

Q & A Regarding Restroom Accommodations

Who made the decision that students can use the restroom with which they identify?

The Sixth Circuit Court, which has jurisdiction over Ohio, has made decisions going back to 2016 that require schools to allow a student to do this. Also, precedence established by court cases have stated that school districts cannot force students to use a private restroom if they have consistently, persistently, and insisently identified as transgender as this would be considered discrimination. The school district does not get to pick and choose which laws it follows – it must follow all laws, both legislative and case law.

Why is this taking place in Elida?

It's not an "Elida issue" as some would have you believe. It is an issue facing all public schools in Ohio. We just happen to be out in front of it for our area similar to other school districts around the state – Anthony Wayne Schools, Mentor Schools, Lakota Schools, and several school districts around the Columbus area, just to name a few.

What prevents a student from pretending to be transgender in order to go into another restroom (i.e. a boy pretends to be a girl so he can enter the girls' restroom)?

Kids simply do not announce they are transgender on a spur of the moment. Should a student enter the restroom facilities without permission (e.g., on a dare from a classmate), they are violating school district procedures and would be disciplined appropriately – likely a lengthy suspension from school. Furthermore, in order to use a restroom with which they identify, students are required to identify consistently, persistently, and insisently as a specific gender.

Does the school district have litter boxes?

Unequivocally, no!

What has the school district done to protect all students?

It is the goal of the district to provide facilities that are safe for all students. In keeping with this, this past summer one set of restrooms in the middle school and high school were remodeled in order to offer our students improved privacy over what is found in most typical public restrooms. We also make available to all students the family or private restrooms for those wanting more privacy.

Where do you get your information from?

The Ohio School Boards Association, Ohio Association of School Business Officials, as well as every education legal counsel we have heard from to date states that schools need to follow the case law as it has been established for Ohio, if or until the Supreme Court rules otherwise. Additionally, the district has been notified by its insurance provider that it will not provide liability insurance coverage for willfully breaking the law.

What action has the Board taken on this issue?

The Board of Education passed a resolution at its April 18th meeting simply stating the situation regarding transgender restroom use. There has been no policy change, nor has there ever been a "restroom policy." This situation is a direct result of federal anti-discrimination laws that are in place. Consistent with the law, the Board has a policy prohibiting discrimination on the basis of sex, including sexual orientation and gender identity. The administration is responsible for implementing Board policy consistent with federal and state law.

When or how does this get changed?

Changes to these procedures would come about by changes to the law. That can be accomplished either by the Supreme Court making a court ruling, or it could be that the U.S. Congress passes a law that changes things.