

April 2, 2025

United States Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
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Sent via Email

To whom it may concern,

We are submitting a Complaint on behalf of Soleil Hoefler and Kora Lengerich, a minor, by her mother Kimberly Lengerich.

Soleil and Kora are high-school track athletes. Soleil, a senior, is a multi-sport athlete who competes in several track and field events and regularly lands on the podium. She's already earned a college scholarship to play soccer, and her final track and field season is off to a great start. Kora is only a freshman and is already making her presence felt. Both of them compete in the 400-meter race.

But because of Washington's unlawful policy allowing biological males into women's sports, the deck is stacked against them and every other female athlete who runs that distance. A biological male who identifies as female—and who competed on the boys' high-school track team in the past—now runs the women's 400 meters and dominates. This athlete won last year's girls' state championship in the 400 meter and seems on track to do it again. Kora has already lost a podium spot to this athlete, and Soleil will likely have to run against the athlete soon. It is fundamentally unfair that despite all of their hard work and discipline, Soleil and Kora may be deprived of the thrill of victory because Washington forces them to race against males with inherent biological advantages. Soleil and Kora urge OCR to step in to prevent this violation of federal law and protect the right of women and girls to compete in a female-designated sports category.

### *Overview*

1. The Complainants are two female high school athletes who compete on the girls' track and field teams at their respective high schools in Washington state. Sports have been part of the lives of both Complainants from a young age. They dedicate considerable time and effort and make sacrifices to become the best athletes they can be.

2. Complainant Soleil Hoefler is a senior at Prosser High School in Prosser, Washington. She was named Female Track & Field Athlete of the Year by the Prosser High School Track & Field Coaching Staff for two consecutive years as a high school student. She has signed on to play soccer at Walla Walla Community

College in Walla Walla, Washington next year. Soleil is also a track athlete. She competes in a variety of track and field events including the 400 meter on behalf of Prosser High School's girls' track and field team. Since outdoor track season began for the 2025 season in early March, she has already placed first in several track and field events including in the 400 meter.

3. Complainant Kora Lengerich, acting through her mother Kimberly Lengerich, is a freshman at Gonzaga Preparatory School in Spokane, Washington. She runs track and field for the girls' team at Gonzaga Preparatory. This year she has run in the 100 meter, the 400 meter, and the 100 meter hurdles.

### ***The Washington Interscholastic Activities Association policy and Washington state's discriminatory law and guidelines***

4. The Washington Interscholastic Activities Association (WIAA) is a non-profit organization authorized by state statute to serve as the rule-making body for high school athletics in Washington state. RCW § 28A.600.200. Under that statute, school districts in Washington delegate to the WIAA "control, supervision and regulation" of high-school athletics. *Id.* The WIAA's nearly 800 members are high schools and middle schools, including public and private schools in the state.<sup>1</sup> Both Soleil Hoefler's school, Prosser High School and Kora Lengerich's school, Gonzaga Preparatory School are dues-paying members of the WIAA. As such, they are required to comply with the WIAA's policies.

5. Prosser High School is a public school within the Prosser School District that receives federal funding and is subject to Title IX.

6. WIAA is subject to Title IX's requirements in the context of school athletics because it indirectly receives federal funding from its public member-schools, and it exercises control over those schools because the schools delegate their control to the WIAA. *See* 34 C.F.R. § 106.2 (*see* definitions of "program or activity" and "recipient"); *Brentwood Acad. v. Tenn. Secondary Sch. Athletics Ass'n*, 531 U.S. 288, 303-305 (2001).

7. The WIAA sets athletics participation requirements for member schools. The current policy of the WIAA provides that "[a]thletes will participate in programs consistent with their gender identity or the gender most consistently expressed."<sup>2</sup> Despite the known advantages that males have over females in nearly every sport, especially males who have experienced puberty, the policy does not have any physical requirements to protect equal opportunities for women and girls to compete in their own sports and have fair opportunities to win.

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<sup>1</sup> *Our Mission*, WIAA, <https://perma.cc/T35C-35FU> (last visited Mar. 31, 2025).

<sup>2</sup> *Washington Interscholastic Activities Association Handbook 2024-25*, WIAA (July 31, 2024), <https://perma.cc/6X7U-FUQ5>.

8. Washington state’s Office of the Superintendent for Public Instruction interprets state law and guidance to require school districts to designate sports participation based on gender identity, not sex.<sup>3</sup> The state’s guidelines provide that “No student...should be required to use a locker room that conflicts with his or her gender identity.”<sup>4</sup> State non-discrimination law prohibits “discrimination on the basis of...gender expression [and] gender identity[.]” The state superintendent issued a statement on the executive order *Keeping Men out of Women’s Sports*, which characterized the order as “requir[ing] educational institutions to agree to discriminate against trans female athletes in order to continue receiving federal funds” and went on to say that “[t]he President’s order directly contradicts state law, including the Washington Law Against Discrimination, and our laws prohibiting discrimination in our public schools. Our state law prohibits discrimination on the basis of gender identity, and we will not back down from that.”<sup>5</sup>

### ***Discrimination in violation of federal law***

9. Consistent with President Trump’s executive order, *Keeping Men Out of Women’s Sports*, Complainants believe that the WIAA policy and Washington’s interpretation of its non-discrimination laws as they apply in the women’s sports and locker room context violate Title IX’s guarantee that students shall receive equal opportunity to enjoy educational benefits regardless of sex. The justification for having sex-based categories in school athletics is to afford women and girls, who have distinct biological and physiological features that put them at a disadvantage in nearly every sport, the opportunity to enjoy meaningful competition and have a fair chance at athletic victory.

10. The WIAA policy and Washington’s interpretation of its non-discrimination statutes not only fail to protect a designated category in school sports for females but place no physical limitations on when a biologically male student can compete in the female category. This runs afoul of Title IX’s requirements by depriving female students of equal opportunity to compete and win in their own sports because of their sex. As a result of the policy, biologically male students are winning victories not only in the male category but also in the female category. This negates

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<sup>3</sup> See RCW 28A.642; RCW 28A.640; WAC 392.190; *Prohibiting Discrimination in Washington Public Schools*, Office Superintendent Public Instruction (Feb. 2012), <https://perma.cc/ZLX9-KZQP>; *Sex Equity in Athletics*, Office Superintendent Public Instruction (2022), <https://perma.cc/TS2N-CSVS> (“In Washington, however, the law is clear. LEAs [local education agencies] are required to allow all students, including transgender and nonbinary students, the opportunity to participate on the interscholastic sports team that most closely aligns with their gender identity.”).

<sup>4</sup> *Prohibiting Discrimination in Washington Public Schools*, supra note 3, at 31.

<sup>5</sup> *State Superintendent Chris Reykdal’s Statement on President Trump’s Order to Discriminate Against Trans Female Athletes*, Office Superintendent Public Instruction (Feb. 6, 2025), <https://perma.cc/BTF4-ZP38>.

Title IX's protections by expanding opportunities for male athletes to achieve victory at the expense of female athletes.

### ***Unequal opportunity resulting from Washington and the WIAA's policy***

11. Last year, a biologically male athlete who identifies as female from East Valley School District in Spokane, Washington won the state championship for the girls' 400-meter race. *See* Exhibit B. This was well-covered in local and national media.<sup>6</sup> The athlete is still competing in the girls' 400 meter and other track and field events in the female category. Since beginning to compete in the female category for high school track, this athlete has placed first in every 400-meter race in which the athlete has competed, according to the results shown on Athletic.net. This athlete competed on the East Valley High School boys' track and field team before joining the girls' team. Results available on Athletic.Net from the athlete's races in both the male and female categories are attached as Exhibit B.

12. Soleil Hoefler competes in track events including the 400 meter. She anticipates competing in the 400 meter on behalf of her team in future meets and is likely to have to compete against the athlete referenced above. Soleil is likely to compete against this athlete on more than one occasion this season, including the 400-meter race at the state championship.

13. On March 17, Kora Lengerich competed in the girls' 400-meter race on behalf of her team at an invitational track meet. As she was lining up at the starting blocks before the 400-meter race, Kora realized that a biologically male student was competing against her in the girls' category. This student took first in the race, and Kora placed fourth. Had Kora placed third, she would have received a podium spot. Results from that race are attached as Exhibit C. This is the same student from East Valley High School who Soleil Hoefler is likely to compete against in the future. Kora anticipates that she or a teammate will compete against this athlete at least two other times this season at future meets. *See* Exhibits D and E (note, these Athletic.Net competitions calendars may not reflect the complete schedule of competitions for these schools).

14. The WIAA policy and Washington's interpretation of state law have already kept Kora off the podium, and these actions are likely to affect her as the season progresses as well. In the same vein, these policies are likely to affect Soleil in future competitions. Both Complainants are likely to be affected by directly running against a male athlete or having teammates compete against a male athlete. This will result in lower meet scores for Complainants' schools in their meets as female

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<sup>6</sup> *See* Amanda Sullender, *East Valley teen is the first Washington transgender athlete to win a state high school track championship. But controversy followed*, The Spokesman-Review (June 2, 2024), <https://perma.cc/XVG2-75QG>; Lindsay Kornick, *Washington girls' track coach on losing first place status to trans runner: 'Obviously a male running'*, Fox News (June 27, 2024), <https://perma.cc/3GCD-X7WF>.

athletes are forced by the policies to compete against male athletes with distinct physiological advantages.

***Request***

15. Complainants respectfully request that the Office for Civil Rights of the Department of Education investigate the violations of Title IX described in this Complaint. Complainants believe that WIAA, Washington State, and member schools are violating the rights of girls' by depriving them of equal opportunity for athletic participation and victory.

16. Complainants respectfully suggest that, consistent with the executive order *Keeping Men out of Women's Sports*, WIAA and its member schools be required to amend their policies to require participation in sex-designated sports categories based on sex, not gender identity, and to remedy all past violations of Title IX from enforcing their unlawful policies.

17. Prompt investigation and remedial action are critical. As the track and field season and competitions are ongoing, Complainants and their teammates as well as other girls in Washington state continue to be deprived of the protections guaranteed by Title IX.

Respectfully,



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