



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

September 3, 2026

By email only to: jdickey@southeasternlegal.org

James Dickey
Vice President of Litigation
Southeastern Legal Foundation
Roswell, Georgia

Re: Upper Perkiomen School District – OCR Complaint Number 03-26-1496

Dear James Dickey:

On July 1, 2026, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against the Upper Perkiomen School District (District). Your complaint alleges that the District discriminates on the basis of sex by maintaining policies and practices that allow biological males to use the girls' restroom facilities and locker rooms.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 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 must comply with Title IX and its implementing regulation.

OCR will investigate whether the District is in violation of Title IX and its implementing regulation by maintaining policies and/or practices that allow male students to use intimate facilities designated for use by female students.

Please note that opening an investigation in no way implies that OCR has made a determination with regard to the merits. During the investigation, OCR is a neutral factfinder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient as required by [Case Processing Manual \(CPM\) \(Feb. 19, 2025\)](#). Please open this link for additional information about [OCR's Complaint Processing Procedures](#). Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any 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 (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions about this letter, please contact Valerie Acoff, Senior Attorney, at valerie.acoff@ed.gov or me, the undersigned, at michelle.vaughan@ed.gov.

Sincerely,

Michelle Vaughan

Michelle Vaughan
Compliance Team Leader