

When Pronouns Matter: Legal Issues Related to Transgender Students

By ***Leighann Fink***, Attorney

In a 5 to 0 vote, the West Point Public Schools Board of Education terminated Peter Vlaming, a French teacher employed by the District for approximately seven years, for refusing to use a transgender student's preferred male pronoun when referencing the student. According to the *Virginian-Pilot*, the Board of Education reported that Mr. Vlaming's actions were discriminatory and harassing toward the ninth grade student. In one instance, the student was wearing virtual reality glasses and walking toward a wall when Mr. Vlaming shouted, "Don't let her run into the wall." Mr. Vlaming met with the student and the student's parents. He agreed to use the student's preferred name but indicated that using the preferred pronoun violated his own religious beliefs. Although the discharge from employment may be appealed, Mr. Vlaming is no longer teaching at West Point Public Schools.

Other legal issues relating to transgender students may arise in any school district and can include:

- Bullying and harassment;
- Free speech and expression of gender identity issues;
- Student record issues;
- Locker/restroom accommodations;
- Overnight accommodations for field trips;
- Social events such as homecoming and prom;
- Participation in a particular sport;
- Student name change issues; and
- Privacy protections under the Family Educational Rights and Privacy Act ("FERPA").

Please feel free to contact any of the above listed attorneys regarding transgender student issues in your District. We welcome your questions.

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