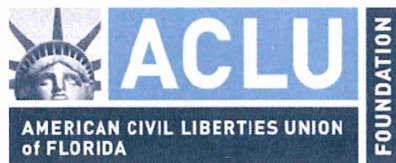


DANIEL TILLEY
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May 12, 2016

Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. SW, Suite 19T10
Atlanta, GA 30303-8927

Via E-mail: ocr@ed.gov
ocr.atlanta@ed.gov

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
FLORIDA

MIAMI OFFICE
4500 BISCAYNE BLVD.
SUITE 340
MIAMI, FL 33137
WWW.ACLUFL.ORG

Re: **Discrimination Complaint of [REDACTED]
[REDACTED] against Marion County
Schools**

To Whom It May Concern:

I represent [REDACTED] and I write to file a complaint against Marion County Schools (Florida) on their behalf. Marion County Schools (“the District”) is discriminating against [REDACTED] on the basis of his sex in violation of Title IX of the Educations Amendments of 1972, 20 U.S.C. § 1681(a).

[REDACTED] is a [REDACTED] at [REDACTED] in Ocala, Florida. [REDACTED] is transgender: his birth-assigned sex is female, but his gender identity is male. Before last month, [REDACTED] had been using the male restrooms at school since about the 6th or 7th grade; he estimates that he was 13 when he started doing so. Before last month, [REDACTED] had never faced a question about using the male restrooms at school, and he had never had any issue.

On Tuesday, April 26, 2016, the Marion County School Board voted to pass Resolution No. 16-001 (the draft version of which is attached), which in effect requires transgender students to use the restrooms that correspond with the sex they were assigned at birth—instead of the gender they live every day—or use separate single-user restrooms. On [REDACTED] [REDACTED], [REDACTED] was suspended from school by [REDACTED] for using the male restroom.

The School Board's resolution and any action taken to enforce it—including [REDACTED]'s suspension—are unlawful. As the Fourth Circuit held just last month, prohibiting a transgender student from accessing restrooms consistent with their gender identity violates Title IX. *G.G. ex rel. Grimm v. Gloucester Cty. Sch. Bd.*, --- F.3d ----, No. 15-2056, 2016 WL 1567467 (4th Cir. Apr. 19, 2016). The Eleventh Circuit has similarly recognized that discrimination against transgender people is sex discrimination. *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011) (in employment-discrimination case under Equal Protection Clause, “discrimination against a transgender individual because of her gender-nonconformity is sex discrimination”).¹

We respectfully request that the Office for Civil Rights find that the District violated Title IX by prohibiting [REDACTED] from using male restrooms and for suspending him for doing so. We further ask that the District be required to:

- (1) permit [REDACTED] to use the male restrooms on District property;
- (2) provide training to all relevant District officials—including but not limited to members of the School Board and school principals—regarding the rights of students under Title IX, including the rights of transgender students;
- (3) revise all relevant District policies to ensure conformity with the requirements of Title IX; and
- (4) remove the suspension from [REDACTED]'s disciplinary record.

Thank you very much for your assistance in this matter.

Sincerely,

Daniel Tilley

¹ [REDACTED] does not require use of locker rooms at [REDACTED] because he satisfied his gym requirement through an online class.