Re: Trans Students' Right to Use Restrooms & Facilities Consistent with Their Gender Identity in Missouri Public Schools

Open Letter to Missouri Principals, Superintendents, and School Administrators:

You are being given this letter because your school or a school in your district may be refusing (or considering refusing) to permit transgender students to use restrooms and facilities consistent with their gender identity. We write on behalf of the American Civil Liberties Union (ACLU), the nation's premier defender of civil rights and civil liberties, in response to confusion following widespread misinformation on this topic and the Missouri Supreme Court's decision in *R.M.A. v. Blue Spring R-IV School District*, 717 S.W.3d 187 (Mo. banc 2025).

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(i) What is the law in Missouri?

Currently, Missouri law does **not** prohibit transgender people from using restrooms and facilities that align with their gender identity. In fact, many school districts across the state continue to successfully implement policies that affirmatively allow trans students to use restrooms and facilities that align with their gender identity without incident.

(ii) Why is it important for my school to allow trans students to use restrooms and facilities consistent with their gender identity?

Excluding transgender students from the restrooms used by other students who share their gender identity sends a strong message to transgender students and their peers that transgender students should be treated differently and that their mere presence in the same facilities as their peers is unacceptable. When transgender students are required to use separate facilities, it does not go unnoticed by other students and can even disclose to peers that the person is transgender. Being separated from other students in this way and singled out in a manner that draws specific attention to a student would be damaging to anyone, but it is especially harmful for transgender students. Requiring transgender students to use specific restrooms, often not located equally throughout a school building, can also cause physical harm if those students must wait too long to use a restroom. Transgender students are at heightened risk of stress and victimization by other students and school staff, and those stressors have been known to lead to significant problems,

including post-traumatic stress disorder (PTSD), depression, anxiety, and suicidality.

(iii) Common restroom myths debunked.

#1: Trans students can just use gender-neutral, single-user facilities while at school.

While often pursued by school administrators with good intentions, this accommodation is neither practical nor appropriate for transgender students. First, logistically, this accommodation proves insufficient in practice because a school's limited gender-neutral restrooms are often far from a transgender student's classes and frequently have long lines because they are used by all students. Therefore, it is impractical for transgender students to rely on a school's limited gender-neutral restrooms as their only restroom option while at school. Second, even if a school invests in adding more gender-neutral restrooms, this still exposes transgender students to unnecessary harm. Federal courts have already acknowledged that gender-neutral restroom access is an insufficient remedy for transgender students because it invites more scrutiny and discrimination from their peers. *See Doe by and through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 528 (3rd Cir. 2018) (requiring a transgender student to use single-user facilities would "very publicly brand all transgender students with a scarlet 'T,' and they should not have to endure that price of attending their public school").

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#2: Allowing trans students to use restrooms that match their gender identity will raise safety concerns for cisgender (not transgender) students.

This myth is often weaponized specifically against transgender women and girls. However, there is no credible evidence that trans women or girls use their transgender status to access female restrooms with the intent to assault cisgender women.[1] In fact, it has long been established that trans girls and women are far more likely to face threats and assault simply when trying to use the restroom that is consistent with their gender identity.[2] Further, when any

[1] *See* Elly Belle, *Study Confirms That Transgender People Are Not a Threat to Cisgender People in Bathrooms*, TEEN VOGUE (Sept. 20, 2018), https://www.teenvogue.com/story/study-confirms-transgender-people-not-threat-to-cisgender-people-bathrooms.
[2] *See* Arin Waller, *Trans People Are Less Safe When Forced to Use the Wrong Restroom Study Finds*, LGBTQ NATION (Feb. 20, 2025, 2:00 PM), https://www.lgbtqnation.com/2025/02/trans-people-are-less-safe-when-forced-to-use-the-wrong-restroom-study-finds.

girl—whether transgender or not—enters a restroom designated for females, she goes into a private stall and closes the door. There is no credible risk of "genital exposure." Likewise, when girls gather at the sink in the restroom—for socializing, applying makeup, brushing their teeth, or similar activities—they are not doing so with their pants down. Again, there is no legitimate risk of "genital exposure." There is likewise no evidence of trans boys or men using access to male restrooms as an opportunity to inspect urinals. *See Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.,* 858 F.3d 1034, 1052 (7th Cir. 2017) (explaining that a similar school bathroom policy requiring a transgender boy to use the girls' restroom or gender neutral-facilities "does nothing to protect the privacy rights of each individual student vis-à-vis students who share similar anatomy and it ignores the practical reality of how [the] transgender boy, uses the bathroom: **by entering a stall and closing the door**") (Emphasis added). In fact, transgender boys and men subjected to policies requiring them to use the female restroom often report that they cannot use it without making women uncomfortable or facing harassment.[3]

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#3: Allowing trans students to use restrooms that match their gender identity will cause confusion and chaos.

The reality is that Missourians already share, and have for decades, restrooms with trans people every day without problems—in schools, restaurants, rest stops, businesses, theaters, courthouses, and more. It is important to recognize that policies requiring transgender people to use restrooms according to their sex assigned at birth are rooted in misinformation and prejudice. Essentially, these policies are based on the false belief that all trans students can be identified as trans just by looking at them.[4] This is untrue and reveals a school district's—as well as the wider state's—inability to enforce such a policy without resorting to invasive genital exams of every person before entering the restroom.[5]

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[3] *See* Morgan Weir and Allie Fischer, *Kansas bathroom bill forces transgender KU students to reshape daily routines*, THE UNIVERSITY DAILY KANSAN (May 15, 2026), https://www.kansan.com/news/kansas-bathroom-bill-forces-transgender-ku-students-to-reshape-daily-routines/article_e1ac0e15-f9ef-4656-95e8-46b0064584ea.html.

[4] *See* Jody L. Herman et. al, *Safety and Privacy in Public Restrooms and Other Gendered Facilities*, UCLA WILLIAMS INSTITUTE SCHOOL OF LAW (Feb. 2025), https://williamsinstitute.law.ucla.edu/publications/safety-in-restrooms-and-facilites (finding that ten percent of transgender men were denied access to ***women's*** restrooms (i.e., accorded to sex assigned at birth), versus only five percent of transgender men had the same experience in men's restrooms (i.e., according to gender identity)).

[5] *See id.*

(iv) What is the impact of the *R.M.A. v. Blue Springs R-IV School District* decision on my school's ability to support trans students?

In 2025, the Missouri Supreme Court heard a case about a transgender student's right to use public school restrooms and locker rooms consistent with his gender identity. In *R.M.A. v. Blue Springs R-IV School District*, a transgender boy sued his school district under the public accommodations provision (§ 213.065, RSMo.) of the Missouri Human Rights Act (MHRA), alleging that the school district discriminated against him based on his male sex by denying him access to male-designated restrooms and locker rooms. The central issue in this case was the legal definition of the term "sex" as used by the Missouri General Assembly in § 213.065 of the MHRA. Missouri's highest court ultimately (and, we believe, erroneously) interpreted the term to limit unlawful sex discrimination in public accommodations to "biological sex," which the court reasoned is determined exclusively by a person's external genitalia. In June 2025, the Missouri Supreme Court issued its decision, holding that public schools may require transgender students to use restrooms and locker rooms based on their sex assigned at birth. However, the *R.M.A.* decision does **not** require all Missouri school districts to discriminate against trans students in restroom and locker room use. ***In other words, following the R.M.A. decision, Missouri schools remain free to retain affirming policies allowing for trans students to use school restrooms and facilities that align with their gender identity.***

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We urge your school to permit transgender students to access restrooms and facilities based on their gender identity, which remains in full compliance with Missouri law.

You may wish to consult *Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools* for suggestions about ways to handle sex-separated facilities and other school matters while providing a safe and supportive environment for all transgender and gender non-conforming students.[6] Colleges and universities may also wish to consult the Consortium of Higher Education LGBT Resource

[6] https://www.aclu.org/publications/schools-transition

Professionals' *Promising Policies and Practices for Supporting Trans and Nonbinary People in Postsecondary Education*.[7]

Please do not hesitate to contact the ACLU of Missouri if you have any questions about this letter or wish to discuss it further. We can be reached at 314-652-3114 or visit our website at https://www.aclu-mo.org/contact-us.

Sincerely,

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Students, parents, and community members: Feel free to use this letter as an advocacy tool in your school or community

[7] https://www.lgbtcampus.org/policy-practice-recommendations