

September 3, 2024

Dear Principal or Superintendent,

You're being given this letter because your school or a school in your district has refused to let a student run for a position on prom or homecoming court because of their gender. Discrimination on this basis violates federal sex discrimination prohibitions. We urge your school to take immediate action to remedy this issue and allow students to be considered as candidates for prom or homecoming court regardless of their gender.



Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on sex in any education program, such as a public school, that receives federal financial assistance. 20 U.S.C. § 1681(a). It is well established that under Title IX and the Equal Protection Clause, school officials cannot force students to conform to sex stereotypes. *See, e.g., Whitaker v. Kenosha Unified Sch. Dist.*, 858 F.3d 1034, 1048–52 (7th Cir. 2017); *Dodds v. U.S. Dep’t of Educ.*, 845 F.3d 217, 221 (6th Cir. 2016); *Sturgis v. Copia Cty. Sch. Dist.*, No. 3:10-CV-455-DPJ-FKB, 2011 WL 4351355, at \*4–5 (S.D. Miss. Sept. 15, 2011); *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), *as amended* (Aug. 28, 2020), *reh’g en banc denied*, 976 F.3d 399 (4th Cir. 2020); *A.C. by M.C. v. Metropolitan School District of Martinsville*, 75 F.4th 760 (7th Cir. 2023).

In other words, the prohibitions against sex discrimination under Title IX and the Equal Protection Clause of the U.S. Constitution protect students from discrimination based on their gender identity, transgender status, or gender nonconformity. These protections extend to the female student who seeks to run for prom king, and vice versa. There is no important government interest—or *any* interest—that justifies excluding this student from that place among their peers.

We hope this letter has given you a firm understanding of why schools must, under federal law, not bar students from running for a position—and, if elected, representing their school—on prom or homecoming court based on their gender identity. Please contact the ACLU if you have any questions about this letter or wish to discuss it further. We can be reached at [help-lgbtq@aclu.org](mailto:help-lgbtq@aclu.org).

Sincerely,

A handwritten signature in black ink that reads "James D. Esseks". The signature is written in a cursive style.

James D. Esseks  
Director  
ACLU LGBTQ & HIV Project

*Students and parents: Feel free to use this letter as an advocacy tool in your school.*