

Ms. Massie Ritsch  
Acting Assistant Secretary  
Office of Communications and Outreach  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

*Transmitted via e-mail*

Dear Ms. Ritsch:

Last week, numerous reporters wrote stories regarding the actions of a school board in Gloucester County, Virginia. In response to the presence of a transgender student in the local high school, the school board passed the following proposal, establishing it as official policy for Gloucester County Public Schools:

Whereas the GCPS (Gloucester County Public Schools) recognizes that some students question their gender identities, and

Whereas the GCPS encourages such students to seek support and advice from parents, professionals and other trusted adults, and

Whereas the GCPS seeks to provide a safe learning environment for all students and to protect the privacy of all students, therefore

It shall be the practice of the GCPS to provide male and female restroom and locker room facilities in its schools, and the use of said facilities shall be limited to the corresponding biological genders, and students with sincere gender identity issues shall be provided an alternative private facility.

The U.S. Department of Education has [recently received praise from the transgender community](#) for noting in several guidance documents that Title IX's ban on discrimination on the basis of sex includes, consistent with the Equal Employment Opportunity Commission's decision in *Macy v. Holder*, discrimination on the basis of gender identity. It is my sincere hope that the Department will continue to provide such guidance, particularly on this issue that [so frequently erupts whenever states or localities consider prohibiting discrimination on the basis of gender identity](#).

While I understand that the Department is unable to comment on any matters that may be under investigation, this story does raise a question: does the Department have any guidance or rules for what is or is not acceptable for a school to do when establishing policies for transgender students to access restrooms and other similar sex-segregated facilities? Specifically, the articles lead the reader to a number of questions:

- Does the Department have guidance or rules on whether a transgender student may be required to use a different restroom than other students, such as a restroom in a nurse's office or a restroom designated for school employees?
- Does the Department have guidance or rules on whether an organization such as a school, a school district, or a university may limit access to facilities to only those whose gender identity is consistent with their sex assigned at birth (i.e., cisgender individuals)?
- Has the Department communicated any guidance or rules on these questions to organizations such as schools, school districts, or universities to eliminate unnecessary confusion over proper implementation of Title IX?

I have copied one of the writers, Ms. Barbara King, a contributor to NPR and Chancellor Professor of Anthropology at the College of William and Mary, who [wrote about the topic in an NPR blog post on December 11, 2014](#). I will gladly share your response with the authors of the other news stories I have seen on this issue, such as Dominic Holden of [BuzzFeed](#) and John Riley of [Metro Weekly](#).

I look forward to working with your office to answer these questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Prince', with a long horizontal flourish extending to the right.

Emily T. Prince, Esq.

cc: Barbara J. King, Chancellor Professor of Anthropology, College of William and Mary.