



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

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June 3, 2025

Dear County and District Superintendents and Charter School Administrators:

**Update Regarding Compliance with Equal Protection Clause
of U.S. Constitution**

We understand that you may be in receipt of a letter from the U.S. Department of Justice (DOJ) Office of Civil Rights to California's local educational agencies (LEAs) dated June 2, 2025. In that letter, the DOJ claims that LEAs are "exposed to legal liability" if they comply with a California Interscholastic Federation (CIF) policy that requires that students have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity. The DOJ letter asserts that the CIF policy violates the Equal Protection Clause of the U.S. Constitution, and that LEAs "have an obligation" to certify to DOJ by June 9, 2025, that they will not "implement" the CIF policy.

The DOJ assertions are not in themselves law, and the letter by itself cannot be an enforcement mechanism. The letter does not announce the passage of any new federal law. In fact, the CIF policy that the DOJ letter refers to reiterates California law, which protects students from discrimination based on gender identity, and which requires that students be permitted to participate on athletic teams that are consistent with their gender identity. See *Education Code* §§ 220, 221.5(f). State law on this issue has remained unchanged since 2013 and applies to all LEAs in California. Contrary to the DOJ letter, the Equal Protection Clause does not require that athletic teams be segregated by "biological sex."

As we review the requested certification, we want to assure you that the California Department Education (CDE) and the LEAs in our state that receive federal funds have already provided the requisite assurances to funding agencies that programs and services are in compliance with the U.S. Constitution. In addition, LEA compliance with the Equal Protection Clause and other laws is monitored annually through the state's federal compliance monitoring process and multiple accountability mechanisms. The DOJ letter references no law that would authorize the agency to require another "certification" or one of this kind from LEAs.

The CDE plans to respond to the DOJ on behalf of the state and its LEAs by the requested date, and we will share a copy of our response with you for your information once we have submitted it.

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Thank you for your hard work on behalf of all students in the State of California. As we at the CDE continue to focus on moving the needle for student achievement, we again commend all California school staff who are maintaining a local focus on the all-important task of serving our students.

Sincerely,

A handwritten signature in blue ink, reading "Tony Thurmond". The signature is fluid and cursive, with the first name "Tony" and last name "Thurmond" clearly distinguishable.

Tony Thurmond
State Superintendent of Public Instruction