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FreeState Justice Files Federal Suit in Maryland Seeking Equal Access to School Locker Rooms for Transgender Boy

Baltimore, Maryland – July 19, 2016 – Today, in a case that impacts transgender students across Maryland, FreeState Justice attorneys filed a federal lawsuit against Talbot County Public Schools for their refusal to allow a fourteen-year-old transgender boy to use restrooms and locker rooms that are consistent with his gender identity. In *M.A.B. ex rel. L.A.B. & L.F.B. v. Board of Education of Talbot County*, FreeState Justice asks the United States District Court for the District of Maryland to find that the school system’s policy violates Title IX, the Equal Protection Clause of the U.S. Constitution, and the Maryland Declaration of Rights, and to order the school system to allow the student immediate access to restrooms and locker rooms consistent with his gender identity, on the same terms as all other students. The student, who is required by federal court rules to be identified in court documents only by his initials, M.A.B., is a rising ninth grader at St. Michaels Middle-High School in St. Michaels, Maryland.

“Requiring a transgender boy to use a girls’ locker room or to use a separate and substandard facility that lacks benches, lockers, and showers violates equal access protections mandated under federal and state law,” said Jer Welter, M.A.B.’s attorney and FreeState Justice’s Deputy Director and Managing Attorney. “School systems in Maryland should know the law, and should be protecting students who are transgender from discrimination, not singling them out for separate and unequal treatment.”

The case follows a recent decision of the United States Court of Appeals for the Fourth Circuit, the federal appellate court with jurisdiction over Maryland, Virginia, West Virginia, and the Carolinas, in *G.G. ex rel. Grimm v. Gloucester County School Board*. In that case, the appeals court upheld the U.S. Department of Education’s determination that transgender students in public schools have the right to equal restroom access. After the G.G. decision in April, the Talbot County school system allowed FreeState Justice’s client, M.A.B., to access the boys’ restrooms at his school, but continued to argue that locker rooms are not included in that ruling.

The U.S. Department of Education and the U.S. Department of Justice also recently issued joint, comprehensive guidance to all public schools via a “Dear Colleague” letter, which states that when a school provides restrooms or locker rooms for students, it “must allow transgender students access to such facilities consistent with their gender identity.” The federal guidance makes clear that schools that refuse transgender students equal access to facilities consistent with their gender identity are discriminating against their students in



violation of Title IX, the federal law that prohibits sex discrimination in publicly-funded education programs.

“Transgender students have an equal right to access all school facilities, including locker rooms,” said Welter. “Schools in Maryland will be held accountable if they violate the law by stigmatizing and segregating transgender students.”

FreeState Justice is a social justice organization, formed through the recent merger of Maryland LGBTQ advocacy organizations FreeState Legal and Equality Maryland, that works statewide to improve the lives of LGBTQ Marylanders and their families through legal services, policy advocacy, outreach, education, and coalition building. We envision a Maryland where people across the spectrum of lesbian, gay, bisexual, transgender, and queer identities are free to live authentically, with safety and dignity, in all communities throughout our state. Our work brings to the forefront the experiences of those of us at greater risk for discrimination, such as youth, communities of color, low-income individuals, and transgender and gender non-conforming people.