



May 27, 2025

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

**Re: Title IX Discrimination Complaint Against the Oregon Department of Education
and the Oregon School Activities Association**

To Whom It May Concern:

On behalf of high school-age female athletes in Oregon, the America First Policy Institute (AFPI) respectfully submits this complaint to the U.S. Department of Education's Office for Civil Rights (OCR) pursuant to Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and its implementing regulations. This complaint alleges that the Oregon Department of Education (ODE) and the Oregon School Activities Association (OSAA) have adopted and enforced policies that unlawfully discriminate against female student-athletes on the basis of sex in violation of Title IX. As direct and indirect recipients of federal funds, the ODE and OSAA are required to comply with Title IX.

AFPI is a national nonprofit policy institute committed to defending individual liberty, equal opportunity, and the rule of law. AFPI files this complaint as an interested third party on behalf of affected Oregon students.

Basis of Complaint

The ODE and OSAA have developed and enforced policies that allow male students who identify as female to participate in athletic competitions designated for girls, resulting in systemic, sex-based discrimination in violation of Title IX.

Specifically:

- OSAA's official handbook states: "A student who identifies as transgender is allowed to participate in OSAA activities in a manner consistent with the student's gender identity." (*OSAA Handbook 2024–25, Section 37*, available at: <https://www.osaa.org/governance/handbooks>)
- ODE affirms in its guidance: "In Oregon, state nondiscrimination law prohibits discrimination on the basis of, among other things, gender identity. In accordance with

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this law, schools are prohibited from excluding gender expansive students from participating in school athletics and activities that align with their consistently asserted gender identity if the basis of such exclusion is the student's gender identity.”¹

These policies inherently violate Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 - 1688, and its implementing regulation at 34 Code of Federal Regulations Part 106, which prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. Their implementation unfairly and cruelly forces female student athletes to compete against students who have a significant biological advantage—students who have the size and strength of a male but identify as female. These policies not only deprive female athletes of equal access to the educational benefits of their male counterparts but also create a hostile environment for female athletes by subjecting them to conditions that are severe, pervasive, and objectively offensive. In addition to the hostile environment created by OSAA and ODE's policies, the policies have also resulted in distinct and quantifiable harms to female student athletes. While many of these injuries are known and outlined herein, we suspect that countless other harms, untold as of yet, have also been incurred.

Supporting Facts and Allegations

This complaint is based on credible and detailed reports made to AFPI by multiple high school-aged female athletes in Oregon. These students allege multiple, ongoing instances of sex-based discrimination stemming from the OSAA's and ODE's policies. Every instance in which a girl is forced to compete against a biological male in a female-only athletic event results in Title IX harm to each female athlete. These harms include, but are not limited to:

- Medal awards, placements, and other competitive opportunities lost to biological male athletes permitted to compete in girls' events;
- Experience of futility in competing against physiologically stronger male competitors and an internal moral conflict over whether continuing to compete is “the right thing to do” in light of perceived unfairness;
- Inequitable treatment in how certain athletic events were administered and facilitated when female athletes competed against biological males. For example, we have received reports of a male athlete being given the opportunity to complete his field event by himself during a time when other spectators and athletes were not present—this accommodation is otherwise unheard of and has not been afforded to female athletes;
- Heightened stress, intimidation, and emotional distress in anticipation of and during competitions against biological males; and

¹ *ODE Guidance on Creating a Safe and Supportive School Environment for Transgender Students*, 1.i.iii. Athletics (internal citation omitted), available at: <https://www.oregon.gov/ode/students-and-family/equity/civilrights/Documents/ODE-Supporting-Gender-Expansive-Students-1.i.iii.Athletics-revision.pdf>.

- Chilled speech and coerced silence, including being explicitly or implicitly told by school authorities not to question or complain about the inclusion of male athletes in girls' categories.

The OSAA and ODE cannot disclaim responsibility. These are not incidental harms. They are the direct and foreseeable consequences of policies deliberately crafted by state authorities. The ODE and OSAA were on actual notice of the controlling interpretation of Title IX and the harm caused.² They authored these policies, and the OSAA has received formal complaints, including at least one prior civil rights grievance,³ detailing the discriminatory impact on female athletes. Their continued enforcement of these policies goes beyond “deliberate indifference” and constitutes willful participation in sex-based discrimination. No educational institution tolerating these harms inflicted on our Nation’s young women deserves taxpayer money, and President Trump is right to act to remove their federal funding with Executive Order 14201, “Keeping Men out of Women’s Sports.”

Relief Requested

Pursuant to its authority under Title IX, AFPI respectfully requests that the OCR do the following:

1. Immediately open an investigation into the ODE and OSAA’s compliance with Title IX;
2. Issue findings and compliance recommendations regarding the discriminatory nature of the policies at issue;
3. Take all necessary actions within its power to compel the ODE and OSAA to cease enforcement of these policies and bring their practices into compliance with federal law, as ordered by President Trump in his Executive Order 14201, “Keeping Men Out of Women’s Sports”; and
4. Ensure that all Oregon K–12 institutions receiving federal funds provide equal athletic opportunity to female students, including sex-based categories that exclude biologically male participants from girls’ sports.

Conclusion

Title IX was enacted to protect girls from this specific form of institutional discrimination now occurring in Oregon’s schools and athletic competitions. The Department of Education must take decisive action to end this unlawful practice and restore fairness, equality, and integrity to girls’ athletics in Oregon.

Respectfully submitted,

² See: U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter*. February 14, 2025.

³ U.S. Department of Education, *Office of Civil Rights Launches Title IX Investigation*. March 25, 2025.

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