



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

August 7, 2019

Roger G. Brooks  
Alliance Defending Freedom  
15100 N. 90th Street  
Scottsdale, AZ 85260

*Via e-mail: rbrooks@adflegal.org*

Re: Complaint Nos. 01-19-4025 & 01-19-1252  
Connecticut Interscholastic Athletic Conference & Glastonbury Board of Education

Dear Mr. Brooks:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its evaluation of the above-referenced complaint you filed against the Connecticut Interscholastic Athletic Conference (CIAC) and the Glastonbury Board of Education (the District).

With respect to CIAC, the complaint, filed by three parents (Complainants 1, 2, and 3) on behalf of their daughters (Students 1, 2, and 3) alleges that the CIAC's policy permitting transgender athletes to participate in interscholastic athletics (interscholastic girls' track, in the instant complaint) based on their gender identification in school records and daily life (Transgender Participation Policy) discriminates against girls, including Students 1, 2, and 3, in violation of Title IX of the Education Amendments of 1972 (Title IX). The complaint also alleges that the CIAC retaliated against Complainant 1 after she complained about the Transgender Participation Policy.

With respect to the District, the complaint alleges that the District discriminated against girls, including Students 1, 2, and 3, when it denied equal athletic benefits and opportunities to them through the Transgender Participation Policy, and when it did not request that CIAC change its Transgender Participation Policy. The complaint also alleges that the District retaliated against Student 2 after she and Complainant 2 complained about the Transgender Participation Policy.

OCR enforces Title IX 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 from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or their implementing regulations, or who files a complaint, testifies, assists, or participates in a proceeding under these laws. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX. In addition, to the extent the District (and other recipients) ceded to the CIAC controlling authority over athletic programs, OCR has jurisdiction over CIAC pursuant to 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.*

Because OCR determined that it has jurisdiction and that the allegations were timely filed, OCR is opening the following issues for investigation:

- Whether the CIAC and the District have denied equal athletic benefits and opportunities to girls, including Students 1, 2, and 3, through the Transgender Participation Policy, in violation of 34 C.F.R. Section 106.41.
- Whether the CIAC retaliated against Complainant 1 for her advocacy against the Transgender Participation Policy by informing Complainant 1 in March 2019 that the CIAC’s Executive Director would no longer accept communications from her, in violation of 34 C.F.R. Section 106.71 (incorporating 34 C.F.R. Section 100.7(e) by reference).
- Whether the District retaliated against Student 2 for her and Complainant 2’s advocacy against the Transgender Participation Policy when Student 2’s track coach replaced the Student 2 on the sprint medley relay team in February 2019, told the Student 2 and her parents that he could not give a good report to college coaches about her, and denied Student 2 a position as a team captain, and suggested that she should leave the outdoor track team due to her schedule in March 2019, in violation of 34 C.F.R. Section 106.71 (incorporating 34 C.F.R. Section 100.7(e) by reference).

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the CIAC, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Please also note that you may have a right to file a private suit in federal court whether or not OCR finds a violation.

This letter sets forth OCR’s determination in an individual OCR case. 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the CIAC and the District 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact the investigative staff whose contact information is in the transmittal email.

Sincerely,



Adrienne M. Mundy-Shephard  
Acting Regional Director