

Safe schools for ALL

by Julie Quist

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On September 28, 2014, the Child Protection League ran a full page ad in the Sunday edition of this newspaper. The ad featured an empty locker room shower with two shower heads side by side. The caption read: "A male wants to shower next to your 14-year-old daughter. Are YOU okay with that?" That ad sparked national controversy, and it became a precursor to the gender battles families are facing in our schools and culture today.

We ran the ad because the Minnesota State High School League (MSHSL) was about to pass a new athletic competition policy. The MSHSL was following the lead of the Obama administration which had unilaterally inserted a novel re-interpretation of the word "sex" into Title IX of the federal Education Act. Accordingly, teams would no longer be segregated by verifiable and biological sex, but would now permit boys who claim to be girls to compete as girls. That policy would not only open female sports to boys, it would also open the girls' locker rooms, changing rooms, and overnight accommodations to boys.

As a result of extended public opposition, the MSHSL ultimately left the decision up to the schools. But they authorized an appeal process allowing the MSHSL to override any school that refused.

Some insisted we were exaggerating: boys in girls' showers "won't happen." Well, it is happening! Minnesota's Virginia High School, for example, is currently defending itself against a lawsuit accusing the school of violating the privacy rights of female students who have endured a boy in their locker room for a year as they struggle to maintain their privacy.

Last year the Obama administration doubled down on its interpretation of "sex" by explicitly threatening to withhold federal funding if schools would not comply. Like the MSHSL, the Virginia school claimed it was forced to allow the boy who self identifies as a girl into the girls' shower because the Obama administration threatened to withhold federal funding if they did not.

Governor Dayton and the Minnesota Department of Education (MDE) aggressively pressured districts to comply with the Obama administration demands. The Minnesota School Board Association (MSBA), in contrast, cautioned districts that passing gender inclusive policies "without clear legal decisions from the courts or Congress, is premature."

Last month, in a major course correction, President Trump withdrew the Obama threat to withhold federal funding if schools don't comply with gender inclusive policies that allow boys

and girls to shower, change and share overnight accommodations together based on how they self-identify. This substantial turn-around sets states free to establish their own policies.

In response, the Governor and the MDE are exerting even greater pressure on districts to adopt the now-rescinded Obama policy, even suggesting that the Minnesota Human Rights Act (HRA) requires gender-inclusive policies in Minnesota. Nowhere in the HRA, however, is “discrimination” defined as including bathrooms, showers, and locker rooms. Protecting every student’s basic right to privacy has never been defined as unlawful discrimination and that interpretation will not survive a court challenge.

Guidance from the School Board Association has also not changed. An updated MSBA briefing states that the federal withdrawal of threats of losing federal funds means that “individual school boards have the authority to adopt policies they believe are necessary for their districts,” and “a separate policy for transgender students is likely premature until the issues are settled in courts.”

Moms, dads, grandpas, grandmas, uncles and aunts....you need to speak up to your school boards. The pressure is on them to leave our children unprotected from the harm of serious violations of their personal privacy. ALL children need to feel safe and respected.