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Judge Dismisses Challenge to Ohio School District's Trans-Inclusive Restroom Policy



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There is not a constitutional right to "transgender-free restrooms," a federal judge ruled.

BY TRUDY RING
AUGUST 09 2023 7:09 PM EST



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A federal judge in Ohio has dismissed a challenge to a school district's transgender-inclusive restroom policy, saying there is not a legal right to "transgender-free bathrooms."

Students and parents sued the Bethel Local School District in western Ohio last year after officials decided to allow a trans girl in Bethel Middle School to use the girls' communal restroom. There were represented by America First Legal, a conservative group.

They claimed that the policy violated their rights to free exercise of religion and equal protection of the laws under the U.S. Constitution, plus their right to direct their children's education. Both Muslim and Christian parents said in the suit that their religious beliefs would be violated if their children were exposed to "members of the opposite biological sex" in "intimate facilities" such as school restrooms.

The court was not convinced. "Although parents have the right to make decisions about where to send their children to school, they do not have a constitutional right to revoke a school's policy on student bathroom usage," Judge Michael Newman of U.S. District Court for the Southern District of Ohio wrote in his opinion Monday.

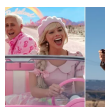
OR OHIO **wrote in a ruling** issued Monday.

The policy was neutral toward religion, he said. “Not every contentious debate, concerning matters of public importance, presents a cognizable federal lawsuit,” he added. “Although the parties, undoubtedly, seek to vindicate what they believe is the truth, the allegations in the complaint do not pass legal muster under the applicable methods of constitutional, statutory, or precedential interpretation.”

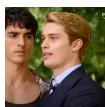
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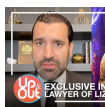
The American Civil Liberties Union of Ohio had intervened in the suit on behalf of the trans girl, identified by the pseudonym of Anne Roe, and asked the court to dismiss it. The ruling “reaffirms that the Constitution is not a vehicle to compel discrimination. Nothing in the constitutional guarantees of parenting rights, equal protection, or free exercise of religion mandates that **transgender** students be excluded from gender-appropriate communal restrooms on the basis of their classmates’ beliefs and values,” David Carey, deputy legal director at the ACLU of Ohio, said in a **press release**. “For public schools to function, one student’s or family’s religious beliefs cannot provide a basis to exclude another student from full participation in the school environment.”

The decision “is an amazing victory for our client, all transgender students like her, and all Bethel Area students who deserve a safe and affirming learning environment,” added Malita Picasso, staff attorney for the ACLU’s **LGBTQ & HIV** Project. “The court was resoundingly clear that the rights of transgender students like Anne are not in conflict with the rights of her peers, the rights of parents, or the responsibility of the school to ensure the safety of all their students. No student should have to fear discriminatory treatment every morning they walk into school, and this ruling brings us closer to the day no transgender student has to.”

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One of the plaintiffs has filed suit in a state-level court alleging that the district’s board violated the Ohio Open Meetings Act when it adopted the policy. That trial, in the Miami County Court of Common Pleas, is set for January. Newman wrote that there was no need for him to exercise any jurisdiction in that matter.

A federal appeals court recently **ruled in favor** of trans students’ restroom access as well. The U.S. Court of Appeals for the Seventh Circuit, which covers Illinois, Indiana, and Wisconsin, ruled that trans-exclusionary policies in two Indiana school districts will remain blocked while lawsuits against them are heard.

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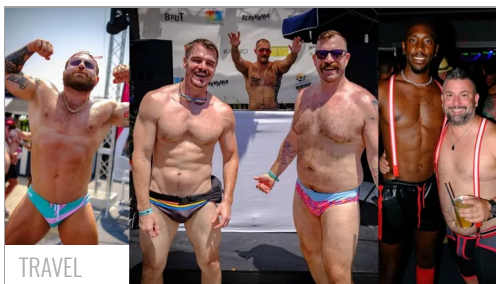
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