

The Latest ‘Invasion of Privacy’ May be Coming to Your Children’s School

The Alliance Defending Freedom sent a letter Tuesday to the Troy City School District Board of Education that asks it to reverse a recent decision by district staff to allow students to use locker rooms and restrooms of the opposite sex.

The ADF letter explains that no law requires public schools to allow boys into girls’ restrooms or girls into boys’ restrooms. In fact, the district could be exposing itself to legal liability for violating students’ right to privacy.

“Protecting students from inappropriate exposure to the opposite sex is not only perfectly legal, it’s a school district’s duty,” ADF Legal Counsel Matt Sharp said. “Letting boys into girls’ locker rooms and restrooms is an invasion of privacy and a threat to student safety.”

“Schools have a duty to protect the privacy, safety, and dignity of all students,” said parent Bryan Kemper, whose children attend school in the district. “The long-standing tradition of having distinct facilities for boys and girls at school is in the best interest of students. Advocacy organizations trying to pressure schools to do otherwise are disregarding common sense and jeopardizing the physical and emotional well-being of the most vulnerable members of society.”

“Allowing students to use opposite-sex restrooms and locker rooms would seriously endanger students’ privacy and safety, undermine parental authority, violate religious students’ free exercise rights, and severely impair an environment conducive to learning,” the ADF letter to Troy City School District explains. “ADF’s policy allows your District to accommodate

students with unique privacy needs, including transgender students, while also protecting other students' privacy and free exercise rights, and parents' right to educate their children."

The letter provides a suggested policy that addresses the school district's concerns about discrimination without allowing the sharing of restrooms. It also offers the school district free legal assistance if anyone files a lawsuit against that recommended policy.

The move in Ohio follows a spate of similar decisions – often following aggressive threats and legal action by the Obama administration – allowing members of one biological sex to use the restrooms, showers, and facilities of the opposite sex.

In August 2014, ADF sent public school districts nationwide a similar letter that it has now provided to Troy City School District and recently also provided to a school district in Missouri. All of the ADF letters cite legal precedent, including court rulings that support the ability of public schools to limit restrooms to members of the same sex for privacy and safety reasons without violating Title IX, a federal law concerning sex discrimination in public school programs and activities.