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Education Connection:
**The Importance of Allowing Students to Use Bathrooms and Locker
Rooms Reflecting Their Gender Identity**

By: Katherine Szczerbinski

Transgender children have recently become more visible and outspoken, which has led to a general trend of support in the education system. Calling the child by their preferred name and letting them join the sports team of their identified gender have become more common practices. Unfortunately, there is still a major issue for schools that is the subject of great controversy: whether students should use the bathrooms and locker rooms reflecting their gender identity. The split in viewpoints presents a significant issue in schools and in the courts as equal protection and privacy concerns are considered. Restricting students from using the bathroom reflective of their gender identity can produce negative social consequences, and schools should adjust their policies to better serve their children.

Contemporary media readily discusses transgender issues, and most of this attention has been positive. Children can easily find transgender people, both young and old, on social media and in popular culture. The Internet is filled with “Tumblrs” and YouTube videos chronicling gender transitions, television programs such as “Glee” feature transgender youth, and books such as *Parrotfish* by Ellen Wittlinger are available. The heightened frequency of conversation about the transgender community has affected policies and guidelines, leading to a search for the best practices for interactions with transgender persons.

With the media spotlight on transgender issues, schools have been working to establish best practices for their transgender students. Some districts have aimed to support their transgender students, believing that restricting full access to the facilities of their choosing is denying these children fair and equal treatment. Further, studies have shown that without proper caregiving structures and support, transgender children have a clinically significant increased risk of anxiety, depression, suicidal ideations, and suicide. A school district that supports its transgender students not only attempts to give all students fair and equal treatment, but also supports the mental health of these students.

Some schools have attempted to achieve a solution by giving transgender students access to separate bathrooms or spaces for their private use. Although helpful to students who want such treatment, having separate facilities deprives and further stigmatizes students who want to be in the same facilities as their classmates, ultimately leading to their isolation from their peers.

In Illinois, Barrington Community Unit School District 220 has its officials working with transgender students and their families to ensure an inclusive environment for these students. For example, where a particular transgender middle school student

required use of the locker room, that student was given full access to the locker room requested, and further provided a student aide to accompany the student and observe in case issues or questions arise. Illinois' largest school district, Chicago Public Schools, has yet to adopt a comprehensive solution to this issue, instead adopting guidelines for a case-by-case determination of locker room and bathroom use. Neither Chicago nor Barrington has reported an issue.

Although Barrington and Chicago schools have found ways to accommodate transgender students, other school districts, including Township High School District 211 in Illinois ("District 211"), claim they cannot allow full access of facilities reflective of transgender students' gender identity due to privacy concerns. District 211's policy allows transgender students to play on sports teams of their gender and use the bathrooms of that gender, but remains firm that offering these students a private place to change is a proper accommodation. When schools have not been as accommodating, students have found ways to adapt. A student at Lake Forest High School, also in Illinois, was told to use faculty bathrooms that were out of the way, so she chose to use the girls' bathroom stalls to change for physical education.

A fear raised by those wanting students to use the facility of their gender at birth is that allowing students to decide based on their gender identity will lead to children pretending to be transgender to allow them unfettered access to the bathroom of their choosing. This access will result in the opportunity for those pretending to be transgender to commit nefarious acts and that sexual assaults in these places will increase. However, the actual numbers show that this fear is unfounded. As of publication of this article, there has been only one reported instance of a person abusing this access: this instance occurred in Canada, where an already storied sexual predator pretended to be a woman in order to have access to female-only spaces.

This unfounded concern hurts both transgender students and cisgender students (*i.e.*, students who identify with their biological sex). These arguments fail to rely on actual data, instead relying on unsubstantiated fears that portray transgender people as sexual predators and deviants. Gender-nonconforming students are at risk of being removed from bathrooms when their gender expression differs from societal standards. These consequences can weigh heavily on these students and not only isolate them from their peers, but also be harmful to their mental health.

Title IX and its application have a significant impact in regards to transgender students' use of bathrooms and locker rooms. The application of Title IX in cases such as *Grimm v. Gloucester County School Board* and *Johnston v. University of Pittsburgh* held that Title IX does not mandate public schools to allow access for transgender students to the bathroom or locker room of their preference. This interpretation still stands, shifting advocates' focus to determining what mechanisms can be utilized to provide transgender

students access to bathrooms and locker rooms of their preference. One potential solution is to withhold federal funding until public schools comply with this emerging standard.

Schools need to make a shift towards better practices that give transgender students the same access as their peers to facilities. The social and mental negative consequences of restricting these students are too great to ignore and demand change. Being able to support transgender students can help break stigmas regarding the transgender community and empower children to better accept their peers.

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