



## Office for Civil Rights settles Illinois transgender locker room access case

January 15, 2016

The U.S. Department of Education recently announced that its Office for Civil Rights has entered into a Resolution Agreement with an Illinois school district which had refused to comply with OCR's directive to allow a biologically male, female identifying transgender student to use the high school girls' locker rooms in an unrestricted manner. The OCR, which investigates Title IX sex discrimination claims in public schools, had previously issued a [letter of findings](#) which had been its first official determination against a school district on a transgender issue. The stand taken by the school district, which potentially threatened the loss of approximately \$6 million in federal funding, has received extensive news media attention in recent weeks.

The school district in question, located in Palatine, Illinois, has been treating the student in a manner consistent with her gender identity as a female. She has been provided full access to all girls' restrooms at the high school, is referred to by her female name and with female pronouns, and is participating in high school athletics as a female. With minor exceptions, the student was not subject to harassment by other students, and many students and staff were found by OCR to be "particularly supportive and encouraging" to her. However, the district drew the line at locker room access, finding that it "would not be practicable to grant her request to change privately in the locker rooms because there were too few stalls and too many students." The superintendent also cited its obligation to consider "the privacy concerns of all students." Alternate dressing areas were provided, but OCR found these options to be unsatisfactory.

Under the settlement, the student will be permitted to use the girls' locker rooms at the high school, on the understanding that she will use the private changing stations installed there. Other conditions of the settlement include the installation of privacy curtains for other students who might want to use them, the appointment of an expert consultant to assist with implementation of the agreement, and coordinating arrangements for the use of female locker rooms at away games. The full terms of the Resolution Agreement can be accessed [here](#).



**Kimball H. Carey**

Partner  
Columbus  
614.227.4891  
[kcarey@bricker.com](mailto:kcarey@bricker.com)

