

GENDER JUSTICE

January 18, 2017

VIA EMAIL

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Re: David and Hannah Edwards v. Nova Classical Academy - No. A-5376

Dear Mr. Yang and Mr. Fletcher:

I thought it might be helpful to provide you with another update.

When I last wrote, I addressed the reasons why *Gloucester County School Board v. G.G.*, 137 S. Ct. 369, 2016 U.S. LEXIS 6408 (U.S. Oct. 28, 2016) (granting cert. of the Fourth Circuit's decision in *G.G. v. Gloucester Cnty. Sch. Bd.*, 822 F.3d 709 (4th Cir. Apr. 19, 2016)), has no bearing on the outcome of the Edwards's charge. The reasons I outlined still stand – central among them, the independence of the City of Saint Paul Legislative Code. The City of Saint Paul can continue to protect the rights of its transgender students, regardless of the state of federal law on the matter. Indeed, to the extent federal law may still be in flux, it is all the more vital that the City take action.

In addition to the reasons already addressed, I wanted to call your attention to a recent decision of the Sixth Circuit Court of Appeals. In *Dodds v. United States Department of Education*, No. 16-4117, 2016 U.S. App. LEXIS 22318 (6th Cir. Dec. 15, 2016), the court upheld an injunction issued by the lower court against a school district that was failing to respect the rights of transgender students. *See id.* at *4 (upholding *Bd. of Educ. v. U.S. Dep't of Educ.*, No. 2:16-CV-524, 2016 U.S. Dist. LEXIS 131474 (S.D. Ohio Sep. 26, 2016)). The Sixth Circuit noted that federal law – as expressed by the Fourth Circuit in *G.G.* – continues to apply Title IX to protect transgender students.

We appreciate your attention to this important issue. Please let me know if there is any additional information I or the Edwards could provide.

Sincerely,



Jill R. Gauling