

Bathroom Chronicles: Texas Judge Stops Government From Imposing Transgender Student Guidelines On Schools

August 23, 2016 | [Employment Discrimination, Currents - Employment Law](#)



**Jeanine M.
Gozdecki**
Partner

While many of us watched the conclusion of the Rio Olympics this weekend, a federal judge in Texas was issuing a nationwide injunction – stopping the federal government from enforcing guidelines for the country’s public schools regarding the accessibility of bathrooms for transgender students. On Aug. 22, 2016, Judge Reed O’Connor of the U.S. District Court for the Northern District of Texas issued a [38-page decision](#) in response to a petition from 13 states and two school districts that collectively disputed the government’s right to impose those requirements against schools. In May, the U.S. Department of Education (DOE) and Department of Justice (DOJ) told schools immediately to allow students to use bathrooms, locker rooms and showers that were of the students’ own choosing and consistent with the students’ sexual identity. Otherwise—the government suggested-- the schools risked losing federal funding under Title IX, the 1972 law that links equal educational opportunity for female students with government funds. The DOE and DOJ also argued that the existing guidelines are ambiguous, and thus, provided their legal interpretation on transgender issues for federal fund recipients. The plaintiffs objected, complaining, in part, that the government had skipped two important steps: notice and an opportunity for public comment. The Texas court agreed. Additionally, the court found that the government’s directives contradicted existing law on the matter of “sex.” The injunction is the latest development in the ongoing legal tug-of-war over [access to bathrooms by transgender students](#). The Texas ruling presses the pause button on these particular government-imposed requirements, but school districts—like employers—are faced with the practical implications of a growing transgender population. The case is *State of Texas et al., v. United States of America, et al.*, in the Northern District of Texas, Wichita Falls Division. Case no. 7:16-cv-00054-O.

RELATED PRACTICE AREAS

Arbitration and Grievances
EEO Compliance
Labor and Employment
Workplace Culture 2.0

RELATED TOPICS

access to bathrooms
Department of Education
Department of Justice
transgender students