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REPLY TO FLORIDA

September 21, 2026

Via E-Mail & Electronic Complaint Portal

The Hon. Frank Miller, Director
Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520
FERPA.Complaints@ed.gov

The Hon. Kimberly Richey,
Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
OCR@ed.gov

Re: Complaint Against Pennsbury School District for FERPA, PPRA & Title IX
Violations: Secret Gender Transition of Minor Student

Dear Director Miller and Assistant Secretary Richey:

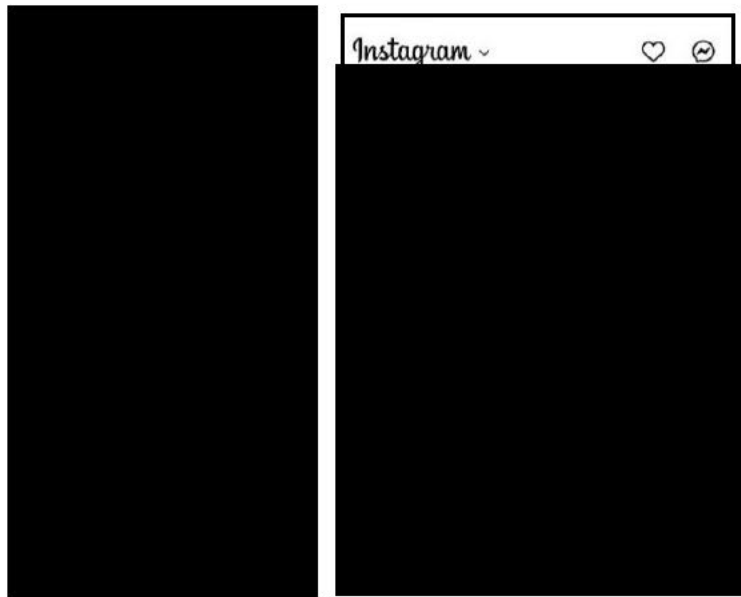
Liberty Counsel is a national non-profit litigation, education, and public policy organization with an emphasis on First Amendment liberties, and a particular focus on the sanctity of human life, religious freedom, and the family. Liberty Counsel submits this complaint on behalf of our clients, **MOTHER** and **FATHER DOE**, the parents of **JANE DOE** (parents' minor daughter at all relevant times) who was enrolled as a student in the Pennsbury School District ("District") when the violations described below occurred. The District receives federal financial assistance and is subject to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, the Protection of Pupil Rights Amendment ("PPRA"), 20 U.S.C. § 1232h, and Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688.

Facts

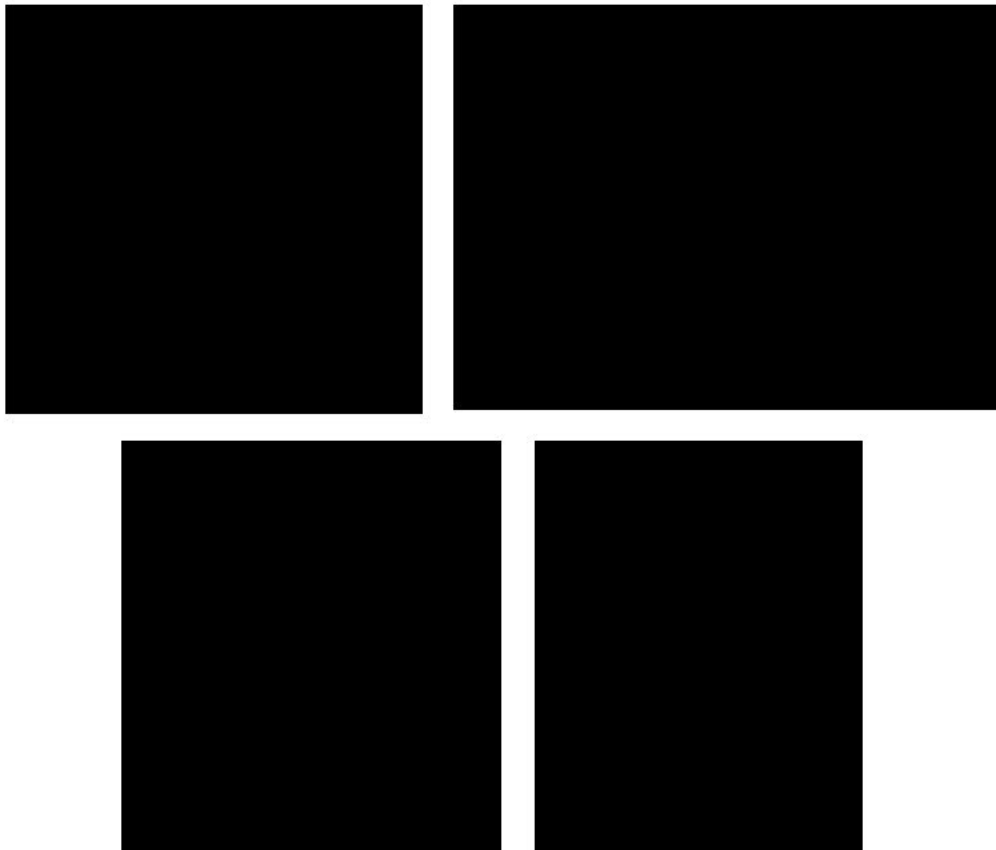
Beginning during **JANE**'s ninth-grade year, District personnel secretly treated **FATHER & MOTHER's** daughter **JANE** as a boy named "**JOHN**," without notifying or obtaining consent from her parents. The parents did not learn that the District had been socially transitioning their daughter until near the close of her junior year. Thus, for most of three school years, the District deliberately excluded them from a profound matter affecting their daughter's identity, upbringing, education, and mental health. The District used the false male name "**JOHN**" and false male pronouns in personal interactions, electronic information systems, teacher and staff communications, handwritten notes, awards, social-media posts, school events, Senior Night materials, and yearbook or memory-book materials. Among

other things, a District employee addressed JANE as “My son,” “My boy,” and “JOHN” and described herself as the student’s “coach/mom.”

Instagram:

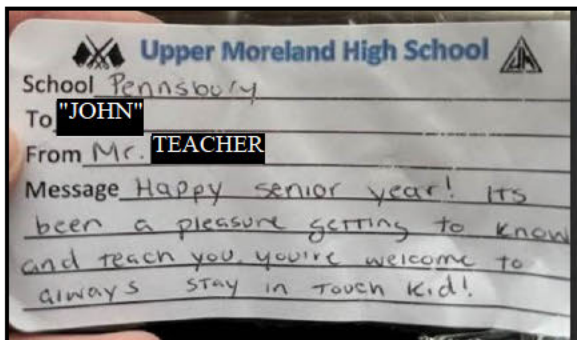


Memory Book/Yearbook/Senior Night:



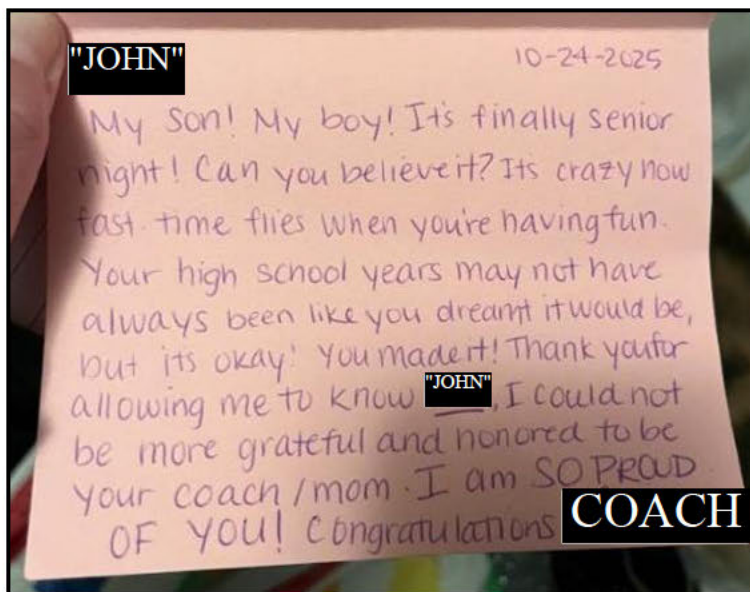
Hand-Written Notes:

The following hand-written notes illustrate the full-spectrum indoctrination of the child and reinforcement of the false idea that **JANE** a girl, is a “boy” named “**JOHN**” “To **JOHN**” from “Mr. **TEACHER**”



“My Son!” “My boy!” “**JOHN**” “Your Mom”

From **COACH**, to **JANE** “**JOHN**”, My son! My boy! It’s finally senior night! Can you believe it?...Thank you for allowing me to know **JOHN** I could not be more grateful and honored to be your coach/mom. I am SO PROUD OF YOU! Congratulations, **COACH**.” (Underlined emphasis original).



These practices were facilitated by current Pennsbury Board Policy 253.1, “Transgender and Gender Expansive [sic] Students.”¹ Its “Privacy” provision purports to give a student the right to conceal the student’s transgender status or “gender-expansive” presentation at school. Although

¹ See Pennsbury School District Policy 253.1: Transgender and Gender Expansive Students (rev. Dec. 16, 2021), <https://go.boarddocs.com/pa/psbr/Board.nsf/goto?open&id=C7QGT94486B4>; note provisions for restroom and locker room use by students of the opposite sex as these private, sex-based facilities.

another provision contemplates parental participation and a completed parent/student form before an unofficial name change, the District did not provide that form to **FATHER & MOTHER**, nor obtain their written consent at any point during the relevant times. Instead, it created and maintained a separate, false identity for their daughter's use at school, while withholding that fact from her parents.

The District's creation and facilitation of a separate, false identity for the parents' daughter led to behavioral problems and interpersonal relationship problems between the girl and her parents. The dynamics have continued to decline. Had the District sought written permission, this would have informed the parents so they could take effective action. Parents believe that had the District informed them at the outset, they would have been able to obtain the requisite counseling for their daughter that would have allowed her to work through her discomfort with her natal gender, and that their relationship with their daughter would not have been harmed.

On November 17, 2025, the parents formally objected and directed the District to use their daughter's given name and female pronouns. Following a December 1, 2025 meeting, District officials agreed prospectively to do so. The parents thereafter demanded correction of the District's electronic and public-facing records, removal of references to "**JOHN**" replacement of printed materials containing the false name or sex designation, and appropriate instructions to District personnel. The District did not provide complete relief, necessitating a demand letter from Liberty Counsel on March 6, 2026.

After the demand letter and discussions, District counsel subsequently represented that all District references to **JANE** at graduation would use her given name and that her diploma would bear that name. District counsel nevertheless claimed that the District had no control over booster-club memory book references to "**JOHN**" despite the booster club's relationship to District activities and personnel.

In an effort to achieve a prospective resolution that would prevent other parents from being subjected to the same treatment by the District, **FATHER & MOTHER** asked Liberty Counsel to propose the following policy language, which was provided to the District on June 24, 2026:

Due to recent Supreme Court case law, District employees shall not take actions to conceal a student's gender transition from the student's parent or legal guardian.

If a student makes a request to the District or its employees to adopt a gender identity different from the student's sex, the staff member shall inform the building principal to facilitate communication with the student and parent.

If any student wishes to use a name other than the student's legal name or a nickname commonly associated with their name, such requests shall be brought to the building principal for communication to the student's parents before the District or its employees institute any such changes.

Counsel for the parents further inquired whether Pennsbury School Board had considered the proposed language at its June 11–18 meetings and requested that, if it had not, the proposal be presented at an August meeting. This did not occur, and has not occurred as of the date of this complaint. Thus, the District has declined to confirm it would amend Board Policy 253.1. Its secret-transition policy therefore remains in force and continues to place other Pennsbury parents at risk of the same denial of

critical information relating to their child's discomfort with the child's birth sex (and associated relationship harms) as has been experienced by the [REDACTED] family.

FERPA

The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, prohibits a federally funded school district from maintaining a policy that denies or effectively prevents a parent from inspecting and reviewing a minor child's education records. 20 U.S.C. § 1232g(a)(1)(A). It also requires providing parents an opportunity to challenge information that is inaccurate, misleading, or otherwise violates the student's privacy rights and to obtain correction, deletion, or supplementation. Id. § 1232g(a)(1)(D); 34 C.F.R. §§ 99.20–99.22.

The Pennsbury School District's electronic entries, administrative communications, staff-created materials, awards, and other maintained records directly related to JANE are education records. See 20 U.S.C. § 1232g(a)(4)(A). Board Policy 253.1's concealment provisions effectively prevent parents from exercising their rights because parents cannot inspect or challenge records whose creation and existence are deliberately hidden. The District compounded the violation by failing to provide a fulsome correction process after the parents discovered and challenged the records.

The actions taken by Pennsbury School District and its agents closely parallel those in *United States v. Unified School District No. 500*, No. 2:26-cv-02519 (D. Kan. filed Sept. 1, 2026). There, the United States has filed suit to prevent further concealment of gender-transition plans and records, which violates FERPA because exclusion of parents from their creation and retention in undisclosed files makes those records effectively inaccessible. **Pennsbury went further: it secretly implemented JANE's transition for years, incorporated the transition into numerous records and activities, and refused to eliminate the policy that caused the violations.**

PPRA

The Protection of Pupil Rights Amendment ("PPRA"), 20 U.S.C. § 1232h was enacted to guarantee that minor students would not be required to submit to any survey, analysis, or evaluation revealing sensitive information without prior written consent from their parents, where such reveals sensitive information concerning one or more of the following eight protected areas (collectively, "Protected Categories"):

- i. political affiliations or beliefs of the student or the student's parent;
- ii. mental or psychological problems of the student or the student's family;
- iii. sex behavior or attitudes;
- iv. illegal, anti-social, self-incriminating, or demeaning behavior;
- v. critical appraisals of other individuals with whom respondents have close family relationships;
- vi. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- vii. religious practices, affiliations, or beliefs of the student or student's parent; or
- viii. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

See § 1232h(b). Here, Pennsbury School District subjected JANE to evaluation, analysis, and affirmation by District personnel regarding her feelings of discomfort with her natal sex. District personnel determined to “affirm” her feelings of discomfort, secretly, for nearly three years, all without parental permission or even notification. On information and belief, the primary “analyst” and affirmer of such feelings has no professional licenses in any mental health discipline.

Title IX

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 (“Title IX”) prohibits a federally funded education program from subjecting any person to discrimination on the basis of sex. See 20 U.S.C. § 1681(a); 34 C.F.R. § 106.31.

Title IX provides, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” subject to certain statutory exceptions. 20 U.S.C. § 1681(a). The law includes a rule of construction specifying that “nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.” 20 U.S.C. § 1686. Since the Department of Health, Education, and Welfare issued its first regulations implementing Title IX in 1975, Title IX regulations have permitted recipients of federal education funding to “provide separate, toilet, locker room, and shower facilities on the basis of sex” as long as “such facilities provided for students of one sex” are “comparable to such facilities provided for students of the other sex.” 34 C.F.R. § 106.33.

Title IX requires schools to make decisions to ensure that women and girls are not excluded from, or denied the benefits of, educational programs. Title IX provides protection “on the basis of sex,” not gender identity, as confirmed in recent court decisions and guidance by President Donald J. Trump and the current Department of Education.

The White House released Executive Order 14168 on January 20, 2025, confirming that sex “shall refer to an individual’s immutable biological classification as either male or female.”² This executive order defends “women’s rights and protect[s] freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.” *Id.* The order also requires federal agencies and federally funded programs to ensure that “intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.” *Id.* The U.S. Education Department’s guidance on Title IX also prohibits sex discrimination in federally funded programs and clarifies that the Department “will return to enforcing Title IX protections on the basis of biological sex in schools and on campuses.”³

Recent federal courts that have analyzed the scope Title IX’s protection “on the basis of sex” have concluded that “expanding the meaning of ‘on the basis of sex’ to include ‘gender identity’ turns

² See Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

³ United States Department of Education, Press Release: “U.S. Department of Education to Enforce 2020 Title IX Rule Protecting Women,” accessed September 14, 2026, <https://www.ed.gov/about/news/press-release/us-department-of-education-enforce-2020-title-ix-rule-protecting-women>.

Title IX on its head.” *Carroll Indep. Sch. Dist. v. U.S. Dep’t of Educ.*, Civil Action No. 4:24-cv-00461-O, 2025 U.S. Dist. LEXIS 124115, at *9 (N.D. Tex. Feb. 19, 2025); *see also Tennessee v. Cardona*, 762 F. Supp. 3d 615, 622 (E.D. Ky. 2025) (“Put simply, there is nothing in the text or statutory design of Title IX to suggest that discrimination ‘on the basis of sex’ means anything other than it has since Title IX’s inception—that recipients of federal funds under Title IX may not treat a person worse than another similarly-situated individual on the basis of the person’s sex, i.e., male or female.”); *Texas v. Cardona*, 743 F. Supp. 3d 824, 870–71 (N.D. Tex. 2024) (“The Guidance Documents’ interpretation of ‘sex’ and the accompanying requirement that schools treat ‘gender identity’ the same as biological sex flouts Title IX. . . . By interpreting the term ‘sex’ in Title IX to embrace ‘gender identity’ as distinct from biological sex, the Guidance Documents are contrary to law and exceed the Department’s statutory authority.”); *Kansas v. U.S. Dep’t of Educ.*, 739 F. Supp. 3d 902, 919 (D. Kan. 2024) (“[T]he court finds that the unambiguous plain language of the statutory provisions . . . make clear that the term ‘sex’ means the traditional concept of biological sex in which there are only two sexes, male and female.”).

Pennsbury School District subjected **JANE** to sex-based differential treatment by officially treating a female student as male, altering her female-sex-based identity throughout school records and activities, and directing personnel to subordinate her female sex to a gender-identity classification, all without parental permission or even notification. Board Policy 253.1 authorizes this treatment precisely because a student rejects or is perceived as not conform to expectations deemed by District staff to be associated with the student’s sex. Students who identify with their sex are not subjected to a secret reclassification process that changes their names, pronouns, and sex designations while excluding their parents. The policy and its application to **JANE** therefore constitute discrimination based on sex and sex-based stereotyping by the District in violation of Title IX and 34 C.F.R. § 106.31(b).

Requested Action

For these reasons, **FATHER & MOTHER** respectfully request that the Department:

1. Open coordinated FERPA and Title IX investigations into Pennsbury School District and Policy 253.1;
2. Require appropriate FERPA, PPRA and Title IX training, compliance reporting, and preservation of relevant records;
3. Determine that the District is not in substantial compliance with FERPA, PPRA and Title IX;
4. Require rescission or amendment of every provision authorizing secret social transition or concealment of related records and information from parents;
5. Require notice to parents whose children have been subjected to similar practices, together with access to all related records and a meaningful correction procedure;
6. If voluntary compliance is not promptly secured, refer the matter to the Department of Justice and authorize appropriate judicial enforcement under 20 U.S.C. § 1234c(a)(4).

FATHER & MOTHER are prepared to assist your offices in the above-requested investigations. Because the District’s policy remains operative and the requested corrections remain incomplete, the violations and their effects are continuing.

The **PARENTS** do not want what happened to their daughter and its effect on their family's relationships to happen to other parents of vulnerable children within Pennsbury Schools.

Please confirm receipt and advise of the assigned matter numbers.

Respe



Counsel to **FATHER & MOTHER DOE**

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c.



[†]Licensed in [REDACTED]

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