

**From:** John Farrelly <farrellyjo@daretolearn.org>

**Date:** November 4, 2021 at 11:45:20 AM EDT

**To:**

**Cc:** "ballanceme@daretolearn.org" <ballanceme@daretolearn.org>, "bothwellsu@daretolearn.org" <bothwellsu@daretolearn.org>, "woodycarl@daretolearn.org" <woodycarl@daretolearn.org>, "frankhester1@gmail.com" <frankhester1@gmail.com>, Joseph Tauber <joetauberlaw@yahoo.com>, "lawlerma@daretolearn.org" <lawlerma@daretolearn.org>, "twiddyda@daretolearn.org" <twiddyda@daretolearn.org>, "DCC4CR@protonmail.com" <DCC4CR@protonmail.com>, Rich Schwartz <RSchwartz@schwartz-shaw.com>

**Subject: Re: Bathroom Policy**

Dear \_\_\_\_\_

The Dare County Board of Education does not have a specific policy dealing with transgender students. We have policies that deal with Title IX and with school safety and security, and we are obligated to comply with federal requirements for Title IX, the federal regulations of the U.S. Department of Education dealing with Title IX that went into effect on August 14, 2020, and guidance from the U.S. Department of Education, Office for Civil Rights, and U.S. Department of Justice. In addition, because we are in the Fourth Circuit jurisdiction of the U.S. Court of Appeals, we are obligated to follow the binding caselaw precedent in Grimm v. Gloucester County Board of Education, a 2020 decision that the U.S. Supreme Court declined to hear on appeal in June, 2021. In that case, the court ruled that a transgender student has the right to use the restroom consistent with their gender identity under Title IX of the Education Amendments of 1972 and the Equal Protection Clause of the U.S. Constitution.

We make privacy accommodations on a case-by-case basis, depending upon the needs of individual students, that are designed and intended to protect all students' rights and each individual student's rights.

We are also obligated to follow various executive orders that have been issued in these areas that prevent us from discriminating against any student based on their gender preference or gender identity, interpreting Title IX and the Equal Protection Clause of the U.S. Constitution consistent with the U.S. Supreme Court precedent dealing with discrimination on the basis of sex in the workplace under Title VII of the Civil Rights Act of 1964, and the Grimm case.

We take very seriously the safety and security of all students and of each student, and we enforce a very strong policy on school safety (Policy 1510/4200/7270/9230) throughout our schools.

Respectfully,

John

On Tue, Nov 2, 2021 at 1:41 PM \_\_\_\_\_ wrote:

Good Afternoon,

In light of recent events in Loudoun County, Virginia we are requesting the Dare County Schools official policy regarding transgender student bathroom use.

Thank you,

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John D. Farrelly, Ed.D  
Superintendent

