



*Gay & Lesbian Advocates & Defenders*  
294 Washington Street, Suite 740  
Boston, MA 02108.4608  
Telephone: 617.426.1350  
Facsimile: 617.426.3594

FOR IMMEDIATE RELEASE  
Boston, January 9, 2001

FOR MORE INFORMATION  
Jennifer L. Levi, Esq.  
(617) 426-1350

## **BROCKTON COURT RULES IN FAVOR OF TRANSGENDER STUDENT**

A Massachusetts Superior Court in Brockton ruled yesterday that a middle school may not prohibit a transgender student from expressing her gender identity even if that expression does not conform with the sex ascribed to her at birth. In a case brought by Gay & Lesbian Advocates & Defenders (“GLAD”) on behalf of a 15-year old student who was born male but has a female gender identity (known in court records only as Pat Doe), the court ruled that disciplining a biologically male student for wearing girls’ clothing would violate her First Amendment right of free expression and constitute sex discrimination.

According to GLAD Staff Attorney Jennifer Levi who argued the case, “As the first reported decision addressing the rights of a transgender student to express her gender identity in school, it is tremendously important. We know that a large number of transgender students face serious hostility from teachers and administrators who lack a basic understanding about gender identity. This case confirms that a school may not exert its authority over a student simply to enforce stereotyped ideas of how boys and girls should look. Nor can a school’s discomfort with the fact that a biologically male student has a female gender identity, justify enforcing a dress code in a discriminatory way.”

The case was brought against the Brockton School Department when the school prohibited Pat from attending wearing what the principal considered to be girls’ clothing. This exclusion from school followed nearly two years of disciplinary action against Pat for wearing girls’ clothing, starting from the time she began to identify as transgender. The term transgender is used to describe people whose gender identity, meaning a person’s internal, deeply felt sense of being either male or female, is not consistent with their anatomical sex at birth.

Despite acknowledging that girls who wore the same clothes Pat did were not prevented from attending or otherwise disciplined, the school tried to justify its exclusion of Pat based on other students’ discomfort. The court rejected this argument, holding that prohibiting Pat from wearing girls’ clothing was akin to “the stifling of plaintiff’s selfhood merely because it causes some members of the community discomfort.”

The court affirmed that transgender students need the same support and protection for their safety that other students need. It further recognized that “exposing children to diversity at an early age serves the important social goals of increasing their ability to tolerate differences” and teaches “respect for everyone’s unique personal experience.”

Founded in 1978, Gay & Lesbian Advocates & Defenders (GLAD) is New England’s leading legal rights organization for lesbians, gay men, bisexuals and people with HIV. GLAD’s mission is to achieve full equality and justice for all individuals in these groups, primarily through impact litigation and education.