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August 27, 2026

Dr. Macquiline King
Superintendent and CEO
Chicago Public Schools
42 West Madison Street
Chicago, IL 60602

Dear Dr. King:

In response to testimony received at the Committee on Education and Workforce (Committee) hearing on June 10, 2026, titled "Breaking Trust: Attacks on Parental Rights, Inappropriate Content, and Legal Abuses in America's Schools," the Committee continues to review the policies, guidelines, and actions of Chicago Public School (CPS) to determine whether CPS is in compliance with the *Elementary and Secondary Education Act of 1965* (ESEA), *Family Educational Rights and Privacy Act* (FERPA), Title VI of *Civil Rights Act of 1964* (Title VI), and Title IX of *Education Amendments of 1972* (Title IX).¹ The Committee will use the results of this review to examine the potential need for legislative changes to these laws or to existing bills that amend these laws.

Within this context, the Committee is reviewing how CPS policies affect the safety, privacy, and well-being of children, and whether parents are excluded from major decisions involving their children. Relevant legislation includes FERPA, which is the federal law that gives parents the right to review their child's education record and protects that record from disclosure without parental consent or through well-defined exceptions.² Relevant case law includes *Mirabelli v. Bonta*,³ in which parents and certain public-school teachers challenged California policies that prevented schools from disclosing to parents information about students' efforts to engage in

¹ CPS is expected to receive \$436 million under ESEA programs through the end of fiscal year 2026 and \$932 million in total education-related funding. Chicago Public Schools, *Revenue* (2026), <https://www.cps.edu/about/finance/budget/budget-2026/revenue-2026/>. The term "total education-related funding" means funding under ESEA, *Individuals with Disabilities Education Act*, *Carl D. Perkins Career and Technical Education Act*, E-Rate: Universal Service Program for Schools and Libraries, *Child Nutrition Act of 1966*, *Richard B. Russell National School Lunch Act*, and school-based Medicaid services for Medicaid-enrolled students with a section 504 *Rehabilitation Act* plan, an individualized education plan, or where medical necessity has been otherwise established.

² 20 U.S.C. § 1232g(b).

³ 607 U.S. 492 (2026).

gender transitioning unless students consented to parental notification. California policies had required schools to use students' self-identified names and pronouns regardless of their parents' wishes.⁴ In a March 2026 ruling, the Supreme Court held the plaintiffs were likely to succeed on the merits of their Free Exercise and Due Process challenge to the California policies and thus vacated the Ninth Circuit's stay of a permanent injunction entered by the District Court on behalf of the parents and teachers.⁵

As relevant to CPS, according to one complaint filed with the U.S. Department of Education (ED) and the Department of Justice:

By housing gender support plans in confidential health folders, by directing staff to communicate with parents according to the student's wishes rather than providing accurate and complete information, and by excluding parents from the administrative support team that manages a student's transition, CPS has constructed a system that effectively denies parents their statutory right to inspect and review education records relating to their child.⁶

ED is concerned about school districts' compliance with FERPA. On March 28, 2025, it transmitted a "Dear Educators" letter along with an accompanying "Dear Chief State School Officers and Superintendents" letter to states and school districts noting how some "create 'Gender Plans' for students and assert that these plans are not 'education records' under FERPA, and are therefore inaccessible to the parent, provided the plan is kept in a separate file and not as part of the student's 'official student record.'" ⁷ In the accompanying letter, ED responds to school districts that keep certain student records separate from "official student records" by reminding districts that "all information, with certain statutory exceptions, that is directly related to a student and maintained by an educational agency or institution, is part of the student's 'education records' to which parents have a right to inspect and review."⁸

When asked by Rep. Mary Miller (R-IL) at the June 10 hearing about CPS' "socially transitioning children without parental knowledge or consent," you responded, "[w]e do not hide information from parents."⁹ However, several of CPS's policies and resources suggest otherwise.

Of primary concern is CPS's Interim Guidelines: Gender & Sexuality Protections for CPS Students (Interim Guidelines) which state that "[p]arent(s)/guardian(s) consent is not required for

⁴ *Id.* at 492-94.

⁵ *Id.* at 495-97.

⁶ Letter from Trey Donathan, Counsel, American First Legal Foundation, to Hon. Harmeet Dhillon, Assistant Attorney General, Civil Rights Division, U.S. Dept. of Justice and Frank Miller Jr., Director & Chief Privacy Officer, Student Privacy Policy Office, U.S. Dept. of Educ. (June 5, 2026) (on file with Committee).

⁷ U.S. Dept. of Educ., Student Privacy Policy Office, Dear Chief State School Officers and Superintendents Letter at 1 (Mar. 28, 2025), https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf.

⁸ *Id.*

⁹ *Breaking Trust: Attacks on Parental Rights, Inappropriate Content, and Legal Abuses in America's Schools*: Hearing before H. Comm. on Educ. & Workforce, 119th Cong. (June 10, 2026).

a student to be addressed by their affirmed names and pronouns.”¹⁰ Likewise, according to CPS’s Supporting Gender Diversity Toolkit (Toolkit), which is available on its website:

School staff shall not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others. Therefore, given the sensitive nature of the information, when speaking with parents ... school staff should not disclose a student’s preferred name, pronoun, or other confidential information pertaining to the student’s transgender or gender nonconforming status without the student’s permission, unless authorized to do so by the Chicago Board of Education’s Law Department.¹¹

The Toolkit includes “Guidance for Drafting and Maintaining a CPS Gender Affirmation Plan” (Plan).¹² The Plan, also referred to as the “Student Gender Support Plan,” establishes individualized expectations for how school staff and “in some cases” the student’s caregivers will support a transgender, nonbinary, or gender nonconforming student.¹³ The Plan may include a record of both the student’s legal and affirmed name and gender, as well as the name and pronouns the student wishes the school to use in communications with parents.¹⁴ The Plan is accessible only to members of the Student Administrative Support Team and kept in a locked file cabinet.¹⁵

Further, CPS adopted a “Local School Wellness Policy for Students” (Policy) in May 2023 that requires all school staff in CPS to “adhere to the protections stipulated in the CPS Guidelines Regarding the Support of Transgender and Gender Nonconforming Students” (Guidelines).¹⁶ The Guidelines, in turn, define the term “Student Administrative Support Team” as “[a] group that receives information [about a transgender or gender nonconforming student] on a confidential need-to-know basis and is convened to coordinate the appropriate supports for transgender and gender nonconforming students.”¹⁷ The definition further states that “[t]he team should consist of the school principal or Support Coordinator, the student, individuals the student identifies as trusted adults, and individuals the principal and student determine may have a legitimate interest in the safety and healthy development of the student.”¹⁸ While the members of the team “may

¹⁰ Chicago Public Schools, *Interim Guidelines: Gender & Sexuality Protections for CPS Students*, at 4 (July 2024), https://www.cps.edu/globalassets/cps-pages/services-and-supports/health-and-wellness/healthy-cps/healthy-environment/lgbtq-supportive-environments/interim-guidelines_-gsp-for-cps-students-july-2024.pdf.

¹¹ Chicago Public Schools, *Supporting Gender Diversity Toolkit*, at 15 (2019), <https://www.cps.edu/globalassets/cps-pages/services-and-supports/health-and-wellness/healthy-cps/healthy-environment/lgbtq-supportive-environments/supportinggenderdiversitytoolkit2.pdf>.

¹² *Id.* at 12.

¹³ *Id.*

¹⁴ *Id.* at 14-16.

¹⁵ *Id.* at 13.

¹⁶ Chicago Public Schools, *Local School Wellness Policy for Students* (2023), <https://www.cps.edu/sites/cps-policy-rules/policies/700/704/704-7/>.

¹⁷ Chicago Public Schools, *Guidelines Regarding the Support of Transgender and Gender Nonconforming Students*, at 2-3 (2019), https://www.cps.edu/globalassets/cps-pages/services-and-supports/health-and-wellness/healthy-cps/healthy-environment/lgbtq-supportive-environments/guidelines_regarding_supportoftransgenderand-gender_nonconforming_students_july_2019.pdf.

¹⁸ *Id.* at 3.

include ... the parent/guardian,” noticeably absent from the definition is any express statement that parents or guardians (collectively “parents”) shall be members of the team or that parents have a say in the members of the team.¹⁹ The text of the definition potentially pits the wishes of a parent against his or her child.

Moreover, the Guidelines prohibit school staff from “disclos[ing] information that may reveal a student’s transgender or non-binary identity or gender nonconforming presentation to others without the student’s consent or unless authorized by the Law Department.”²⁰ This language/guideline could prohibit school staff from discussing a minor student’s transgender status, non-binary identity, or gender nonconforming presentation with the parents of the student if the student does not consent.

When Rep. Bob Onder (R-MO) asked you at the June 10 hearing whether CPS had made any changes in its policies to align with the Supreme Court’s decision in *Mirabelli*, you deflected and failed to give a clear, direct answer. You stated that you “hope[d]” that “the parent, the families, the student ... and the school would all be in communication.”²¹ Notably, while you stated that CPS communicates with parents in compliance with Illinois state law,²² you failed to specify whether CPS complies with federal law or *Mirabelli*. CPS’s policies appear to undermine the authority of parents and guardians, which the Supreme Court has stated “have primary authority with respect to ‘the upbringing and education of children.’”²³

Legislatively, the Committee has taken steps to confront policies or actions that undermine the rights of parents. For example, the Committee has favorably reported bills such as H.R. 2616, PROTECT Kids Act; and H.R. 7661, *Stop the Sexualization of Children Act*, which would amend ESEA to protect parental rights and children. More recently, on July 21, 2026, the Committee favorably reported H.R. 4986, *Parent’s Opt-in Protection Act*, which would amend the Protection of Pupil Rights Amendment to strengthen student and parent consent requirements when sensitive information is solicited from students. The Committee continues to review the foregoing bills to determine whether further legislative changes may be warranted.

To help the Committee better understand the operations of CPS, please provide information responsive to the following requests (see enclosed instructions) no later than September 11, 2026.

1. During the period January 1, 2025, through the date of your response, all documents and communications referencing FERPA guidance sent to, from, or between you or your staff and any of the following:
 - a. CPS school principals; and
 - b. CPS teachers.

¹⁹ *Id.*

²⁰ *Id.* at 4.

²¹ *Breaking Trust: Attacks on Parental Rights, Inappropriate Content, and Legal Abuses in America’s Schools*: Hearing before H. Comm. on Educ. & Workforce, 119th Cong. (June 10, 2026).

²² *Id.*

²³ *Mirabelli v. Bonta*, 607 U.S. 492, 497 (2026) (citation omitted).

2. All guidance documents, including Frequently Asked Questions, letters, or other advisories (or similar) provided to CPS schools related to *Mirabelli v. Bonta*. To the extent guidance existed prior to the Supreme Court decision in *Mirabelli*, provide a red-line version of the guidance showing any changes made after the decision.
3. All guidance documents, including Frequently Asked Questions, letters, or other advisories (or similar), provided to CPS schools related to *Mahmoud v. Taylor*, 606 U.S. 522 (2025). To the extent guidance existed prior to the Supreme Court decision in *Mahmoud*, provide a red-line version of the guidance showing any changes made after the decision.
4. For the period January 1, 2023, through the date of your response, all written complaints (whether formal or informal, and inclusive of emails and letters) from parents related to any of the following:
 - a. the use of a student's "CPS Gender Affirmation Plan" or "Student Gender Support Plan for Transgender and Gender Nonconforming Students";
 - b. the exclusion of parents from or the actions of a "Student Administrative Support Team";
 - c. gender identity;
 - d. personal pronouns;
 - e. restroom and locker room policies or specific issues related thereto involving the parent's son or daughter; and
 - f. overnight trip policies or specific issues related thereto involving the parent's son or daughter.
5. For the period January 1, 2023, through the date of your response, all written complaints (whether formal or informal, and inclusive of emails and letters) by teachers/coaches or written concerns by teachers/coaches (whether formal or informal, and inclusive of emails and letters) regarding any of the following:
 - a. the teacher/coach's required conformity with "CPS Gender Affirmation Plans" or "Student Gender Support Plans for Transgender and Gender Nonconforming Students";
 - b. the teacher/coach's required conformity with CPS policies that relate to gender identity;
 - c. the teacher/coach's required conformity with CPS policies that relate to personal pronouns;
 - d. the teacher/coach's required conformity with CPS restroom and locker room policies; and
 - e. the teacher/coach's required conformity with CPS overnight trip policies.
6. Describe any annual professional development or other training that CPS requires of teachers and coaches on the topics of gender and sexuality, including transgender, nonbinary, gender nonconforming, and LGBTQ+.

Dr. Macquiline King

August 27, 2026

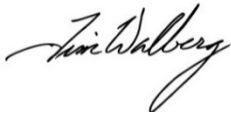
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7. For the period January 1, 2025, through the date of your response, please provide the names of the courses, seminars, workshops, or similarly designated professional development or training associated with the topic of gender and sexuality; the names of the professional development speakers associated with the topic of gender and sexuality; and copies of the professional development educational materials, course materials, curricula, and syllabi associated with the topic of gender and sexuality.

Congress's oversight powers are derived from the U.S. Constitution and have been repeatedly affirmed by the United States Supreme Court. Under House Rule X, the Committee's legislative and oversight jurisdiction is broad, extending to "education ... generally" and "laws, programs, and Government activities relating to domestic educational programs and institutions and programs of student assistance within the jurisdiction of other committees."²⁴ The information gathered will aid the Committee in considering whether potential legislative changes are needed.

Should you have any questions, please contact Kent Talbert at kent.talbert@mail.house.gov or (202) 225-4527.

Sincerely,



Tim Walberg
Chairman
Committee on Education and Workforce

²⁴ RULES OF THE HOUSE OF REPRESENTATIVES, 119th Cong. at 7, 10 (Jan. 16, 2025), <https://rules.house.gov/sites/evo-subsites/rules.house.gov/files/documents/houserules119thupdated.pdf>.