

# Appeals court OKs Boyertown schools' policy letting transgender students use bathrooms of their choice

Thursday, May 24, 2018

Amanda Nelson, a member, and Harper Seldin, an associate, of Cozen O'Connor secured a win in partnership with the PA ACLU allowing transgender students in the Boyertown Area School District to use bathrooms and locker rooms that correspond to their gender identity. It took less than 20 minutes for a three-judge panel of the U.S. Court of Appeals for the Third Circuit in Philadelphia to unanimously reject arguments made by a conservative legal organization representing six students, who sued the district last year saying they felt uncomfortable after spotting transgender teens using the restrooms of their choice. Speaking from the bench, Circuit Judge Theodore McKee said the suing students had failed to show that the district's policy infringed upon their rights to "bodily privacy" or caused them irreparable harm. He said that he and his colleagues, Judges Patty Shwartz and Richard Lowell Nygaard, took the unusual step to rule within minutes of hearing from both sides because he knew how important the decision was to the high school students involved in the case, many of whom would be graduating within days. Typically, appellate courts issue their rulings weeks after a hearing.

To read more of this article, [click here](#).



**Amanda L. Nelson**  
Member

anelson@cozen.com  
Phone (212) 453-3950  
Fax (212) 509-9492