:



The girl's teammates helped the injured girl get up with the male calmly walking away - as **two officials looked on and did nothing**:



As her teammates helped the injured girl off the court, instead of calling for an injury timeout, **the female referee signaled that the ball was last touched by the injured girl before going out of bounds and therefore belonged to the team the biological male was on:**



Here is the ball being passed from the official in the upper left corner of the picture to the official at the lower right corner of the screen. **None of the three officials called a foul or even called for an injury timeout.** Note that the injured girl is clearly limping as she is being carried off the court by one of her teammates:



This is a picture of the injured girl one second later bending over in pain. **Still no injury time out was called. Even at the professional level, any time a player is injured in a basketball game, an injury timeout is called. So why was an injury timeout not called in this game?**



The injured girl is still being helped off the court and her teammates appear to be looking at the official in disgust as he holds the ball for the opposing team.



The above images are a perfect example of why it is not safe to force girls to play against biological males. Here we have an example of a 15 year old girl being forced to play against an 18-year old biological male – a male who has never even taken Trans drugs. His sheer size alone is why the girl was injured.

Even though Frances was on the bench, she got very upset at the male player injuring the female player, who was a friend of hers. From Frances's point of view, the boy had used his large body mass to deliberately knock over her friend. After this incident, Frances looked at the biological male and said **"You are a man."** Then after the game, she complained about this incident on her social media page. This is the post Frances made:



If you want to listen to an interview of Frances and her mother, click on the following link: <https://www.youtube.com/watch?v=qAya5rarPwQ>

In the days after the Trans male injured the Tumwater Girl basketball player, the President of the Tumwater Teachers Union, D. J. Brimer, sent out posts on social media and emails to Tumwater teachers supporting the Trans male and condemning anyone who opposed Transgenderism.

This incident shows the extent to which teachers in Washington state have been brainwashed by the Trans Drug Cult. Even after one of their own students was injured by the dangerous policy of allowing boys to play in girls sports, many teachers still take the side of the Trans Drug Cult.



In addition, in September 2023, this same Tumwater Middle School Teacher was exposed by a parent of a student for indoctrinating children in his 6th Grade Science class. Here is a copy of an email this parent sent to DJ Brimer:

From: [REDACTED]
Sent: Tuesday, September 12, 2023 6:12 PM
To: DJ Brimer <DJ.Brimer@tumwater.k12.wa.us>
Cc: Cathy McNamara <cathy.mcnamara@tumwater.k12.wa.us>
Subject: School policy question

Good afternoon Mr. Brimer,

We are transitioning back to public school after a few years in private school. We knew that switching schools would involve an adjustment, as well as exposure to social topics that would be new for our children.

[REDACTED] came home last week and talked about how you took roll and that you apologized in advance if you "deadnamed" anyone. I had not heard this term before and needed to look it up. What I read was the following:

call (a transgender person) by their birth name when they have changed their name as part of their gender transition.

Additionally, she explained you have a non-binary child named Jupiter.

I was surprised this was how [REDACTED] was reintroduced to public school. Can you help me understand if this type of introduction to transgenderism is something that is mandated by the state or mandated by the school or if this is something that is your choice to introduce to the children?

Thanks so much for the insight.

Sincerely,

According to this email, D. J. Brimer was telling his students that he has a Trans child named Jupiter. He then introduced a Trans term called "Dead-naming" which is calling a Trans child by their legal name given to them by their parents, rather than calling them by a made-up name – as the real child is "dead" and replaced by the madeup Trans child.

This tragic incident raises several serious questions:

First, why is the Tumwater School District not complying with Title IX? They claim they are following state law instead of federal law, but do they not know that federal law supercedes state law?

Second, why is the President of the Tumwater Teachers Union sending out posts and emails supporting Transgenderism and dismissing the harm inflicted on a Tumwater student? And why is he allowed to brainwashing kids in his 6th Grade Science class about Trans Drug Cult terms without getting fired?

Third, why is the WIAA still allowing biological males to compete in girls sports as WIAA is also required to comply with Title IX?

Fourth, why has the Washington state attorney general and superintendent of public instruction not ordered school districts to comply with Title IX? Failure to follow federal law violates their oath of office.

Fifth, why haven't members of the Washington State legislature demanded that our schools comply with Title IX? Are they not concerned that failing to comply with Title IX will lead to loss of millions of dollars in federal funding – further worsening our school funding crisis – and leading to more school closures and thousands of more teachers being fired?

We are currently entering the Girls Basketball Playoffs during the next several weeks. Sadly, several biological males are illegally competing in these Girls Basketball Playoffs. **How many more girls need to be injured and carried off the court, before we finally end this insanity?**

Even if girls are not injured in the coming weeks, **is it fair to expect girls to compete against males who are clearly much bigger, much stronger and much faster than they are?**

This is why Title IX was passed 50 years ago – to provide fair opportunities for girls to compete in sports and educational programs. It is time for leaders here in Washington state to start complying with Title IX.

IX 14 Year Old Girl deprived of a Junior Olympics Track Championship by a Biological Male

On May 18, 2024, an 8th Grade biological girl, named Ahnaleigh Wilson, from Sterling Junior High School in the Eastmont School District in Washington state was forced to race against a biological male from Liberty High School at the Cashmere Junior Olympics in the 1600 meter race. Ahnaleigh had won every race she had participated in prior to this event – setting school and district records in the process. There was no warning prior to the race that Ahnaleigh would be forced to compete against a biological male. Here is a picture of the starting line just before the race showing the huge difference in size between this boy and the girls he was racing against:



Amazingly, Ahnaleigh almost defeated this biological male – finishing just seconds behind him. However, below is a picture of the boy being awarded the girls track championship with the Eastmont girl being awarded second place:



A photo of the winner's podium, captured by Elizabeth Wilson, mother of Ahnaleigh Wilson, who placed second. The faces of the other athletes are blurred as they are minors, and parental consent was not obtained.

Ahnaleigh's father Brendan Wilson stated: "We want sports to be fair. Our daughter puts a lot in to do everything she does in sports and I don't think it's fair to have a biological male racing against girls. **There needs to be a rule to protect women in sports so that they can have fair competition.**"

The intense scrutiny and harsh comments posted against Ahnaleigh and her family for protesting allowing biological males to compete against girls have taken a toll on the Wilson family's mental health, particularly on Ahnaleigh. "**My daughter had a mental breakdown on Friday. The weight of this situation got to be too much, it's been heartbreaking watching her try to hold back her pain,**" Elizabeth revealed.

The Wilsons expressed concern that the mental well-being of biological girls is often overlooked in these discussions. "We have also been attacked for not thinking of the mental well-being of transgender athletes, but **nobody is thinking about the mental well-being of these girls,**" Elizabeth noted.

On September 22, 2024, Ahnaleigh Wilson, gave the following speech in which she explained how being forced to race against a biological male has harmed her and her family:

“Hi, my name is Ahnaleigh Wilson. I am 14 years old and a freshman at Eastmont. In May of this year, I ran in the Cashmere Junior Olympics. The Junior Olympics are a regional track meet for junior high athletes who placed first or second in a race during the regular track season, so it’s a big deal. It is basically the championships for our area. I raced against a transgender athlete in the 1600 meters. I had heard of this happening around our country, but never expected that I would encounter it firsthand.

When all of the runners lined up to race, I noticed that this athlete was built very differently than all of the other girls, but I didn’t think much about it because we were on the starting line ready to race. It wasn’t until we were on the podium that I heard the commotion of upset adults and kids. That is when I heard that the athlete standing next to me was a biological boy.

My heart sank and I felt so discouraged. It felt like all my hard work throughout the year didn’t matter. My family and I spoke up about how unfair this was. We didn’t speak up because I got second place and didn’t win, but we spoke up because boys racing against girls at this level of competition isn’t right or fair. All of those biological girls standing up there next to me had worked just as hard throughout the season as I did. But, at that moment, our hard work and talent didn’t matter.

A coach on the transgender athlete’s team had heard my group of friends frustrated and voicing their concerns about it not being fair that a biological boy was racing against girls. They told my group of friends that if they were going to complain they needed to go somewhere else. Hearing this was devastating to me and my friends because it felt like we were being told to shut up, stop complaining, and just deal with it. And this is why I’m speaking up. Our female athlete voices need to be heard because we are the ones this is personally affecting. Going through this experience has been incredibly hard. Adults have attacked my family and me for speaking up for fairness and protection of biological females in sports. My family and I have been told by adults that we are trans-phobic, that I am a sore loser, and that I value winning more than a human life. We have also been told that we will be the ones responsible if this transgender athlete takes their life.

And then I was told that I'm simply just not good enough and that's why I placed second. But it feels like these same people who are attacking female athletes for speaking up do not care about the mental toll and struggles this is also taking on female athletes.

These words have affected me, and it has hurt tremendously to hear all of these things because my family and I are some of the kindest people who strive to love everyone. I have had severe anxiety and panic attacks, as I have been trying to prove to those who say I'm not good enough by training even harder. What hurts the most is that no matter how hard I train and push myself, the likelihood of beating a boy is slim.

I've learned so much going through this experience. My biggest takeaway is that allowing boys to compete in girls' sports isn't working and it isn't fair. It isn't fair and it isn't working for biological girls, and it isn't fair and isn't working for transgender athletes. No matter where you stand, failing to protect women's sports is wrong.

So much hate and conflict has come from this for both sides. The things I have heard about this transgender athlete and towards me from grown adults is awful and damaging. I'm only 14 and shouldn't have to deal with these kinds of adult issues. But here I am because female athletes should also have a voice.

I am not speaking up to spread hate, but I am speaking up, hoping that adults will step up and do what is right to protect and keep women's sports fair and safe for biological girls. I hope we can find a solution for all athletes to compete fairly and safely because at 14 years old, even I can see that the current rules aren't working for biological girls or transgender athletes. Thank you.

Here is a link to a video of Ahnaleigh's speech. This video was viewed more than a half million times with over 5,000 supportive comments:

<https://www.youtube.com/watch?v=3rFfuG2Exyg>

Note: The Declaration from Ahnaleigh's parents is Exhibit #3

It is time for this insanity to stop

The above are only three of many examples of the harm inflicted on biological girls and their families by being forced to compete against biological males. It is time for this insanity to stop. The way to make it stop is by restoring and honoring Title IX rights here in Washington state.

X How Washington School Board Policy 3211 violates Title IX

At the root of Reykdal and Fergusons ongoing violations of Title IX is Washington School Board Policy 3211 also called **Gender Inclusive Schools**. Each school district was required to comply with Policy 3211 by January 31, 2020. Here is a link to School Board Policy 3211:

<https://wssda.app.box.com/s/grcm0vxdb7a1bockn9e497r5gw9v2w7s>

Here are quotes from School Board Policy 3211:

“Gender-Inclusive Schools

*The board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of **gender expression, gender identity, or sex**. To that end, the board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to key terms, **communication and the use of names and pronouns**, student records, confidential health and education information, communication, **restroom and locker room use** and accessibility, **sports and physical education**, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement.*

*This policy is a component of the district’s responsibility to create and maintain a safe, civil, respectful and inclusive learning community and will be implemented in conjunction with **comprehensive training of staff** and volunteers. **Specific training requirements are included in the accompanying procedure**. The superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. **The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.***

This policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination.”

Why Policy 3211 renders Title IX meaningless

As several federal judges have stated in the past year, it is simply not possible to protect the rights of Transgender females (biological males) and still protect the Title IX rights of biological females to private spaces such as bathrooms and locker rooms and fair and safe sports competitions. Any claim that it is possible is simply a form of magical thinking. Schools can either protect the rights of girls or protect the rights of biological males pretending to be girls. Unfortunately, Chris Reykdal and Bob Ferguson have failed to grasp this simple concept. To make matters worse, they have insisted on protecting the rights of Trans biological males to participate in girls sports regardless of the harm inflicted on biological girls. Thus, their requirement that all schools in Washington state adopt Policy 3211 is a clear violation of Title IX.

School Board policy 3211 in turn was required by Washington Administrative Code regulation **WAC 392-190** which can be read at this link: <https://app.leg.wa.gov/wac/default.aspx?cite=392-190>

EQUAL EDUCATIONAL OPPORTUNITY—UNLAWFUL DISCRIMINATION PROHIBITED

Here are quotes from this regulation:

WAC 392-190-005

The purpose of this chapter is to establish rules to implement chapters 28A.640 and 28A.642 RCW.

Chapters 28A.640 and 28A.642 RCW prohibit discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, **gender expression, gender identity...** in Washington public schools, including public charter schools.

Broad federal regulations implementing **Title IX of the Education Amendments of 1972**, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and Titles VI and VII of the Civil Rights Act of 1964 similarly prohibit discrimination based on sex, race, creed, religion, color, national origin, and disability in federally assisted education programs or activities. As a result, several areas have been similarly identified and addressed by both state and federal enactments.

In accordance with chapters [28A.640](#) and [28A.642](#) RCW and

RCW [28A.710.040](#), it is unlawful for any public school district or public charter school to discriminate on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, **gender expression, gender identity...** with regard to any program or activity conducted by or on behalf of a school district or public charter school **including, but not limited to, recreational and athletic activities**, extracurricular activities, preschool, adult education, community education, and vocational-technical program activities.

In accordance with RCW [28A.640.020](#) and [28A.642.020](#), the office of superintendent of public instruction will develop guidelines to supplement this chapter and to guide its interpretation and administrative enforcement of chapters [28A.640](#) and [28A.642](#) RCW under WAC [392-190-060](#) through [392-190-081](#). Under RCW [28A.640.050](#) and [28A.642.050](#), the office of superintendent of public instruction has the authority to enforce the guidelines and this chapter.

WAC 392-190-007 Compliance with federal law.

For purposes of administrative enforcement of this chapter under WAC [392-190-060](#) through [392-190-081](#), and unless otherwise provided in this chapter or in the guidelines adopted under WAC [392-190-005](#), the office of superintendent of public instruction adopts the definitions, requirements, and procedural safeguards set forth by the United States Department of Education Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, **Title IX of the Education Amendments of 1972**, and Title VI of the Civil Rights Act of 1964.

WAC 392-190-025 Recreational and athletic activities.

(1) Except as provided under this section, school districts and public charter schools must not, on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, **gender expression, gender identity...** exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against any person in any interscholastic, club, or intramural athletics or recreational activity offered or sponsored by the school district or charter school. School districts and public charter schools must not provide any athletic or recreational activity separately on such basis, except as provided in this section.

As noted above, **WAC 392-190** implements several Washington state laws recently passed by the Washington State legislature. The most relevant of these laws are **RCW 28A.642.080, 28A.640 and 28A.642.**

RCW stands for the Revised Code of Washington.

RCW 28A.642.080 was passed by the Washington State legislature in 2019 under Senate Bill 5689 by a party line vote with all Republicans voting to uphold Title IX and all Democrats voting to violate Title IX. Here was the vote in the State Senate:

Voting Yea: Senators Billig (D-3), Carlyle (D-36), Cleveland (D-49), Conway (D-29), Darneille (D-27), Das (D-47), Dhingra (D-45), Frockt (D-46), Hasegawa (D-11), Hobbs (D-44), Hunt (D-22), Keiser (D-33), King (R-14), Kuderer (D-48), Liias (D-21), Lovelett (D-40), McCoy (D-38), Mullet (D-5), Nguyen (D-34), Palumbo (D-1), Pedersen (D-43), Randall (D-26), Rolfes (D-23), Saldaña (D-37), Salomon (D-32), Takko (D-19), Van De Wege (D-24), Wellman (D-41), Wilson, C. (D-30)

Voting Nay: Senators Bailey (R-10), Becker (R-2), Braun (R-20), Brown (R-8), Ericksen (R-42), Fortunato (R-31), Hawkins (R-12), Holy (R-6), Honeyford (R-15), O`Ban (R-28), Padden (R-4), Rivers (R-18), Schoesler (R-9), Sheldon (D-35), Short (R-7), Wagoner (R-39), Walsh (R-16), Warnick (R-13), Wilson, L. (R-17), Zeiger (R-25)

Here was the vote in the State House:

Voting Yea: Representatives Bergquist (D-11), Blake (D-19), Callan (D-5), Chapman (D-24), Cody (D-34), Davis (D-32), Doglio (D-22), Dolan (D-22), Entenman (D-47), Fey (D-27), Fitzgibbon (D-34), Frame (D-36), Goodman (D-45), Gregerson (D-33), Hansen (D-23), Harris (R-17), Hudgins (D-11), Irwin (R-31), Jinkins (D-27), Kilduff (D-28), Kirby (D-29), Kloba (D-1), Leavitt (D-28), Lekanoff (D-40), Lovick (D-44), Macri (D-43), Mead (D-44), Morgan (D-29), Ormsby (D-3), Ortiz-Self (D-21), Orwall (D-33), Paul (D-10), Pellicciotti (D-30), Peterson (D-21), Pettigrew (D-37), Pollet (D-46), Ramos (D-5), Reeves (D-30), Riccelli (D-3), Robinson (D-38), Rude (R-16), Ryu (D-32), Santos (D-37), Sells (D-38), Senn (D-41), Shewmake (D-42), Slatter (D-48), Springer (D-45), Stanford (D-1), Steele (R-12), Stokesbary (R-31), Stonier (D-49), Sullivan (D-47), Tarleton (D-36), Thai (D-41), Tharinger (D-24), Valdez (D-46), Walen (D-48), Wylie (D-49), Chopp (D-43)

Voting Nay: Representatives Barkis (R-2), Boehnke (R-8), Caldier (R-26), Chambers (R-25), Chandler (R-15), Corry (R-15), DeBolt (R-20), Dent (R-13), Dufault (R-15), Dye (R-9), Eslick (R-39), Gildon (R-25), Goehner (R-12), Graham (R-6), Griffey (R-35), Hoff (R-18), Jenkin (R-16), Klippert (R-8), Kraft (R-17), Kretz (R-7), MacEwen (R-35), Maycumber (R-7), McCaslin (R-4), Mosbrucker (R-14), Orcutt (R-20), Schmick (R-9), Shea (R-4), Smith (R-10), Sutherland (R-39), Van Werven (R-42), Vick (R-18), Volz (R-6), Walsh (R-19), Wilcox (R-2), Ybarra (R-13), Young (R-26)

While the legislature approved this RCW, they did so after being misled by Chris Reykdal and Bob Ferguson false claim that **this RCW was not only allowed by Title IX – but required by Title IX.**

Here is a link to RCW 28A.642.080

Here are quotes from RCW 28A.642.080:

“Transgender student policy and procedure.

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure described in subsection (3) of this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in RCW 28A.300.286.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to transgender students that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to transgender students that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding school district compliance with nondiscrimination laws under RCW 28A.300.286.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The elements of the model transgender student policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's website at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and

bullying, and this section related to policies and procedures relating to transgender students.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.”

My Note: The above provisions were used by Chris Reykdal to force every teacher in Washington state to undergoing annual “training” (more accurately called brainwashing) where they were repeatedly and falsely told that allowing boys in the girls bathrooms and allowing boys in girls sports was required by Title IX. I was personally required to sit through these brainwashing and indoctrination sessions. While the state law requiring these training sessions did not pass until 2019, Chris Reykdal on his own began requiring them in 2017. To support his claim that Title IX required allowing boys in girls sports, Reykdal referred to a 2015 Obama era Dear College Guidance Letter making this claim. Reykdal continued to post this Guidance letter on the OSPI website even in 2024 – despite the fact that it was withdrawn by the Trump administration in February 2017.

In fact, these illegal policies are still described in OSPI Discrimination manuals. For example, see page 30 of this link:

https://ospi.k12.wa.us/sites/default/files/2023-08/prohibiting_discrimination_in_washington_public_schools_february2012revisedsep2019disclaimer_1.pdf

Here is a quote: ***“Should school districts allow transgender students to use the restroom of their choice? Yes. School districts should allow students to use the restroom that is consistent with their gender identity.***

How should school districts address physical education and athletic participation by transgender students?

School districts should allow students the opportunity to participate in physical education and athletic activities in a manner that is consistent with their gender identity.”

My Note: While the OSPI website now claims that this document is

currently under revision, the fact is that this policy has ALWAYS been in violation of Title IX because it infringes on the rights of biological girls to their own private spaces and their own fair and safe sports competitions. In addition, on his OSPI website, Chris Reykdal continues to claim that Title IX requires allowing boys in girls sports. Here is a link to one of many documents making this false claim:

<https://ospi.k12.wa.us/sites/default/files/2023-08/gender-inclusive-schools-handout.pdf>

On page 3, Chris Reykdal falsely states: *“No federal law explicitly prohibits discrimination based on gender identity and gender expression. However, some federal courts have held that the Equal Protection Clause and **Title IX of the Education Amendments of 1972 implicitly provide these protections in an educational context.**”*

It will likely take an 8 year retraining effort to overcome the series of misleading statements by Chris Reykdal and Bob Ferguson to teachers and school district administrators during the past 8 years.

Here is a link to RCW 28A.640: <https://app.leg.wa.gov/RCW/default.aspx?cite=28A.640>

Here are quotes from RCW 28A.640:

“RCW 28A.640.010 Purpose—Discrimination prohibited.

*Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of **Article 31, section 1, Amendment 61, of the Washington state Constitution**, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of our public schools is prohibited.”*

My note: While the word “sex” as written in Article 31, Section 1 of the Washington State Constitution clearly means biological sex, Chris Reykdal and Bob Ferguson misled the Washington State legislature into believing that this word “sex” meant “gender identity” – an interpretation that has recently been rejected by the US Supreme Court and numerous federal courts.

Here is a link to RCW 28A.642:

<https://app.leg.wa.gov/RCW/default.aspx?cite=28A.642>

Here are quotes from RCW 28A.642:

RCW 28A.642.005 Findings. *“The legislature finds that in 1975 legislation was adopted, codified as chapter 28A.640 RCW, recognizing the deleterious effect of discrimination on the basis of sex, specifically prohibiting such discrimination in Washington public schools, and requiring the office of the superintendent of public instruction to monitor and enforce compliance. The legislature further finds that, while numerous state and federal laws prohibit discrimination on other bases in addition to sex, the common school provisions in Title 28A RCW do not include specific acknowledgment of the right to be free from discrimination because of race, creed, color, national origin, honorably discharged veteran or military status, **sexual orientation**... nor do any common school provisions specifically direct the office of the superintendent of public instruction to monitor and enforce compliance with these laws. The legislature finds that one of the recommendations made to the legislature by the *achievement gap oversight and accountability committee created in chapter 468, Laws of 2009, was that the office of the superintendent of public instruction should be specifically authorized to take affirmative steps to ensure that school districts comply with all civil rights laws, similar to what has already been authorized in chapter 28A.640 RCW with respect to discrimination on the basis of sex.”*

RCW 28A.642.010 Discrimination prohibited—Definitions.

Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, **sexual orientation including gender expression or identity**... is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise.

My note: While adding sexual orientation to the list of groups protected from discrimination does not violate Title IX, **adding the term “gender identity” does violate Title IX** because it infringes on the rights of biological girls by allowing biological males to enter girls private spaces and participate in girls only sports.

“RCW 28A.642.020 Rules and guidelines. *The superintendent of public*

instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 and 28A.320.233 as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks, instructional materials, and supplemental instructional materials, and student access to those materials.”

RCW 28A.640.050 Enforcement—Superintendent's orders, scope.

The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.05 RCW, which order, by way of illustration, **may include, the termination of all or part of state apportionment** or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved.

This RCW was the basis of **WAC 392-190** which in turn was the basis for **School Board policy 3211**. In addition to violating Title IX, the threat to withhold state funding from school districts in **this RCW also violates Article IX, Sections 1 and 2 of the Washington State Constitution** which requires the state to fully fund public schools.

XI How Washington Policy 3211P violates Title IX

In addition to Policy 3211, Chris Reykdal has created Policy 3211P which provides additional procedures for compliance with his Gender Inclusive Schools. These 3211 P procedures also violate Title IX.

Here is a link to Policy 3211 P:

<https://wssda.app.box.com/s/1c2bjp451nezhbdjvyxl2fqcwvuwdxaa>

Here are quote from Policy 3211P:

“Procedure - Gender-Inclusive Schools

The principal or building administrator—or an appropriate, designated school employee—is encouraged to request a meeting with a transgender or gender-expansive student upon the student's enrollment or in response to a currently enrolled student's change of gender expression or identity. Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement and consider whether safety concerns are present for the student.”

“Key Definitions/Terms

- Assigned sex at birth: The sex a person was given at birth, usually based on anatomy or chromosomes (e.g., male, female, intersex, etc.).*
- Cisgender: A term used to describe people whose assigned sex matches their gender identity and/or gender expression (e.g., someone who was assigned female at birth and whose gender identity and/or gender expression is also female.*
- Gender Expansive: A wider, more flexible range of gender identities or expressions than those typically associated with the binary gender system.*
- Gender Expression: The external ways in which a person expresses their gender to the world, such as through their behavior, emotions, mannerisms, dress, grooming habits, interests, and activities.*
- Gender Identity: A person's internal and deeply-felt sense of being female, male, both, non-binary, gender-expansive, or other—regardless of the gender assigned at birth.”*
- Transgender: A term often used to describe a person whose gender identity or expression, or both, are different from those traditionally associated with their sex assigned at birth.*

- *Transitioning: The process in which a person goes from living and identifying as one gender to living and identifying as another.*”

“Restroom Accessibility

Students will be allowed to use the restroom that corresponds to the gender identity they assert at school. No student will be required to use a restroom that conflicts with their gender identity. Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom. However, schools may not require a student to use an alternative restroom because of their transgender or gender-expansive status.”

“Locker Room Accessibility

In most cases, the district should provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions for any student who wants additional privacy include, but are not limited to use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom); A separate changing schedule (i.e., utilizing the locker room before or after the other students). The school will provide accommodations needed to allow the student to keep their transgender or gender-expansive status private. No student will be required to use a locker room that conflicts with his or her gender identity.”

“Sports and Physical Education Classes

The District will provide all students, including transgender and gender-expansive students, the opportunity to participate in physical education and athletic programs/opportunities in a manner that is consistent with their gender identity.

A student may seek review of his or her eligibility for participation in interscholastic athletics by working through the Gender Identity Participation procedure set forth by the Washington Interscholastic Activities Association (WIAA).”

My note: The word “will” means that the school district and school are required to allow biological males to use girls bathrooms and participate in girls sports. Because such policies render Title IX protection for girls to be meaningless, they are clearly in violation of Title IX.

In addition, the above policy also requires that biological girls be allowed to enter the boys bathrooms and participate in boys sports. This also renders Title IX to be meaningless because Title IX does not merely protect the rights of girls to private spaces and fair and safe sports competition, it protects the rights of males and females to private spaces and fair and safe sports competition.

Finally, Title IX does not deprive Trans males or females of fair sports competition. It merely recognizes that regardless of a person's Transgender status, they are still either biological males or biological females and should therefore participate only in leagues designated for biological males or biological females.

“Training and Professional Development

*The district will designate one person to be the primary contact regarding this policy and procedure relating to transgender or gender expansive students. The primary contact must participate in at least one mandatory training opportunity offered by OSPI. When possible, **the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:***

- ***Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;***
- ***Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;***
- *Strategies for preventing and intervening in incidents of harassment and discrimination, including bullying and cyber-bullying;*
- *District and staff responsibilities under applicable laws and district policies regarding harassment, discrimination, gender identity, gender expression issues.”*

My note: The above training requirement is contrary to the First Amendment of the US Constitution as several federal courts in the past year have stated that any such requirement is “compelled speech” that may violate a person's religious or deeply held scientific beliefs.

Given that such mandatory training sessions have been going on for the past 8 years, what will be needed to correct this indoctrination is 8 years of mandatory training that informs administrators and teachers of their right and their students right to Freedom of Religion and Freedom of Speech as defined in the First Amendment – and also informs them of student rights to privacy and fair and safe sports competition under Title IX.

XII Consequences to students of 8 years of Reykdal and Ferguson failing to comply with Title IX

In this Title IX complaint, we have provided a mountain of evidence that Chris Reykdal and Bob Ferguson created promoting claims about Title IX that were not true. In particular, they both claimed in press conferences and legal documents that Title IX required allowing biological males to use girls bathrooms and participate in girls sports. In the past year, numerous federal judges and our US Supreme Court have rejected this legal fallacy. Yet both Reykdal and Ferguson continue to promote their Trans Drug Cult.

As a result of Policy 3211 and 3211P, the Trans Drug Cult has been forced on every school district and every school in Washington state – harming not only the rights of a half million girls to private spaces and fair and safe sports competition – but also harming the rights of a half million boys to private spaces and fair and safe sports competition.

In addition, by misleading the public and the legislature - hiding the harm of giving minors toxic trans drugs, Reykdal and Ferguson have severely harmed tens of thousands of gender confused kids here in Washington state – giving them dangerous and ineffective drugs while prohibiting them from getting the mental health counseling that they urgently need. In short, Reykdal and Ferguson have harmed nearly every school aged child in Washington state by their failure to comply with Title IX. In addition, they have been getting away with violating Title IX for the past 8 years. To be precise, in February 2017, Reykdal sent out an email advising school districts they had to start allowing boys in the girls bathroom and boys in girls sports shortly after he took office in January 2017. I found out about his order from my daughter – who was a student at Mount Si High School at the time – and wanted to drop out of school rather than deal with boys in the girls bathrooms.

The Reykdal-Ferguson violation of Title IX rights of more than one million school children here in Washington state for the past 8 years is possibly one of the worst federal crimes ever committed against children.

But before we consider possible remedies for this crime, we will take a brief look at the consequences to the children of Washington state of the Reykdal-Ferguson 8 year attack on our children and their rights.

Consequence #1: Record Parental Removal of their kids from Washington Public Schools

Reykdal’s failure to protect girls and boys from his radical Trans agenda, has resulted in record parental removal of more than 150,000 students leaving public schools since Reykdal took office in 2017. Reykdal and OSPI have claimed that “47,885 students have left public schools since the 2019-2020 school year, putting the state’s total number of students at 1,098,997 during the 2023-2024 school year.”

In fact, **the real number is about 155,000 students who left the public schools - more than three times higher than the number admitted by Reykdal.** According to data from the Washington Office of Financial Management, the population of children aged 5-19 have risen by an average of 12,000 per year over the past 12 years. This includes births and people moving to Washington state. This number includes 12,000 in 2022 and 11,000 in 2023. When including this growth of 12,000 students per year, **more than 91,000 students have left our public school system since 2018.**

Year	Actual October Headcount Enrollment per OFM	Change in Enrollment from previous year	Parents pulling their kids out of school - annual	Parents pulling their kids out of school - cumulative
2015	1079434	12000	0	0
2016	1092384	13000	0	0
2017	1103393	11000	0	0
2018	1107127	3724	8000	8000
2019	1115732	8605	3000	11000
2020	1077739	<38,000>	50000	61000
2021	1074262	<3000>	15000	66000
2022	1077339	3000	9000	75000
2023	1073794	<4000>	16000	91000

In addition, another 6 percent of students who were enrolled in October 2022 dropped out of school by the end of the year. This is **another 64,000 students lost for a total of 155,000 students.** Since Reykdal took office, there has been a 10% increase in private school enrollment and a 37% increase in home school enrollment.

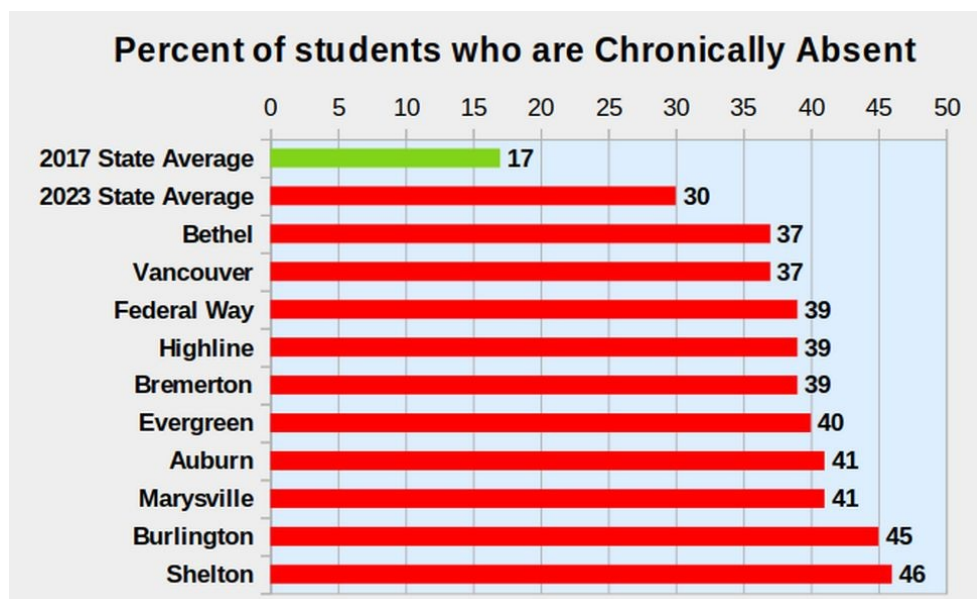
Consequence #2: Dramatic Increase in Student Absenteeism

Chronic Student Absenteeism has doubled since Reykdal took office

The number of students still enrolled in the schools but chronically absent from schools has doubled since Reykdal took office. Chronic absenteeism is defined as the percentage of students missing at least 10 percent of a school year. In Washington, this means being enrolled in the schools but missing at least 18 days of instruction. Chronic absenteeism is strongly related to failing courses and later dropping out of school. It is also strongly related to mental health problems including anxiety, depression, suicidal thoughts, drug abuse and crime rates including the probability of being arrested later in life and related to family unemployment later in life.

A very large number of these chronically absent students are almost never at school. In 2017, Washington was already near the worst in the nation with 17% chronic absenteeism - likely due to the fact that Washington state has among the highest class sizes in the nation. From 2017 to 2022, the national average doubled from 14 percent to 28 percent. The average in Washington state rose from 17% in 2017 to 33% in 2022 and 30% in 2023. See: "Chronic Absenteeism: 2017–2023," American Enterprise Institute, January 2024. <https://www.returntolearntacker.net/>

Here are the latest Chronic Absentee rates in selected school districts in Washington state:



Even 17% student absenteeism is not acceptable. In fact, it represents a serious threat to the current and future well being of our children.

Consequence #3: Dramatic Decrease in Student Test Scores

Since Chris Reykdal took office in January 2017, Washington students have suffered record learning losses. These learning losses began even before the 2020 school closures.

How to view NAEP test scores for yourself

Here is a link to the NAEP test results page for Washington:

https://www.nationsreportcard.gov/profiles/stateprofile/overview/WA?chort=1&sub=MAT&st=MN&year=2022R3&sfj=NP&cti=PgTab_OT&sj=WA

Here is a chart on the 4th Grade Math test. Historically, Washington 4th graders averaged 5 points above the national average – which was near the top in the nation. In 2019, Washington 4th graders fell to the national average or 25th in the nation. When Reykdal took office, about half of our Fourth graders were proficient in math. Currently on 35% are proficient:

ASSESSMENT			AVERAGE SCORE		ACHIEVEMENT LEVELS		
Subject	Grade	Year	Score	Difference from National public (NP)	At or above Basic	At or above Proficient	At Advanced
Mathematics (scale range 0–500)	4	2022	235	# ↓	74	35	8
		2019	240	# ↓	79	39	9
		2017	242	+3 ↓	80	42	11
		2015	245	+5 ↑	83	47	12
		2013	246	+5 ↑	86	48	10

The Eighth Grade Math score is also bad. When Reykdal took office, Washington Eighth Graders were among the highest in the nation at 7 points above the national average - with 41% proficient. Currently, our Eighth graders are only 3 points above the national average and only 28% are proficient. Clearly our students are going in the wrong direction.

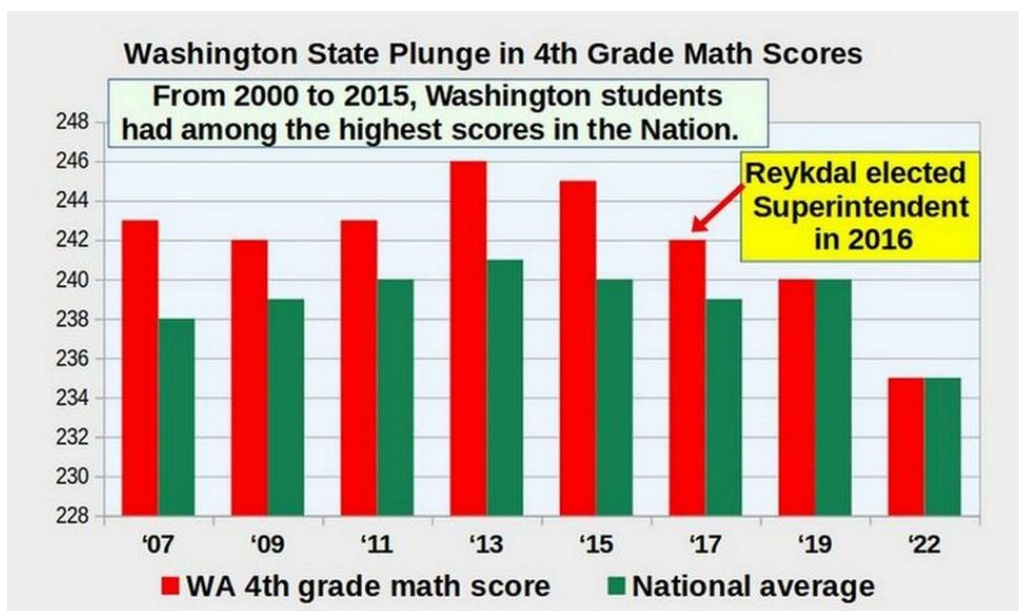
ASSESSMENT			AVERAGE SCORE		ACHIEVEMENT LEVELS		
Subject	Grade	Year	Score	Difference from National public (NP)	At or above Basic	At or above Proficient	At Advanced
Mathematics (scale range 0–500)	8	2022	276	+3 ↑	64	28	8
		2019	286	+5 ↑	72	40	13
		2017	289	+7 ↑	75	41	13
		2015	287	+5 ↑	74	39	11

The reason Washington state students have historically performed near the highest in the nation is that Washington is one of the eight wealthiest states in the nation. It is therefore shocking that our student test performance has fallen to the national average. Nevertheless, let's look at State Comparisons to see how that has changed since Reykdal became our state superintendent. To get to the state comparison page for Washington, go to the above link and click on the State Comparisons tab.

On Fourth Grade Math, Washington is now 27th in the nation. In 2015, Washington was 8th in the nation. On Eighth Grade Math, Washington is now 18th in the nation. In 2015, Washington was 8th in the nation. Washington is ranked 8th in the nation in per capita income. Washington therefore should be about 8th in the nation in NEAP test scores.

The Biggest Red Flag is NAEP Math Scores

Far more concerning than the record drop in 8th Grade Reading scores, Washington students suffered a record decline on the 4th and 8th Grade Math tests. The reason this should set off alarm bells is that Washington is one of the ten most affluent states in the nation – and all standardized tests are known to be related to family income – with students from more affluent families performing much better than students from poorer families (also know as the Achievement Gap). Because of this factor, **Washington students have always performed in the Top Ten states on the NAEP Math tests.** On several occasions, our students have performed in the Top Five states as is shown by this graph:

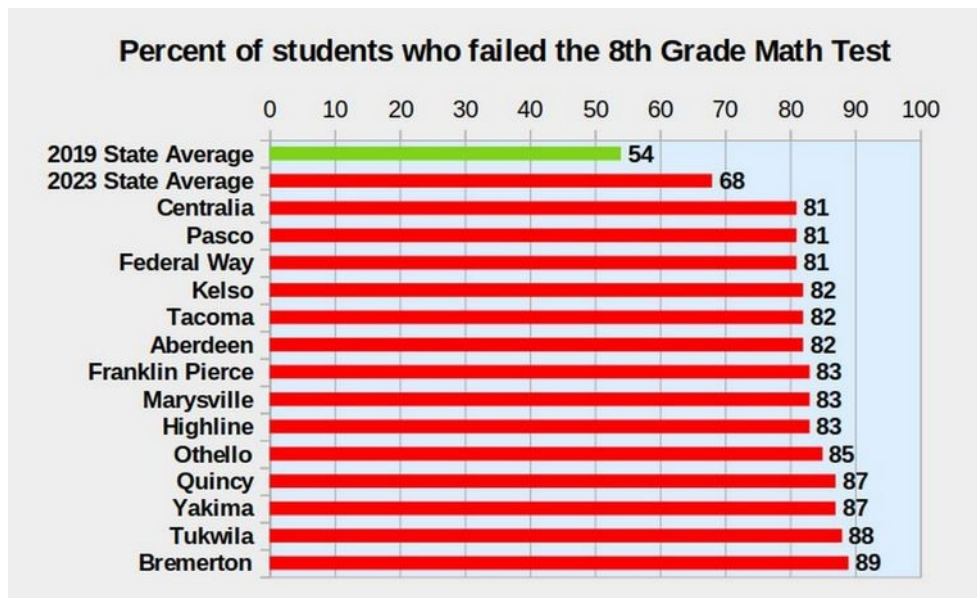


You can see from the above graph that even before 2020, Reykdal's policies had been a disaster. In fact, since Reykdal was elected, Washington student test scores on the NAEP Fourth Grade Math test have declined more than in any other state in the nation! **Since Reykdal took office, Washington students have lost more than a year of math learning!** Reykdal is literally the worst Superintendent in the United States and the worst Superintendent in the history of Washington state as is confirmed by the record decline in 4th Grade Math scores.

Record Decline in Students passing the 8th Grade Math Test

The Washington 8th Grade Math test is important for several reasons. First, it can be correlated to the National 8th Grade Math test – making it harder to rig. Second, it is a good predictor of students passing the 10th grade math test. So it is a look into our future. Third, it includes students who have been subjected to Reykdal's policies during his entire 8 years in office. These students have never known anything other than Reykdal's policies.

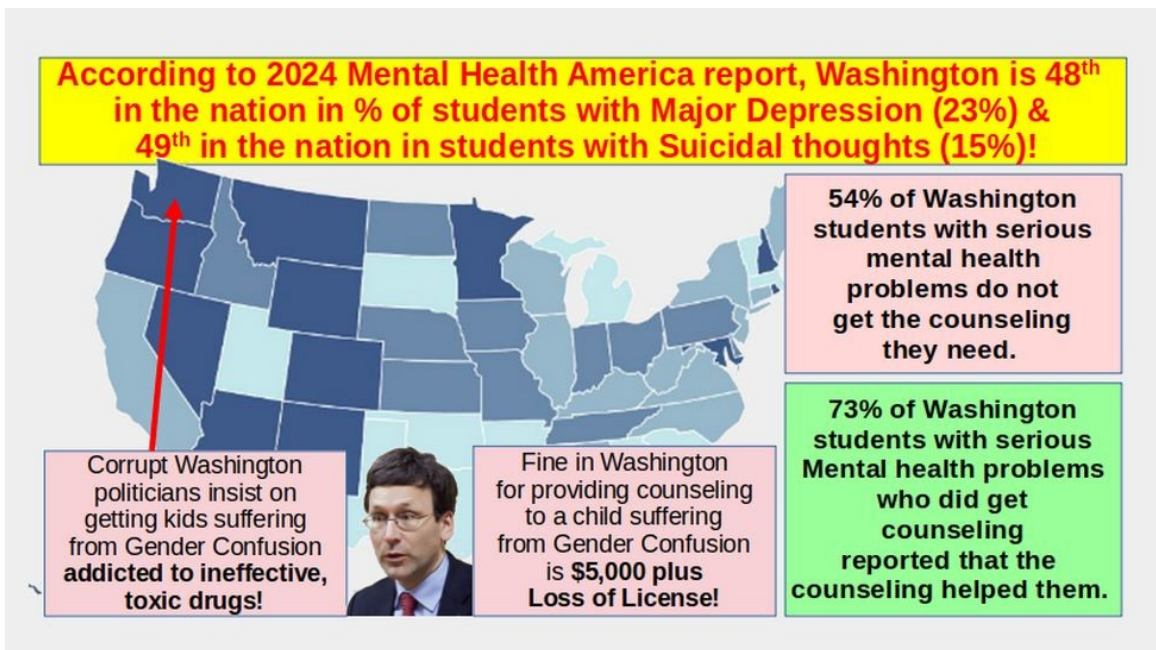
When Reykdal took office, only 46% of students passed the Washington state 8th Grade Math test. In May 2023, only 32% of students passed the 8th Grade Math test. For the first time in State History, 68% failed the test. **In many school districts, 80 to 90% of the students failed this test:**



Since Reykdal took office, we now have only a few school districts left that are performing well. Sadly, we now have a huge number of school districts that are doing very poorly. It is stunning how many school districts in Washington state now have fewer than 20% of the students who are able to pass the 8th grade math test.

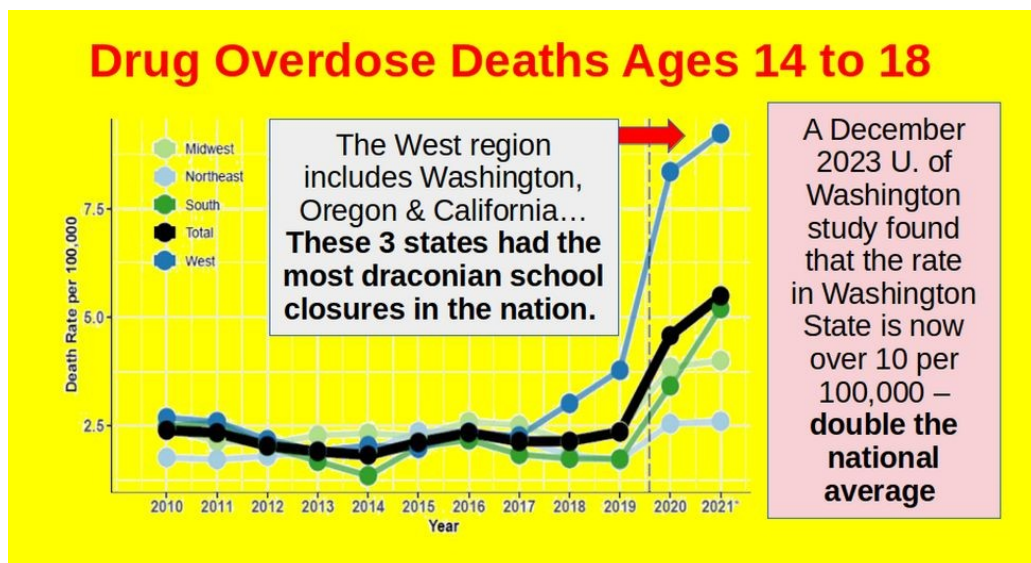
Consequence #4: Dramatic Decrease in Student Mental Health

8 years of denying children their rights to privacy and fair sports competition has caused Washington state to fall to **48th in the nation in childhood mental health.**



Consequence #5: Dramatic Increase in Student Drug Overdoses

Studies published in December, 2021 & December 2023 found that **Drug Overdoses among Washington state 14 to 18 year olds are the highest in the nation – and more than twice the national average!**



In addition, 20% of high school students now think about committing suicide and hundreds of thousands of students now suffer from Depression and Anxiety.

20% of Washington High School Students Have thought about committing suicide



Hundreds of
thousands of
Washington
Students
now suffer
from
Depression
Or
Anxiety

These are only a few of the many signs of students in distress.

It is reasonable to ask if merely denying male and female students the right to private spaces and fair and safe sports competition is capable of inflicting such academic and mental health harm in just the space of 8 years?

The truth is that there is more to Reykdal's agenda than merely denying children their rights under Title IX. Reykdal places kids as young as 5 years old under extreme pressure by requiring teachers to tell kids that they can not trust their parents, that they need to lie to their parents and that kids need to consider changing their names and pronouns in order to be in the "cool" crowd.

It is the entire Trans Drug Cult propaganda that has severely harmed children. But the first step in reducing Trans Drug propaganda is to protect children's rights under Title IX. Which leads us to our final topic of how to restore Title IX rights in Washington state.

XIII Twenty Two School Boards in Washington State file amendments with WIAA to restore Title IX

On November 19, 2024, the Central Valley School Board, near Spokane, voted to send a message to the Washington Interscholastic Activities Association (WIAA). The resolution, titled "**Supporting Equity and Safety in Female Sports**," notes that the entire board is comprised of female members who have either competed in athletics themselves or have daughters who competed in athletics.

One of those women, an unidentified current cross country runner, shared her experience of having to compete against one of those athletes during the hearing. The meeting had over an hour's worth of public comment and 75 submitted written comments, a large majority of speakers urging the board to send a clear message denouncing trans girls' (biological males) participation in girls sports. Most spoke in support of the documents, or asked the board to send a stronger resolution like Mead passed in October.

Importance of Title IX... Equals rights for girls & women



Title IX is a law passed by Congress in 1972 prohibiting **discrimination based on sex**. Title IX forced schools to offer sports for girls & women to the same extent as sports for boys and men.

Title IX also requires separate bathrooms & locker rooms for girls sports.

The board passed its resolution and by doing so sent an official letter to the WIAA and Washington state legislators stating: *"Students born male, including transgender girls or non-binary boys, have a biological advantage over students born female. Therefore, unless a sport category is deemed co-ed, those born male should continue to be welcome to enjoy fair play within male sport categories,"* .

The board members close the resolution by urging WIAA to *"have open*

dialogue and discussion with its member school districts to restore equity and safety to all student-athletes," as well as "to advocate for legislative adjustments for such equity and safety." They also ask state legislators to amend current laws to allow all students to participate in athletics "while ensuring that biological female athletes are not denied their rights under Title IX to fair competition and opportunity."

"As our legislators, we respectfully urge you to address current inequalities and safety concerns effecting girls' and women's sports before further injury or loss of opportunities occur."

On October 21, 2024, the Mead School Board passed a similar resolution which reads: *"The Mead School District recognizes the inherent biological and physiological differences that exist between male and female students. These differences place male students at an advantage for physical performance in athletic competitions."*

Spokane City Councilman Jonathan Bingle spoke in support of the resolution, as his district on city council slightly overlaps with Mead school district. "This is about fairness to female athletes," Bingle said, wearing a "protect girls sports" T-shirt. "It's about making sure that the next generation of young women will compete safely, and their hard work, dedication and talent will be rewarded, not undermined by forces beyond their control."

No one spoke opposed to the resolution.

14 or more school boards in Washington State join the resolutions to protect girls sports

The resolution adds Mead to a list of school districts supporting an effort to amend this WIAA policy, restricting girls' teams to athletes assigned female at birth. Lynden School District in Northwest Washington proposed the initial amendment on October 7, with 13 other school districts in support, according to the district's website.

Other supporting districts include Wenatchee's Eastmont, Moses Lake and College Place, near Walla Walla, Kennewick, Thorp, Cashmere, Colville Okanogan, Brewster, Oroville, Tonasket, Lynden Christian, Lake Chellan Grand Coulee, Omak Blaine, Mansfield and La Center

As of February 2025 a total of 22 school districts in Washington state have passed resolutions in favor of restoring Title IX protections for girls in girls sports. <https://www.savegirlssportswa.com/>

Below is a picture of a biological male competing against dozens of biological girls:



This should not be a bipartisan, consensus issue. It should not be controversial that girls deserve a chance to compete in sports against their physical peers, not boys. Parents do not want biological men in locker rooms with their daughters, nor do they believe its equitable that a male can compete with women in female athletics. It's the whole purpose that Title IX was created to begin with.

Most Americans say birth sex should determine sports participation.



A June 2023 Gallop Poll Found that **69%** of Americans Support birth sex Over Gender Preference To participate in Girls Sports.

WIAA fails to acknowledge that they are violating Title IX

The amendments to WIAA policy that would prevent trans girls from playing on girls teams and one to create a third ungendered league will be considered during by the WIAA assembly's annual amendment review process. A spokesperson for WIAA told Crisis in the Classroom (CITC) the association "is aware of numerous school board resolutions being adopted across the state."

"The Gender Identity Participation policies must follow Washington state law (RCW 28A.642.010), and the current rules do so. Our office is conducting a legal review of the policies in place, evaluating the possibilities within Washington state law."

"The WIAA staff closely monitors legislation from around the country as well as the developing guidance from the Federal Department of Education, but the WIAA office does not write the rules and regulations of the Association. Policies are developed and voted in by the membership through a year-round amendment process, and the staff provides the interpretations of those rules to the membership."

Comments from the public about the School Board resolutions:

"Those of you who want your daughters to have a chance in sports need to stop voting for democrats."

"Good for the school board fighting for girls' athletics. It is not anti-trans to state the obvious. Sex is biological and males have an athletic advantage over females regardless of any gender preference."

"There is nothing equitable or fair with putting the feelings of a few people ahead of what EVERYONE knows is 100% morally WRONG! Boys should not be in women's sports period!!!! There is simply no way to spin this other than it's insane to let it happen."

XIV Reykdal threatens school boards over failure to comply with Policy 3211

Despite the fact that Reykdal required school districts to comply with Policy 3211 back in 2020, a couple dozen school districts have bravely resisted subjecting their students to Reykdal's insane policies by covertly failing to fully implement Policy 3211. In response, during the past few months, Reykdal has conducted a "Review Audit" of every school district in Washington state to see which ones have failed to fully comply with Policy 3211.

To bring these rebel school districts back into line, on February 21, 2025, Reykdal emailed warning emails to school board members.

OSPI has completed its initial review of your local education agency's (LEA) information for the 2024–25 Statewide Civil Rights Review. OSPI's determinations, including any required corrective actions or technical assistance, are outlined below.

For your reference, this letter may include the following determinations:

1. **Implemented** – OSPI received sufficient evidence from your LEA to show this subitem has been implemented. No further action is required on this subitem.
2. **Not Implemented** – OSPI received evidence that your LEA has not implemented the requirements for this subitem. The next step is providing the corrective action evidence required by OSPI for this subitem by the deadline listed below.
3. **Not Implemented/Evidence Needed** – OSPI has not received sufficient evidence to determine whether this subitem has been implemented. OSPI may update the determinations for this subitem if your LEA provides sufficient evidence showing implementation by the deadline.

Here are quotes from one of these warning emails.

Item 1C: The LEA's Gender-Inclusive Schools policy and procedure (WSSDA's 3211/3211P, or equivalents).

Determination: Not Implemented

Summary of Concerns & Required Corrective Action:

RCW 28A.642.080 requires LEAs to adopt WSSDA's Gender-Inclusive Schools model policy and procedure, or equivalents. The LEA has made material changes to its 3211P. For example, its 3211P includes "When communicating with parents of transgender or gender nonconforming

students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable." It does not include "Any student—regardless of gender identity—who requests greater privacy should be given access to an alternative restroom.

However, schools may not require a student to use an alternative restroom because of their transgender or gender-expansive status." These are examples only. Provide evidence the district has adopted WSSDA's Gender Inclusive Schools procedure (3211P), or equivalent.

Item 1: Policies and Procedures:

https://ospi.k12.wa.us/sites/default/files/2025-02/item-1_policies-and-procedures_20250207.pdf

Item 3: Staff Training on Nondiscrimination

Staff training on responsibilities under state nondiscrimination law and eliminating bias.

Item 3A: A copy of training materials included in the training on employees' responsibilities under nondiscrimination laws, including chapter 392-190 WAC.

Determination: Not Implemented

Provide training materials used for training administrators and certificated and classroom personnel on their responsibilities under state civil rights rules. At a minimum, the training materials must cover the following topics:

1. Protected classes under Washington law;
2. Employees' responsibilities to report and respond to discrimination; and
3. The LEA's discrimination complaint procedures.

Note: OSPI Sample Staff Training slide deck (includes all required civil rights topics) can be found at:

https://ospi.k12.wa.us/sites/default/files/2024-10/2024-ospi-model-staff-civil-rights-training_administrators-and-certificated-and-classroom-personnel.pptx

Item 3: Staff Training on Nondiscrimination:

https://ospi.k12.wa.us/sites/default/files/2024-10/item-3_staff-civil-rights-training_20241018.pdf

Item 3B: A narrative explaining how the LEA ensures that all administrators and certificated and classroom personnel have completed the training.

Determination: Not Implemented

Summary of Concerns & Required Corrective Action:

Describe what process the LEA uses to ensure that all administrators and certificated and classroom personnel have completed the training—how it tracks who has taken, and who still must take, the required civil rights training.

Item 3: Staff Training on Nondiscrimination:

https://ospi.k12.wa.us/sites/default/files/2024-10/item-3_staff-civil-rights-training_20241018.pdf

Item 4B: LEA has designated a Gender-Inclusive Schools Coordinator who received sufficient training in their coordinator responsibilities under state law, including attending OSPI's training on HIB and gender-inclusive schools.

Determination: Not Implemented

Summary of Concerns & Required Corrective Action:

Training GISC had taken is valuable. However, RCW 28A.642.080 specifically requires the GISC to attend at least one training class as provided in RCW 28A.600.477 (Prohibition of harassment, intimidation, and bullying)—HIB training which incorporates information related to the Washington state school directors' association model transgender student policy and procedure as provided in RCW 28A.642.080. Please obtain and provide evidence that the GISC has taken this HIB training. Additional relevant training resources may be found at

<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/gender-inclusive-schools>

Item 4: Compliance Coordinators:

https://ospi.k12.wa.us/sites/default/files/2024-10/item-4_compliance-coordinators_20241018.pdf

Your LEA has 30 calendar days from the date of this letter to complete the required corrective action(s). Your follow-up due date to complete the corrective action(s) is 3/24/2025.

Here are the Policies 3211 intends to enforce in these rebel school districts in the next 30 days:

<https://ospi.k12.wa.us/policy-funding/equity-and-civil-rights/resources-school-districts-civil-rights-washington-schools/gender-inclusive-schools>

Restrooms. Public schools must allow students to use the restroom that corresponds to their gender identity

Locker Rooms. Public schools should provide access to the locker room that corresponds to a student's gender identity.

Sports & Physical Education Classes. Public schools must allow all students to participate in physical education and athletics that correspond to their gender identity.

All three of these Washington 3211 policies are in direct violation of Title IX and the federal court order issued on January 9, 2025 in the case of Tennessee v Cardona.

Not only have Chris Reykdal and Bob Ferguson failed to comply with this federal court order, they intend to crack down on any school that is complying with Title IX during the next 30 days. Their motto appears to be **“Leave No Child Left Unharmd.”**

XV Proposed Remedies

We have provided evidence that all one million children in Washington state are having their Title IX rights violated – and that the source of these violations comes down to Bob Ferguson and Chris Reykdal lying to the legislature, lying to the media, lying to the federal courts, lying to teachers and lying to parents – by repeatedly claiming that Title IX is about protecting Trans Rights rather than protecting the rights of girls and boys. Moreover, they have been telling these lies for the past 8 years. This legal farce finally came to an end with the January 9, 2025 federal court ruling in *Tennessee v Cardona*.

We are now left with the question of how to restore Title IX given that Ferguson and Reykdal still insist that State laws violating Title IX somehow take priority over federal laws protecting Title IX?

34 C.F.R. § 106.3(a). Section 106.3(a) reads: *(a) Remedial action. If the Assistant Secretary [for Civil Rights] finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of such discrimination.*

Here are some of the remedial actions we propose are necessary to overcome the past 8 years of failure to comply with Title IX:

The first remedy is for OCR investigators to research the claims we have made and then hold a hearing asking Reykdal and Ferguson to explain why they continue to refuse to comply with Title IX. At the end of the hearing, we ask OCR investigators to issue a written “Findings of Fact.”

We ask that you find that Reykdal and Ferguson have for the past 8 years violated the plain meaning of Title IX.

We further ask you to find that Policy 3211 and 3211P and the WAC regulations and RCWs that it is based on violates Title IX

At this point, the normal process is for the Office of Civil Rights to attempt to mediate the dispute (CMP Section 202). While we are open to mediation, we do not believe that mediation is appropriate to resolve this issue given the scale of the violations. It is not merely the rights of the people filing declarations that have been violated. It is the Title IX rights of every child in Washington state. The rights of all children and parents must be restored.

Assuming that CMP 202 Mediation is not successful, we ask that issue a statement of Non-Compliance (CPM 303b and 303d) which states in part:

“When OCR determines that the preponderance of the evidence supports a conclusion that the recipient failed to comply with applicable statutes(s) and regulation(s), OCR will negotiate a resolution agreement and issue a letter of finding(s). See CPM Sections 303(e) and 304. The agreement must include actions steps that, when implemented, will remedy both the individual discrimination at issue and any similar instances where future violative conduct may recur.”

We further ask that OCR issue a Letter of Findings per CPM 303e.

We further ask that if the violators have not agreed to the remedies set below after a 30 day time period, that a **Letter of Negotiation Impasse** be issued per CPM 303g notifying the violators that if they fail to agree to the remedies below within 10 days that OCR enforcement action will be taken.

We further ask that if an agreement is still not reached, per CMP 305, OCR issue a **Letter of Impending Enforcement Action**.

We further ask that OCR proceed with a Section 601 hearing. Section 601 states in part: *“When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement, OCR will where appropriate, request that an administrative proceeding be initiated. OCR will establish a team to prosecute the case. When deferral of funds has been imposed, the Notice of Opportunity for Hearing will be issued within 30 days of the notice of the deferral action.”*

We further ask that if an agreement is still not reached that the issue be referred to the US Department of Education which then must inform Congress that federal funds are about to be withheld from Washington state in order to bring Washington State into compliance with Title IX.

We then ask that the US Department of Education withhold whatever amount of federal funding you think it will take to convince Reykdal and Ferguson that they should finally start complying with federal law. Personally, I think you will need to withhold at least a billion dollars in federal funding before either of them will consider taking steps to restore Title IX in Washington state.

We further ask that you continue withholding these federal funds until such time that the following ten conditions are met:

#1 Reykdal and Ferguson sign a public statement admitting that their past statements and actions have misinterpreted and violated Title IX and that they admit that our US Supreme Court and many other federal courts have ruled that the word “sex” in Title IX refers to biological sex and not gender identity.

#2 Their statement must also include an apology to the legislators, judges, teachers and parents and an apology to the one million children whose rights they have harmed during the past 8 years – for misleading all of them into believing that Title IX required allowing biological males to use girls private spaces and or participate in girls sports.

#3 The State legislature must repeal Policy 3211, 3211P and all other laws related to Transgenderism or Gender Identity that violate Title IX.

#4 The legislature, Superintendent and Governor agree to a **Washington State Title IX Compliance Officer** tasked with creating and carrying out an 8 year program to train teachers, administrators, judges, legislators and parents on the steps needed to comply with Title IX – and to correct the many false statements they were all exposed to during the past 8 years.

#5 WIAA must also agree to comply with Title IX by amending their policies to only allow biological girls in girls sports and amending their records so that only biological girls will have won girls athletic events.

#6 The legislature must amend state law which currently permits parents and children to falsify birth certificates such that biological males were given girls birth certificates as a means of evading Title IX requirements.

#7 The legislature agrees to the establishment of an annual review process to assure compliance with Title IX – including a written annual report on the steps taken during the previous year to restore Title IX and additional steps needed during the following year to continue restoration of Title IX per CPM 401 which states in part:

“In addition to the regulations implementing Title VI that require OCR to investigate complaints that are filed with the agency, the regulations require OCR to initiate “periodic compliance reviews” to assess the practices of recipients to determine whether they comply with the Title VI regulations...

The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations.”

#8 Establishment of a Title IX teacher and administrator review commission to consider complaints by parents about teachers and school officials who have violated the Title IX rights of their students. Any teacher or official found guilty of a Title IX violation can be required either to take additional training or in severe cases can be dismissed for violating Title IX.

#9 Establishment of a Title IX Compensation Commission to hear cases of students, parents and teachers harmed by the past violations of Title IX. The legislature shall establish a fund to compensate students, parents and teachers – including hiring teachers back who were fired for failing to go along with Title IX violations and providing them with full back pay for the income they lost for defending their First Amendment and Title IX rights.

#10 Other remedies the Office of Civil Rights deems appropriate. For example, per CPM 501: *“OCR must obtain sufficient information to determine whether the recipient had complied with the terms and obligations of the resolution agreement.”*

Also per CPM 602, *“When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement, OCR will where appropriate, issue a letter to the recipient stating that the case will be referred to DOJ in 10 days from the date of the letter.”*

Exhibit 01: Declaration of Parent and Teacher David Spring on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, David Spring, am a citizen of the State of Washington.
2. I am a parent, a teacher and a scientist with a Masters Degree in Child Development from the University of Washington and a Bachelors Degree in Science Education from Washington State University. I am also the Director of the Washington Parents Network, an association of more than 2,600 parents in Washington state committed to protecting parents and children.
3. As a scientist who has spent many years studying child development, I object to Bob Ferguson and Chris Reykdal making claims about allowing boys in girls bathrooms or boys in girls sports as a means of reducing their suicide rate when there have never been any credible scientific studies to support such claims. To the contrary, there have been numerous scientific studies which have found that giving gender-confused children toxic drugs instead of counseling increases their risk of suicide, cancer, brain tumors and sterility. Thus, their underlying basis for violating Title IX is false.
4. As a teacher, while I taught in an after-school program at two elementary schools in Whatcom County in prior to 2020, I am no longer able to accept or even consider any teaching position in our public schools due to the ever-increasing implimentation and enforcement of School Board policies 3211 and 3211-P. These policies force teachers to lie to students and parents by telling them that allowing boys into girls bathrooms and girls sports will reduce the suicide rate when in fact it will increase the suicide rate of gender troubled children. This not only encourages teachers and parents and students to violate the Title IX rights of all students, but it also harms gender-confused children – who would greatly benefit from child counseling. Sadly, giving a gender-confused child counseling to deal with their mental health problems is currently a crime here in Washington state with the counselor running the risk of losing their license and being fined up to \$5,000. Teachers should not be forced to violate science, violate Title IX and harm children in order to teach in Washington state. But that is the reality of School Board Policies 3211 and 3211-P. I urge the Office of Civil Rights to find that Policies 3211 and 3211-P violate the Title IX rights of students and teachers.

5. I am also the parent of S.S.

6. S.S. was a student at Mount Si High School in 2017. When she found out that boys would be allowed in the girls bathroom, she asked me if she could drop out of school. When I told her she had to remain in school, she was forced to form a “gang of girls” who would all use the bathrooms together so they could protect each other. The girls were forced to do this for the rest of the school year. In addition, these girls no longer used the girls locker room as they felt it was unsafe. Thus, my daughter and her friends Title IX rights to sex-segregated private spaces were violated by Washington Policy 3211 and 3211-P. Again, I ask that these policies, required in every school in Washington state, be found to be in violation of Title IX.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing:	<u>February 26, 2025</u>
Printed Name	<u>David Spring</u>
Email Address	<u>davidspring@protonmail.com</u>
Street Address	<u>6183 Evergreen Way</u>
City, State, Zip	<u>Ferndale, WA 98248</u>
Phone	<u>425-876-9149</u>
Signature	

Exhibit 02: Declaration of Parent William M. Sullivan on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, William M. Sullivan, am a citizen of the State of Washington.
2. I am the parent of S. D. S.
3. S. D. S. is age 17. Last year, she was a Sophomore at a public high school in Washington State. She is a student-athlete and multi-season sport State Championship competitor, meaning she spends more time in the locker room changing than the average student. She is raised in a modest home and, appropriate with her age, not overly exposed to issues of a sexual nature. As a result of her upbringing, she felt particularly threatened during multiple locker room encounters with a biological male operating under the pretext of “transgender” .
4. These encounters occurred on:
 - * July 3, 2023 (City Pool women’s locker room). . **
 - * October 17, 2023 (Public High School girls locker room). Confirmed biological male socializing with girls in the locker room.
 - * And one or two other occasions at the Public High School girls locker room*
- **Note that we are trying to be as accurate as possible. She knows that she has had one or two additional encounters with biological (trans) males at her public high school girls locker room but does not recall the exact dates. The dates provided above were obtained from text message records (we have these texts and also one relating to one of her friends encountering a trans changing) in their public high school girls locker room. Documents obtained through a public records request confirm that my daughter is not the only female student subjected to these experiences. These documents indicate District Administration has received multiple related complaints and, despite this, has knowingly and willingly allowed biological males to use female locker rooms, as a matter of policy.
5. These encounters disturbed my daughter greatly and made her feel unsafe and uncomfortable in a place where she should be afforded a reasonable expectation of privacy. She has felt unsafe in the locker room

ever since knowing that a biological male could be present at any given time. Her fears are exacerbated by the knowledge that this practice is accepted and even promoted by the District.

6. On October 18, 2023 following the first incident at her high school, I emailed the School District Superintendent and High School Principal to report the October 17 incident and place them on notice that the District's policy allowing biological males in the girls locker room is not lawful and does not trump other long standing local, state, and federal laws to protect women and girls from sex crimes.

7. Here are quotes from my October 18 email to the School District administrators: *"Yesterday our daughter encountered a male socializing with female students in the girl's locker room. This situation disturbed her and caused her to feel uncomfortable in a place where there should be a reasonable expectation of privacy. I'm writing to stand up for my daughter's safety, her right to privacy, and her innocence. This email is notice to the District that it could be held liable for incidents where the District fails to protect students by allowing males into female restrooms and locker rooms. To be clear, there is no law allowing males to use female restrooms and locker rooms, especially when it presents harm to others. And there is no law requiring school districts to do this. I understand that the District is trying to balance the many voices conveying contradicting messages. But the reality is that voyeurism remains a crime in Washington as do other sex crimes that can result from allowing males into female facilities. These laws trump state agency administrative codes and school district policies.*

(School Policy statement 3211) appears to be a value statement that invites gender confused males to use female restrooms and locker rooms. This policy is flawed. First, it fails to establish a procedure for vetting which students qualify for "protection" under WAC 162-32-060 and which ones are fraudulent. Second, it presumably is based on WAC 162-32-060 that does not actually permit males to use female facilities, and therefore cannot protect the District or the Offender when harm is committed onto others, whether that harm is criminal or civil.

If the District is concerned about potential liability over discrimination under WAC 162-32-060, then I will point out this recent case that also seems relevant:

Virginia Family Sues School System for \$30 Million Over Student's Sexual Assault in Bathroom (usnews.com).

I don't envy your positions. This looks like a lose-lose situation where some school district somewhere in Washington is going to go to court to sort it all out. I hope it's not ours. Meanwhile for her safety, I've instructed my daughter to immediately depart the area and call 911 should she encounter another male in the girl's restrooms or locker rooms. Thank you and Sincerely, Bill Sullivan"

8. Here is a quote from the School Districts response email the next day:

Dear Bill,

"Thank you for your email and your advocacy for your daughter's safety. The Wenatchee School District wants each student to experience a thriving environment where they feel safe to be who they are as an individual. Unfortunately, It sounds as if that did not happen on Tuesday with regard to your daughter. Eric and I will continue to work collaboratively to ensure safety for all our high school and in our school district. Thank you"

There is no evidence that the District undertook an investigation, documented the occurrence in a report, or contacted law enforcement.

9. In a graphic, but unrelated encounter that an example of how far this issue has devolved, my daughter encountered a naked 'trans' at a swim meet at a High School locker room in California. Parents were alerted and investigated only to discover that apparently the individual was indeed a girl who was transitioning complete with breasts removed and a surgically-constructed 'penis', which was the 'penis' the girls saw. Needless to say, this event also caused a good deal of harm to my daughter and the other girls. Our children, and our girls in particular, are under siege. We have to stand up for those who don't have a voice, especially when our leaders won't.

10. If Title IX is not restored in Washington state, my daughter will continue to be placed at risk by the very officials charged with protecting her. She will be irreparably harmed by additional exposures to biological males in the girls locker room at our public high school. This is a clear violation to her right to privacy under Title IX and other laws.

11. In addition, I am concerned that if my daughter expresses her concerns about biological (trans) males in the girls locker room, she will be accused of sexual harassment under School Board Policy 3211 and 3211P and this charge could wind up on her permanent record adversely affecting her future in college and in a career. Because these activities are formerly sanctioned by the District, there is no opportunity for her to petition without fear of reprisal and no indication that her concerns will be taken seriously. I contend that the School Board Policy 3211 and 3211 P is a violation of my daughter's First Amendment right of free speech and her right to fair treatment under Title IX.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 26 30, 2025

Printed Name William M. Sullivan

Address: 7020 Jumpoff Rd Wenatchee, WA 98801

Phone: (509) 699-0682

Email: ironeagle@nwi.net

Signature

A handwritten signature in black ink, appearing to read 'W. Sullivan', is written over a horizontal line. A vertical line is drawn to the right of the signature.

Exhibit 03: Declaration of Parents Brendan C. Wilson and Elizabeth D. Wilson on Harm of Failure to comply with Title IX

We hereby declare as follows:

We, Brendan C. Wilson and Elizabeth D. Wilson, are a citizen of the State of Washington. We are the parents of Ahnaleigh I. Wilson. Ahnaleigh is a 15-year-old female in 9th grade at Eastmont School District. We are writing this statement and sharing our daughter's experience with racing in an 8th grade track meet against a transgender female/biological male in May of 2024 because **allowing biological boys to compete in school sports against biological girls is a violation of our daughter's title IX rights.**

We have been told by some people in our town, state and across the country that we are discriminating, spreading hate, not being fair, bigots, and transphobic all because our daughter and our family spoke up demanding fairness in girls' sports and honoring the original intent of title IX. We have worked tirelessly as a family, meeting with senators, attending school board meetings, participating in interviews, helping initiate a proposed amendment by Eastmont School District to the WIAA, and getting emails sent to those in decision making roles in the state of Washington who have violated our daughter's Title XI rights trying to get this issue addressed and reformed. So far, none of our concerns have been resolved at the local or state level.

Washington State Governor Bob Ferguson and Superintendent of Public Instruction Chris Reykdal have so far defied the recent executive order to protect women's sports issued by President Donald Trump on January 20th, 2025. In an effort to protect the rights of transgender people over others, Bob Ferguson and Chris Reykdal have knowingly and clearly violated the Title XI rights of female athletes by allowing males who identify as females to compete in middle school and high school sports in Washinton state. These state policies dishonor our daughters' and other female athletes' Title XI rights, create threats to their safety, and ignore fairness in sports.

As a family, we demand immediate changes to state and local policies that align with President Trumps' executive order to provide for fairness in sports and to honor the original intent of title IX to protect the rights of girls in school sports based on sex and not on gender identity.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 26, 2025

Printed Names Brendan C. Wilson and Elizabeth D. Wilson

Email Addresses elizabethdbernstein@hotmail.com

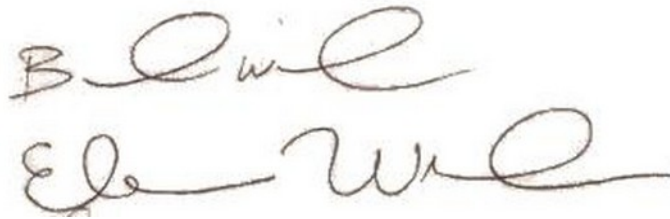
Email Addresses brendanw82@gmail.com

Street Address 2679 Fancher Landing

City, State, Zip East Wenatchee WA 98802

Phone 556-679-4748

Signatures



The image shows two handwritten signatures in cursive. The top signature is 'B. Wilson' and the bottom signature is 'Elizabeth D. Wilson'.

Exhibit 04: Declaration of Parent Heidi Skagen on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Heidi Skagen, am a citizen of the State of Washington.
2. I am the the parent of S. G. C.
3. S. G. C. is a biological male who attends a public high school in Washington State.
4. He is also an athlete who participates in school sports and therefore needs to use the boys locker room after practices and competitions.
5. Several months ago my son came and told me how uncomfortable he feels changing in the boys locker room with people who have biological female bodies.
6. When my son talked to his teacher about how he felt, the teacher told him there was nothing the teacher could do about it.
7. We then brought it up to the principal and vice-principal of the high school. We were told that transgender students were allowed to use whatever locker room or bathroom they identified with.
8. When my son went to meet with the vice-principal in person about how uncomfortable he felt undressing in front of people with female bodies, the vice-principal accused him of having a problem with people who look different from him. My son was told he could use a maintenance closet or the one and only bathroom stall in the boys locker room to change in if he wanted more privacy.
9. Later, when I asked to see the maintenance closet offered to my son, the PE teacher had no knowledge of any closet for students to change in or any other place that students could use for more privacy. The PE teachers response was, *"I am not aware of any maintenance closet that students have been given the option to use to change into located in the boy's locker room. If something of that sort is school policy, I'm sure we would have received guidance and giving that as an option. Sorry I cannot help with this, but I do not know of a maintenance closet that's been given as an option."*

10. This directly goes against the school sexual harassment policy RCW 28A.640.020 which states *“Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.”*

11. I then went before the school board. I expressed our concerns and the discomfort my son was being subjected to. We suggested adding private changing stalls in the locker rooms.

12. The person in charge of gender equity for our school district contacted me and told me that dressing rooms were not an option at this point and for several years to come because of budget.

13. When other students at my son’s high school viewed my speech before the school board in their leadership class they let my son know that they felt uncomfortable with people of the opposite biological sex changing in their locker rooms as well. They suggested I talk to the athletic director.

14. At first the athletic director was very empathetic and was going to look into privacy options for the locker rooms. However, when she spoke with the principal and vice-principal she told me she was told not to pursue it and has since not returned any of my queries.

15. I have since tried to contact the Principal, School Board, Superintendent, the district Gender Inclusive Schools Coordinator, and the Athletic Director of my son’s school, and have received no acknowledgment or replies to my continued concerns.

16. I would like my son’s Title IX privacy rights to have a single sex locker room be protected.

17. I am also concerned about my son’s right to free speech. There appear to be several provisions in the new Final Rules that would put his free speech rights in danger if he ever stated his feels about girls in the boys bathroom while he is at school.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 26 2025
Printed Name Heidi Skagen
Email Address coffeeland@comcast.net
Street Address 24210 172nd Ave SE
City, State, Zip Kent, WA 98042
Phone 206-300-9127
Signature

A handwritten signature in cursive script that reads "Heidi Skagen".

Exhibit 05: Declaration of Parent and School Board Member Khushdip Brar on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Khushdip Brar, am a citizen of the State of Washington.
2. I am the parent of M.K.B. and V.S.B., both citizens of the state of Washington.
3. M.K.B is the age of 7. She is enrolled in First Grade this school year at a Public School in Washington State entitled to Title IX funding.
4. V.S.B. is the age of 5. He is enrolled in Transition Kindergarten this school year at a Public School in Washington State entitle to Title IX funding.
5. I contend that Washington State's Office of the Superintendent of Instruction (OSPI) guidelines on Gender Inclusive Schools, also known as Policy 3211 and Procedures 3211P in public school districts, are a violation of rights under First Amendment of M.K.B. and V.S.B., specifically on freedom of speech and free exercise of religion clause and Title IX.
6. M.K.B and V.S.B, per their upbringing, religious beliefs, also supported by the scientific consensus, believe that human beings are either born male or female and that it is not possible to "become" female based on subjective feelings, medical intervention or surgical procedures. They do not want to be coerced to affirm that a man is a woman just because he decides to identify or present as one and vice versa.
7. Although, M.K.B. and V.S.B. are of young age, the guidelines apply to all students in K-12. The First Amendment and Title IX rights of both are therefore harmed.
8. The guidelines requires schools to allow biological males to compete on sports teams for females along with use of bathrooms and lock rooms, denying M.K.B. and other female students equal athletic opportunities, segregated use of facilities, playing time and fair competition.
9. The guidelines were made in violation of the Administrative Procedure Act and constitute an impermissible legal authority of OSPI's.
10. M.K.B and V.S.B. will be forced to limit their speech & religious beliefs due to fear of being categorized as "harassment, intimidation and bullying"

under Policy 3211 and 3211P that public schools in Washington State are required to adopt pursuant to RCW 28A.600.477, 28A.642.080, RCW 49.60.215 and WAC 392-190-025

11. Compliance with OSPI's Gender Inclusive Schools guidelines that are in direct conflict with United States and Washington Constitution, Federal and Washington State laws will cause irreparable harm to M.K.B and V.S.

12. I am also a member of the Lynden School Board which is responsible for managing the Lynden Public School District.

13. The Lynden Public School District is a non-profit organization responsible for the education of 3,500 students here in Washington State.

14. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.

15. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.

16. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.

17. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school

board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX. However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

18. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

19. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 26, 2025

Printed Name: Khushdip Brar

Printed Name Khushdip Brar

Email Address khushdipbrar@rocketmail.com

Street Address 1165 Elm Street

City, State, Zip Lynden, WA 98264

Phone 360-543-3980

Signature



Exhibit 06: Declaration of School Board Member Gabe Galbraith on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Gabe Galbraith, am a citizen of the State of Washington.
2. I am an elected member of the Kennewick School Board which is responsible for managing the Kennewick Public School District.
3. The Kennewick Public School District is a non-profit organization responsible for the education of 18,681 students here in Washington State.
4. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.
5. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.
6. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.
7. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX.

However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

8. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

9. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 27, 2025

Printed Name Gabe Galbraith

Email Address gabe.galbraith@gmail.com

Street Address _____

City, State, Zip Kennewick WA 99338

Phone (509) 619-3183

Signature



Exhibit 07: Declaration of School Board Member Randy Hayden on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Randy Hayden, am a citizen of the State of Washington.
2. I am member of the Darrington School Board which is responsible for managing the Darrington Public School District.
3. The Darrington Public School District is a non-profit organization responsible for the education of 428 students here in Washington State.
4. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.
5. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.
6. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.
7. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX.

However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

8. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

9. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.


Date of signing: 2-26-25
Signature: 
Printed Name: Randy Hayden
Email Address: christiancowboyrh@hotmail.com
Street Address: 41110 SR 530 NE
City, State, Zip: Arlington WA 98223
Phone: 206-669-8209

Exhibit 08: Declaration of School Board Member Paul Fisher on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Paul Fisher, am a citizen of the State of Washington.
2. I am member of the Enumclaw School Board which is responsible for managing the Enumclaw Public School District.
3. The Enumclaw Public School District is a non-profit organization responsible for the education of 4,390 students here in Washington State.
4. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.
5. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.
6. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.
7. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX.

However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

8. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

9. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.


Date of signing:	<u>February 26, 2025</u>
Signature	<u></u>
Printed Name	<u>Paul Fisher</u>
Email Address	<u>pfisher@skynetbb.com</u>
Street Address	<u>19417 SE 425th Street</u>
City, State, Zip	<u>Enumclaw, WA 98022</u>
Phone	<u>360.951.5022</u>

Exhibit 09: Declaration of School Board Member Darrel Diebel on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Darrel Diebel, am a citizen of the State of Washington.
2. I am member of the Omak School Board which is responsible for managing the Omak Public School District.
3. The Omak Public School District is a non-profit organization responsible for the education of 5,936 students here in Washington State.
4. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.
5. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.
6. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.
7. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX.

However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

8. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

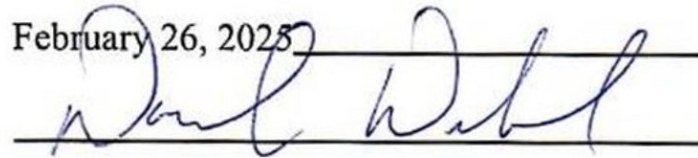
9. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing:

February 26, 2025

Signature



Printed Name

Darrel Diebel

Email Address

justrodeoing@gmail.com

Street Address

269 Conconully Rd

City, State, Zip

Okanogan, WA 98840

Phone

509-322-2118

Exhibit 10: Declaration of School Board Member Jason Rainer on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Jason Rainer, am a citizen of the State of Washington.
2. I am member of the Prosser School Board which is responsible for managing the Prosser Public School District.
3. The Omak Public School District is a non-profit organization responsible for the education of 2,446 students here in Washington State.
4. As a school board member, I have sworn an oath of office to support and uphold the Washington state constitution and the United States constitution.
5. I have become aware of the January 9, 2025 ruling of the federal court in Tennessee v Cardona concluding that several provisions of the 2024 Title IX Final Rule violate Title IX and the First Amendment of the United States Constitution. I have also become aware that this federal court ruling applies to Washington state. I agree with the conclusion of this court. I will not and can not violate Title IX and the First Amendment rights of our teachers, parents and students.
6. Despite the January 9, 2025 ruling in Tennessee v Cardona, Washington state superintendent Chris Reykdal continues to require every school board in Washington state to enforce Policy 3211 and 3211 P – which includes many provisions that are identical to the policies courts have now ruled are in violation of Title IX and the First Amendment. This puts me and every other member of our school board in an impossible position because, as a school board member, I am forced to comply with Policies 3211 and 3211 P , which will in turn, require me to break my oath of office and betray the trust placed in me by our teachers, parents, students and voters.
7. In addition, State Superintendent Chris Reykdal has threatened to withhold state funding if our school board fails to comply with State Policies 3211 and 3211 P. As the same time, President Trump has issued a Presidential Order declaring that our school district will lose federal funding if our school board fails to comply with Title IX. This also places our school board in an impossible position. Because our school district receives federal funding, we are required by federal law to comply with Title IX.

However, our school board also receives state funding which forces us to comply with State Policies 3211 and 3211 P – both of which violate Title IX.

8. The failure to our State Superintendent to comply with Title IX therefore inflicts irreparable harm on us as a school board as well as on our teachers, administrators, parents and students.

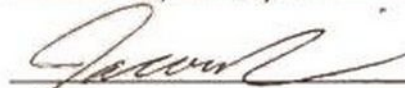
9. I therefore respectfully ask the US Department of Education Office of Civil Rights to find Chris Reykdal in violation of Title IX and further to find Washington state policies 3211 and 3211 P to be in violation of Title IX. This will allow us to continue to receive both state and federal funding and be in compliance with both Washington state and federal laws.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing:

2/26/25

Signature



Printed Name

Jason Rainer

Email Address

rainerj1954@gmail.com

Street Address

176911 W. Rivers Edge Dr.

City, State, Zip

Prosser, WA 99350

Phone

509-731-5424

Exhibit 11: Declaration of Teacher Ron Higgins on Harm of Failure to comply with Title IX

I hereby declare as follows:

1. I, Ronald L. Higgins, am a citizen of the State of Washington.
2. I am a certificated mathematics teacher in Washington state.
3. As a teacher, I am forced to comply with Washington School Board policies 3211 and 3211-P. These policies require teachers to lie to students and parents by telling them that allowing boys into girl's bathrooms and girls sports will reduce the suicide rate when in fact these policies will increase the suicide rate of gender-troubled children.
4. These policies not only encourage teachers, parents and students to violate the Title IX rights of all students, but it also harms gender-confused children – who would greatly benefit from child counseling. Sadly, giving gender-confused children counseling to deal with their mental health problems is currently a crime here in Washington state with counselors running the risk of losing their license and being fined up to \$5,000.
5. Teachers should not be forced to violate Title IX and harm children in order to teach in Washington state, but that is the reality of School Board Policies 3211 and 3211-P. I therefore urge the Office of Civil Rights to find that Washington Policies 3211 and 3211-P violate the Title IX rights of students and teachers here in Washington state.

I declare under penalty of perjury that the foregoing is true and correct.

Date of signing: February 27, 2025
Printed Name Ron L. Higgins
Email Address ronald.higgins@charter.net
Street Address 806 Cedar Avenue
City, State, Zip Richland, WA 99352-3610
Phone (509) 946-3596
Signature 