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Parents' Rights in Education
ParentsRightsinEd.net

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Oregon students may be robbed of their right to privacy

An increasing amount of Oregon parents, guardians, school boards, superintendents and administrators are expressing their confusion and worry around matters related to Title IX of the Education Amendments Act of 1972 which mandated schools to establish safe learning environments for all K-12 students. Title IX does not require schools to eliminate distinct bathroom or locker room facilities for boys and girls; it recognizes that there are privacy and safety concerns that justify these distinctions (*See [Dispelling the Myths](#)). The Oregon Department of Education, Oregon School Board Association, Office of Civil Rights for example, are presenting a "one-size fits all" approach which is misleading Oregon school officials; giving the impression that they do not have any other options.

Oregon school boards, superintendents and administrators from around the state are beginning to recognize that there are varying interpretations of Title IX under federal law. Alternate policies both in Oregon and Nationally (*See [This State \[South Dakota\] Could Soon Become First to Stop Transgender Students From Using Opposite-Sex Bathrooms](#)) are being considered that maintain separate restrooms and locker rooms on the basis of sex, but offer an accommodation to transgender students where their privacy and safety can be respected while protecting the rights and privacy of all other students.

Following the November 2015 announcement of a school district policy change which would allow transgender students to use the restrooms, locker rooms, and changing rooms of the opposite biological sex, parents and guardians of Dallas Oregon, a rural community fifteen miles west of Oregon's capitol, is now embroiled in this controversy. At a special board meeting held on January 19, 2016, which was called to discuss this policy change, approximately 200 community members were in attendance with the overwhelming majority appearing to be opposed to the policy change. At the opening of this meeting, board chair Lu Ann Meyer stated that "this is not a battle, not a contest; there are no winners, there are no losers".

Chairperson Meyers further added that the district had spent "countless hours, over several months" researching and seeking legal counsel from district attorneys, Oregon Department of Education, the Oregon School Board Association (OSBA) and the U.S. Office of Civil Rights regarding, Title IX requirements. Prior to this meeting, the American Civil Liberties Union (ACLU) sent a letter to the Dallas Superintendent outlining the rights of transgender students stating in part that, "The refusal to allow transgender students to use the same facilities used by other students in accordance with their gender identity violates Title IX and impairs students' ability to learn, grow, and thrive in the school environment." This ACLU "legal review" did not outline the legal rights of parents and non-transgender students.

Attorneys for the Dallas School District (DSD) Paul Dakopolos and Kelly Noor, along with OSBA's Director of Policy Services Peggy Holstedt strongly advised the community to comply with this policy in order to avoid potential law suits against the district (and possibly even individuals) and described in detail, the potential of huge financial burdens the district would most likely face if it was sued. An inordinate amount of time and energy is currently being spent by Dallas residents, school officials and school board members on this issue. The total financial, interpersonal, educational and emotional impact of this has yet to be measured.

Despite the overwhelming perspective by the DSD's legal and professional advisors, it is important to note that federal law does not require what Oregon school districts are being persuaded to do. Parents' Rights in Education is recommending that parents and guardians contact their local school districts to find out what their district policy is and what they intend to do if a situation, such as in Dallas Oregon, arises in their community.