



# Federal Court Rules In Favor Of Transgender Teen In Florida Bathroom Case

Insights

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A federal court in Jacksonville, Florida recently ruled in favor a transgender teenager who wanted to use the boys' bathroom at his high school. The July 2018 decision marked the first time that a Florida court has ruled on student transgender issues, and it joined other federal courts around the country who have made similar findings.

## Transgender Teen Takes Bathroom Fight To Court And Prevails

This landmark case involved Drew Adams, a rising high school senior attending Allen D. Nease High School in Ponte Vedra, Florida. Drew is a transgender male, meaning he was born anatomically female but identifies as male. As part of his transition, Drew began therapy and taking hormone treatments around the time he was in the 8th grade, and has since had his birth certificate and driver's license legally changed to reflect his gender as male.

Around the same time, Drew also began to use the boys' restroom at his public school. While no boys or parents objected to Drew's presence in the restroom, two anonymous female students made a complaint after seeing Drew enter the boys' room. After this complaint, the School told Drew he could use the girls' restroom or a single use stall. Notably, the school took this position based upon its own existing policy that students should use the restroom corresponding to their biological sex at birth. This stance was centered on a concern for privacy of the children in the restroom who could theoretically have their genitalia viewed by someone else in the restroom at the same time.

Over the course of two years, Drew's mother unsuccessfully attempted to persuade the school and school district to change their stance on Drew's restroom use. Drew then filed a lawsuit when he was a rising junior at Nease High School seeking the right to use the boys' restroom at school and alleging that the St. Johns County School District violated his rights under the Equal Protection Clause of the Constitution and Title IX. The court set an expedited schedule on the case and held a three day non-jury trial in December 2017.

The court ultimately found that Drew had a legal right to use the restroom corresponding to the male gender with which he identified. It specifically rejected the privacy issues raised by the school, noting that Drew never used the urinals and instead used a locked stall within the restroom, just like any other student could do if they wished for additional privacy and security.

Further, the court noted that transgender individuals tend to crave privacy regarding their genitalia and there is no showing that they would be more likely to expose themselves to others in the restroom. If they did, they would be subject to discipline just as any other student would be for similar behavior. In the time that Drew had been using the boys' restroom at the school, there had been no such complaints of him engaging in any inappropriate activity.

The court also noted that allowing Drew to use the single-use stalls was not a reasonable solution because such stalls were inconveniently located and created a stigma for Drew, who had no choice but to use them and was thus singled out as being different. In so finding, the court noted that it understood that some would not be happy or agree with its decision, but that "what the law requires and what some are comfortable with are not always the same."

The court then issued a final judgment stating that "Drew Adams must be permitted to use any of the boys' bathrooms at Nease High School that are available to any other male student, except within locker and shower facilities, so long as Adams is a student enrolled at Nease High School." Locker and shower facilities were not a part of Drew's lawsuit. Further, the judgment was limited so that it applied only to Drew, and not to any and all transgender students.

The school board has already filed its Notice of Appeal to the 11th Circuit Court of Appeals, so this matter is not quite put to bed yet. But the decision itself echoes other court decisions holding that transgender students must be allowed to use the restroom corresponding to the gender with which they identify.

### **What This Means For Your School**

This decision adds to a growing list of courts who have recognized that transgender students should be allowed to use the restrooms which correspond to the gender with which they identify. Your own school would be wise to consider what the laws are in your jurisdiction on this topic.

While this was not the case in the jurisdiction where Nease High School is located, some states, counties, or cities have specifically passed ordinances requiring equal protection for individuals based upon sexual orientation and gender identity. As Drew's case demonstrated, even when there is no such local or state law at issue, the court may conclude that federal law is broad enough so as to provide such protection to transgender students.

Furthermore, the outcomes in any one jurisdiction may be different based upon whether your school has ties to a religious organization. Remember, courts have been evaluating what protections, if any, the law affords transgender people for more than a decade. It seems like it will only be a matter of time before the Supreme Court weighs in. In fact, the Supreme Court came close to deciding a similar case in 2017 involving former high school student Gavin Grimm, before remanding the case back to the 4th Circuit Court of Appeals. The Supreme Court thought it best for the lower court to reconsider the matter in light of the Trump administration's decision to withdraw federal guidance that instructed public schools to allow students to use the bathroom that corresponds to their gender identity.

gender identity.

In the meantime, employers and schools can expect the fight over trans rights to continue. Navigating these politically and culturally complex waters can be difficult. Your Fisher Phillips attorney stands ready to assist you in crafting an approach that best supports all the stakeholders of your organization, as do the members of the firm's [Education Practice Group](#).

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