



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

July 22, 2025

**Via e-mail only to:** [loneill@americafirstpolicy.com](mailto:loneill@americafirstpolicy.com)

Leigh Ann O'Neill  
Chief of Staff, Center for Litigation  
Senior Legal Strategy Attorney  
America First Policy Institute  
1635 Roger Road  
Fort Worth, Texas 76107

Re: Oregon Department of Education – OCR Case Number 10251426

Dear Leigh Ann O'Neill:

On May 27, 2025, the United States Department of Education, Office for Civil Rights (OCR), received your complaint against the Oregon Department of Education (ODE). You alleged that ODE discriminates against female high school students on the basis of sex by developing and enforcing policies that allow male students to participate in athletic competitions designated for female students, thereby depriving female high school athletes of fair athletic opportunities and subjecting them to a hostile environment.

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 education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department of Education, ODE must comply with this law.

OCR evaluated this complaint in accordance with OCR's [Case Processing Manual \(CPM\)](#) ([February 19, 2025](#)) and has decided to open this complaint for investigation.

OCR's initiation of an investigation is not itself evidence of a violation of federal civil rights laws and regulations. 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. You may wish to review additional information about our [Complaint Processing Procedures](#). You may have the right to file a private suit in federal court whether or not OCR finds a violation.

In your complaint, you also alleged that two female student athletes engaged in a peaceful protest during the 2025 Oregon state high school track and field championships which led to an event official admonishing the students and requiring them to remove themselves from a photo opportunity. You stated that you believe that the event official's actions violated the students' First Amendment rights.

Section 109 of OCR’s CPM states that “[a]lthough OCR does not have jurisdiction to enforce the First Amendment to the U.S. Constitution, as a threshold issue and throughout the processing of the complaint, OCR interprets its statutes and regulations consistent with the requirements of the First Amendment, and all actions taken by OCR must comport with First Amendment principles. OCR will not interpret any statute or regulation to impinge upon rights protected under the First Amendment or to require recipients to encroach upon the exercise of such rights.”

Because OCR does not enforce the First Amendment of the U.S. Constitution and lacks jurisdiction over the subject matter of this allegation, OCR is dismissing the allegation as of the date of this letter. Consistent with Section 109, OCR will, however, consider the information you have provided about these 2 female athletes when investigating your sex discrimination allegation under Title IX.

This letter sets forth OCR’s determination in an individual OCR case and there is no right to appeal OCR’s determination regarding the First Amendment allegation. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in court regardless of OCR’s determination.

Recipients 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.

OCR will communicate with you periodically during the investigation. When contacting OCR about this complaint, please refer to the case number at the top of this letter. If you have any questions, please contact our office at 206-607-1600 or by email at [ocr.seattle@ed.gov](mailto:ocr.seattle@ed.gov).

Sincerely,

Paul Goodwin  
Supervisory Attorney