



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

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*delivered via email & U.S. mail*

Re: Notice that your transgender policies violate state and federal law

To all USD 259 Board Members, staff and parents:

Our office has received allegations that East High, and possibly other schools within your district, have engaged in gender transitioning of minors without parental knowledge or consent, and that you may have additional transgender policies which are not in conformance with federal and state law. I am writing to warn you that these policies make you vulnerable to lawsuits and the loss of federal funding, endanger your students, and violate the constitutional and legal rights of parents, students and your employees.

Federal laws recognize the scientific fact that there are biological differences in males and females: “Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety and well-being.” 3 C.F.R. 8615 (2025); *see also* 3 C.F.R. 9279 (2025). Further, attempts to treat biological males who are transgender as biological females would illegally nullify Title IX protections:

The . . . reinterpretation of Title IX to place gender identity on equal footing with (or in some instances arguably stronger footing than) biological sex would subvert Congress’ goals of protecting biological women in education. [This] would, among other things, require schools to subordinate the fears, concerns, and privacy interests of biological women to the desires of transgender biological men to shower, dress, and share restroom facilities with their female peers.

*Kansas v. U.S. Dept. of Education*, Case 5:24-cv-04041-JWB-ADM at 23 (D. Kan. 2024).

Of crucial importance to your education programs, current federal regulations require that “[f]ederal funds shall not be used to promote gender ideology.” 3 C.F.R. 8615 (2025). The Attorney General of the United States has been empowered to bring enforcement actions to ensure Title IX compliance by all federally funded entities. This includes Lawrence Public Schools. *Id*; *see also* 3 C.F.R. 9279. In addition, K.S.A. § 77-207 requires school districts to categorize students by biological sex at birth, not by “gender identity.”

Further, the U.S. Supreme Court has made clear that parents have a constitutional First Amendment right—applicable to individual states via the Fourteenth Amendment—to direct the religious upbringing of their children.<sup>1</sup> This protection must be observed by public schools. *Mahmoud v. Taylor*, 2025 WL 1773627 at \*19 (June 27, 2025). Thus, school policies that “substantially interfere with the religious development of the child or pose a very real threat of undermining the religious beliefs and practices the parent wishes to instill in the child” violate parents’ First Amendment rights. *Mahmoud* at \*19.

In addition, forcing faculty and staff to adhere to your policies may well result in litigation under Title VII. Recently, a Seventh Circuit federal court sitting in Illinois greenlighted a wrongful termination suit by a former teacher, where his employer had refused to permit him, for religious reasons, to opt out of the use of “preferred” first names and/or pronouns that were inconsistent with students’ biological sex. *Kluge v. Brownsburg Cmty. Sch. Corp.*, No. 24-1942, 2025 WL 2218112 (7th Cir. Aug. 5, 2025). That school district must now attempt to defend a wrongful termination suit that seeks not only injunctions, backpay and interest, but also legal fees for what has already been six years of litigation. *See* Complaint at 1:19-cv-02462.

In summary, you should avoid policies that: (i) violate constitutional rights, (ii) risk federal funding, and/or (iii) invite lawsuits. Accordingly, I urge you to:

- 1) Immediately cease interfering with parental-child relationships by “assisting” or encouraging a minor to “transition” without the knowledge of that child’s parents, and notify parents in situations where you become aware that a minor student appears to be struggling with any social or emotional issues;
- 2) Identify books and other materials, known to be religiously objectionable, which are maintained by your school and made available to students;
- 3) Identify any policy or practice where such books or materials are used in instruction, or where staff is given discretion to use them in instruction or supply them to students;
- 4) Notify all parents of their right to have their student children excluded from such instruction.
- 5) Allow parents to review books and other materials that they believe may interfere with their right to direct the religious upbringing of their children;
- 6) Ensure that the children of parents who object to such materials or instruction, on religious grounds, are not subjected to such instruction.

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1. *See Espinoza v. Montana Dept. of Revenue*, 591 U.S. 464, 486 (2020); *see also Mahmoud v. Taylor*, 2025 WL 1773627 at \*19 (June 27, 2025); *see also Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

On or before January 2, 2026, please respond to our office, in writing, that you have completed these steps.

Sincerely,



Jay Rodriguez  
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