



HUMAN
RIGHTS
CAMPAIGN®

February 22, 2024

Catherine E. Lhamon
Assistant Secretary of Education for Civil Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

RE: Request for Investigation into Oklahoma State Department of Education

Dear Assistant Secretary Lhamon:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, we write to follow up on our prior request for investigation into the incidents involving Nex Benedict at Owasso Public Schools to also request that the Department of Education (the "Department") promptly begin an investigation into the Oklahoma State Department of Education, as well as the current State Superintendent of Public Instruction, Ryan Walters.

As the Department is aware, a non-binary teenager named Nex Benedict recently died shortly after being brutally and viciously beaten while inside a girl's bathroom at Owasso High School in Owasso, Oklahoma, where they were a student. Nex experienced violent, repeated head trauma during this attack and tragically died the day after. Their death is a gut-wrenching tragedy that exposes the chilling reality of anti-transgender hatred spreading across the United States—and which Superintendent Walters has been openly perpetuating.¹

Superintendent Walters has a troubling history of transphobic and racist behavior. For example, as Oklahoma Secretary of Public Instruction, Walters publicly targeted an English teacher at Norman Public Schools who protested book bans, falsely accusing her of providing pornographic material and calling for her teaching license to be revoked.² In June 2023, Walters spoke at the

¹ See, e.g., Mairead Elordi, 'Not Going To Do The Transgender Game:' Oklahoma Education Board Denies Districts' Request To Let Students Change Gender On Records, DAILY WIRE (Oct. 27, 2023), <https://www.dailywire.com/news/not-going-to-do-the-transgender-game-oklahoma-education-board-denies-districts-request-to-let-students-change-gender-on-records>.

² Adolfo Flores & Matt Barnum, *He Taught AP History. Now He Targets Teachers for Being Too Woke.*, WALL ST. J. (Jan. 31, 2024), <https://www.wsj.com/us-news/education/he-taught-ap-history-now-he-targets-teachers-for-being-too-woke-9001d053>.

national summit for Moms for Liberty—a far-right extremist organization dedicated to attacking the existence of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people both inside and outside of the classroom.³ Reports indicate that Walters has banned Black reporters and media from interviewing his office,⁴ and has likewise been promoting a curriculum for students that downplays the role of slavery and race in events like the Tulsa Race Massacre.⁵ Rather than empower marginalized communities and promote the rights and well-being of all students, Oklahoma under the leadership of Superintendent Walters has instead worked to promulgate emergency rules seeking to, for example, prevent gender diverse students from having their identities properly reflected in their school records.⁶

Additionally, Walters recently appointed Chaya Raichik, who runs the anti-LGBTQ+ hate account Libs of TikTok, to the new Oklahoma Library Media Advisory Committee—despite the fact that she does not live in Oklahoma and has no credentials for the position. In 2022, Raichik had targeted a teacher at Nex’s school for their support of LGBTQ+ students.⁷ According to Nex’s family, Nex admired that teacher, who faced threats and harassment as a result of Raichik’s targeting and ultimately resigned. In September 2023, Raichik targeted the principal of John Glenn Elementary School in Oklahoma for performing in drag outside school hours: days later, the school faced a bomb threat.⁸ Walters joined in perpetuating these attacks, even appearing on national television and threatening the accreditation for that principal’s school district—which in turn placed the principal on administrative leave.⁹ In June 2023, Walters posted on social media about an assault in an Edmonds, Oklahoma high school bathroom, saying “while many deny that indoctrination and gender dysphoria on [sic] our kids is happening in our classrooms, this is yet another example of why we will continue to fight every day to stop this nonsense”.¹⁰

³ Carmen Forman, *State Superintendent Ryan Walters Rubs Elbows with Moms for Liberty*, THE TULSA WORLD (July 4, 2023), https://tulsaworld.com/news/state-regional/education/state-superintendent-ryan-walters-rubs-elbows-with-moms-for-liberty/article_70dd99d2-1770-11ee-8cb0-5ff2a9a3ba7e.html.

⁴ Deon Osborne, *Walters Bans Black Reporter and Media From Interviews*, BLACK WALL ST. TIMES (Sept. 6, 2023), <https://theblackwallsttimes.com/2023/09/06/okla-supt-ryan-walters-bans-black-reporter-from-interviews>.

⁵ David Chasanov, *State Supt. Ryan Walters Defends Comments On Tulsa Race Massacre, Claims Words Taken Out Of Context*, FOX 25 (July 7, 2023), <https://okcfox.com/news/local/state-superintendent-ryan-walters-oklahoma-department-of-education-tulsa-race-massacre-critical-theory-crt-classroom-class-hannibal-johnson-raymond-doswell-greenwood-rising-black-wall-street-history-center-racist-evil-terrible-color-skin-controversy>.

⁶ Tyler Kingkade, *A Transgender Teen Wanted To Update His School Records. Oklahoma Created A Rule To Stop Him.*, NBC NEWS (Jan. 9, 2024), <https://www.nbcnews.com/news/us-news/oklahoma-ryan-walters-transgender-teen-school-records-rule-rcna130816>.

⁷ Abby Monteil, *Nonbinary Teen Nex Benedict Dies After Being Attacked By Peers in a School Bathroom*, THEM (Feb. 20, 2024), <https://www.them.us/story/nex-benedict-nonbinary-teen-oklahoma-died-attacked-at-school>.

⁸ See *Bomb Threat at OKC School Determined 'Non-Credible Threat', Police Say*, NEWS 9 (Sept. 15, 2023), <https://www.news9.com/story/65048f68e415cd781aa83eac/bomb-threat-at-okc-school-determined-non-credible-threat-at-police-say>.

⁹ Flores & Barnum, *supra* note 2.

¹⁰ @RyanWaltersSupt Twitter, 6/3/23

Nex's death comes at a time when extremist politicians have weaponized transgender and gender-expansive identities for political gain, stoking hate and discrimination through their vile rhetoric. We must expect more from our educators—the Oklahoma State Department of Education, including Superintendent Walters, is not absolved of responsibility to provide safe and affirming learning spaces for students because of any personal views regarding transgender and non-binary people. We therefore urge the Department to swiftly begin an investigation into both the Oklahoma State Department of Education and Superintendent Walters.

Sincerely



Sarah Warbelow
Vice President, Legal
Human Rights Campaign



David Stacy
Vice President, Government Affairs
Human Rights Campaign