

SPS Families,

For my update this week, I am addressing concerns, rumors, and misinformation that are circulating regarding the school district's restroom policies.

There is a rumor that a new bathroom policy allowing transgender individuals to use the restroom of their gender identity was instituted this year and not communicated to families. That is not true. District restroom protocols are guided by [Stillwater Board of Education Policy DA](#), which, aside from a few minor verbiage changes in late 2020, was revised to its current form in August of 2015, including specific language clarifying that [Title IX](#) protections include gender identity. These revisions, like all policy revisions, were reviewed and approved at open Board meetings.

Currently, SPS sites have restrooms labeled for males and females along with at least one gender-neutral, individual-use restroom at each site. The Office of Civil Rights—the federal agency charged with safeguarding equal access to education, including enforcement actions over recipients of federal funds, such as Stillwater Public Schools—recognizes that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sexual discrimination. These protections extend to use of school restrooms, allowing individuals to use the restroom corresponding to their gender identity. Any student uncomfortable using the traditional male/female restrooms at any site may utilize individual-use facilities.

Another rumor that has circulated is that an incident of some sort has occurred involving a transgender child. SPS has not received any reports of any inappropriate restroom behavior related to a student's gender identity.

Current district restroom practices have been in place for more than six years, but recently several members of the community have spoken out against the district's practices at board meetings, on social media, and in conversation. Among these individuals are those with opinions, often tied to deeply held personal beliefs and convictions, that SPS should change its policy and force transgender students to use separate restroom facilities or the restroom of their birth certificate gender, counter to Title IX. The district does not seek to belittle any individual's beliefs, but it must act in fervent support of all individuals' civil rights and in accordance with the laws of the United States.

Central to some individuals' expressed concerns is a fear that allowing transgender individuals to use the restroom of their gender identity poses a danger to other students. Transgender individuals have been using the restroom of their gender identity in SPS for many years, and the district has received zero reports of any transgender individuals behaving inappropriately toward anyone else in a restroom. The notion that transgender individuals are more prone to inappropriate behavior is categorically false.

A further stated concern is a hypothetical example that a boy might claim to be a transgender girl in order to gain access to the girls restroom to behave inappropriately. Again, current district protocols have been in place for many years with no such incidents occurring. Studies of districts with inclusive restrooms policies, such as by [Williams Institute at UCLA School of Law](#), refute such unsubstantiated fears, finding no higher incident of inappropriate restroom behavior.

Stillwater Public Schools is committed to ensuring all students are treated equally, and we take student safety, federal law, and expert legal guidance seriously. Below are several legal provisions and court decisions provided to the district by the Office of

Legal Services at the Oklahoma State Department of Education that explain why all public school students are entitled to equal access to educational programs, which includes facilities.

As stated above, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in publicly funded education programs. Most relevant to this issue is a group of cases from the past decade that have directly addressed transgender students' access to public school restroom facilities. In [Grimm v. Gloucester County School Board](#) (4th Cir. 2020), the federal 4th Circuit Court of Appeals ruled: "At the heart of this appeal is whether equal protection and Title IX can protect transgender students from school bathroom policies that prohibit them from affirming their gender. We join a growing consensus of courts in holding that the answer is resoundingly yes." Further federal appeals court cases that affirm a transgender student's access to public school bathroom facilities appropriate to their gender identity include, among others, [Whitaker v. Kenosha Unified School District](#) (7th Cir. 2017) and [Doe v. Boyertown Area School District](#) (3rd Cir. 2018). In 2021 the U.S. Supreme Court declined to reconsider the 4th Circuit's decision in Grimm, leaving in place the appellate court's ruling that a public school policy prohibiting a transgender student from using the school bathroom appropriate to their gender identity is discrimination on the basis of sex under Title IX.

Additionally, in 2020, the U.S. Supreme Court explicitly ruled in [Bostock v. Clayton County, Georgia](#) that discrimination on the basis of sex legally includes discrimination based on sexual orientation or gender identity. The Bostock case was based on the federal anti-discrimination law that applies to employment, Title VII of the Civil Rights Act of 1964, that parallels Title IX's provisions for education programs. Beginning with the establishment of Title IX in the early 1970s, legal interpretation of Title IX has been closely linked to the courts' interpretation of Title VII. Legal authorities feel that in ruling that Title VII's protections against sex discrimination apply to transgender individuals, the Supreme Court effectively settled that question as to Title IX.

Following the Supreme Court's holding in Bostock that federal sex discrimination law protects individuals from discrimination based on gender identity or sexual orientation, the 10th Circuit – the federal appellate court with jurisdiction over Oklahoma – directly acknowledged that Title VII's sex discrimination provisions protect transgender individuals in the employment context in [Tudor v. Southeastern State University](#).

Stillwater Public Schools' current practices are based on these precedents and the guidance of legal experts. The position the district has taken on this matter and the policy and practices that have been in place for years are supported by the U.S. Department of Education, National PTA, American School Counselor Association, National Association of Elementary School Principals, National Association of School Psychologists, National Association of Secondary School Principals, and National Task Force to End Sexual and Domestic Violence, to name a few.

This is not just about the law; the safety, wellbeing, and feelings of every student are the cornerstones of district decision making. Though there have not been any incidents related to this matter, this does not mean the district is complacent or waiting for something concerning to occur. Our schools provide supervision of students during

passing periods and limited restroom access during class periods. Cameras are often placed in hallways outside of restrooms, and students are always strongly encouraged to report any inappropriate or suspicious or threatening behavior.

As I mentioned earlier, gender-neutral, individual-use restrooms are available at all sites for use by any student who prefers to use them for safety/privacy concerns or any other reason. Students can ask any staff member for the location of those facilities, and, next week, we are posting readily available maps in each school to make sure students can easily determine all restroom locations. We encourage families to visit with their children about their restroom options and decide on the best choice for their students.

We strive to work with families to make positive solutions, and the district appreciates our community's understanding as we navigate these important and complex matters. SPS welcomes the opportunity to have conversations with any families, as needed, to make sure their children feel assured they have access to a safe restroom environment. Please feel free to contact your school principal or counselor to discuss this issue further.

Finally, I know these community conversations have been hurtful to many of our students. I'd like to remind all our students that our counselors are available to help you; please reach out if needed. Additionally, I'm including a few crisis support services for LGBTQIA youth below:

- The Trevor Project (24/7) - <https://www.thetrevorproject.org/get-help/> - (866)-488-7386
- LGBT National Youth Hotline - 800-246-7743
- LGBT National Hotline - 888-843-4564

We want all our students to know they are embraced and valued by their school community for who they are. We are privileged to have each and every one of them as Pioneers.

Thank you,  
Gay Washington  
Interim Superintendent  
Stillwater Public Schools