



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

August 14, 2025

Dr. Michael Schumacher
Superintendent of Schools
Shawnee Mission School District, U.S.D. 512
8200 W. 71st Street,
Shawnee Mission, KS 66204

Sent via email only, to: michaelschumacher@smsd.org

OCR Case No. 07251503
SPPO Case No. 25-0739

Dear Dr. Schumacher:

The United States Department of Education (Department), Office for Civil Rights (OCR) and Student Privacy Policy Office (SPPO), writes to inform you that the Department received a complaint alleging the Shawnee Mission School District, U.S.D. 512 (the District) has a policy, procedure, or guidance (hereinafter policy) that permits male students to participate in interscholastic and intramural athletic programs designated for female students, and allows students to use restrooms and locker rooms designated for the opposite sex based on a student's "gender identity," in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106. The complaint also alleges the District has a policy that prevents school officials from disclosing a student's "transgender status" to the student's parents unless authorized by the student, in violation of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99.

TITLE IX

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 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. As a recipient of federal financial assistance from the Department, the District is subject to Title IX and to OCR's enforcement jurisdiction.

Pursuant to its regulatory authority, as set forth in 20 U.S.C. § 1682, 34 C.F.R. § 106.81, and 34 C.F.R. § 100.7, OCR may initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations that OCR enforces.

OCR is opening an investigation to examine whether the Shawnee Mission School District, U.S.D. 512, policy permits male students to participate in interscholastic and intramural athletic

programs designated for female students, and/or permits students to use restrooms and locker rooms designated for the opposite sex, in violation of Title IX and its implementing regulations.

FERPA

SPPO enforces the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulation at 34 C.F.R. Part 99. Pursuant to its regulatory authority, as set forth in 20 U.S.C. §1232g(f), 34 C.F.R. § 99.60, 34 CFR §§ 99.64 and 99.65, SPPO may investigate complaints and take appropriate action to enforce FERPA.

FERPA provides that parents have the right to inspect and review their children’s education records, which are defined as records, files, documents, and other materials that are directly related to a student and maintained by an educational agency or institution, or by a party acting for the agency or institution. 20 U.S.C. § 1232g(a)(1)(A); 34 CFR Part 99, Subpart B, and § 99.3 (“Education records”). Once a student reaches 18 years of age or attends a postsecondary institution, all FERPA rights transfer from parents to the student. 34 CFR §§ 99.3 (“Eligible student”) and 99.5. For this notification’s purposes, we assume that the students in question are not “eligible students” and that the parents retain their right to inspect and review their children’s education records under FERPA.

The complaint alleges that the District has a policy that interferes with the right of parents to inspect and review their minor children’s education records. Specifically, the policy states:

All students have the right to be addressed by the name and pronouns that correspond to the gender identity they assert at school. School staff and peers are expected to respect a student’s name and pronouns once they have been made aware. The building Administrator, in consultation first with the student, will be responsible for ensuring that the student’s request is honored while working to engage and include the family.

The complaint further alleges that the policy also responds to the question of whether changing a student’s name on his or her diploma is a parental decision by stating (emphasis added):

Students who are 18 or older have FERPA rights and can make the decision about what name appears on their diploma. Ideally, any changes will be agreed on by both parents/guardians and students. In the event of a dispute between a parent and student that cannot be resolved, the student’s request will be honored *a) where the student is 18 and/or b) where the student identifies as transgender.*

According to this guidance, school officials will comply with a minor student’s request to change his or her name on a diploma—even if a parent rejects that request—as long as “the student identifies as transgender” ultimately infringing on the rights of a parent under FERPA. Moreover, this type of scenario is addressed in U.S. Secretary of Education Linda McMahon’s [cover letter](#) that included the following strong reminder to state and local education authorities:

By natural right and moral authority, parents are the primary protectors of their children. Yet many states and school districts have enacted policies that presume children need

protection from their parents. Often, such policies evade or misapply [FERPA], turning the concept of privacy on its head to facilitate ideological indoctrination in a school environment without parental interference or even involvement. Going forward, the Department of Education will insist that schools apply FERPA correctly to uphold, not thwart, parents' rights.

SPPO is opening an investigation to determine whether the District policy violates FERPA and its implementing regulations. The Department has a number of enforcement options available to bring a covered entity into compliance with FERPA, including withholding further payments, issuing a cease and desist order, and recovering funds. See 34 CFR § 99.67 and 20 U.S.C. § 1234c. The Court of Appeals in *United States v. Miami University*, 294 F.3d 797, 808 (6th Cir. 2002) also concluded that the United States has the inherent power to sue to enforce conditions imposed under FERPA on the recipients of federal grants. However, this Office is committed to working with the District to ensure voluntary compliance with FERPA as provided under § 99.66(c)(2) of the regulations.

The initiation of an investigation is not itself evidence of a violation of federal civil rights laws and regulations. During the investigation, OCR and SPPO are neutral; OCR and SPPO will collect and analyze the evidence needed in order to make a decision about the complaint. OCR will ensure that its investigation is legally sufficient in accordance with OCR's [Case Processing Manual \(February 19, 2025\)](#). OCR and SPPO will reach out to you shortly with a data request.

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's Kansas City enforcement office will lead the Title IX investigation, while SPPO will lead the FERPA investigation. Should you have any questions regarding OCR's investigation, please do not hesitate to contact Bradley.Burke@ed.gov. Questions regarding FERPA may be directed to FERPA.ComplaintResponse@ed.gov.

Respectfully,

Bradley R. Burke
Regional Director
Office for Civil Rights

Frank E. Miller Jr.
Acting Director
Student Privacy Policy Office