

STATE OF TENNESSEE

Office of the Attorney General



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February 6, 2023

Deborah S. Hunt, Clerk  
United States Court of Appeals for the Sixth Circuit  
540 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202-3988

**Re: *State of Tennessee, et al. v. Department of Education, et al.*, No. 22-5807**

Dear Ms. Hunt:

Plaintiffs-Appellees, other than the State of Arizona, respectfully submit this Rule 28(j) letter concerning the U.S. Department of Education investigation of the Granbury Independent School District in Texas. (*See* Response Brief at 23-24, 48.) As Plaintiffs-Appellees explained, the ACLU of Texas complaint that prompted the investigation relied on the same Interpretation and Fact Sheet challenged in this case. (Response Brief at 23-24 (quoting ACLU of Tex., Compl. 5-6 & nn.13, 15 (July 8, 2022), [https://www.aclutx.org/sites/default/files/aclutx\\_granbury\\_isd\\_title\\_ix\\_complaint.pdf](https://www.aclutx.org/sites/default/files/aclutx_granbury_isd_title_ix_complaint.pdf) [<https://perma.cc/BT5Y-G93X>]).

On February 1, 2023, the Department's Office for Civil Rights updated its list of pending cases currently under investigation, now confirming that the Department opened a "Title IX - Gender Harassment" investigation of Granbury Independent School District on December 6, 2022. *See* U.S. Dep't of Educ., Office for Civil Rights, *Pending Cases Currently Under Investigation at Elementary-Secondary & Post-Secondary Schools as of Jan. 27, 2023* (Feb. 1, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/open-investigations/tix.html?queries%5Bstate%5D=TX&queries%5Btod%5D=Title+IX+-+Gender>

+Harassment&queries%5Bsearch%5D=Granbury [<https://perma.cc/M6U4-G5KY>]. Federal courts routinely take judicial notice of information found on government websites. *See, e.g., Demis v. Sniezek*, 558 F.3d 508, 513 & n.2 (6th Cir. 2009) (taking judicial notice of inmate information on the Federal Bureau of Prisons website); *Oak Ridge Env't Peace All. v. Perry*, 412 F. Supp. 3d 786, 810 & n.6 (E.D. Tenn. 2019) (taking judicial notice of earthquake measuring information on the U.S. Geological Survey website).

Respectfully submitted,

/s/ Clark Lassiter Hildabrand

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*Counsel for all Plaintiffs-Appellees  
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## **CERTIFICATE OF SERVICE**

I, Clark Hildabrand, counsel for Plaintiffs-Appellees other than the State of Arizona and a member of the Bar of this Court, certify that, on February 6, 2023, a copy of the foregoing Rule 28(j) letter was filed electronically through the appellate CM/ECF system with the Clerk of the Court. I further certify that all parties required to be served have been served.

*/s/ Clark Lassiter Hildabrand*

Clark Lassiter Hildabrand  
Assistant Solicitor General