



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

February 12, 2025

By email only to docket@aflegal.org

Ian D. Prior
Senior Advisor
America First Legal Foundation
611 Pennsylvania Ave., SE #231
Washington, DC 20003

Re: Case No. 11-25-1305 – Alexandria City Public Schools
Case No. 11-25-1306 – Arlington Public Schools
Case No. 11-25-1307 – Fairfax County Public Schools
Case No. 11-25-1308 – Loudoun County Public Schools
Case No. 11-25-1309 – Prince William County Public Schools

Dear Mr. Prior:

On February 4, 2025, the U.S. Department of Education, Office for Civil Rights (OCR) received the complaint you filed against Alexandria City Public Schools, Arlington Public Schools, Fairfax County Public Schools, Loudoun County Public Schools, and Prince William County Public Schools (the Divisions). The complaint alleges that the Divisions' anti-discrimination policies pertaining to transgender students "provide greater rights to students whose 'gender identity' does not match their biological sex than it does to students whose 'gender identity' matches their biological sex." Specifically, the complaint alleges that the Divisions' policies related to the use of intimate, sex segregated facilities, including restrooms and locker rooms, violate Title IX.

The specific policies challenged by complainant are as follows: Alexandria City Public Schools' "Nondiscrimination in Education" policy; Arlington County Public Schools' "Transgender Students in Schools" policy; Fairfax County Public Schools' Regulation 2603.2; Loudoun County Public Schools' Policy 8040; Prince William County's Regulation 738-5.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance. As recipients of federal financial assistance from the Department of Education, the Divisions must comply with this law.

OCR evaluated this complaint in accordance with OCR's [Case Processing Manual \(CPM\) \(July 18, 2022\)](#) and has decided to open the complaint for investigation. OCR will investigate whether the above specified Division policies regarding transgender students violate Title IX.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please note that opening an investigation does not mean that OCR has made a final determination with regard to the merits. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about the complaint. OCR will ensure that its investigation is legally sufficient in accordance with OCR's CPM. Additional information is available at [Complaint Processing Procedures](#). Please note that you may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Divisions must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

If you have any questions, please contact me at 202-245-8014 or Dan.Greenspahn@ed.gov.

Sincerely,

Dan Greenspahn
Team Leader, Team I
Office for Civil Rights
District of Columbia Office