



## Transgender legal update

December 18, 2020

On December 16, 2020, the United States District Court for the Southern District of Ohio [found](#) that the Ohio Department of Health's (ODH) policy to deny requests for sex marker changes on birth certificates by transgender individuals is unconstitutional, aligning Ohio with the other 48 states that had already permitted such changes.

In 2019, four transgender individuals (Plaintiffs) filed suit against ODH challenging their policy that denied a transgender person the ability to change the sex marker on their birth certificate while permitting other changes to birth certificates, such as for adoptions and legal name changes. Relying heavily on the Equal Protection Clause of the U.S. Constitution, the Court held that the Plaintiffs were being treated differently than other individuals in Ohio who sought amendment to their birth certificates. Judge Watson noted that the policy has "no rational relation to a legitimate government purpose" and concluded that the ODH policy was unconstitutional. The Order permanently enjoined ODH from enforcing the policy.

What does this mean for educational institutions in Ohio? First, transgender individuals born in Ohio will be able to change their birth certificates so that the document is consistent with their gender identities. Second, the court's reasoning suggests that a transgender individual's ability to amend official government issued or created records should not be denied simply because the individual is transgender, nor should the process they are required to use be different from any other Ohio's citizen's right to do so. For K-12 institutions in Ohio, it will be important to stay informed on whether additional guidance from the Ohio Department of Education related to information maintained in the state's Education Management Information System will be forthcoming. *Ray et. al v. McCloud et. al*, 2:18-cv-00272 (S.D. Ohio December 16, 2020).

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