

The *Pascha Thomas* Case

Case Name: Pascha Thomas’ complaint to the U.S. Department of Education’s Office for Civil Rights (OCR)

Case Status: On Sept. 14, 2018, the U.S. Department of Education’s Office for Civil Rights informed Pascha Thomas that it was launching an investigation into her complaint.

Significance: Whether children can be forced to use a privacy facility like a restroom, locker room, or shower, with someone of the opposite sex.



Background: On Nov. 16, 2017, Pascha Thomas’s five-year-old daughter “N.T.” told her that she had recently been sexually assaulted in the girls’ restroom at Oakhurst Elementary School in Decatur, Georgia. While N.T. was in the restroom, her teacher dismissed another child—a boy who has been identified to the school as “gender fluid”—to use the restroom per Decatur City Schools’ transgender restroom policy. Tragically, the boy sexually assaulted N.T. while in the girls’ restroom.

Pascha reported the assault to school authorities, but the school refused to correct the situation or take steps to prevent future incidents: The school refused to change its policy. The school refused to remove the boy from N.T.’s classroom. The school refused to assure Pascha that the girls’ restroom would be reserved in the future for girls’ use only. Pascha had to remove her daughter from the school for N.T.’s emotional and physical safety.

ADF submitted a complaint on behalf of Pascha with the U.S. Department of Education’s Office for Civil Rights (OCR), and on Sept. 14, 2018, the OCR informed Pascha it was launching an investigation into her complaint.

What’s at Stake?

- This situation was tragic and avoidable.
- Bodily privacy is about respecting bodily differences.
- These transgender restroom policies aren’t working. Schools need to find solutions that protect the privacy and safety of all students.
- The school has repeatedly disregarded N.T. and her mother Pascha’s rights.

Key Facts

- The school put N.T. in harm’s way by authorizing boys to use the girls’ restroom with its transgender restroom policy.
- The school refused to change or alter its policy, and it refused to assure Pascha that the girls’ restroom would be reserved in the future for girls’ use only.
- Pascha had to remove her daughter from the school for N.T.’s emotional and physical safety.

The Bottom Line: Schools have a duty to protect the bodily privacy and safety of all students.