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April 11, 2025

Bradley Burke, Regional Director  
Office of Civil Rights  
U.S. Department of Education  
Sent via email only, to: Bradley.Burke@ed.gov

Re: Response to Impasse Letter – Directed Investigation No. 01255902, Maine  
Department of Education

Regional Director Burke:

The Maine Department of Education and the Maine Office of the Attorney General have reviewed the draft Resolution Agreement and your Impasse Letter dated March 31, 2025. We will not sign the Resolution Agreement, and we do not have revisions to counter propose. We agree that we are at an impasse.

Nothing in Title IX or its implementing regulations prohibits schools from allowing transgender girls and women to participate on girls' and women's sports teams. Your letters to date do not cite a single case that so holds. To the contrary, various federal courts have held that Title IX and/or the Equal Protection Clause require schools to allow such participation. *See, e.g., B.P.J. v. West Va. State Bd. Of Ed.*, 98 F.4th 542 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 568 (2024); *Doe v. Horne*, 115 F.4th 1083 (9th Cir. 2024); *Tirrell v. Edelblut*, 748 F. Supp. 3d 19 (D.N.H. 2024); *Doe v. Hanover Cnty. Sch. Bd.*, No. 3:24CV493, 2024 WL 3850810 (E.D. Va. Aug. 16, 2024).

Sincerely,

/s/ Sarah A. Forster

Sarah A. Forster  
Assistant Attorney General  
Sarah.Forster@maine.gov

SAF/tet

cc: Christopher C. Taub, Chief Deputy Attorney General  
Kimberly L. Patwardhan, Assistant Attorney General  
Pender Makin, Commissioner