



## Department of Justice and Department of Education Withdraw Transgender Guidance Letters

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On February 22, 2017, the U.S. Departments of Justice and Education withdrew two statements of policy and guidance, issued during President Obama's administration, concerning transgender students' access to bathrooms and locker rooms. The previous guidance took the position that prohibitions on discrimination "on the basis of sex" in Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulations, see, e.g., 34 C.F.R. § 106.33, require access to sex-segregated facilities based on gender identity. The withdrawal of those guidance letters by President Trump's administration may affect pending litigation and school practices.

Attorney General Jeff Sessions' statement is available [here](#).

If you have questions about the impact of the guidance withdrawal on your school district, please contact **Laura Genovich** at Foster Swift.

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