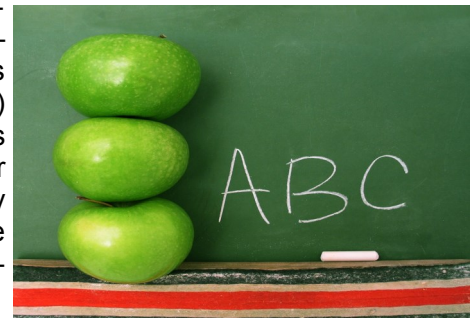


4TH CIRCUIT COURT OF APPEALS WEIGHS IN ON ISSUE OF RESTROOM ACCESS FOR TRANSGENDER STUDENTS

The 4th Circuit Court of Appeals issued a ruling on April 19, 2016 in a dispute involving a high school junior student. The student's biological sex at birth was female. The student's gender identity now is male. He is seeking equal access to the boys' restrooms in the school. His School District by policy limited access to its restrooms to the biological gender of its students and specifically provided that students with gender identity "issues" would use an appropriate alternative private facility (unisex bathroom). The Court of Appeals has ruled that the Title IX regulations (which prohibit discrimination based on sex) cannot simply be interpreted to authorize mandatory assignment of students to facilities by their biological sex, while otherwise segregating transgender students. In ruling as it did, the Court of Appeals recognized that the agency charged with the interpretation of the meaning of the Title XI regulations, the U.S. Department of Education, had provided the following analysis of the requirements under the regulations, as to transgender issues:

For more information about matters discussed in this issue, please contact any one of the KTJ School Law Attorneys.



The Department's Title IX regulations permit schools to provide sex-segregated restrooms, locker rooms, shower facilities, housing, athletic teams, and single-sex classes under certain circumstances. When a school elects to separate or treat students differently on the basis of sex in those situations, a school must treat transgender students consistent with their gender identity.

This matter has been sent back to the federal District Court which originally dismissed the student's claim of right to equal access to the boys' restrooms based on his gender identity, in order for the District Court to properly consider and give deference to the above interpretation of the U.S. Department of Education. We will continue to report on the legal developments in this case, as they become available.

We have prepared a detailed summary of the decision of the 4th Circuit Court of Appeals in this matter (*G.G. v Gloucester County School Board*, No. 15-2056 (4th Cir. 2016)).

The summary is available at the following link:

[4th Circuit Court of Appeals Summary](#)

A full copy of the decision of the 4th Circuit Court of Appeals can be found at:

[4th Circuit Court of Appeals Decision](#)

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