

**BERKS**

# 3 students join transgender lawsuit against Boyertown district

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PHILADELPHIA - Three high school students have joined one of their classmates and his parents in a federal lawsuit against the Boyertown Area School District over its transgender policy.

The three additional Boyertown Area Senior High School students joined the suit, according to attorneys with [Alliance Defending Freedom](#) and the [Independence Law Center](#), because each is at risk of the same type of privacy violation as the original plaintiff, who said he was changing for gym class in a school locker room on October 31 when he realized there was also a female student present, wearing only shorts and a bra.

Two of the new students, the attorneys said, have also confronted members of the opposite sex within the school's restrooms or locker rooms.

The attorneys filed an amended complaint Tuesday to include the new students in the lawsuit, which claims the district's transgender-friendly policy constitutes sexual harassment and a violation of personal privacy.

"Schools shouldn't be robbing students of their legally protected personal privacy," said Randall Wenger, chief counsel of the Independence Law Center. "The children joining with the original student who filed this suit shouldn't be forced into emotionally vulnerable situations like this when they are in the care of their schools. It's a school's duty to protect and respect the bodily privacy and dignity of all students. In this case, school officials are clearly ignoring that duty."

The lawsuit was filed in March after the original plaintiff complained to school officials about his encounter with the female student. The boy claims he was told to make changing with students of the opposite sex as "natural" as he can.

"Our laws and customs have long recognized that we shouldn't have to undress in front of persons of the opposite sex," said Kellie Fiedorek, legal counsel for Alliance Defending Freedom, "but now we see that, despite Pennsylvania law requiring schools to provide separate-sex facilities, the privacy violations are even more widespread than we initially suspected."

The district has said that its policies are consistent with the law and that the district aims to treat all students fairly.

"The administration and staff, contrary to the allegations, offered the student-plaintiff reasonable and appropriate alternatives when he voiced opposition to changing in a designated male locker room being used by a transgender student," Richard H. Faidley, the district's superintendent, said in response to the lawsuit's filing last month.

The district has not responded to Tuesday's developments.

The U.S. departments of Education and Justice issued joint guidance last May, directing schools to let transgender students use facilities that correspond with their gender identity, but the Trump administration withdrew those directives in February.