



JESSE KREMER

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

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Student Privacy Must Be Protected

Teen boys MUST be allowed to change and shower next to high school girls. Does this statement sound absurd? Would this be an educational environment that fosters safety, dignity and privacy for our children? Absolutely not!

For the past several months, I have been working on a bill, Assembly Bill 469, that, until recently, many legislators scoffed at, social media dubbed me the pee-pee police and school districts proudly touted local control. The legislation addresses what has been a misunderstood and important issue about privacy, safety, acceptance and balance in our schools. Sadly, though, the federal Department of Education (DOE), through the Department of Justice, is trying to unilaterally decide what is best for our Wisconsin high schoolers. The DOE has been actively suing individual school districts throughout the United States over the past year regarding who, on the basis of sex, is allowed to use a locker room or bathroom.

There are two scenarios that clearly illustrates the overreach by DOE and the need for legislation in Wisconsin. Let me present scenario #1: A Virginia school recently enacted a policy that mandated sex specific bathrooms and locker rooms which were to be used exclusively by that sex. Any individual who was not comfortable with this arrangement would be provided an alternate facility, to include faculty facilities or individual unisex bathrooms. This transgender student felt that she should be allowed to use the male bathroom rather than a unisex lavatory and promptly sued. The DOE immediately stepped in and provided a court brief claiming that she was being discriminated against. Fortunately the school district had cash available to defend its policy in court. In late July, the federal court in Eastern District Court of Virginia dismissed the case because federal law actually allows school districts to designate bathrooms and locker rooms based on sex.

In scenario #2, a much more liberal policy is being challenged. Within the past few weeks, the DOE weighed in on a lawsuit regarding a school district policy just across the Illinois state line in Palatine. This policy allowed a transgender student to use the bathroom and locker room that he identified with. The school, though, provided a shower curtain for the student to change behind in the girl's locker room. The result of appeasement? A discrimination suit - after all, what transgender male shouldn't be allowed to change and shower next your daughters, biological females?

It is time that we as a state impose a policy that has stood up in federal courts and will prevent individual school districts from being hung out to dry when the federal government comes knocking. AB 469 states quite simply that biological males should use male facilities and vice versa. In addition, any student, for any reason, can be provided a reasonable alternative if the parent or legal guardian requests one. This could include a faculty or individual unisex facility. I would encourage anyone who may be concerned about the privacy and protection of all students to contact their legislators and voice their support for the simple, common sense, protections provided in this bill for students and school districts alike.