

February 27, 2025



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Sent via email

To Whom It May Concern:

This is a federal civil rights complaint filed under the U.S. Department of Education's Office for Civil Rights ("OCR") Complaint Resolution Process against Colonial School District, located in Plymouth Meeting, Pennsylvania.

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture grounded in fairness, understanding, and humanity. As an interested third party, FAIR files this complaint alleging sex-based discrimination in violation of Title IX of the Education Amendments of 1972 ("Title IX").

We respectfully urge the OCR to investigate Colonial School District for the situation described below and take all necessary actions to ensure the protection of sex-based rights guaranteed by Title IX.

I. Allegations of Title IX Violation

FAIR sympathizes with young people who suffer from gender dysphoria and recognizes the challenges they face. We also appreciate efforts on the part of schools to foster a welcoming and inclusive environment for all students. However, inclusion cannot come at the expense of fairness, nor can it violate Federal law.

We have received and verified reports that a male student from Colonial School District has consistently been allowed to compete on a high school indoor track team designated for female athletes in violation of Title IX. We are particularly concerned that this student is set to compete again as a representative of the district on March 1, 2025 in a race designated for females at the Indoor State Championship meet.

Allowing a biological male athlete to compete in the girls' division deprives female athletes of their legally protected right to fair and sex-segregated athletic competition. This practice violates Title IX, which prevents schools from discriminating against students on the basis of sex by ensuring that female students have access to equal athletic opportunities.

By allowing a male athlete to compete in the category designated for females, Colonial School District has:

1. Denied female athletes fair competition, as male athletes, on average, possess significant physiological advantages in strength, speed, and endurance.
2. Deprived female athletes of opportunities, scholarships, and awards they would have otherwise earned in a competition reserved for biological females.
3. Violated the explicit protections of Title IX, which guarantee separate but equal athletic opportunities for males and females.

Recent federal court decisions, executive orders, and guidance from the U.S. Department of Education reaffirm that Title IX protects students based on their biological sex—male or female—not based on gender identity.

If a school district provides: (1) a boys' track team, and (2) a girls' track team, but then permits male athletes to compete in female sports, female athletes are effectively denied the same opportunity given to male athletes—which is to compete in a sex-segregated athletic division.

This constitutes sex-based discrimination in violation of Title IX, to which all public schools must adhere.

II. The Impact of Colonial School District's Policy

Colonial School District's decision to allow a male athlete to compete in female sports has serious and measurable consequences:

1. It unfairly skews competition, forcing female athletes to compete against students with undeniable physical advantages.
2. It diminishes opportunities for female athletes, denying them placements, championships, and future scholarships that would have otherwise been awarded.
3. It erodes trust in school leadership, as parents, students, and community members see that district officials are failing to uphold the legal protections guaranteed by Title IX.

While inclusivity is important, it must not come at the cost of fairness, safety, and legal compliance. Female athletes should not be forced to sacrifice their opportunities, records, or

scholarships in order to accommodate policies that contradict the fundamental purpose of Title IX.

III. Request for OCR Investigation and Enforcement

The Colonial School District's actions violate federal law and set a dangerous precedent for the future of female athletics. We urge the OCR to thoroughly investigate these allegations and take all necessary steps to protect the sex-based rights of Pennsylvania's female student-athletes.

Specifically, we request that the OCR:

1. Investigate Colonial School District's compliance with Title IX, particularly regarding its policies on transgender student participation in sex-segregated sports.
2. Issue guidance to Colonial School District reaffirming Title IX's legal protections based on biological sex.
3. Mandate corrective action, ensuring that female athletes are not deprived of their legally protected opportunities under Title IX.

The OCR must act to restore fairness, equal opportunity, and compliance with federal law in Pennsylvania schools. Female athletes deserve the protections and level playing field that Title IX was created to guarantee.

Sincerely,

Leigh Ann O'Neill

Leigh Ann O'Neill
Director of Legal Advocacy
Foundation Against Intolerance & Racism