



April 8, 2025

U.S. Department of Justice
Civil Rights Division
Criminal Section
Jim Felte, Chief
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Request for Investigation regarding Violations of 18 U.S.C. § 241 by the Illinois Department of Education, Deerfield Public Schools District 109, and Alan B. Shepard Middle School

Dear Chief Felte:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, ensure due process and equal protection for all Americans, and combat invidious discrimination on the basis of race, color, national origin, and sex in America’s schools. Accordingly, AFL respectfully requests that the Department of Justice Civil Rights Division, Criminal Section open an investigation into the Illinois Department of Education, Deerfield Public Schools District 109 (“the District”), and Alan B. Shepard Middle School (“the School”).

The Department of Justice Civil Rights Division, Criminal Section enforces 18 U.S.C. § 241. The law establishes that it is an unlawful conspiracy against rights “[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.” § 241. This case deserves a thorough investigation, and your office should hold the parties responsible for subjecting teenage girls to the undoubtedly traumatic experience described below.

BACKGROUND

Based on what occurred to her young daughter, Mrs. Georgas has filed a federal civil rights complaint with the United States Department of Justice, which referred the matter to the United States Department of Education, Office for Civil Rights

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“OCR”).¹ OCR has opened an investigation into alleged violations of Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, which prohibit discrimination on the basis of sex in any education program or activity by a recipient of federal financial assistance.

AFL writes separately to request a criminal investigation into the School administration’s potentially illegal treatment of the female middle school students who protested the School’s policy. The policy permitted a male student to change in the locker room with these young girls. Worse, after the girls protested this school policy by refusing to dress out for their PE class, the school administrators, likely in retaliation, went into the locker room and forced these young girls to change clothes in front of the school administrators and the male student.

At a Deerfield Public Schools District 109 Board of Education Meeting on March 13, 2025, Nicole Georgas described her thirteen-year-old daughter’s experience as a student at Alan B. Shepard Middle School.² According to Mrs. Georgas, on February 5, 2025, her daughter was frightened when she noticed that a male student was in the girl’s restroom at the School. The School’s administration defended the experience, stating that the School’s gender-inclusive policies permitted the male student to use girls’ restrooms and locker rooms—alongside teenage girls—because the male student identified as a female.

While the February 5, 2025 incident is appropriately before the Department of Education for its investigations into violations of Title IX, the actions that followed rise to criminal conspiracy against rights.

On February 24, 2025, Mrs. Georgas’s daughter and other female students noticed that a male student was present in the girls’ locker room where the girls change before their physical education (“PE”) class. The girls protested the School’s policy and expressed their objection by refusing to change into their PE uniforms, though they still changed into their athletic shoes. These young girls protested because of their discomfort sharing an intimate locker room space with a male student.

The next day, February 25, 2025, the assistant principal met with the middle-school girls in her office, where the girls voiced their discomfort with the School’s bathroom and locker room policy because it permitted a male student into female-designated intimate spaces where teenage girls change their clothes. After hearing the girls’ objections, the Superintendent of Student Services, Assistant Principal, and multiple teachers conspired to intimidate and threaten the girls with disciplinary action for

¹ U.S. DEPT OF EDUC., *Press Releases, OCR Launches Investigations into Illinois DOE, the Chicago Public School District 299, and Deerfield Public Schools District 109 Over Reported Title IX Violations* (Mar. 20, 2025), <https://perma.cc/77Q3-N3LV>.

² Deerfield Public Schools 109, *Board of Education Meeting 03/13/2025*, YOUTUBE (Mar. 13, 2025), <http://bit.ly/4j56BWt> (beginning at 00:43:12).

expressing their First Amendment-protected objections to the School policy that allowed a boy to use the girls' locker room, stating that the School could discipline the girls for misgendering the male student and for refusing to change. Later on February 25, 2025, the Superintendent of Student Services, Assistant Principal, and multiple teachers entered the girls' locker room to ensure that the teenage girls changed their clothes despite the continued presence of a male in the locker room. These adults used their positions of authority to intimidate middle-school girls into changing in front of themselves and the male student, violating the girls' rights to express themselves freely and to be free from unreasonable search and seizure, in addition to likely harassing and sexually exploiting the children.

Forcing middle-school girls to change in front of adults and a member of the opposite sex is unconscionable. These administrators decided that gender ideology was the all that mattered and that they would force these young girls to go along with it, ignoring the girls' clearly protected constitutional rights.

The federal government has long recognized the risk of sexual abuse of children in public schools. A 2004 study released by the Department of Education found that almost 10% of public school students experience some type of sexual misconduct while attending public school.³ This is further supported by a 2023 article titled "The Nature and Scope of Educator Misconduct in K-12" which found that 11.7% of the 6,632 participants experienced at least some form of educator sexual misconduct during Grade K-12.⁴ With school administrators forcing middle-school girls to change in front of them, it is no wonder these numbers are increasing. Such abusive behaviors cannot continue without consequence.

On February 27, 2025, with the Superintendent of Student Services and Assistant Principal still supervising the girls changing their clothes in the locker room, Mrs. Georgas' daughter saw the male student changing in the locker room. Mrs. Georgas' daughter, being too scared to engage in the uncomfortable (and predatory) act allowed and perpetuated by adult administrators, ran from the locker room and called her mother. Mrs. Georgas told the School Board, "My daughter refused to take part in her privacy being violated. How dare they!"

The principal of Alan B. Shepard Middle School attempted to make the situation go away by suggesting that the girls switch to another PE class at a different time to avoid this specific male student. This is further retaliation against the girls for exercising their rights. In addition, a gender-neutral facility was available to accommodate the lone male student during the course of these events, yet the School's

³ U.S. DEPT OF EDUC., *Off. of the Under Sec'y, Educator Sexual Misconduct: A Synthesis of Existing Literature* (2004), <https://perma.cc/SAY2-ZM4T>.

⁴ Elizabeth L Jeglic et al., *Sex Abuse, The Nature and Scope of Educator Misconduct in K-12*, Vol. 35(2), *SEXUAL ABUSE : A J. OF RSCH. AND TREATMENT*, 188-213 (Mar. 2023), <https://perma.cc/GT52-N5HU>.

only proposed solution was to inconvenience all teenage girls who felt uncomfortable with the boy in the girls' locker room instead of directing the transgender-identifying male student to use the gender-neutral facility.

THE SCHOOL'S BATHROOM POLICY VIOLATES FEDERAL LAW

Federal law makes clear that it is a criminal offense “[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.” 18 U.S.C. § 241. The Supreme Court has held that § 241 shall be applied broadly, “to all rights and privileges under the Constitution and laws of the United States.” *United States v. Price*, 383 U.S. 787, 802 (1966).

Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). A school may not limit—nor may it retaliate against—students who engage in speech that does not “materially and substantially interfere” with school operations, speech that does not rise to the level of disrupting classwork or creating “substantial disorder.” *Id.* at 509 (1969) (quoting *Burnside v. Byars*, 363 F.2d 744, 749 (5th Cir. 1966)). The School engaged in disruptive conduct by making the extraordinary demand that the girls not only change their clothes in the presence of the male student but also in front of adult administrators. The School has existing gender-neutral and boys' facilities that it could have directed the male student to use instead of mandating and observing the girls changing their clothes.

The girls' objection to the policy is constitutionally protected speech. They expressed their discomfort with the possibility that a male would be permitted to observe them while they changed clothes.⁵ In addition, the School's response, allowing a male student to continue using the girls' locker room, violated the girls' privacy interests. But worse, the school administrators undertook an unreasonable search and seizure and violated the girls' constitutional rights by threatening them if they did not change in front of them and the male student. The adults in the locker room were not the normal PE teachers, or regular teachers of the girls, only heightening the fear and intimidation these girls felt.

⁵ The School also may not retaliate against the students for Mrs. Georgas and other parents for speaking up about the locker room policy that caused their children to cry and feel uncomfortable attending School. The Supreme Court has stated that “it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

This response was intended to chill the students' objections to the policy and was used to sexually harass the girls into compliance and prevent them from exercising their constitutionally protected opposition to the policy, in violation of 18 U.S.C. § 241.

Accordingly, some circuits recognize female students' right to use female spaces, free from the observation of male peers and adult onlookers. The Eleventh Circuit even stated that "sex-specific privacy interests for all students in the sex-separated bathrooms at [the school] attach once the doorways to those bathrooms swing open," and "[t]he privacy interests are not confined to the individual stalls in those bathrooms." *Adams by & through Kasper v. Sch. Bd. of St. Johns Cnty.*, 57 F.4th 791, 806 (11th Cir. 2022) (en banc). Under this view, the girls must have a substantial right to privacy in a girls' locker room, where no stall doors can serve as a final safeguard of privacy.

In addition, on January 20, 2025, President Trump signed Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*.⁶ The order establishes that it is the official policy of the United States to recognize two sexes, male and female, defining "sex" as "an individual's immutable biological classification as either male or female [and] is not a synonym for and does not include the concept of 'gender identity.'"

The order protects girls from the extreme consequences of replacing sex-based designations with those instead based on gender identity. Mrs. Georgas' daughter and girls like her across the country are facing the unthinkable logical conclusions of school policies that fail to protect them, deny the reality of biological sex, and harass teenage girls by stripping them of their privacy.

Further, Executive Order 14168 states that "[e]ach agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect women and men as biologically distinct sexes."⁷ The Order also states that "[a]gencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity."

The order makes clear that the Federal government believes that biological sex, not one's supposed gender identity, shall determine the locker room he or she uses.

REQUEST FOR INVESTIGATION

Accordingly, we ask that your office promptly open a directed criminal investigation into the allegations in the complaint for violations of § 241, take all actions necessary

⁶ Exec. Order 14,168, 90 Fed. Reg. 8615 (Jan. 30, 2025).

⁷ *Id.* at 8616.

to remedy the unlawful practices and procedures, and seek all appropriate relief.

Thank you for your attention to this crucial matter, and do not hesitate to contact us for further information.

Sincerely,

/s/ Nicholas R. Barry

Senior Counsel

America First Legal Foundation

Cc: Harmeet Dhillon, Assistant Attorney General for Civil Rights