



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

January 28, 2025

Dr. Alex Marrero  
Superintendent  
Denver Public Schools

*sent via E-mail*

OCR Case Number 05-25-5901

Dear Dr. Marrero:

The United States Department of Education (Department), Office for Civil Rights (OCR), hereby informs you that it is initiating a directed investigation of Denver Public Schools (District). According to recent local reporting, the District converted a girls' restroom in East High School to a multi-stall all gender restroom.<sup>1</sup> As a result, East High School now has an exclusive restroom for male students and no restroom for female students on its second floor.<sup>2</sup>

An East High School parent told the District school board during its January work session:

[The] Administration has sacrificed the comfort of these young females for this dubious change by now limiting their options . . . . We, as adults, should be protecting students at all costs. Not using minors for this social experiment. This in my opinion is unlawful, immoral and is, in fact, a form of abuse.<sup>3</sup>

Local reporting also reveals that the District has installed multi-stall all gender restrooms in two other schools, the Denver School of the Arts and CEC Early College.<sup>4</sup>

Pursuant to its regulatory authority set forth in 34 C.F.R. § 104.61, OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations enforced by OCR.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department. As a recipient of federal financial assistance from the Department of Education, the District is subject to Title IX.

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<sup>1</sup> Rachel Krause, *DPS converts girls bathroom to all-gender facility amid student requests at East High School*, 9NEWS (Jan. 16, 2025), available at <https://www.9news.com/article/news/local/dps-creates-all-gender-bathroom-east-high-school/73-652a5847-e7af-4362-9b1e-d85dca7dd992>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

OCR's directed investigation will examine whether the District discriminates against students on the basis of sex by installing multi-stall all gender restrooms in District school facilities, in violation of Title IX and its implementing regulations. Be advised that OCR's initiation of a directed investigation is not itself evidence of wrongdoing.

The OCR Denver regional office will conduct this directed investigation. OCR will contact District officials within a week of the date of this letter to arrange for the next steps in the investigation, including requesting access to data and personnel. Should you have any questions, please do not hesitate to contact David Samberg at David.Samberg@ed.gov.

Sincerely yours,

Craig Trainor  
Acting Assistant Secretary  
Office for Civil Rights