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# Federal judge rejects challenge to Ohio school district's transgender restroom policy

by WSYX staff

Mon, August 7th 2023, 1:28 PM PDT



File- Court gavel (WSYX)

COLUMBUS, Ohio (WSYX) — An Ohio school district's restroom policy allowing students to use [their preferred gender identity](#) may remain in place, a federal judge ruled Monday.

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In November 2022, a group of Muslim and Christian parents sued Bethel Local Schools, located in Tipp City, Ohio, after the Board of Education changed its restroom policy to accommodate transgender students, citing federal Title IX rules.

The ACLU and the ACLU of Ohio intervened on behalf of a transgender student in January 2023.

[Bethel Ruling](#) by [Matt Thomas](#) on Scribd

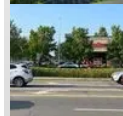
## TRENDING



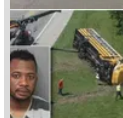
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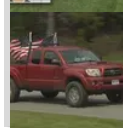
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DOE NO. 1, *et al.*,  
Plaintiffs, Case No. 3:22-cv-337

vs.

BETHEL LOCAL SCHOOL DISTRICT  
BOARD OF EDUCATION, *et al.*, District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.



Defendants.

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**ORDER: (1) GRANTING DEFENDANTS' AND INTERVENOR-DEFENDANT'S  
MOTIONS TO DISMISS AND FOR JUDGMENT ON THE PLEADINGS (Doc. Nos. 75,  
79); (2) DISMISSING COUNTS II AND IV FOR LACK OF STANDING; (3)  
DISMISSING COUNTS III, V, AND VI FOR FAILURE TO STATE A CLAIM; (4)  
DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION OVER THE  
REMAINING STATE-LAW CLAIMS; AND (5) DENYING AS MOOT PLAINTIFFS'  
MOTION FOR A PRELIMINARY INJUNCTION, DEFENDANTS' MOTION *IV  
LIMINE*, AND INTERVENOR-DEFENDANT'S MOTION TO WITHDRAW (Doc. Nos. 5,  
48, 93)**

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This civil case, premised on federal question jurisdiction, is before the Court on Plaintiffs' motion for a preliminary injunction on their state-law claim under the Ohio Open Meetings Act, Ohio Rev. Code § 121.22, over which they allege that there is supplemental jurisdiction, and Defendants' and Intervenor-Defendant's motions to dismiss for lack of subject matter jurisdiction and for judgment on the pleadings. Doc. Nos. 5, 75, 79. Defendants filed a motion *in limine*, seeking to exclude certain evidence from being considered on Plaintiffs' motion for a preliminary injunction. Doc. No. 48. Upon full review of the record, the Court likewise ordered the parties to brief: (1) whether a stay is warranted because there are parallel proceedings in state court; and (2) whether Plaintiffs have standing to litigate their federal claims. Doc. Nos. 52, 64. All parties filed

1 of 52  

Court documents stated the middle school principal allowed her to use the single occupancy bathroom in the nurse's office or the faculty restroom, but they were constantly in use by other students.

She described feeling "ostracized, humiliated, and targeted by other students" for using the separate bathroom. She swore in court documents that she held her urine and avoided using the restroom at school which affected her school performance.

Her father asked the principal for accommodation in August 2021 to allow her to use the girls' communal restroom in addition to the two single-use restrooms, eventually leading to the change in school policy months later.

The plaintiffs argued the change was done without parents' input and violated Ohio's public meetings law, violated parental and religious rights, and sought to have the policy reversed with the court declaring that the original policy did not violate Title IX.

Federal Judge Michael Newman ruled against the plaintiffs on each count.

The judge's ruling dismissed the plaintiff's parental rights claims, saying "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."

Newman also threw out the judgment on Title IX, saying the court did not have the jurisdiction to "opine" on whether the district's policy accurately states the requirements for Title IX.

The remaining counts were dismissed for failure to state a claim and the court declined to rule on whether the board's actions violated state law.



**READ THE COMMENTS (2)**

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"Not every contentious debate, concerning matters of public importance, presents a cognizable federal lawsuit," Judge Newman concluded. "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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