2025 HOUSE HUMAN SERVICES

HB 1144

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee

Pioneer Room, State Capitol

HB 1144 1/27/2025

Relating to transgender student accommodations and restroom use in public schools; to provide a penalty; and to declare an emergency.

3:34 p.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman Ruby, Vice-Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Laws ignored or defied
- School boards responsibilities
- Fiscal note

3:34 p.m. Representative Tveit, District 33, introduced the bill and submitted testimony, #31832.

3:42 p.m. Mark Jorritsma, Executive Director of ND Family Alliance Legislative Action, testified in favor and submitted testimony, #31869.

3:45 p.m. Lanny Kenner testified in favor and submitted testimony, #31639.

3:48 p.m. Cody Schuler, ACLU, testified in opposition, testified in opposition.

3:54 p.m. Representative Foss, District 44, testified in opposition and submitted testimony, #31750.

4:07 p.m. Claire Ness, Chief Deputy Attorney General, testified neutrally.

Additional written testimony:

Anderson Janet submitted testimony in opposition, #31202.

Ashley Drury submitted testimony in favor, #31330.

Landon Kurtz submitted testimony in favor, #31374.

Sadie Olson submitted testimony in favor, #31386.

Kristina Sogge submitted testimony in favor, #31443.

Sean Thorstad submitted testimony in opposition, #31457.

Megan Conklin, Vice President of Beach Pride Family, submitted testimony in opposition, #31460.

Jason Nikle submitted testimony in opposition, #31461.

Grace Kurtz submitted testimony in favor, #31502, #31503, #31504, #31505.

Debra Hoffarth submitted testimony in opposition, #31532.

Angie Moser submitted testimony in opposition, #31534.

Patty Kavli submitted testimony in favor, #31542.

Kara Geiger submitted testimony in opposition, #31546.

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Elisabeth Fricker submitted testimony in opposition, #31554.

Tara Jensen submitted testimony in opposition, #31570.

Christina Feldmann submitted testimony in opposition, #31576.

Kristin Nelson submitted testimony in opposition, #31580.

Ella Gilkerson, President of Minot State Campus Pride, submitted testimony in opposition, #31593.

Becky Craigo, Social Worker, submitted testimony in opposition, #31604.

Mariah Ralston submitted testimony in opposition, #31613.

Andrew Sogge submitted testimony in favor, #31620.

Charles Vondal submitted testimony in opposition, #31621.

Faye Seidler, Suicide Prevention Advocate, submitted testimony in opposition, #31622.

Breanna Demarais, Mother, submitted testimony in favor, #31626.

Alisha Webster submitted testimony in opposition, #31630.

James Inwood submitted testimony in favor, #31632.

Corinne Edgerton submitted testimony in opposition, #31636.

Kevin Tengesdal submitted testimony in opposition, #31654.

Rachel Waldo submitted testimony in opposition, #31685.

Shannon Krueger submitted testimony in opposition, #31701.

Margi Yanish submitted testimony in favor, #31716.

Erin Price submitted testimony in opposition, #31720.

KrisAnn Norby-Jahner, In-House Legal Counsel for the North Dakota School Boards Association, submitted testimony in opposition, #31752.

Renae Haman submitted testimony in favor, #31762.

Brandi Olson submitted testimony in favor, #31767.

Elizabeth Loos, Lobbyist for the North Dakota Chapter of the National Association of Social Workers, submitted testimony in opposition, #31770.

Kristen Sivertson submitted testimony in favor, #31771.

Lynn Thompson submitted testimony in favor, #31791.

Michelle Webber submitted testimony in opposition, #31802.

Kristin Nelson submitted testimony in opposition, #31804.

Christopher Kurtz submitted testimony in favor, #31818.

Dan Sturgill, Clinical Psychologist, submitted testimony in opposition, #31825, #31831.

Devon Dolney submitted testimony in opposition, #31828.

Ryn Kephart, Student Member of Minot State University Pride Club, submitted testimony in opposition, #31838.

Cameron Bauer, Student Member of Minot State University Pride Club, submitted testimony in opposition, #31858.

Ashlee Faulkner submitted testimony in opposition, #31859.

Drew Manley, Vice President of Minot State University Campus Pride, submitted testimony in opposition, #31864.

Sage Diesen, Member of the Minot State University Pride Club, submitted testimony in opposition, #31865.

4:15 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

January 23, 2025

Chairman Ruby and members of Human Services,

I am writing to ask that you vote Nay and do not support HB 1144.

I understand that the idea of transgender people can be complicated and hard for some of us to understand. I myself did not grow up knowing this word or understanding what it meant to be transgender. However, I have educated myself and learned the science behind genes and chromosomes and hormones and gender. I've learned that thousands of people are born with a variety of chromosomes that may be different from the sexuality that is implied by their genitalia.

However, it's not the science that implores me to write this testimony. It is compassion for my fellow North Dakotans. I am fortunate to not have had to grapple with the confusion of being told I am one thing but feeling like something else and I am grateful for that. However, I can understand the terror that a transgender person must feel when they have to enter a locker room or bathroom meant for the gender they do not identify as. Can you imagine being told you must use the opposite restroom? I recognize the lack of acceptance and the feeling of being unwanted that these humans must go through when people do not accept them for who they are. How would you feel if I dismissed your request to call you by your name? HB 1144 does exactly this and puts North Dakotans at risk to be harmed by others or by themselves. If passed, it codifies the alienation of our fellow humans and puts our youth at risk. If you truly want to protect North Dakota's youth you will not pass HB 114.

Respectfully submitted,
Janet Anderson
Burlington, ND

PS: I'd highly recommend the book *Becoming Nicole* by Amy Ellis Nutt if you would like to hear the story of a family similar to yours and mine and their struggle with understanding this issue.

Chairman Ruby and members of the House Human Services Committee: I am writing in support of HB 1144

Hi,

My name is Ashley Drury, but more importantly my daughter's name is Paisley.

Her name is more important because in a couple of years she will be starting elementary school, and when she does she will zoned to a school that is petitioning to have unisex bathrooms built in the new addition. These bathrooms would have multiple closed stalls, but would open out into a common sink area, that also is open to the school hallway. The school is Prairie View Elementary in Devils Lake, ND. To most this should not be an issue, but to me it is. It is wrong to subject our children to this concept, because frankly it should not even be a concept. Why are we changing our morals, and ethics that society had forever just to accommodate one group of people. Girls are girls with girl things that deserve the privacy a girl's bathroom can provide, and boys deserve the same. If someone chooses and decides they do not want to identify with their born gender well I think we should allow a couple of stand-alone separate bathrooms for those individuals, and those bathrooms can also be utilized by special needs students and their paraprofessionals as well. I will homeschool my child before I allow her to be subjected to this kind of environment daily for her education. It's interesting that as I was growing up what a girl wore to school was scrutinized as distracting, but you have people dressing completely outside of their gender and we are just supposed to accept and accommodate them. Our world has turned from God, and the fundamental morals and standards we once held, and it breaks my heart. Please, I am praying that you pass this bill. And I am sorry for my rambling.

Thank you for your time,

Ashley Drury

A loving, concerned mother

Chairman Ruby and members of the House Human Services Committee:

As a recent high school graduate, I understand the importance of privacy in an environment where children and teenagers are growing up into young adults. While the entire world around you seems like it is constantly moving and changing, the last thing I would have wanted, as a child growing up in the public school system, was a lack of privacy in a simple bathroom. Because of this, I am writing in support of HB 1144.

Thank you.

Chairman Ruby and members of the House Human Services Committee: I am writing in support of HB 1144 because I find it unnecessary to combine bathrooms between males and females when it is unnecessary and for a small minority who have fallen victim to gender ideology. The frontal love of the brain, which helps us understand long term consequences, is not developed fully until roughly age 25. Mixing genders in bathrooms of public schools raises significant concerns for me as the children within our public schools are unable to make sound decisions at this stage where hormones are running high. Gender ideology aside, I believe this is opening a door for activities between students that they are not prepared to handle. My prayer is that

money intended for this project can be better used within the public school system and that you consider the risks that far outweigh any "benefit." Respectfully, Sadie Olson

January 25th, 2025

Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144.

My testimony comes on behalf of concerned parents, students, and community members who are deeply troubled by recent developments in our local school district. Our district is in the process of building a 5th-grade addition to our existing 3rd and 4th grade school building, but they are using a loophole in the law by choosing unlabeled privately enclosed bathroom stalls. This decision would force elementary-aged children to share bathroom spaces between genders, which raises serious concerns about the privacy and safety of our students.

Despite numerous attempts to engage with school administration, presenting our concerns directly to the school board, and organizing a petition that has garnered almost 900 signatures—500 of which come from our district's own service area—the board and superintendent have remained silent. This silence speaks volumes, suggesting they have no intention of upholding the intent of Section 15.1-06-21 of the North Dakota Century Code, which was designed to protect the privacy and safety of students, particularly in shared restroom environments.

Revisions introduced to this bill, under section 4 of Penalty, will emphasize the message that privately enclosed bathrooms that don't separate boys and girls is still a shared space. Labeling bathrooms by gender helps maintain privacy and reinforces the idea that boys and girls have different biological needs. It will eliminate any risk of a child accidentally encountering the opposite gender if a door isn't properly locked. It ensures girls don't have to clean up after boys before using a toilet seat and eliminates a boy's exposure to both used and unused menstrual products. Additionally, no child will be expected to have to walk by or stand next to the opposite gender when washing bodily fluids from their hands. A simple distinction of gender supports children in understanding and respecting their bodily autonomy. These seemingly small issues are not trivial when it comes to the comfort, dignity, and privacy of children.

The proposed changes HB 1144 enacted within 15.1-06-21 of the North Dakota Century Code offers a structured layout that keeps at the forefront the needs and safety of all children, parental involvement and a clear policy for schools.

This bill is arriving at a critical moment for our community, with construction set to soon begin. I urge you to support HB 1144 and ensure that our children's right to safety remains a priority.

Respectfully, Kristina Sogge

In opposition to bill HB1144

Understandably bathrooms are going to be a hot button issue for the next few years, but to punish a very small margin of people due to misguided policies is extreme. At the very least keeping gender neutral bathrooms for everyone and not just those that may identify with their sex assigned at birth, is something that most people Im sure can agree upon as sometimes having a private restroom is a respite everyone appreciates from time to time.

So please reconsider

Megan Conklin

PO Box 102

Beach, ND, 58621

January 26, 2025

North Dakota House Human Services Committee

North Dakota Legislative Assembly

600 E Boulevard Ave

Bismarck, ND 58505

Dear Members of the House Human Services Committee,

I am writing to express my strong opposition to HB 1144, which seeks to restrict restroom access for transgender students in public schools. This legislation is not only unnecessary but also harmful to transgender individuals and the broader community.

Evidence from numerous states and cities with transgender-inclusive restroom policies demonstrates that such policies do not pose safety risks. Transgender individuals have used public restrooms aligned with their gender identity for decades without causing harm or an increase in incidents. Law enforcement officials and sexual assault advocates widely affirm that claims suggesting otherwise are unfounded.

This bill's provision to force transgender students to use separate or private bathrooms is both impractical and stigmatizing. While private bathrooms can be a helpful option for anyone seeking additional comfort, requiring only transgender students to use them isolates these individuals and perpetuates damaging stereotypes.

Excluding transgender individuals from public restrooms does nothing to protect privacy, which is already ensured by stall doors and existing norms. Rather than creating barriers, we should focus on fostering understanding and mutual respect. HB 1144 risks further marginalizing an already vulnerable population, particularly non-binary individuals who often face additional challenges in navigating gendered spaces safely.

Moreover, this legislation does not uphold religious freedom but instead undermines the principle of equal treatment under the law. Comprehensive nondiscrimination policies do not infringe on religious beliefs; they ensure all individuals, including transgender people, can live with dignity and participate fully in public life.

I urge the committee to reject HB 1144. Transgender and non-binary youth need our support, not legislation that alienates and discriminates against them. Let us work together to build a more inclusive North Dakota where everyone feels safe and valued.

Thank you for your time and consideration.

Sincerely,

Megan Conklin

Beach Pride Family

I am transgender. When I was in high school, I was relentlessly bullied because of that. This behavior ranged from verbal harassment, to stalking, cyberbullying, and death threats and threats of physical violence. The harassment I experienced landed me in the psych ward for suicidal ideation three times over the course of my teenage years.

And why did my peers treat me like this? Was it because it was a natural punishment for my existence? Because I had done something wrong? No. It was because the world we live in, the one created by conservative lawmakers and immovable minds and controlling school boards, told them that I, and people like me, were acceptable targets for hatred. Not poverty, not wars, not any sort of human suffering; they couldn't care less. But fellow kids, whose only crime is existing in the "wrong way?" That, my peers were told, is where they should direct their anger.

The real emergency isn't people like me; it is the hatred within your hearts. Even though I was relentlessly bullied throughout high school, I continued to live as myself—as transgender—because the other option, living as a dead shell I outgrew years ago, was even worse than the bullying. Hating us, declaring us a plague, is not going to make us go away. It's just going to make more children who are in the same position I was in miserable, and lead to more traumatized transgender adults who will struggle to recover from the harassment they experienced. I hope you all can make the right decision, and learn to love the transgender children in your communities instead of continuing to criminalize their existence.

Chairman Ruby and members of the House Human Services Committee: I am writing in support of HB 1144.

My name is Grace Kurtz and I am a resident of Devils Lake. I would like to advocate for the preservation of traditional, gender-specific bathroom facilities in the schools in ND.

This issue is directly relevant to the **current plan** at Prairie View Elementary School (Devils Lake School District), where the school board has approved the construction of unisex bathrooms as a part of the PV school addition project in Spring 2025.

When I learned of the plan a few months ago, I wrote a petition to raise awareness in our community and to encourage the school board members and Mr. Clooten, the superintendent, to reevaluate the decision to build unisex bathrooms. The petition has 894 signatures, the majority of which are from members of the Devils Lake community. These signatures represent hundreds of people who share my concerns and prefer the traditional male / female bathroom format, as evident from the comments shared on the petition.

Petition website:

https://www.change.org/p/urge-school-board-to-reevaluate-plan-for-unisex-bathrooms-in-particular-at-prairie-view

As a parent and as a woman, I have a deeply personal perspective on this issue. My child was diagnosed with Crohn's disease when he was in elementary school (9 years old). It's irritable bowel disease that brings both emotional and physical challenges, much pain and stress, especially in a school setting. Using the restroom has been a source of stress and anxiety for him, and I know that he is not alone in this. Many children face similar challenges in bathrooms and public spaces, whether due to medical conditions, developmental stages, past trauma or simply the natural need for privacy. For young girls experiencing their first menstrual cycle or children dealing with bathroom-related anxiety, the need for private, gender-specific facilities is critical.

Unisex bathrooms strip away the inherent privacy & dignity that traditional facilities provide. They create unnecessary stress & potential embarrassment for children during what is already a vulnerable and formative time in their lives. Schools should be spaces that prioritize the well-being & comfort of students, and maintaining separate male and female bathrooms is a fundamental part of that responsibility.

Beyond the personal impact, my husband and I have heard from dozens of community members who share these concerns. Many parents, educators, & residents support traditional bathrooms but hesitate to speak out publicly due to fear of judgment or backlash. This is particularly true for those employed within the school system, where expressing dissent could carry professional or social risks. Their silence does not diminish the validity of their concerns or the widespread community support for this issue.

I urge this committee to quickly pass House Bill 1144 to ensure that schools continue to provide safe, private, and respectful restroom facilities for all students. Our children deserve nothing less. Thank you for your time and consideration.

Respectfully,

Grace Kurtz



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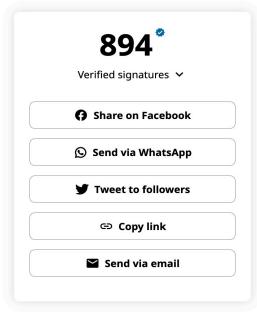
Andrew

DLPS PRAIRIE VIEW ELEMENTARY
ADDITION & RENOVATIONS
DEVILS LAKE, ND



Urge School Board to Reevaluate Plan for Unisex Bathrooms, in particular at Prairie View





The Issue

Speaking from personal experience, my own child was diagnosed with Crohn's disease at the age of 9, a condition fraught with emotional & physical challenges that become magnified in a school setting. The challenges he faced are not unique to my child, as they would apply to many of our children including young girls going through their monthly cycle, especially for the first time.

Our children shouldn't be subjected to embarrassment, fear, or shame when using the restroom facilities at school, especially during these difficult times. Our children have an undeniable right to privacy and to dignity, both of which are under threat with the current plan to implement unisex bathrooms at Prairie View Elementary School.

Studies have indicated that unisex bathrooms increase apprehension and discomfort in school-aged children (Child Psychology and Education Journal, 2016). These feelings of uneasiness can impact their concentration & overall academic performance. As parents and educators, it is crucial that we foster an environment conducive to their learning and their physical and emotional health / well-being, as well as their happiness.

It is essential to ask that the school board and Superintendent Clooten reconsider the plan to build unisex bathrooms into any of our schools. Let us advocate for the comfort, the dignity, and the benefit of our children and request the school board to provide facilities that respect these values. *Please, join us in making this urgent appeal.* Sign this petition now to support our mission to stand up for our children's right to privacy and dignity.

Contact Superintendent Ned Clooten directly: Email. ned.clooten@dlschools.org Phone. (701) 662-7640

Comments on the Public Petition regarding the unisex bathroom blueprints & plan at Prairie View Elementary School in Devils Lake

Featured Comments



Breanna, Devils Lake

2 months ago

"Grown Adults have bathroom shyness why would we do this to kids.. I can think of several scenarios that I experienced as a kid that make me think this is awful idea. 1) holding it because your embarrassed or uncomfortable using the bathroom. Physically impacting the health of students. 2) escaping to space you know that you can't be followed into. Even adults do this to take a break. 3) girls as young as 8 can get their periods, I can't imagine trying to take care of feminine hygiene in a space shared with boys at that age. 5) I can just see a shared bathroom being a prime spot for harassment and bullying. Nothing safe about this. I'm not opposed to a separate, private rest room for a select few students. We can accommodate the minority but there is no need to implement a shared bathroom that impacts the majority so negatively."

♥ 0 likes · P Report



Vicky, Devils Lake

2 months ago

"Utterly ridiculous!! We've taught our kids that they are male AND female...so they use the bathroom with all male OR female peers, Not blended. I myself would not be comfortable sharing a bathroom with the opposite sex. But our "trusted" school system wants our children to do so...My Vote is NO!!"

♡ 0 likes · 🏱 Report



Carol, Devils Lake

2 months ago

"I can see how this could cause trauma for any young person!"

♡ 0 likes · 🏱 Report

WRITTEN TESTIMONY IN OPPOSITION TO HB 1144

House Human Services Committee on House Bill 1144 Date of Hearing: January 27, 2025 Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to HB 1144, which prohibits transgender and non-binary individuals from utilizing the restroom, locker rooms, or showers of their identified gender and discriminates against the transgender and nonbinary communities.

This bill would allow individuals to intentionally misgender students, which infringes on the rights of children to a free and appropriate education by effectively making misgendering a condition of access to education. Use of preferred pronouns improves the mental health of transgender and non-binary individuals. A supportive and affirmative educational environment lowers suicide attempts. There is no harm to other parties when you address someone with their preferred pronouns. The only harm involved in this proposed legislation is the prohibition of providing gender-affirming support to the transgender and non-binary community.

This bill also takes aim at transgender or non-binary students utilizing bathrooms, locker rooms, or showers that match their gender identity. Supporters of the bill claim it is necessary to protect the privacy and safety of women and girls. However, there is no research or data suggesting that transgender women pose a threat or misuse bathrooms for voyeuristic purposes. If the concern is based on the idea of a man disguising himself as a woman to harm others, this would represent a crime committed by a straight male, not a transgender woman. Transgender individuals simply seek to use these facilities like anyone else, without causing harm or disruption.

This bill also effectively prohibits participation of transgender and nonbinary athletes in sports. Like all young people, transgender students want to participate in school activities with their friends, have a community that is supportive, and be part of a team. They are not seeking an advantage to win awards. Sports teach students many things: confidence, sportsmanship, teamwork, and leadership. Transgender students need these skills, just like any other student.

Every person (regardless of gender identity or sexual orientation) wants to be accepted as they are. More than half of transgender and nonbinary youth have contemplated or attempted suicide. If those same students are surrounded by peers, teachers, coaches, and others who are affirming, the suicide rate lowers significantly. Excluding or marginalizing transgender students puts their mental health and physical safety at serious risk.

Please do not further marginalize the transgender and nonbinary community in North Dakota, which already suffers from higher rates of suicide and harassment. Affirming an individual's preferred pronouns lowers the risk of suicide and self-harming. Transgender and nonbinary individuals need compassion and inclusion. All North Dakotans deserve dignity and respect and the full protection of their rights.

Please oppose HB1144.

Cebra & Hyarth

-

¹ National Survey on LGBTQ Youth Mental Health 2024 - https://www.thetrevorproject.org/survey-2024/

1-25-2025

Dear Legislators,

I am writing to express my deep concern for our transgender youth who will struggle in schools in finding solace in a separate bathroom setting should this legislation pass. As an educator, I have seen many youngsters struggle to understand their identity, some pushed to the brink.

In fact, data indicates that 82% of transgender individuals have considered killing themselves and 40% have attempted suicide, with suicidality highest among transgender youth. (https://pubmed.ncbi.nlm.nih.gov/32345113/)

Furthermore, **school belonging**, emotional neglect by family, and internalized self-stigma made a unique, statistically significant contribution to suicidality. (https://pubmed.ncbi.nlm.nih.gov/32345113/) Students who are uncomfortable with the basic human need of going to the bathroom will be uncomfortable at school.

Please end this legislation now.

Sincerely,

Angie Moser

January 26th, 2025

Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144. This bill is essential in ensuring that the people of North Dakota receive the necessary legislative backing to maintain traditional, gender-specific bathrooms in schools across the state. It reinforces the principle that parents, not the school system, should have primary authority over the welfare of their children. Furthermore, it protects vulnerable youth by preventing them from being required to share bathroom facilities with individuals of a different gender while in the school environment.

I respectfully urge you to support the passage of HB 1144.

Respectfully, Patty Kavli

Statement of Opposition to House Bill 1144

1/26/2025

Dear House Human Services Committee,

I am writing to strongly oppose House Bill 1144, which seeks to amend section 15.1-06-21 of the North Dakota Century Code concerning transgender student accommodations and restroom use in public schools. While this bill claims to address privacy and parental rights, it instead legislates discrimination, undermines students' dignity, and threatens the mental and emotional well-being of transgender youth in North Dakota. This is not the path toward building schools where every child feels seen, valued, and safe.

This bill is discrimination and it's dangerous. Forcing students to use restrooms that correspond to their biological sex disregards their lived realities and identities, turning a fundamental need—using the restroom—into a source of humiliation and fear. This isn't about privacy; it's about creating barriers for transgender students, who already face staggering rates of bullying and harassment. By refusing to honor a student's chosen pronouns, this bill denies their very humanity. Something as simple as addressing a child by their name and pronouns can be a lifeline for a transgender student, affirming their identity in a world that often dismisses or attacks it.

This bill is a violation of privacy. Requiring schools to disclose a student's transgender status to their parents, regardless of the child's wishes, is deeply invasive. Not every home is a safe space. This policy could endanger students, forcing them into potentially hostile environments, stripping them of their right to privacy, and placing their mental health and safety at risk.

This bill puts our schools at a disadvantage. This bill places North Dakota schools at odds with federal anti-discrimination laws, such as Title IX, which protect transgender students' rights. It risks not only costly legal battles but also the loss of critical federal funding, jeopardizing education for all students in the state.

This bill harms children. Denying transgender students recognition and support is not neutral—it's harmful. Transgender youth are already at an elevated risk of depression, anxiety, and suicide. Policies like this compound their struggles, sending a clear message that they are not welcome or respected in their schools. How can we expect these students to thrive when their basic rights and identities are treated as debatable?

House Bill 1144 does not protect privacy or promote fairness—it legislates exclusion, stigmatization, and harm. Every child in North Dakota deserves to go to school without fear of being dismissed or denied recognition of their identity. This bill moves us backward, creating a hostile environment for transgender youth and undermining the values of respect, compassion, and equality that should guide us as a society.

I urge you to reject this harmful legislation. Let us send a message that North Dakota's schools are places where all students—regardless of their gender identity—are supported, affirmed, and empowered to succeed.

Sincerely,

Kara L. Geiger Mandan Dear Committee,

I am a North Dakotan born and bred. Most of my 30 years on this earth have been in Fargo. A refrain I have heard is that young people need to stay in the state, but bills like this one make people regardless of their age want to leave the state. I used to be a person who would defend the state, because there are so many kind people here worthy of defending because so many people followed used to be the bedrock of North Dakotan way of life: being kind to your neighbor, no matter who they are.

But this legislative session and this bill in particular is the proverbial straw that broke the camel's back, and I will no longer defend this state and actively look to leave because it seems many legislators have abandoned the notion of being kind.

You are not being kind to your neighbor by telling children they are not welcome because of who they are. You are not protecting anyone with a bill that tries to ban people from stepping into a bathroom.

There's a saying that "gender affirming care is lifesaving care" and the opposite is true as well. If you want young people to stay in the state, make them want to stay alive in the state by being a decent person and do not pass HB1144.

Sincerely,

Elisabeth Fricker

January 26, 2025

Chairman Ruby and members of Human Services,

I am writing to request that you consider a vote of NO on HB 1144. I realize that if you do not have first-hand experience with a transgender human in your life, the unknown can be hard to understand. I am a mother of a transgender young adult. It was only through opening my mind, educating myself about the science-based research on the how the brain and body can sometimes become misaligned in utero, and working thoroughly with trusted medical teams, school officials, our faith community, family and friends willing to choose respect and inclusion that my child has been able to not only survive, but thrive in life. When there is a community that is accepting, inclusive, and respectful it can literally save lives. No one that I know personally or casually that is transgender is out to make others feel uncomfortable. They simply want to feel safe and respected just as anyone else does in life. HB 1144 puts the North Dakotan transgender population at risk to be harmed by others or by themselves if we allowed alienation, prejudice, or stripping away of rights to be considered acceptable against this already marginalized group of people. If passed, it codifies the alienation of our fellow humans and puts our youth at risk. Protect North Dakota's youth, Do not pass HB 1114.

Respectfully submitted,

Tara Jensen

District 44, Fargo, ND

Chairman Ruby and House Human Services Committee Members,

I am writing in opposition to HB 1144 and urge a Do Not Pass vote.

This bill is an outright attack on the dignity, rights, and humanity of transgender students. It seeks to impose discriminatory and regressive policies that not only undermine the safety and well-being of vulnerable students but also actively promotes a hostile, exclusionary environment in our schools. Let us be clear: this bill is a direct assault on the basic principles of equality, respect, and human rights.

The provision that forces teachers and school staff to disregard a student's personal gender pronouns is nothing short of cruel. To deny a student this simple act of respect is to tell them that their identity does not matter, that they do not deserve basic human dignity. This bill would institutionalize emotional harm, pushing transgender students into the shadows, erasing their identities in the very spaces where they should feel the most accepted: their schools.

The section demanding separate restroom accommodations for transgender students, requiring parental approval, is nothing more than an attempt to single out and isolate transgender children. And the author of this bill doesn't try to hide it. The absurdity of banning multi-stall gender-neutral restrooms proves it. The very existence of such restrooms reflects a commitment to the reality that not all students fit into a rigid binary. Gender is not a checkbox; it is a spectrum. By prohibiting students from using restrooms that align with their gender identity, this bill not only violates students' rights to privacy but also exposes them to potential harassment and violence. When you legislate a student's access to the bathroom based on their biological sex rather than their gender identity, you send the message that their safety doesn't matter. It sends the message that their humanity doesn't matter. And, with that, you set them up to endure state sanctioned harassment and abuse regardless of where they use the bathroom.

The bill's proponents claim to protect children, but in reality, this bill is a weapon used to harm children. It is not about fairness or safety. It is about silencing and erasing transgender voices, denying them the chance to exist openly, without shame, in the spaces where they should feel safe and supported. It is about forcing educators to become complicit in discriminatory practices that should have no place in schools. It is about sowing division and

fostering intolerance in the very institutions that are supposed to teach our children compassion, respect, and understanding.

We cannot allow this bill to become law. We cannot stand idly by while a generation of students is harmed by regressive, harmful policies that do nothing but perpetuate discrimination and fear. Schools must be a place of acceptance, not a battleground where children are pitted against each other based on arbitrary distinctions. This bill is not just wrong—it is dangerous. We must fight it with everything we have, for the sake of our children and for the future of our society.

Thank you for your time and consideration Christina Feldmann Beach, ND Kristin Nelson 1/26/25

5409 20th Street South

Fargo, ND 58104

District 46

NO on HB 1144

Chairman Ruby and members of the House Human Services Committee:

I am writing you today to encourage you to vote **DO NOT PASS** on HB 1144. This bill overextends the state's authority and inserts our AG into the bathrooms of our public schools. I do not believe it is the responsibility of the state to ensure students are using the correct restroom. I would love to ask Rep. Tveit and the other members who sponsored this bill why they have a weird obsession with where students use the restroom. Surly, there has to be more pressing matters that these representatives, this committee, and our state have to deal with.

This is so much of a non-issue, that I guarantee each and every one of you on this committee and reading this testimony have used a restroom next to a transperson and have not known it. I recently saw a video of a non-binary person who was at an airport and workers shooed them out of each bathroom thinking they didn't belong there. Where is this person supposed to pee at? I am truly curious why lawmakers spend so much time worried about where people pee that they must bring a bill to a committee to get other lawmakers thinking of people peeing, and soon, a room of 50+ people are now thinking about where students are using the restroom. It's weird.

Only about 1.8% of high school students in this country identify as trans, and of those, 70% report avoiding bathrooms because they feel unsafe or uncomfortable. Trans people who are uncomfortable with public bathrooms report self-dehydration and "holding it" to avoid public restrooms, some have reported UTIs as a result (Crissman, H.P et. Al). This is a national study, however the point stands, that shaming people and stigmatizing them for their personal care routines creates unsafe and harmful environments for those people. This is against the types of environments we try to build in school, a place where everyone, no matter who they are should be encouraged to live as their true selves.

Facts matter, and here are the facts about regulating a teen's restroom habits as pulled from the Crissman study cited above. The study interviewed 904 youth ages 14-24 around the country about the bathroom debate.

- 1. Public facilities choice is a private decision.
 - a. The study participants agreed that going to the bathroom is a private activity and should be no one's business.
- 2. Public facilities choice is a human right.
 - a. Respondents thought trans people should be able to use whatever bathroom makes them comfortable.
- 3. Public facilities choice and the myth of the transgender perpetrator
 - a. Study respondents understand restrictions on bathroom use by transgender individuals as propagated by inaccurate portrayals of transgender people. Youth pointed out that restricting bathroom use by transgender people is, in part, driven by a conflation of gender non-conformity with criminal sexual deviance, particularly pedophilia.
- 4. Public facilities choice and the safety of transgender people.
 - a. The respondents feared that trans people who pass as their affirmed gender may face harassment and violence if forced to adhere to bathroom restrictions.

I would be remiss if I did not include the other side of the argument:

- 1. Public facilities restrictions: transgender identity as illegitimate:
 - a. This group expressed a belief that sex and gender should always remain concordant, and that this relationship is inflexible.
- 2. Public facilities restrictions based on genital anatomy:
 - a. Bathroom use by transgender people should be restricted and emphasized the importance of genital anatomy in determining which bathroom transgender people should be allowed to use. This rationale stemmed from a fear of individuals, specifically cisgender girls, being exposed to phalluses.
- 3. Public facilities restrictions and the risk of falsified perpetrators:
 - a. These respondents talked about safety concerns and the right of transgender people to use restrooms aligned with their gender identity. Their concern though was that people could masquerade as transgender in order to legitimize their entering other genders' restrooms for nefarious purposes.

This study goes on to say that of the youth who participated, the majority of respondents support transgender people having the right to choose which bathroom they use without restriction. Findings suggest a large number of youth support transgender rights, and a large number would be willing to provide peer support to transgender youth. Those in the study who had concerns for trans people accessing the bathroom of their choice, was more out of fear that of "enabling natal male sexual predators to enter women's bathrooms

for nefarious purposes." Meaning, they fear that cis-males will enter bathrooms and commit sexual assault, they don't actually fear transgender people.

Another study by the NIH delves into the rate of sexual assault among transgender and non-binary teenagers in school. "Transgender and non-binary middle and high school youth experienced sexual assault at troubling rates well above those for non-transgender adolescents. Besides avoiding restrictive policies, schools should strongly consider designating "all-gender restrooms" along with additional adult supervision in locations where harassment is most likely to occur (Murchison, A. R., et al, 2019).

The studies referenced in this testimony will be attached at the end. After considering the data I hope the committee can see another bill restricting the rights of North Dakotans is wrong. This bill was submitted by the party of "small government" and "don't tread on me" and "freedom", so please keep that in mind when debating the bathroom habits of teenagers.

I implore all of you to vote **DO NOT PASS** on this bill.

Thank you.

Kristin Nelson (she/her)



Journal of Homosexuality



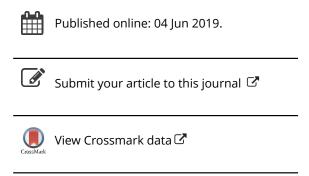
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Youth Perspectives regarding the Regulating of Bathroom Use by Transgender Individuals

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ABSTRACT

Regulations regarding bathroom use by transgender people affect youth across the United States. This study examines youth opinions on bathroom use regulations. Data were obtained from MyVoice, a weekly text messaging survey of youth aged 14-24 years. Youth were recruited nationally at community events and online; Southeast Michigan was overrepresented. Mixed methods analysis was performed using grounded theory methodology. The majority of respondents (n = 683) were white (71.4%) and had education beyond high school (56.5%). Most (79%) stated that bathroom use by transgender people should not be restricted, rationalizing: 1) bathroom use is private and should be a personal decision; 2) choosing bathrooms is a matter of equality, freedom, and human rights; 3) transgender people are not sexual perpetrators; and 4) forcing transgender people to use particular bathrooms puts them at risk. Contrary to the current policy in many schools, respondents do not support restrictions on bathroom use by transgender people.

KEYWORDS

Transgender; LGBT; bathroom; public policy; vouth

Introduction

In recent years, many state legislatures and school boards in the United States have considered regulations regarding bathroom use by transgender people (Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2016; Kralik, 2018; Sanders & Stryker, 2016). In 2016, two contrary efforts brought public bathroom use regulation to the national forefront; North Carolina passed House Bill 2, which required individuals to use the restroom that corresponds with the sex on their birth certificate, and the Obama administration released a letter to schools stating that "a school may not require transgender students to use facilities inconsistent with their gender identity" (Bishop, 2016; Kralik, 2018; Lhamon & Gupta, 2016). Under new administrations, these discrepant regulations were both rescinded in 2017, leaving the issue of which bathrooms



transgender people should be allowed to use up for debate in state houses, municipalities, and schools across the country (Battle & Wheeler, 2017; Kralik, 2018).

The debate regarding public bathroom regulation in the U.S. is occurring in the context of a federal legal system with sparse protections for transgender individuals (Hart, 2014). The U.S. federal government has yet to codify any laws specifically detailing protection for transgender individuals from discrimination on the basis of gender identity. However, an increasing numbers of federal court rulings have concluded that federal discrimination laws, such as Title VII of the Civil Rights Act of 1964 which barred racially segregated public accommodations, forbade the use of federal funds for any discriminatory programs, and banned discrimination based on race, color, religion, sex and national origin, as well as Title IX of the Educational Amendments Act of 1972, should be interpreted as protecting transgender people against discrimination (Title VII of the Civil Rights Act of 1964 (1964)). Yet the issue remains debated as the Supreme Court and Congress have yet to take on discrimination on the basis of gender identity and the current administration's Department of Justice recently indicated that "sex" in the Civil Rights Act of 1964 referred to "biologic sex" and thus does not apply to discrimination against individuals based on gender identity. Without federal precedence, more than a dozen states and numerous municipalities have adopted laws officially protecting people from discrimination in public accommodations based on gender identity ("Transgender people and access to public accommodations," 2014). And rare legislation, such as California Assembly Bill 1266, has specifically addressed public accommodations in schools, legislating that California schools must allow transgender students to use sex-segregated facilities based on their gender identity (Pupil rights: sex-segregated school programs and activities, 2013).

It is estimated that at least 150,000 13-24 years olds in the U.S. (0.7%) identify as transgender (Herman, Flores, Brown, Wilson, & Conron, 2017), with new data from one multi-state survey suggesting an even higher prevalence, with 1.8% of 9th to 12th graders identifying as transgender (Johns et al., 2019). These findings suggest that youth are more likely to identify as transgender than current U.S. adults (Herman et al., 2017). Transgender youth experience high rates of violence and harassment in schools and are less likely to attend college than their cisgender peers (Crissman, Berger, Graham, & Dalton, 2017; James et al., 2016).

Many schools have instituted bathroom use regulations. While at the individual case level student plaintiffs have succeeded in gaining access to school bathrooms aligned with their gender identity through the courts, 60% of transgender youth in a national school climate survey reported being required by their school to use the restroom corresponding with their sex assigned at birth, and 70% of transgender students reported avoiding public

bathrooms because of feeling unsafe or uncomfortable (Kosciw et al., 2016). Transgender people who are uncomfortable with public bathroom options report self-dehydration and "holding it" to avoid public restrooms (Herman, 2013), with some evidence for higher rates of urinary tract infections in individuals who avoid using public restrooms (James et al., 2016).

The minority stress model describes the ways in which marginalized communities, including transgender people, are subject to stress as a result of alienation from social structures, norms and institutions (Bockting, Miner, Swinburne Romine, Hamilton, & Coleman, 2013; Meyer, 2003). Aligned with minority stress theory perspective, gender minority youth who feel unsafe in public restrooms reported less psychological well-being (Weinhardt et al., 2017). Denial of public accommodations has been associated with emotional distress, adverse physical symptoms, and has even been associated with suicidality among transgender people (Reisner et al., 2015; Seelman, 2016). Legal rulings have also levied the minority stress theory, such as the case of Coy Mathis where the Colorado Civil Rights Division ultimately found that forbidding Coy, a transgender girl, from using the girls' bathroom at school created "an environment rife with harassment and inapposite to a nurturing school atmosphere" (Johnson, 2014).

However, the focus of the debate and media campaigns surrounding regulation of the use of public accommodations by transgender people has galvanized less attention for the implications for the wellbeing of transgender individuals, and has instead focused on fears regarding shielding and ensuring the safety of presumed cisgender women and girls in women's bathrooms (Madigan, 2016; Sanders & Stryker, 2016; Schilt & Westbrook, 2015; Stones, 2017). Specifically, the focus has been on what some have termed "penis panic" - the fear that individuals with natal penises will be allowed to "dress in sheep's clothing" and will have open reign to violate "vulnerable women" in women-only spaces (Schilt & Westbrook, 2015). Recent polling and studies suggest that many adults in the U.S. believe transgender people should not use the restroom aligned with their gender identity (Callahan & Zukowski, 2019; Parent & Silva, 2018; "Transgendered students and school bathrooms," 2014). While adult opinions of transgender youth appear more favorable, older and reported more socially conservative political views were associated with hesitance to allow transgender youth to use the restroom corresponding to their gender (Elischberger, Glazier, Hill, & Verduzco-Baker, 2016).

While transgender youth continue to face harassment at levels far beyond their cisgender peers, school environment surveys suggest schools are gradually becoming less hostile spaces for transgender youth (Kosciw et al., 2016). A small qualitative analysis of interviews with lesbian, gay, bisexual and transgender youth (n = 25) recently concluded that gender-neutral bathrooms are important in fostering a sense of safety and inclusivity, but the perspective of larger populations of youth remains unclear (Porta et al., 2017). We hypothesize that in an era where a growing number of youth identify as transgender, many youth may not support restrictions on bathroom use by transgender people. If there is indeed peer support among youth for allowing transgender individuals to use bathrooms concordant with their gender identity, there may be profound positive implications for minority stress among upcoming generations of transgender youth (Bockting et al., 2013). Moreover, it may suggest that youth perspectives on bathroom use policies may differ from the narratives otherwise represented in debates regarding bathroom regulations.

Methods

We conducted a cross-sectional mixed methods study to collect demographic and qualitative data from youth across the U.S. Data were obtained from MyVoice, a weekly text messaging survey that solicits the opinions of youth on health and policy issues. MyVoice sampling and topic selection methods were previously described by Dejonckheere et al. (DeJonckheere et al., 2017). In brief, participants were recruited nationally at community events and online via Facebook and Instagram advertisements. Social media advertisements were created to target specific nationally representative demographic characteristics using weighted samples from the American Community Survey, with adjustments in recruitment advertisement targeting to meet benchmarks (DeJonckheere et al., 2017). Youth in Southeast Michigan were overrepresented. Eligible participants (14-24 years of age, fluent in English, with access to a phone with SMS capabilities) were assented or consented, and completed an online demographic questionnaire (n = 1010). The active MyVoice sample includes 906 youth who have responded to at least one text message survey from MyVoice.

MyVoice participants were asked via text message survey whether they had heard of the debate regarding bathroom use by transgender people: "There is a debate in some states about which bathroom transgender people are allowed to use. Have you heard about this?" (Yes/No). Participants who responded "No" received the following information, "What this means is that a person who was born a female but identifies as a male can only use female bathrooms and vice versa." Participants were then asked the following open-ended questions: "What do you think about this issue?" and "Is this important? Why?" Of the 906 active MyVoice participants, individuals were excluded from the analysis if they did not respond to any portion of the survey (n = 198) or did not respond to at least one of the two open-ended questions (n = 25), resulting in a sample size of n = 683 participants who responded to at least one of the two open-ended questions.

Open-ended responses were analyzed using qualitative content analysis, with a focused analysis of youth perspectives on which bathroom or

bathrooms they believe transgender people should be able to use and why (Hsieh & Shannon, 2005). This focus was established prior to data analysis to address the gap in knowledge surrounding youth opinions on policy options being debated nationally. Emergent themes, including groupings of beliefs about the bathroom types transgender people should use, and the rationale for opinions about bathroom use beliefs were identified. A codebook was codebook-created and iteratively refined by two researchers (HC, NK). The data were independently coded (HC, NK) with discrepancies discussed to reach consensus.

Descriptive statistics were used to calculate the percent of respondents expressing a particular view, using the number of respondents who expressed an opinion about the type of bathrooms transgender individuals should use as the denominator (n = 508), as not all of the 683 participants expressed an opinion regarding the type of bathroom transgender individuals should use. Some respondents (n = 36) identified two acceptable bathroom use options without a clear preference for one of the bathroom types; in this case, their response was coded under both of the bathroom use opinions they endorsed.

This study was approved by the University of Michigan IRB; a waiver of parental consent for participants under the age of 18 years was granted by the IRB.

Results

Among 906 eligible youth, the 683 participants (response rate 75.4%) had a mean age of 18.9 years (SD = 3.1 years), and half identified as nontransgender females (57.4%), labeled as ciswomen, henceforth (Table 1). Approximately 2.2% of participants identified as transgender, and another 1.5% identified as non-binary. The majority of respondents identified as White (71.4%), more than half had education or training beyond high school (56.5%), and the majority lived in the Midwest (69.8%). When the demographic characteristics of our survey respondents were compared to those of active MyVoice participants who did not respond, respondents were more likely to identify as non-transgender females or be from the Midwest compared to non-responders (data not shown).

Nearly all respondents (93%) were aware of the debate regarding bathroom use by transgender people. In open-ended responses, 74% (n = 508) expressed an opinion about policy regulating bathroom use by transgender people. Youth perspectives on bathrooms use policies were categorized as: 1) transgender people should be able to choose which bathroom they use; 2) bathroom use by transgender people should be restricted based on anatomy or sex assigned at birth; or 3) transgender people should use gender neutral or unisex bathrooms (Table 2).

Table 1. Respondent demographic characteristics (N = 683).

Demographic characteristic	n (%)
Age, mean (SD)	18.9 (3.1)
Gender, n (%)	N = 681
Male, non-transgender	247 (36.3)
Female, non-transgender	391 (57.4)
Transgender, female-to-male	14 (2.1)
Transgender, male-to-female	1 (<0.1)
Non-binary	10 (1.5)
Other	18 (2.6)
Race	N = 681
White	486 (71.4)
Black	54 (7.9)
Asian	65 (9.5)
Other (including multi-racial)	76 (11.2)
Hispanic	82 (12.0)
Education	N = 681
Less than high school	296 (43.5)
High school graduate	56 (8.2)
Some college or tech school	201 (29.5)
Associates or tech school graduate	19 (2.8)
Bachelors +	109 (16.0)
Region	N = 679
East	44 (6.5)
Midwest	474 (69.8)
South	98 (14.4)
West	63 (9.3)

Transgender people should be able to choose which bathroom they use (79%; n = 399)

The majority of respondents who expressed an opinion on bathroom use policies stated that transgender people should be able to use whichever bathroom they choose: "I think transgender people should be allowed to use the bathroom of their choice, not what they are assigned at birth" (16 yo, White ciswoman, West). Respondents stated that people should be able to make bathroom use decisions based on their gender identity, or comfort using a particular restroom. Respondents made four main arguments for this position:

1) Public Facilities Choice as a Private Decision

Respondents described choosing a restroom as a private, personal decision: "Going to the bathroom is a private activity and should be no one else's business" (18 yo, White transwoman, South). Individuals espousing privacy arguments also asserted that because an individual's bathroom use should not adversely impact others, an individual's right to privacy should be maintained in making bathroom use decisions: "We should allow people who are trans go to their bathroom of choice it's not like it's going to affect anyone else" (17 yo, Black and White ciswoman, Midwest).



Table 2. Youth perspectives on bathrooms use regulation and core rationales.

Transgender individuals should be able to choose which bathroom they use (79%)

Bathroom use is private and should be a personal decision

freedom, and human rights

Forcing transgender individuals to use individuals at risk

Transgender individuals are not sexual perpetrators

"People should be allowed to go into whatever bathroom they feel comfortable using.. It's no one's business what someone really has in their pants" (23 yo, White cisfemale, East).

Choosing bathrooms is a matter of equality,"I believe that banning them [transgender people] from restrooms of their identity is just another way for people to keep their rights unequal to that of a cisgendered person" (16 yo, American Indian or Alaska Native and White cisfemale, Midwest).

particular bathrooms may put transgender "There's a huge misconception that transgender people are using a bathroom as 'predators'. This is inaccurate..." (22 vo. White cisfemale, Midwest).

> "If they [transgender people] are forced to use a restroom of the gender which they do not present themselves as, that could put them in danger... I don't think trans people should have to fear violence when using the restroom" (19 yo White cisfemale,

Transgender individuals should use bathrooms as restricted based on anatomy or natal sex (17%)

Transgender identity is not a legitimate or acceptable identity Genital anatomy should be important in determining bathroom use There is a risk of perpetrators

masquerading as transgender

"If you are male, I mean if you were born male you use the male restroom. It's as simple as that. Because it's a ridiculous thing to have a conversation over. Males go to male bathroom. That's how that works. Real males. X,y chromosomes" (14 yo, White cismale, South).

"I think that people with penises should use the men's and people with vaginas should use the women's" (14 yo White cismale, Midwest).

"It really doesn't bother me that a person who got a sex change wants to use the bathroom they got the parts for. But it also bothers me that a child molester or rapist could pretend to be a transgender and use that as an excuse to be around kids" (17 yo White cisfemale, South).

Transgender individuals should use gender neutral or unisex bathrooms (10%)

"We should have all gender neutral bathrooms" (18 yo White cismale, Midwest).

2) Public Facilities Choice as a Human Right

Other respondents used a framework of equality, freedom, and human rights as the rationale for their beliefs about bathroom use regulation: "I think trans folks should be able to use whatever bathroom they would like. Because trans rights are human rights, and I think it is important and necessary to advocate for human rights and equity for marginalized groups." (21 yo, White cis-Respondents recognized transgender people *Midwest*). woman, a marginalized minority group, and perceived the regulation of their basic bodily functions (through bathroom use) as a violation of human rights.

Participants called for laws regulating bathroom use as discriminatory: "Lawmakers are blowing up a non-issue to discriminate against minorities... I don't think our legislators should be encouraging hate and discrimination against a disadvantaged group" (20 yo, White cisman, Midwest). Respondents drew parallels between the bathroom use debate and the civil rights

movement, suggesting that the debate is truly about valuing transgender people as people, and is not about bathrooms:

"I saw a post online that said 'it's not about bathrooms, just like it was never about drinking fountains.' That really resonated with me. Bathroom bills draw lines between first and second class people, and it's important to respect people's identities instead of spreading hate" (19 yo, White ciswoman, Midwest).

3) Public Facilities Choice and the Myth of the Transgender Perpetrator

A group of respondents described legislation limiting bathroom use by transgender people as, "based on the fallacy that transgender people are a danger to others" (23 yo, White cisman, West). These respondents understand restrictions on bathroom use by transgender individuals as propagated by inaccurate portrayals of transgender people: "So called 'bathroom bills' are couched in the belief that trans people are sexual deviants or deceptive in some way, which is a harmful mischaracterization of trans people..." (20 yo, White ciswoman, Midwest).

Specifically, youth pointed out that restricting bathroom use by transgender people is, in part, driven by a conflation of gender non-conformity with criminal sexual deviance, particularly pedophilia:

"I believe these bills are ineffective and offensive, they serve only to pander to transphobic ideologies and accomplish nothing regarding a non-existent threat (trans people aren't pedophiles) while simultaneously reaffirming bigoted beliefs..."(20 yo, White cisman, Midwest).

Respondents emphasized that transgender people are not inherently, or disproportionately, sexual predators or pedophiles.

Others noted that assault or violence in a bathroom is illegal, and will remain illegal, regardless of the genders allowed in a particular bathroom:

"Many may argue that it [allowing transgender people in bathrooms aligned with their gender identity] lets people get away with sexual crimes, but sexual crimes are illegal no matter what gender or bathroom..." (15 yo, White ciswoman, Midwest).

These respondents viewed restrictive bathroom policies as legitimizing fears steeped in transphobic mischaracterizations of transgender individuals and their behaviors, under the guise of improving public safety.

4) Public Facilities Choice and the Safety of Transgender People

In addition to transgender people not posing a threat to other bathroom users, respondents noted that forcing transgender people to use a particular bathroom may put transgender people in danger: "Transgender people are most safe in the bathroom they identify with the most" (24 yo, White ciswoman, Midwest). One respondent explained: "As a stealth transguy my safety depends on being able to use the men's bathroom" (23 yo, White transman, Midwest). These respondents argue that, for example, a transgender individual who "passes" as their affirmed gender may be at increased risk of harassment or violence if they are forced by bathroom use restrictions to use the bathroom aligned with their sex assigned at birth. Respondents expressed concerns that transgender individuals may not be well accepted in bathrooms corresponding with their sex assigned at birth: "...it is absurd to expect a trans man with a beard to use the women restroom" (23 yo, White cismale, West).

This group concluded that restricting bathroom use may have negative implications for the well-being of transgender people, in terms of immediate physical safety, emotional and mental health, and marginalization and devaluing of the transgender community:

"Trans people are in greater danger in bathrooms than cispeople. They pose 0 threat. Forcing someone to use the bathroom opposite to their gender identity and expression would cause more shame, confusion and alarm. This is just another way to delegitimize an entire community for the narrow-mindedness of a few" (23 yo, Asian ciswoman, Midwest).

Transgender people should use bathrooms as restricted based on anatomy or sex assigned at birth (18%; n = 92)

Some respondents stated that restroom use by transgender people should be restricted based on an individual's genital anatomy or sex assigned at birth. This group of respondents rationalized bathroom use restrictions with the following arguments:

1) Public Facilities Restrictions: Transgender identity as illegitimate

A cohort of respondents questioned the legitimacy of transgender identity instead endorsing sex and gender as fixed and binary: "People should use the bathroom that is on their birth certificate" (15 yo, White cisman, South). Individuals explained these beliefs by describing transgender identity as diverging from what they saw as an obvious, strict, biologic binary of both sex and gender:

"If one has XY chromosomes, they are male. If one has XX chromosomes, they are female. Males need to use the male restroom, and females need to use the female restroom.. Also, it furthers the ignorance of facts by allowing men to believe they are women, and vice versa" (16 yo, White cisman, Midwest).

This group of respondents expressed a belief that sex and gender should always remain concordant, and that this relationship is inflexible. Thus, transgender people using bathrooms corresponding with their gender identity was seen as unnatural, unacceptable, and pathologic: "Transgender is a mental disorder and shouldn't be praised or accepted" (15 yo, White ciswoman, South).



2) Public Facilities Restrictions Based on Genital Anatomy

Other respondents who felt bathroom use by transgender people should be restricted emphasized the importance of genital anatomy in determining which bathroom transgender people should be allowed to use.

Some respondents of this belief regarded gender affirming surgery on the genitals as a legitimate reason to allow transgender people to use the bathroom aligned with the gender they affirm:

"I don't think transgender people should use whichever bathroom they want to. I think they should be based on the reproductive organs the person has. Therefore, if a trans person had surgery to change their genitals they should use the bathroom that matches their genitals" (23 yo, White ciswoman, East).

In part, respondents noted that this rationale stemmed from a fear of individuals, specifically cisgender girls, being exposed to phalluses: "We need a male and female bathroom. That is it, plain and simple. Because a little girl should not have to be forced to see a penis in the bathroom in the name of 'tolerance'" (17 yo, White and Hispanic cisman, South). Respondents described concerns about the potential for individuals to see genitals different from their own, using language that suggested genital viewing may be forced or inherent in bathroom use.

3) Public Facilities Restrictions and the Risk of Falsified Perpetrators

Some respondents raised concerns about the safety implications of codifying the right of transgender people to use restrooms aligned with their gender identity. These respondents did not express a concern that transgender people would act as perpetrators. Instead, they feared that non-transgender people could masquerade as transgender in order to legitimize their entering other genders' restrooms for a nefarious purpose: "Sexual predators under a transgender facade can be very dangerous if they have free reign to use whatever restroom" (21 yo, White cisman, West).

These individuals at times explicitly recognizing that their fears were not actually of transgender people. Instead, they expressed fears that the right for transgender people to use bathrooms aligned with their gender identity would create an avenue for increased bathroom violence by nontransgender perpetrators, particularly against young people and females:

"Honestly I have nothing against transgender people. But I think they should have a separate bathroom or go in family bathrooms. Not because of who they are but because of bad people in the world. With that law passed, any man can dress in women's clothes and go in a woman's bathroom and take advantage of anyone including young girls" (17 yo, White ciswoman, South).

"I think transgender people should use the bathroom based off of their body part... I kind of don't care as long as no harm is caused to anyone, but I also don't really like the idea of using the bathroom with a man who wants to be a woman. So many rapists could play that off" (19 yo, Black ciswoman, Midwest).



Transgender people should use gender neutral or unisex bathrooms (10%; n=53)

A minority of respondents described gender neutral or unisex bathrooms as the preferred bathroom for proposed use by transgender persons, and more fundamentally challenged the need for the existence of gendered bathrooms. These respondents rationalized that gender neutral bathrooms were not only an ideal option for transgender people, but for all people: "I think the issue would be solved if we got rid of separate gender bathrooms and just created universal bathrooms labeled "Bathroom" instead of "Men" and "Women" (21 yo, White ciswoman, Midwest). These respondents questioned the need for gendered restrooms, with some suggesting universal gender neutral restrooms.

Discussion

In this sample, nearly 8 in 10 youth stated that transgender people should be able to use the bathroom they feel most comfortable in. Youth justified protecting the ability of transgender people to choose the restroom they use with a narrative of privacy and minority rights. This relative peer acceptance aligns with trends suggesting school environments are gradually becoming less hostile spaces for transgender youth (Kosciw et al., 2016). These findings suggest that the majority youth perspective in this survey sample is in disagreement with the current bathroom use policies in many schools, and with legislation considered by many states in recent years to restrict bathroom use by transgender people (Kosciw et al., 2016; Kralik, 2018).

With an eye to civil rights implications, we recognize that the majority opinion should not be the lynchpin in determining the rights of a minority group. While the volume of peer youth support we describe here does not implicate the validity of human rights arguments for public restroom access, it may have significant implications for reducing minority stress associated with public bathroom exclusion. Whereas enacted and felt stigma, such as gendered bathroom exclusion, have been associated with psychological distress in the transgender population, peer support has been found to be protective (Bockting et al., 2013). Our findings suggest that there is significant peer youth support for transgender people using the bathroom concordant with their gender identity.

Moreover, given the lack of codified federal protections against transgender discrimination, and thus the current role for local and state legislation in determining public bathroom regulations, the opinion of the next wave of potential youth voters has significance, particularly as it appears to differ from the current opinion of U.S. adults (Callahan & Zukowski, 2019; "Transgendered students and school bathrooms," 2014).

A minority cohort of respondents in support of restrictions for bathroom use by transgender people expressed a strong essentialist belief in a fixed alignment of binary sex and gender (Callahan & Zukowski, 2019). These respondents referenced sex chromosomes and genitalia as the determinants of both sex and gender, asserting that deviance from this was pathologic. All major American medical societies disagree with this assertion, endorsing gender affirming treatment of transgender people and rejecting the notion that transgender identity is a mental illness (Coleman et al., 2012). It is unclear whether youth with essentialist beliefs lack education regarding gender and sex differences, but regardless of the etiology of these beliefs, respondent quotes indicate clear associated transphobia. Binary conceptions of gender have previously been associated with negative attitudes toward transgender people (Norton & Herek, 2013). While the transphobia associated with essentialist views of gender may be rooted in ingrained value systems, there is some evidence to suggest antiprejudice interventions can reduce transphobia and increase support for transgender nondiscrimination laws (Broockman & Kalla, 2016). This raises the potential for anti-prejudice interventions as a mechanism to address the transphobic views of some youth.

While parental concerns for the safety of presumed cisgender women and children in bathrooms was a focal point during "bathroom bill" media coverage, safety in this context was mentioned by a minority of youth (Johnson, 2014; Madigan, 2016; Schilt & Westbrook, 2015). Interestingly, youth respondents expressed concerns not of transgender people specifically acting as sexual predators in bathrooms, but rather, a fear of enabling natal male sexual predators to enter women's bathrooms for nefarious purposes. Described by Schilt & Westbrook as "penis panic," this narrative suggests a fear of the perceived propensity of individuals assigned male sex at birth to commit assault, regardless of gender (Schilt & Westbrook, 2015). The National Task Force to End Sexual and Domestic Violence Against Women issued a consensus statement directly addressing this concern, stating: "Nondiscrimination laws do not allow men to go into women's restrooms-period... discriminating against transgender people does nothing to decrease the risk of sexual assault" ("National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community," 2016). Youth proponents of allowing transgender individuals to use the bathroom corresponding with their gender identity echoed this argument. Regardless of the prevalence of these fears, and clear transphobia from some individuals with these concerns, ingrained fears of natal males (regardless of gender) as sexual predators signal a serious need to address societal factors that enable sexual assault, including toxic masculinity.

Some respondents in support of allowing transgender individuals to use the restroom most aligned with their gender noted that safety considerations for transgender people likely require more attention. These respondents recognized that transgender people may be at higher risk of physical violence, stigmatization, and harassment if their bathroom use is restricted. These concerns align with research that shows transgender students report significantly lower self-reported safety in bathroom facilities compared to cisgender students and high rates of assault while trying to use the restroom (Herman, 2013; Wernick, Kulick, & Chin, 2017).

Our findings are limited by response bias, and may represent incomplete participant perspectives despite the open-ended nature of responses. Though the sample of respondents represents a large population of youth, our findings are not nationally representative and may have excluded other minority viewpoints. Within the MyVoice cohort, individuals with little knowledge or opinions regarding issues affecting transgender people may have been less likely to respond. The opinions of youth in Southeast Michigan were overrepresented; this is likely due to community recruiting events were held in Southeast Michigan. Participants from Southeast Michigan may also have been more likely to recognize and engage with the host university. Southeast Michigan is politically Democratic-leaning; while the political leanings of the participants were not solicited, and youth tend to be more liberal than adults (Pew Research Center, 2018), if respondents were disproportionately of liberal ideology this may impact the generalizability of the results and suggest an over-estimation of broader youth support for transgender people using restrooms aligned with their gender identity (Norton & Herek, 2013).

Conclusion

In this sample of youth, the majority of respondents support transgender people having the right to choose which bathroom they use without restriction. Young people are more likely than U.S. adults to identify as transgender (Herman et al., 2017) and restrictive policies have been shown to have significant implications for the wellbeing of transgender youth (Johnson, 2014). As schools, states, and federal officials consider policies regarding bathroom use by transgender people, the voices of youth deserve to be heard; the next generation of voters may be more likely to support gender identity nondiscrimination laws for public accommodations than "bathroom bill" legislation enshrining strict bathroom segregation by natal sex.

Moreover, our findings indicating support among a large sample of youth for transgender rights, suggest a large number of youth may be willing and able to provide peer support to transgender youth. This has positive implications for potential reductions in minority stress, and psychologic distress, in the transgender population.

More work is needed to understand whether our finding are nationally representative, how youth opinions evolve as transgender people continue to become more visible in our society, and whether the rejection of "bathroom bills" by youth in this sample will predict a broader shift in public opinion regarding the regulation of gender.

Disclosure statement

The authors declare that they have no conflict of interest.

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Author Contributions

HC performed the data analysis, data interpretation, and initial manuscript preparation. CC performed data analysis, aided in interpretation of the data, and provided manuscript revisions. MM and TC aided in drafting survey items, interpretation of the data, revision of the manuscript, and conceptualization of the study design. MP aided in interpretation of data, aiding in study design, and contributed to manuscript revisions. All authors read and approved the final version of this manuscript before submission.

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School Restroom/Locker Rooms Restrictions and Sexual Assault Risk Among Transgender Youth

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Abstract

Background—Transgender and gender non-binary adolescents experience high rates of peer victimization, but the prevalence of sexual assault in this population has not been established. Some schools restrict transgender and non-binary students from using restrooms and locker rooms that match their gender identity, with unknown effects on sexual assault risk. We tested whether these restrictions were associated with the 12-month prevalence of sexual assault victimization.

Methods—Survey responses were analyzed from 3673 transgender and non-binary U.S. adolescents in grades 7 through 12 who participated in the cross-sectional 2017 LGBTQ Teen Study. We estimated the association between school restroom/locker room restrictions and past-

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Mr Murchison conceptualized and designed the study, coordinated data collection, carried out data analysis, drafted the initial manuscript, and revised the manuscript.

Dr Agénor provided input on the study design and analyses and reviewed and revised the manuscript.

Dr Reisner provided input on the study design and analyses and reviewed and revised the manuscript.

Dr Watson conceptualized and designed the study, coordinated and supervised data collection, and reviewed and revised the manuscript.

All authors approved the final manuscript as submitted and agree to be accountable for all aspects of the work.

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year sexual assault, adjusting for potential demographic, social, and behavioral confounders, using logistic regression. We also tested potential mediators.

Results—The 12-month prevalence of sexual assault was 26.5% among transgender boys, 27.0% among non-binary youth assigned female at birth, 18.5% among transgender girls, and 17.6% among non-binary youth assigned male at birth. Youth whose restroom/locker room use was restricted were more likely to experience sexual assault compared to those without restrictions, with risk ratios of 1.26 (95% CI: 1.02, 1.52) in transgender boys, 1.42 (95% CI: 1.10, 1.78) in non-binary youth assigned female at birth, and 2.49 (95% CI: 1.11, 4.28) in transgender girls. Restrictions were not associated with sexual assault among non-binary youth assigned male at birth.

Conclusions—Pediatricians should be aware that sexual assault is highly prevalent in transgender and non-binary youth, and that restrictive school restroom/locker room policies may be associated with risk.

Table of Contents Summary:

This study reports rates of sexual assault victimization, and its association with restrictive school restroom/locker room policies, in a transgender and gender non-binary adolescent sample.

INTRODUCTION

Adolescents (as well as children or adults) may identify as *transgender* when their gender identity—their internal sense of being male, female, or something else—does not match the sex they were assigned at birth. Someone whose gender identity falls outside of the traditional male and female "binary" may also identify as *non-binary*. Together, transgender and non-binary people are sometimes described as "gender minorities."

Gender minority youth and adults are disproportionately likely to experience sexual violence. In the United States, the lifetime prevalence of sexual assault (i.e., unwanted sexual contact) among gender minorities is estimated at 47%, ¹ Prior research with small samples of gender minority youth has found sexual assault rates of over 50% in some subpopulations, including transgender girls of color, transgender boys, and non-binary youth assigned a female sex at birth. ^{2,3} Transgender and non-binary people with a history of sexual violence are more likely to experience psychiatric distress, ⁴ engage in problematic substance use ^{5,6} and sexual risk behaviors, drop out of school, ⁷ and consider or attempt suicide. ^{4,5,7} In general, adolescents who have experienced sexual assault are at risk for major depression, post-traumatic stress disorder, substance use problems, eating disorders, and additional sexual violence. ⁸

Little is known about risk factors for sexual assault in gender minority adolescents, but school policies and practices play an important role in other forms of victimization. 9,10 One potentially impactful policy is whether schools restrict transgender students from using restrooms or locker rooms that match their gender identity. A majority of transgender students report that school staff have placed limits on their restroom/locker room use. 11 In a focus group study, transgender boys reported fear and harassment when using girls'

restrooms. Using "unisex" facilities, often staff or nurse's restrooms, likewise attracted "unwanted attention from peers and adults." 12

The literature suggests at least three reasons that restroom/locker room policies may be related to gender minority students' risk of sexual assault. First, restrictions may cause students to use facilities that are less safe for them, and students may be assaulted while using them. ¹² Second, restrictions may increase the likelihood of bias-related victimization in other locations, e.g. by increasing peer awareness student's gender minority status, ¹². Third, restrictive policies may not cause victimization, but may be a marker of a hostile school or community climate for gender minority youth. ¹⁰ In each case, we would expect higher rates of sexual assault victimization in gender minority youth whose schools restrict their use of identity-congruent restrooms/locker rooms compared to those not facing restrictions. However, to date, the relationship between restroom/locker room policies and sexual assault victimization has not been examined.

Our first aim was to determine the 12-month prevalence of sexual assault in a large, geographically diverse sample of transgender and non-binary U.S. middle- and high-school youth. Our second aim was to determine whether having been prohibited by school staff from using identity-congruent restrooms/locker rooms is associated with sexual assault victimization in gender minority youth. Our third aim was to test four potential mediators of the restrictions-sexual assault association: perceived safety in restrooms/locker rooms, perceived safety elsewhere at school, sexual harassment victimization, and the proportion of classmates aware of the student's gender minority status.

METHODS

Study population

We analyzed data from the LGBTQ Teen Study, an anonymous web-based survey of lesbian, gay, bisexual, transgender, and queer (LGBTQ) adolescents aged 13 to 17 years living in the United States and able to read English (*N*=17,112).¹³ Youth were recruited through social media posts and were offered Human Rights Campaign-branded wristbands and entry into a \$50 gift card drawing. Participants provided informed assent; parental permission was waived to avoid disclosure of the child's LGBTQ identity. The study protocol was approved by the Institutional Review Board at the University of Connecticut.

Of 29,291 participants who began the survey, 8,985 screened ineligible and 3,006 were removed because they abandoned the survey before completing the first section. Probable mischievous (n=175) and duplicate (n=22) responses were manually identified and removed. The present analysis was limited to the 3,673 participants who were currently in grades 7 through 12 and reported a transgender and/or non-binary identity.

Measures

Restroom/locker room status.—The exposure of interest was being denied access to identity-congruent school restrooms and/or locker rooms by school staff. Participants were asked, "At school, do you use restrooms and locker rooms that match your gender identity?" (1=never, 5=always). Participants with responses other than "always" were provided a list of

5 possible reasons for not using identity-congruent facilities. Those who selected "Teachers or administrators told me I am not allowed to use them" (with or without other reasons) were classified as restricted. Any other response was classified as not restricted. Some students classified as restricted also reported additional reasons, such as feeling unsafe, and some students classified as non-restricted did not use identity-congruent facilities. In other words, the exposure of interest was the restriction imposed by school staff rather than actual facility use.

Sexual assault.—The binary outcome of interest was past-year sexual assault. Participants were asked, "During the past 12 months, how many times did anyone force you to do sexual things that you did not want to do? (Count such things as kissing, touching, or being physically forced to have sexual intercourse.)" The response "0 times" was coded as 0. Any positive number of assaults was coded as 1.

Gender identity and sex assigned at birth.—Gender was assessed using a "two-step approach." Participants provided their sex assigned at birth (male or female) and their current gender identity (male, female, trans male/trans boy, trans female/trans girl, non-binary, genderqueer/gender non-conforming, or write-in responses). "Non-binary," "genderqueer/gender non-conforming," and similar write-in responses (e.g., "gender fluid") were considered non-binary identities. Based on this information, participants were assigned to 1 of 4 categories: (1) *trans male*, i.e., male and/or trans male gender identity and female sex assigned at birth; (2) *trans female*, i.e., female and/or trans female gender identity and female sex assigned at birth; (3) *non-binary, AFAB*, i.e., non-binary gender identity and male sex assigned at birth; and (4) *non-binary, AMAB*, i.e., non-binary gender identity and male sex assigned at birth.

Covariates.—Our primary estimates of the association between restroom/locker room restrictions and sexual assault were adjusted for known risk factors for adolescent sexual assault victimization and gender minority peer victimization, as follows:

<u>Alcohol use.</u>: Participants were asked, "During your life, on how many days have you had at least one drink of alcohol?" (1=0 days, 7=100 or more days). ¹⁴

Family connectedness.: Family connectedness was assessed using the mean of 3 items (sample: "How much do you feel...your family cares about your feelings?"; 1=strongly disagree, 5 = strongly agree). Items were selected, based on item-total correlation, from a 7-item scale previously used in research with LGBTQ adolescents. ^{16,17} Coefficient alpha was 0.83.

<u>Teacher awareness of gender minority status ("outness").</u>: Participants were asked, "For each of the following groups [teachers and adults at school], how many people <u>currently do</u> you think know that you are transgender?" (1=none, 5=all).

<u>Caregiver education.</u>: Participants were asked their relationship to "the one or two adults most responsible for raising you now" and the highest level of education that each had completed (1=High school/GED or less, 2=vocational/technical school or some college,

3=college completion, 4=postgraduate education). For youth with 2 caregivers, scores were averaged and (for Table 1 only) rounded to the nearest integer.

State same-sex marriage approval.: Attitudes towards sexual minorities and gender minorities are strongly correlated, ¹⁸ and same-sex marriage approval rates are predictive of health outcomes in LGBTQ populations. ¹⁹ In our sample, state-level approval was positively associated with family connectedness, outness to classmates and teachers, and perceived safety at school, and negatively associated with depression, sexual harassment, and restroom/locker room restrictions, supporting its validity as a proxy for lower levels of local anti-transgender stigma (see Supplemental Information). The proportion of state residents who approve of legal same-sex marriage was obtained from the 2016 Cooperative Congressional Election Study (CCES; N=64,600). ²⁰

<u>Teacher LGBTQ attitudes.</u>: Participants were asked, "How many of the teachers and staff at your school do you think are supportive of LGBTQ people?" (0=none of them, 3=all of them).

Presence of GSA.: Participants reported whether their school had a GSA, or gender/sexuality alliance (1=yes, 0=no).

Potential mediators.—Variables related to peer victimization were conceptualized as potential intermediates in the relationship between restroom/locker room restrictions and sexual assault risk.

<u>Safety at school.</u>: Participants responded to the question "When at school, how often do you feel safe..." for eight locations (sample: "In the cafeteria," 0=never, 4=always).²¹ Safety in restrooms and locker rooms was defined as the mean of "in the bathroom" and "in the locker room" (alpha=0.89). Safety elsewhere in school was defined as the mean of the remaining six items (alpha=0.88).

<u>Classmate awareness of gender minority status ("outness").</u>: Participants were asked, "For each of the following groups [classmates at school], how many people <u>currently do you think</u> know that you are transgender?" (1=none, 5=all).

Sexual harassment.: Participants rated the past 12 month frequency (0=0 times, 5=6+ times) of experiencing five sexual harassment behaviors (sample: "Having someone flash or expose themselves to you"). ²² Responses were summed. Coefficient alpha was 0.79.

Analysis

We first calculated the distribution of each covariate by gender group (i.e., gender identity and sex assigned at birth) and restroom/locker room restriction status. We then determined the prevalence of past 12-month sexual assault by gender and restroom/locker room restriction status. Next, we fit a logistic regression model for the probability of sexual assault, adjusting for potential confounders associated with adolescent sexual assault (i.e., alcohol use, ²³ family connectedness, ²⁴ and caregiver educational attainment ²⁵) and exposure to anti-transgender stigma and victimization (i.e., state same-sex marriage approval

rate^{18,19} outness to teachers,²⁶ perceived teacher LGBTQ support, and presence/absence of GSA). The initial model also adjusted for age and race, but these were removed due to non-significance. Each model included interaction terms between restroom restrictions and gender group in order to estimate the effect of restroom/locker room restrictions separately for each group. We also tested interaction terms between assigned sex and each covariate; all were non-significant except for the interaction between assigned sex and outness to teachers, which was retained in the final model. Odds ratios from the model were converted to relative risks to aid interpretation.²⁷

To assess potential mediators, we fit a separate natural effects model for each proposed mediator using the *Medflex* package for R.²⁸ The proportion mediated was calculated by dividing the natural indirect effect by the total effect on the log odds scale.

Missingness was low (1.7%) for sexual assault, but substantial for restroom/locker room status (9.6%) and certain covariates. Nearly all missingness was attributable to early survey termination rather than skipping of sensitive items, supporting the assumption that the data were missing at random and making multiple imputation appropriate.²⁹ The data were imputed 40 times using the *mice* package for R, and imputed data were used for all regression models.³⁰ As a sensitivity analysis, we fit models on the non-imputed data, resulting in similar point estimates (except for a stronger association among transgender girls) and larger standard errors due to the deletion of partial cases (see Supplemental Information). Data analysis was conducted in R 3.4.4.³¹

RESULTS

Participants represented every U.S. state, and a plurality (35.4%) lived in the South (Table 1). The mean age was 15.4 years (*SD*=1.3). Most (90.0%) participants were assigned female at birth (AFAB) with the remaining 10.0% assigned male at birth (AMAB); 58.9% of AFAB participants and 56.9% of AMAB participants had a non-binary gender identity.

Non-restricted youth lived in states with higher average same-sex marriage approval (0.62, SD=0.08) compared to restricted youth (0.60, SD=0.08, P<.001; Table 2). Restricted youth were less likely to have a GSA at their school (57.3% compared to 66.8%, P<.001) and gave poorer mean ratings for teacher LGBTQ attitudes (1.34, SD=0.64, compared to 1.53, SD=0.63, P<.001).

The prevalence of sexual assault in the past 12 months was 25.9% (95% CI 24.4, 27.3; Table 3). The prevalence was highest among non-binary AFAB youth at 27.0% (95% CI 25.0, 29.0) and transgender boys at 26.5% (95% CI 24.0, 28.6). Youth subject to restroom/locker room restrictions had an overall sexual assault prevalence of 36.0% (95% CI 31.6, 40.3).

After adjustment for potential confounders, in three of the four gender groups, youth who experienced restroom/locker room restrictions were significantly more likely to experience sexual assault than those whose facility use was not restricted (Table 4). Specifically, restricted transgender boys had 1.26 (95% CI 1.02, 1.52; *P*=.042) times the adjusted sexual assault risk compared to non-restricted transgender boys, restricted non-binary AFAB youth had 1.42 (95% CI 1.10, 1.78; *P*=.012) times the adjusted risk compared to non-binary

AFAB youth without restrictions, and restricted transgender girls had 2.49 (95% CI 1.11, 4.28; *P*=.027) times the adjusted risk compared to non-restricted transgender girls. For non-binary AMAB participants, restroom/locker room restrictions were not associated with sexual assault risk (*P*=.673).

Significant indirect effects were present for all four mediating variables tested (Table 5). Sexual harassment fully mediated the association between restroom/locker room restrictions and sexual assault victimization. There was partial mediation by feeling safe in restrooms/locker rooms (23.7% mediated), feeling safe elsewhere in school (19.0% mediated), and classmate knowledge of gender minority status (6.8% mediated).

DISCUSSION

In our sample of transgender and non-binary U.S. adolescents, the 12-month prevalence of sexual assault was 25.9%, substantially higher than national rates of 15% among cisgender high school girls and 4% among cisgender boys. ³² After adjusting for potential confounders, compared to non-restricted youth of the same gender identity and sex assigned at birth, school restrooms/locker room restrictions were associated with 1.26 times the risk of sexual assault for transgender boys, 1.42 times the risk for non-binary youth assigned female at birth, and 2.49 times the risk for transgender girls; we found no association between restroom/locker room restrictions and sexual assault risk in non-binary youth assigned male at birth. To our knowledge, the present study is the first to determine rates of sexual assault in a large middle- and high-school gender minority sample and the first to assess the association between school restroom/locker room policies and sexual assault victimization.

We found that sexual harassment fully mediated the association between restroom/locker room restrictions and sexual assault risk. One explanation for this finding is that restroom/locker room restrictions increase gender minority students' risk of sexual harassment, which can escalate to sexual assault. It is also possible that the students who experience restroom/locker room restrictions are more likely to experience sexual harassment and assault for other reasons (i.e., confounding), such as poor school disciplinary practices. Notably, our analysis controlled for both state-level and school-level indicators of attitudes towards LGBTQ people, reducing the likelihood that these attitudes confounded our results.

Our mediation results also suggested that restrictions are associated with student safety both in restrooms/locker rooms themselves and elsewhere at school, consistent with prior qualitative research indicating that restrictions increase both restroom/locker room victimization and peer hostility in general. While the present study cannot determine whether the restrictions themselves affected safety, these results suggest that a single-person facility (e.g., a staff restroom) may not fully address the risks associated with restrictions. We found evidence for one potential mechanism for victimization outside restrooms/locker rooms—that restroom/locker room restrictions may put students at risk by "outing" them as transgender 12,33—although classmates awareness of students gender minority status accounted for only a small proportion of the association between restrictions and sexual assault risk.

A major strength of the present study is the use of one of the largest samples of gender minority adolescents ever collected, including youth in every U.S. state. We controlled for key potential confounders, including school, family, and contextual factors. The study's limitations stem primarily from the use of cross-sectional, non-probability data. We cannot determine whether restroom/locker room restrictions caused the observed differences in sexual assault risk; furthermore, sexual assault prevalence estimates and other findings may not apply to the full population of U.S. transgender and non-binary adolescents. In particular, Black and Hispanic/Latino/a/x participants were underrepresented, which limited our ability to observe differences by race or ethnicity—a critical consideration in adolescent health research, particularly when restrictive or punitive practices (which often target Black and Latino/a/x youth) play a role. Similarly, the smaller number of students assigned male at birth limited the precision of effect estimates in this subgroup. Nonetheless, our sample had strong geographic and socioeconomic diversity, supporting our findings' generalizability to U.S. gender minority adolescents broadly.

CONCLUSION

Transgender and non-binary middle and high school youth in our sample experienced sexual assault at troubling rates well above those for non-transgender adolescents. Besides avoiding restrictive policies, schools should strongly consider designating "all-gender restrooms," 12,33 along with additional adult supervision in locations where harassment is most likely to occur, 34 training staff to intervene in anti-LGBTQ bullying, and offering privacy options (e.g., curtains) in locker rooms.

Pediatricians should be aware of the high prevalence of sexual assault among transgender and non-binary youth, particularly those who have been subject to restrictive school policies, and should consider sexual victimization as a possible contributor to psychological distress and health risk behaviors in gender minority patients. Clinicians should routinely screen adolescents for a history of sexual assault, ³⁵ keeping in mind that youth may not have previously disclosed the assault and may not volunteer the information unless asked directly. ³⁶ Pediatricians can provide emotional support and mental health referrals; ³⁵ gender minority youth should ideally be referred to providers who are experienced with gender minority populations. From a prevention perspective, pediatricians are key advocates for transgender and non-binary patients, and their role may include educating school officials and submitting letters confirming the patient's need to express their gender identity. ³⁷ These communications can emphasize the importance of access to safe, identity-congruent restrooms and locker rooms.

Future research should identify the characteristics (e.g., perpetrators, settings) of sexual assault in transgender and non-binary K-12 youth, as well as any protective factors. Finally, it is not clear why restroom/locker room restrictions were not associated with sexual assault risk among non-binary youth assigned male at birth. Additional research should seek to better understand the school experiences and health risk profile of this understudied group.

Supplementary Material

Refer to Web version on PubMed Central for supplementary material.

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Abbreviations:

AFAB assigned female at birth

AMAB assigned male at birth

HS high school

GED general equivalency diploma

SD standard deviation

SSM same-sex marriage

GSA gender/sexuality alliance

LGBTQ lesbian, gay, bisexual, transgender, and queer/questioning

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What's Known on This Subject:

Among transgender and gender non-binary adolescents, lacking access to safe, gender identity-congruent restrooms and locker rooms is associated with psychological distress and negative peer attention. Peer victimization, including sexual harassment, is prevalent in this population.

What This Study Adds:

Transgender and gender non-binary adolescents experience high rates of sexual assault victimization during middle and high school. Being denied access to gender identity-congruent school restrooms and locker rooms is associated with sexual assault risk.

TABLE 1.

Percent distribution of demographic, family, social, and behavioral covariates among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

		Assigned fem	ale at birth	Assigned male at birth		
Variable	Total (N=3673), %	Transgender boys (n=1359),	Non-binary youth (n=1947), %	Transgender girls (n=158),	Non-binary youth (n=209),	
Total		37.0	53.0	4.3	5.7	
Region						
Northeast	18.2	17.7	18.2	18.6	21.3	
South	35.4	32.3	37.6	36.5	34.8	
North Central	24.2	27.8	22.1	23.1	20.3	
West	22.2	22.1	22.1	21.8	23.7	
Race/ethnicity						
White	68.1	71.5	66.1	70.3	62.7	
Black	3.0	2.3	3.3	4.4	4.3	
Asian	3.0	2.2	3.3	5.7	3.3	
Hispanic/Latino	8.2	7.1	9.0	5.7	10.0	
Biracial/Multiracial	15.3	14.8	15.8	12.7	16.7	
Another race	2.3	2.1	2.4	1.3	2.9	
Caregiver education						
HS/GED or less	16.6	20.0	14.1	11.2	19.9	
Some college	27.7	29.5	26.6	25.2	27.9	
4-year degree	33.3	32.8	33.9	39.9	27.9	
Graduate degree	22.3	17.7	25.3	23.8	24.4	
Out to teachers						
None	48.2	28.3	60.7	45.6	63.1	
A few	20.9	20.8	21.3	20.4	19.5	
Some	9.4	13.4	7.3	6.2	5.6	
Most	10.9	17.7	6.6	13.4	5.8	
All	10.5	19.9	4.1	14.4	6.0	
Alcohol use						
0 days	44.5	41.3	46.5	48.5	43.8	
1 or 2 days	17.8	16.7	18.3	18.0	20.4	
3 to 9 days	18.2	19.2	17.8	15.2	18.2	
10 to 19 days	8.1	9.7	7.0	10.0	5.9	
20 to 39 days	5.6	6.8	5.4	2.2	3.3	
40 to 99 days	3.0	2.9	3.0	2.7	5.1	
100 or more days	2.6	3.4	2.0	3.5	3.3	
	Mean (SD)	Mean (SD)	Mean (SD)	Mean (SD)	Mean (SD)	
Age (years)	15.40 (1.29)	15.45 (1.25)	15.31 (1.32)	15.74 (1.22)	15.77 (1.28)	
Family connectedness	3.18 (1.00)	3.09 (1.04)	3.20 (0.97)	3.35 (1.05)	3.42 (1.00)	

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Assigned female at birth Assigned male at birth Total Transgender boys (n=1359), % Non-binary youth (n=209), Variable Non-binary Transgender (N=3673), % youth (n=1947), % girls (*n*=158), 0.62 (0.08) 0.62 (0.08) 0.62 (0.08) 0.61 (0.08) State SSM approval 0.62 (0.08)

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 $\textit{Note}. \ SD = standard \ deviation. \ HS = high \ school. \ GED = general \ equivalency \ diploma. \ SSM = same-sex \ marriage.$

TABLE 2.

Percent distribution of demographic, family, social, and behavioral covariates in relation to restroom/locker room restrictions among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

			Assigned female at birth				Assigned male at birth			
	All (N=3673)		Transgender boys (n=1359)		Non-binary youth (n=1947)		Transgender girls (n=158)		Non-binary youth (n=209)	
	Restricted (n=452), %	Not restricted (n=2868),	Restricted (n=265), %	Not restricted (n=985), %	Restricted (n=145), %	Not restricted (n=1599),	Restricted (n=23), %	Not restricted (n=121), %	Restricted (n=19), %	Not restricted (n=163), %
Total	13.6	86.4	21.2	78.8	8.4	91.6	15.7	84.3	11.4	88.6
Race/ethnicity										
White	65.8	68.4	72.7	71.9	56.9	70.0	64.3	66.5	49.9	62.2
Black	2.3	3.2	3.8	2.4	8.1	1.6	4.3	3.5	4.5	2.2
Asian	2.0	3.2	5.9	2.3	4.8	1.9	2.9	3.6	6.7	1.1
Hispanic/Latino	9.0	8.1	5.3	7.1	8.1	7.4	9.6	8.8	13.6	11.3
Bi/Multiracial	17.8	15.0	10.9	14.4	22.1	16.3	16.5	15.4	19.1	19.6
Another race	3.1	2.1	1.5	1.9	0.0	2.9	2.5	2.3	6.2	3.5
Caregiver education										
HS/GED or less	21.0	15.9	72.7	19.3	56.9	23.2	64.3	13.8	49.9	18.5
Some college	32.0	27.1	3.8	29.2	8.1	31.4	4.3	26.0	4.5	33.3
4-year degree	29.9	33.9	5.9	32.8	4.8	32.1	2.9	34.6	6.7	26.0
Graduate degree	17.1	23.1	5.3	18.7	8.1	13.3	9.6	25.6	13.6	22.2
Teachers know gender minority status										
None	31.0	50.9	46.7	30.2	39.8	21.1	64.2	62.3	54.7	43.7
A few	21.5	20.9	20.3	20.8	20.6	20.8	20.6	21.0	10.5	24.5
Some	13.2	8.8	5.5	12.8	10.2	15.4	4.6	7.1	13.2	9.6
Most	18.1	9.8	13.6	16.3	12.6	22.6	4.7	6.2	15.1	11.3
All	16.2	9.6	14.0	19.8	16.8	20.0	5.9	3.5	6.5	10.9
Alcohol use										
0 days	41.0	45.1	46.4	41.7	59.9	39.8	42.7	47.3	52.6	38.5
1 or 2 days	15.4	18.2	17.4	17.3	21.1	14.5	21.6	18.5	10.7	16.8
3 to 9 days	16.4	18.5	17.0	19.9	5.6	16.5	20.0	17.6	4.1	19.6

			Assigned female at birth				Assigned male at birth				
	All (N	All (N=3673)		Transgender boys (n=1359)		Non-binary youth (n=1947)		Transgender girls (n=158)		Non-binary youth (n=209)	
	Restricted (n=452), %	Not restricted (n=2868),	Restricted (n=265), %	Not restricted (n=985), %	Restricted (n=145), %	Not restricted (n=1599),	Restricted (n=23), %	Not restricted (n=121), %	Restricted (n=19), %	Not restricted (n=163), %	
10 to 19 days	10.4	7.7	11.0	9.1	4.2	11.9	6.0	6.7	5.2	9.6	
20 to 39 days	8.1	5.3	2.5	6.1	0.4	9.6	2.7	5.2	7.6	6.8	
40 to 99 days	3.1	3.1	3.2	3.2	0.4	1.8	4.0	2.9	14.0	4.2	
100 or more days	5.7	2.2	2.6	2.7	8.3	6.0	3.0	1.7	5.7	4.6	
School has GSA											
Yes	57.3	66.8	62.1	71.5	49.6	64.9	42.9	59.8	66.7	62.5	
No	42.7	33.2	37.9	28.5	50.4	35.1	57.1	40.2	33.3	37.5	
	Mear	n (SD)	Mean (SD)		Mean (SD)		Mean (SD)		Mean (SD)		
Age, years	15.32 (1.34)	15.42 (1.29)	15.38 (1.30)	15.46 (1.24)	15.15 (1.39)	15.32 (1.31)	15.6 (1.44)	15.77 (1.17)	15.71 (1.24)	15.77 (1.28)	
Family connectedness	2.89 (1.05)	3.22 (0.99)	2.92 (1.05)	3.14 (1.03)	2.82 (1.02)	3.23 (0.96)	2.84 (1.19)	3.44 (1.00)	3.15 (1.01)	3.46 (1.00)	
State SSM approval	0.60 (0.08)	0.62 (0.08)	0.60 (0.08)	0.62 (0.08)	0.59 (0.09)	0.62 (0.08)	0.64 (0.09)	0.62 (0.08)	0.58 (0.08)	0.62 (0.08)	
Teacher LGBTQ support	1.34 (0.64)	1.53 (0.63)	1.39 (0.64)	1.60 (0.61)	1.29 (0.62)	1.47 (0.63)	1.19 (0.75)	1.59 (0.70)	1.20 (0.56)	1.59 (0.58)	

Note. HS = high school. GED = general equivalency diploma. SD = standard deviation. SSM = same-sex marriage. GSA = gender/sexuality alliance.

TABLE 3.

Prevalence of sexual assault in the past 12 months overall and by school restroom/locker room status among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (N=3673)

		Assigned fer	nale at birth	Assigned male at birth		
	All (N=3673), % (95% CI)	Transgender boys (n=1359), % (95% CI)	Non-binary youth (<i>n</i> =1947), % (95% CI)	Transgender girls (n=158), % (95% CI)	Non-binary youth (<i>n</i> =209), % (95% CI)	
Sexual assault in past 12 months		,				
All	25.9 (24.4, 27.3)	26.5 (24.0, 28.6)	27.0 (25.0, 29.0)	18.5 (12.4, 24.6)	17.6 (12.3, 22.8)	
No restrictions	24.3 (22.8, 25.8)	24.5 (21.9, 27.1)	25.6 (23.5, 27.6)	14.9 (8.8, 20.9)	17.6 (12.0, 23.2)	
Restroom/locker room use restricted	36.0 (31.6, 40.3)	33.8 (28.1, 39.5)	42.2 (34.3, 50.2)	37.9 (18.3, 57.6)	17.4 (0.7, 34.1)	

Note. CI = confidence interval.

TABLE 4.

Adjusted risk ratios for the association between being restricted from using gender-appropriate restrooms and locker rooms at school and past 12 month sexual assault victimization among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

	Adjusted risk ratio for past 12 month sexual assault victimization (95% CI)
Assigned female at birth	
Transgender boys (n=1359)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	1.26 (1.02, 1.52)
Non-binary youth (n=1947)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	1.42 (1.10, 1.78)
Assigned male at birth	
Transgender girls (n=158)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	2.49 (1.11, 4.28)
Non-binary youth (n=209)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	0.82 (0.27, 2.08)

Note. All estimates are adjusted for parental educational attainment, alcohol use, family connectedness, teachers' awareness of participant's gender minority status, state same-sex marriage approval rate, presence of gender/sexuality alliance, and teacher LGBTQ attitudes. Within each model, the effect of restroom/locker room restrictions was allowed to vary by sex assigned at birth and gender identity (boy/girl versus non-binary). Bolded values are statistically significant at a = 0.05.

TABLE 5.

Direct and indirect effects and proportion mediated by peer victimization variables for association between restroom/locker room restrictions and past 12 month sexual assault victimization among U.S. transgender and non-binary youth in grades 6-12 participating in the LGBTQ Teen Study (*N*=3673)

	Natural direct e	ffect	Natural indirect	Proportion		
Mediating variable	Risk ratio	P	Risk ratio	P	mediated	
Feel safe in restrooms/locker rooms	1.24 (1.05, 1.44)	.013	1.07 (1.04, 1.10)	<.001	.237	
Feel safe elsewhere at school	1.25 (1.06, 1.46)	.008	1.06 (1.03, 1.09)	<.001	.190	
Classmates know gender minority status	1.29 (1.10, 1.50)	.002	1.02 (1.00, 1.04)	.030	.068	
Sexual harassment	1.02 (0.87, 1.19)	.816	1.29 (1.19, 1.40)	<.001	.935	

SEXUAL VIOLENCE & TRANSGENDER/ **NON-BINARY COMMUNITIES**



Almost half of all transgender people have been sexually assaulted at some point in their lives, and these rates are even higher for trans people of color and those who have done sex work, been homeless, or have (or had) a disability.1

Lifetime sexual victimization was much more prevalent among trans respondents who:1



Are American Indian



Are Multiracial



Are Middle Eastern



Are Black



Had Done Sex Work



Had Been Homeless



Had Lived with Disabilities





Physical Assault



Sexual Violence

Trans or non-binary students in grades K-12 reported significant rates of harassment, physical assault, and sexual violence. Of the respondents who were harassed or physically/sexually assaulted due to their gender expression, over half have attempted suicide.2

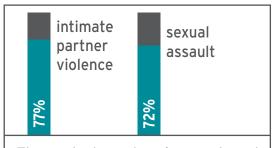
57% of trans and non-binary people said they feel uncomfortable asking the police for help.

58% who interacted with law enforcement in the past year experienced mistreatment, such as verbal harassment, repeated misgendering, physical assault, or sexual assault.¹ Uncomfortable asking the police for help

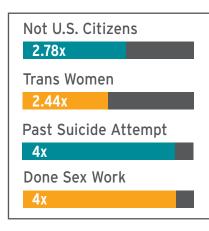


Mistreatment from law enforcement

58%



Those who have done income-based sex work were also more likely to have experienced violence.1



While overall rates of trans and non-binary people receiving unequal treatment at rape crisis centers are low (4.9%), trans women were 2.44 times more likely to have experienced unequal treatment. Those who engaged in sex work were four times more likely.3











About This Infographic

This infographic highlights some of the ways sexual violence specifically impacts transgender and non-binary people. While the information in this infographic comes from research, it is important to keep in mind that trans and non-binary people both contributed to the creation of this infographic and are part of our collective movement to end sexual violence.

Now What?

Because we know that sexual violence happens at higher rates for some communities than others based on factors such as race, sexual orientation, gender identity, economic status, disability status, and immigration status, it is vital that we make our services inclusive. To increase access for trans and non-binary survivors, organizations can work with their local LGBT center and can complete organizational self-assessments to identify opportunities to increase access (see Resources). For more information, including resources on understanding sexual violence in various communities, go to www.nsvrc.org/publications.

Definitions¹

Transgender: This term, sometimes shortened to trans, is often used to describe people whose gender identity or expression differs from what is associated with the gender they were assigned at birth.

Non-Binary: This term is used by some to describe people whose gender is not exclusively male or female, including those who identify as having no gender, as a gender other than male or female, or as more than one gender.

Cisgender: This term, sometimes shortened to cis, is used by some to describe people whose gender identity and expression matches with the gender they were assigned at birth.

References

- 1. James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The report of the 2015 U.S. Transgender Survey.* Retrieved from the National Center for Transgender Equality: https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF
- 2. Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011). *Injustice at every turn: A report of the National Gender Discrimination Survey.* Retrieved from The National Center for Transgender Equality: https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf
- 3. Seelman, K. L. (2015). Unequal treatment of transgender individuals in domestic violence and rape crisis programs. *Journal of Social Service Research*, *41*, 307-325. doi:10.1080/01488376.2014.987943

Resources

Trans Lifeline www.translifeline.org 1-877-565-8860

Demonstrate LGBTQ Access www.demonstrateaccess.org

CenterLink: The Community of LGBT Centers www.lgbtcenters.org

FORGE

www.forge-forward.org

Anti-Violence Project www.avp.org

National Center for Transgender Equality www.transequality.org

Transgender Law Center www.transgenderlawcenter.org

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Ella Gilkerson

MSU Campus Pride President

Vote NO on HB 1144

You have already shared a bathroom with a transgender person. The Census estimates that 1.14% of Americans identify as transgender. When you consider just how many people you have encountered in public restrooms, and the statistical likelihood that one in a hundred was trans, it is more likely than not. But even if you believe you have not, suppose for a moment that you did.

You are in a busy place, a mall or event center. You enter the restroom and lock yourself in a private stall. Someone next to you does the same. Both of you do your business without interacting, and when you are done, you both make your way to the sink. The person beside you looks like the other men or women in the restroom. You wash your hands and leave. You would never know that they may have been assigned a different sex at birth.

It is not easy to pretend to be transgender. Trans people meticulously style their clothing and hair, take such extraordinary pride and concern with their appearance, and may wear restrictive garments like binders or tuckers. They go through social and familial ostracization, overhaul and build their own identity. Many take years of hormones or have surgery to feel more comfortable in their bodies. That cannot be faked in a matter of days. Transitioning is for many a lifelong process. Forcing individuals who appear to be a certain gender to use the restroom of the opposite sex can cause far more serious danger to them due to hostile cultural ideas and misinformation about transgender people.

For those concerned that predators may enter the wrong restroom, consider the fact that those with ill intentions do not care about following the rules. They will enter those restrooms anyway and will look out of place just as much as they would if they had pretended to transition.

I have some confusion and concern about how this bill is going to be enforced. Adult teachers and administrators should never be inspecting the bodies or genitals of students. Allowing them to do so will enable predators to force students to comply with inappropriate demands and gives them an excuse to use when they are caught.

North Dakota has always prioritized small government and the freedom of its people to express themselves and engage in innovation. Our democracy values the votes and voices of our citizens. We should never silence or limit those voices because we disagree with what they have to say. The precedent in US Courts has always been that minors have the same first amendment rights as adults and do so in a separate capacity from their parents. These children are not a threat, and I am disappointed to see my representatives and tax dollars be wasted on limiting their personal expression.

"All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; ... pursuing and obtaining safety and happiness; ... which shall not be infringed."

- North Dakota Constitution, Article I, Section I

The most damning and significant piece of evidence against HB 1144 is that according to NPR, transgender and gender non-conforming minors are 72% more likely to attempt suicide in states where anti-trans bills like this one are passed. Another study conducted across 3 universities concluded that 86% of trans youth had considered suicide and 56% attempted it. There are many who succeeded, but they could not be included in surveys. They are dead. Those children are not alive anymore. They will never walk across the stage at their high school graduation. They will never rent their first apartment, will never marry the love of their life, or have children of their own. And they did it for one simple reason: Their states, communities and families have told them that their experiences are wrong, their identity is invalid, and that they must live a life inauthentic to their truest, happiest self. Do not let North Dakota tell its children that they are less than.

Ella Gilkerson ellagilkerson@gmail.com

Testimony in opposition of HB 1144Becky Craigo, LMSW

Chairman Ruby and members of Human Services,

I am writing this to urge you to vote a do not pass on HB 1144.

As a school social worker, I must rely on treatments and interventions that are evidenced based

When students are allowed to bathrooms that align with their gender identity they have lower rates of anxiety and instances of bullying and report better mental health outcomes (Reisner et al., 2020).

When transgender children support are supported in their identities, they reported lower rates of suicidial ideation and depression (Olson et al., 2021).

The evidence is clear that allowing students access to bathrooms that reflect their gender identity benefits students. This evidence compels me to urge you to vote no on HB 1144.

Olson, K. R., Durwood, L. M., Conron, K. J., & Best, J. A. (2021). Mental health of transgender children who are supported in their identities. Pediatrics, 147(6), e2020031589. https://doi.org/10.1542/peds.2020-031589

Reisner, A. D., White Hughto, J. M., Pardee, D. J., & Dunham, E. S. (2020). The impact of gender-affirming bathrooms on the well-being of transgender students. Journal of LGBT Youth, 17(2), 145–162. https://doi.org/10.1080/19361653.2019.1644485

January 26, 2025

Chairman Ruby and Human Services Committee members,

I am writing IN OPPOSITION to HB 1144.

I believe this is a discriminatory bill that will only further stigmatize transgender students in North Dakota.

Transgender students need access to appropriate accommodations during the school day. Passing this bill would force our kids to use bathrooms that endanger their safety.

Gender neutral bathrooms reduce the risk our students face for violence, harassment, and stalking.

Let's work to create environments where all our students feel safe. Inclusive policies and environments improve overall academic achievements vs. leading to higher rates of discipline issues, higher levels of depression/self-esteem, and lower educational aspirations.

Please VOTE NO on HB1144.

Respectfully, Mariah Ralston January 26th, 2025

Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144.

I am writing to express my support for HB 1144 regarding transgender student accommodations in public schools. This proposed legislation provides a structured and considerate approach to addressing a sensitive matter while upholding parental involvement, protecting students' privacy, and maintaining clear policies for schools.

Thank you for your time and attention.

Andrew Sogge

Dear Members of the North Dakota Legislative Assembly,

I am writing to express my strong opposition to House Bill 1144, which relates to transgender student accommodations and restroom use in public schools. This bill represents a harmful and unnecessary intrusion into the lives of transgender students, undermining their dignity, safety, and well-being.

HB1144 seeks to restrict restroom access based on a student's assigned sex at birth, disregarding the real and pressing needs of transgender youth. Forcing students to use restrooms that do not align with their gender identity subjects them to increased risks of bullying, harassment, and emotional distress. Public schools should be environments that foster safety, inclusion, and support for all students—not spaces where certain groups are singled out for discrimination.

It is important to note that evidence demonstrates that accommodating transgender students does not pose a risk to others. Inclusive policies improve the mental health and well-being of transgender youth while encouraging understanding and respect among all students. This legislation not only alienates vulnerable young people but also imposes punitive measures on schools and administrators, diverting valuable resources from education to enforce discriminatory practices.

Declaring an "emergency" to pass HB1144 only exacerbates its harmful effects, prioritizing fear and misinformation over compassion and evidence-based policymaking. Instead of creating division, I urge you to reject this bill and focus on measures that promote equality, understanding, and safety for all students in North Dakota.

Respectfully, Charles J Vondal

Grand Forks, ND

House Human Services Committee Jan 27th, 2025 HB 1144 Testimony in Opposition

Dear Chair Ruby and the members of the House Human Services Committee,

I urge a "Do Not Pass" on HB 1144.

I'm the state expert on LGBTQ+ youth outcomes and I oppose this bill on a few grounds.

- 1. **It Doesn't Do Anything** Trans kids already can't go to the bathroom and there are no unisex multi stall bathrooms in schools. This is similar to the kitty litter scare last year.
- 2. Trans Kids Need More Help, Not Less One in Five trans youth were not drinking water in a seven day period, this was more than ten times higher than for LGB or straight youth. Trans kids are terrified of bathrooms and the bullying therein no matter where they go. This bill micromanages a non-problem that just leads further away from trans kids being safe going to school.
- 3. Denying Implicit Instruction of Pronouns Reduces Protective Factors Research shows using the pronoun a child prefers reduces their suicidality. This information could be considered implicit instruction to use the chosen pronouns for trans children. This correlation is well researched and included with suicide prevention material. This association can be found in accredited suicide pervention training that cannot be changed or modified without losing its accreditation.

I recommend looking over the <u>State of the State Report</u> and asking ourselves if the direction of this bill or others like it lead to a better North Dakota. While something could be said about balancing the rights of students, parents, or educational staff around LGBTQ+ youth, what have we as a state done to make these kids in any capacity feel safer? Feel more welcomed? Feel less scared?

Every school, county, and district in our state will be different. I urge a return to local control on all school issues, especially ones that micromanage how people feel about culture. Please give this a Do Not Pass.

Thank you for your time, consideration, and service to our state, Faye Seidler

Dear Legislative Members,

Subject: Support for House Bill No. 1144

As a mother of three children, their comfort and safety are always my top priority. House Bill No. 1144 provides me with peace of mind knowing that clear policies are in place to protect their privacy and well-being in schools. Schools should be spaces where children feel secure and supported, and this bill ensures that such an environment is maintained.

I am particularly concerned about recent proposals at a local school to install shared-gendered closet-style bathroom stalls with a communal sink area open to the hallway. My main concern is that biological females, for example, may not have a comfortable space to address their specific needs, and I have seen how bathroom-related anxiety can impact both children and adults. In some cases, this has in some cases led to medical issues. Even in professional environments, people—myself included—often make restroom choices that are influenced by emotional or mental comfort, not just practicality. I also carry concerns that these designs, which rely on master key access to stalls, raise significant issues regarding both safety and privacy. My concerns extend beyond the school day to times when the school is used for public events and many people and children are in attendance.

Shared gendered restrooms and shower facilities can present significant safety and privacy concerns, particularly in spaces accessible by multiple individuals simultaneously. These areas are meant to be private and secure, but when this expectation is not upheld, it creates an uncomfortable and potentially harmful environment. By designating these spaces exclusively for males or females based on biological sex, the bill prioritizes the safety and well-being of all students, minimizing the risk of conflicts or misunderstandings.

Additionally, it is important to consider that schools are not only learning environments but also serve as community spaces. Adults using these facilities would undoubtedly feel uncomfortable sharing multi-stall restrooms with individuals of a different biological sex. If adults feel uneasy in these situations, we should empathize with how much more distressing this could be for children, who are still developing their understanding of privacy and boundaries. Ensuring clear and defined restroom policies for schools is crucial to providing a consistent sense of safety for everyone using these facilities.

Disallowing multi-stall gender-neutral restrooms under this bill underscores a commitment to respecting privacy for all students. This ensures that public schools maintain a safe and secure environment not just during school hours, but also for any extracurricular or public activities hosted on campus.

Furthermore, this bill emphasizes the importance of parental involvement and transparency. By requiring collaboration between schools and parents when determining accommodations, the bill ensures that decisions are made with the child's best interests in mind while respecting family values and perspectives.

While this bill provides critical protections for students, it is also important to acknowledge that there may be rare cases where a student does not feel comfortable using either male or female restrooms. In such situations, a family-style restroom or similar private accommodations are perfectly acceptable alternatives that schools can provide to meet the needs of these students. These solutions ensure that everyone has access to safe, comfortable facilities while maintaining the privacy and dignity of all.

I strongly urge your support for House Bill No. 1144 as it advances through the legislative process. Thank you for your leadership and dedication to protecting the safety, comfort, and well-being of North Dakota's students and communities.

Sincerely, Breanna Demarais Crary, North Dakota As a teacher I now there are students alive today that would not be alive if I had not called them by their correct pronouns. One adult who accepts a trans kid increases their chances of making it to adulthood so much that taking that away is close to murder. Most kids will still be misgendered by 90% of the adults in their life, we don't need to penalize the few who won't.

Most students who request to be called by different names (not even counting things like John for Jonathan) are not even trans. The idea we would take away the right to choose what they are called from a kid just because they are trans is pure discrimination.

In my experience trans student are not even using the bathroom relating to their orientation. North Dakota does not need to be chasing after shadow issues when it has real tangible problems.

Good Afternoon.

My name is James Inwood.

That's a huge blessing. Were I raised in the wrong environment, I might have ended up with a different name. That's because I have lived with gender dysphoria from a young age. It's a difficult struggle to explain to anyone who hasn't experienced it, but it is real, and I am glad that there's more awareness, given I did not even have a name for this shadow when I was in school.

I cannot, however, say I've been anything but disturbed that this awareness has been saddled with a cultural push towards encouraging harmful body-negativity, telling us that our bodies and embodied identities are the source of our troubles — and rejecting them will somehow bring healing. Knowing what we go through, I can't blame those who give in to it. It's a hard fight, too hard to easily ignore such snake-oil promises, especially when those around us echo them with good intentions.

Alas, the results have been catastrophic. In the midst of an already fragile mental health situation, many of us are spiraling into realms of higher rates of self-harm, whether seen in suicide attempts or medical malpractice. Research is increasingly showing that encouraging this pattern among youth is especially harmful, and evidence-based health systems are moving away from this philosophy. Someday, we will look back on it with the same horror we have for lobotomies today.

Until that day, I encourage you to hold the line against this presumably well-intended but ultimately tragic movement because, frankly, this could have been me. Had I grown up in a world where the answer to these feelings was to reject who I am, to construct a new me based on my illness – one where schools tell students enduring this dysphoria that it should pick their bathroom, their pronouns, etc. – my name today might not be James. I might not have had a healthy puberty, might not have met a girl in college, got married, and given infinitely valuable lives to my children.

In all honesty, I could have been among the 40%-50% who attempt suicide, and perhaps my adopted feminine name would grace a tombstone, collateral damage of a mad culture war.

There's an unfortunate narrative that says that if you don't side with the sickness, you're not compassionate towards its victims. That's nonsense. When someone is sick, by all means, we should support them, fight bullying and bigotry, etc., but we would never take the side of a cancer and call it compassion. Likewise, a compassionate psychiatrist would never encourage schizophrenics to heed their voices – because they know those voices are at war with a victim who needs help.

I can tell you from personal experience that this is no different. Gender dysphoria is a sickness that wars against its victims and too often conquers with dreadful results. When a school tells its victims to live by the sickness, they are choosing a side. When a government school does so, the government is choosing a side. When activists, whatever their intentions, insist you have to promote and enable the sickness, they're choosing a side.

Well, fine – choose a side. Choose the victim and recommend this bill to pass.

James Inwood

Chairman Matthew Ruby House Human Services Committee Regarding HB 1144 January 27, 2025

Dear Chairman, Vice Chairman, and Members of the Committee,

I am writing to express my strong opposition to House Bill 1144. I respectfully urge you to issue a "Do Not Pass" recommendation, as this bill would cause significant harm to LGBTQIA+ students in our community.

First, asking for and correctly using someone's pronouns is a fundamental act of respect for their gender identity. It fosters a welcoming and inclusive environment where all individuals can feel valued. Major professional psychological and psychiatric associations consistently emphasize the importance of inclusive language, which dramatically reduces rates of depression, social anxiety, suicidal ideation, and other negative mental health outcomes among transgender and nonbinary youth. Using the correct pronouns is a small gesture that has a profound impact, affirming and supporting LGBTQ+ individuals in ways that can save lives.

Second, all of us, including transgender people, care about safety in restrooms. Transgender individuals, like everyone else, use restrooms to do their business and then leave. Forcing transgender students to use restrooms that do not match their gender identity increases discrimination, hostility, and bullying. This is a direct barrier to their success in school. According to the American Medical Association, such practices compromise health, safety, and well-being, heightening stigma and leading to serious negative health outcomes. While private or separate restrooms can be an option, they are not always accessible and can create a sense of isolation. Every student deserves to feel safe, respected, and treated with dignity.

North Dakota's students deserve better. Our state should strive to support all young people, empowering them to thrive rather than forcing them into situations that threaten their mental health, safety, and success. For these reasons, I urge you to stand against House Bill 1144 and issue a "Do Not Pass" recommendation. Thank you for your time, thoughtful consideration, and dedication to serving our state.

Sincerely,

Corinne Edgerton

Lanny Kenner Bismarck, ND 58503

Chairman Ruby and committee members,

I am in support of HB 1144 and am requesting a Do Pass. I'm glad my children are older but I have grandchildren and great grandchildren now to worry about as this WOKE agenda is trying to take over our country. I am all for treating everyone with respect and dignity. We all have the same God given rights but a small minority of people are trying to take our right to privacy and several other rights away. I don't care if some people want to identify as something they aren't but I say it is time to just say no to having our rights stripped away piece by piece! Since God only created 2 sex's, public schools should have boys bathrooms and girls bathrooms and the same goes for locker rooms. I don't want boys in the girls bathrooms and locker rooms or visa versa so please pass HB 1144 to keep the privacy rights of girls and boys in our public schools in ND!

Thank you for listening! Lanny Kenner

OPPOSING HOUSE BILL 1144

Introduced by:

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code, relating to transgender student accommodations and restroom use in public schools; to provide a penalty; and to declare an emergency.

My name is Kevin R. Tengesdal, and I am from Bismarck. I am writing in opposition to HB1144. This bill is nothing more than fear mongering to the extreme.

This bill is stoking the fear that the transgender woman using the women's facilities might just be a cisgender, heterosexual man in a dress intent on attacking women. So, therefore this bill insists that a transgender person must use the facility corresponding to their biologically born sex.

Now think about it.

This bill is insisting that a transgender man must use the women's facilities as that aligns with their birth certificate. Does that not then allow a heterosexual, cisgender man to enter the women's facilities and insist they are in the correct facility?

Representative Lauren Boebert of Colorado, a cisgender, heterosexual woman, has already confirmed the danger of this mass hysteria and confusion with her accusing another cisgender woman of using the wrong bathroom in the U.S. Capitol.

Instead of targeting transgender people with your fears, why are you not targeting the people who are the actual perpetrators of violence against women: heterosexual, cisgender men who cannot control their sexual urges.

Besides, how then do you propose to verify who is using the correct facilities? Maybe every person must have an annual inspection by their doctor to ensure the person's genitals stay the same as what they were both with? Are we to have genital checkers at each facility before allowing entry? Does that not then open the door for adults to be looking at your children's genitals?

No. Please keep your hyperactive fears in check and let our transgender friends, family and neighbors live safely. Vote NO against this destructive bill.

January 26, 2025

Chairman Ruby and members of North Dakota House Human Services Committee,

My name is Rachel Waldo, and I am writing to you today to implore you to oppose House Bill No. 1144 for the sake of our children.

North Dakota has a long and proud tradition based on personal freedom. As long as your behavior isn't hurting somebody, well who am I to shove my nose where it doesn't belong? This kind of legislation represents a distinct deviation from that philosophy, and frankly, this is a deviation with a body count.

We know how negatively this kind of legislation impacts our children. According to a study in the peer reviewed journal Nature Human Behavior, from 2018 to 2022, 48 anti-transgender laws were enacted in the U.S. across 19 different state governments. The study examined the causal relationship between these laws and suicide risk over this five-year time period, using national survey data collected from more than 61,000 transgender and nonbinary youth. Results concluded that, during this time period, anti-transgender laws significantly increased incidents of past-year suicide attempts among transgender and nonbinary youth by as much as 72%.

The known risk to the lives of transgender youth is more important than the baseless accusation that the most marginalized group among us somehow poses a threat. We are better than this. We have more important issues in our state than focusing on regulating such an incredibly small portion of the population, especially when legislation like this could mean the loss of a child.

For the sake of everyone who remembers how hard those formative years can be, I urge you not to make them worse for our most vulnerable children. I pray that you vote nay and oppose HB 1144. Thank you for your consideration.

Sincerely,

Rachel Waldo

House Human Services January 27, 2025 HB 1144 - Testimony in Opposition

Chairman Ruby and members Human Services,

My name is Shannon Krueger and I am writing in opposition of HB 1144. As an educator and school counselor, I see firsthand how discrimination against transgender students hurts everyone. When you create an environment discriminating against certain students, you further send a message that affects their overall well-being. Transgender students are already at risk for higher rates of depression and lower self-esteem. Policies that discriminate can lead to lower academic performance and higher chances of dropout. If we truly want all students to succeed, bills such as these do not help.

When making school wide policies, we need to consider all children's circumstances. Providing an inclusive environment for all students and treating everyone with dignity and respect goes much farther than sending a message that some students' privacy and comfort do not matter.

Thank you.

January 27th, 2025

Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144.

As a parent of five children in the public school system, I believe this bill is an important safeguard for their well-being. I never want my children to feel uncomfortable about using a bathroom or locker room where a student of the opposite gender might also be present. As an adult woman, I know how uneasy I would feel sharing a bathroom space with a male, and I do not want any child to experience that discomfort.

Additionally, since school-aged children are still developing, I believe there should not be laws that prevent parents from accessing personal information about their children. Parents play a crucial role in their children's lives, and information transparency helps us guide and support them through these formative years.

Furthermore, ensuring a safe and comfortable environment for all students should be a priority. I believe that this bill will contribute to a more secure atmosphere in schools, allowing all children to focus on their education without unnecessary distractions or concerns.

Our children's safety is essential, and HB 1144 seeks to protect that. It reflects the values of many parents who want to safeguard their children while fostering a respectful school environment.

Thank you for your consideration,

Margi Yanish

Subject: Opposition to HB 1144 – Protect All Students and Foster an Inclusive Environment

I am writing to express my **strong opposition to HB 1144 and to urge you to vote DO NOT PASS**. As a faculty advisor for my school's LGBT+ Club, I have had the privilege of supporting students who, in many cases, have had to navigate difficult, personal journeys related to their identity. The club has served as a vital space for these students to feel safe, accepted, and valued.

One of the most rewarding aspects of my work with these students is seeing the positive change in their self-esteem, confidence, and sense of belonging as they engage in an environment where they are not only accepted but celebrated. However, HB 1144 presents a direct threat to these efforts and the inclusivity we strive to build within our schools.

This bill sends a message that certain students, especially those who identify as LGBTQ+, are somehow less deserving of the same protections and respect as others. Students who already face challenges with acceptance and understanding are often the most vulnerable, and this bill only serves to make them feel targeted and isolated. All students, regardless of their identity, deserve to feel welcomed, safe, and supported in their educational environment.

When laws or policies singling out specific groups of students are introduced, they create an atmosphere of division and fear. This is not the kind of environment that fosters growth, learning, and the positive development of all students. We must strive for an education system that supports every student, regardless of their sexual orientation, gender identity, or background.

As a faculty advisor, I've seen how critical it is to provide a space where every student can freely express themselves and seek guidance without fear of discrimination or rejection. If HB 1144 passes, it would not only undermine this important work but also send a harmful message to students who are already struggling with acceptance and self-identity.

I respectfully urge you to oppose HB 1144 and to stand up for the fundamental right of every student to feel safe, supported, and valued in their school community.

Thank you for your time and consideration.

Sincerely, Erin Price, Bismarck

Opposition Testimony for HB 1144 Representative Austin Foss, District 44, Architect

Chairman Ruby and Members of the Committee,

My name is Austin Foss, and I am here to testify in opposition to HB 1144. I urge the committee to consider the architectural and safety advantages of incorporating single-use toilet rooms into school designs, as opposed to relying solely on multi-stall bathrooms. Research and real-world evidence show that separate single-use bathrooms significantly enhance safety, reduce bullying, and mitigate other forms of misconduct.

Bathrooms in schools are one of the few private spaces where students can be unobserved. Unfortunately, this privacy has historically made them hotspots for bullying, physical altercations, and other inappropriate behavior, such as substance abuse, sexual misconduct, and vandalism. Reports have documented how these issues not only compromise the safety and well-being of students but also create significant challenges for school administrators tasked with ensuring student safety in shared spaces.

Safety and Anti-Bullying Benefits of Single-Use Bathrooms

1. Enhanced Supervision Without Invasion of Privacy:

Single-use bathrooms allow staff to monitor restroom use more effectively while respecting student privacy. This design prevents students from congregating in secluded areas where bullying, assaults, or vandalism are more likely to occur.

2. Limiting Harmful Interactions:

Multi-stall bathrooms inherently create opportunities for students to harass or intimidate peers. Single-use bathrooms, by design, remove this risk, as only one student occupies the space at a time. This layout fosters a safer environment for all students, particularly those who may feel vulnerable in shared facilities.

3. Reduction in Vandalism and Misconduct:

Bathrooms designed as separate single-use spaces reduce the likelihood of group-based vandalism and misconduct, which is harder to manage in multi-stall restrooms. This architectural choice has been shown to deter students from engaging in destructive or inappropriate behavior.

Conclusion

In summary, I oppose HB 1144, especially where it prohibits a certain restroom design because it fails to address the real safety concerns in school restrooms. Encouraging the

adoption of single-use bathroom designs not only enhances safety and privacy for all students but also reduces opportunities for bullying, vandalism, and misconduct. I urge the committee to prioritize these evidence-based architectural improvements over unsubstantiated regulations.

Thank you for your time and consideration. I am happy to answer any questions.



P.O. Box 7128 Bismarck ND 58507-7128 1-800-932-8791 • (701)255-4127 www.ndsba.org

HB 1144

Testimony of KrisAn Norby-Jahner House Human Services January 27, 2025

Chair Ruby and members of the House Human Services Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in opposition to HB 1144.

HB 1144 seeks to add a new section to N.D.C.C. § 15.1-06-21 that would <u>require</u> schools to designate a "restroom or shower room on schools grounds, which is accessible by multiple individuals at one time," as exclusively for males or exclusively for females "and may be used only by members of the designated sex." The new law would also <u>prohibit</u> "multi-stall gender neutral restrooms and shower rooms." This proposed law is in conflict with current federal legislation (Title IX of the Education Amendments of 1972), as interpreted by the U.S. Department of Education and several federal courts.

In 2020, the U.S. Supreme Court held that taking adverse action against an individual based on "sex" includes a ban on sex discrimination based on sexual orientation and transgender status. See Bostock v. Clayton County, 590 U.S. 644 (2020) (holding "it's impossible to discriminate against a person because of their sexual orientation or gender identity without discriminating against that individual based on sex"). Although the Bostock decision was decided under Title VII of the Civil Rights Act of 1964 (a federal law that applies to workplace discrimination), a number of federal courts have applied Bostock when examining discrimination against students based on sex. Courts have concluded that sex-based discrimination against students includes discrimination based on sexual orientation or gender identity under Title IX. On June 16, 2021, the U.S. Department of Education issued a key Notice of Interpretation, finding that the Department will enforce Title IX's prohibition on discrimination on the basis of sex to include: (1) discrimination based on sexual orientation; and (2) discrimination based on gender identity. Title IX prohibits discrimination on the basis of sex in any education program or activity offered by a recipient of federal financial assistance. The Department's Notice of Interpretation has not been vacated in North Dakota and remains effective. This means that students who are banned from using a restroom or shower room on school grounds based on their sexual orientation or

gender identity may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR) or in a federal court of law. HB 1144, without question, places school districts in a position of legal liability if they must enforce the unlawful restrictions that the bill contains. Issues regarding bathroom usage (including the availability of gender-neutral facilities or private facilities) remain best addressed quietly, privately, and on an individual basis between each school district and the student and his/her family.

HB 1144 also seeks to add a provision to N.D.C.C. § 15.1-06-21 that would require investigation and enforcement from the Attorney General, including bringing a court action against a school district where a civil penalty may be sought up to \$2,500 for each alleged violation. While accountability and adherence to the law are important, this bill introduces concerning mechanisms that may have negative consequences for local school governance and educational autonomy. It also imposes an undue burden on the Attorney General's office that current staffing and resources are unlikely to support effectively. It also duplicates existing internal complaint and investigation procedures that already exist in school districts and may be utilized by any patron who has concerns. It is administration that is in the best position to understand the individual needs of its students and the school board that is in the best position to understand the needs of the school district as a whole. This provision of the bill undermines local control and the ability of school districts to investigate, respond, and make decisions at a local level. The bill also fails to establish any clear parameters to prevent frivolous or politically-motivated complaints or to prevent individual students from being subject to scrutiny from the Attorney General who will need to review their private information and conduct an analysis into their sexual orientation and gender identity. This type of investigation would lead to violations at the State level under the Family Educational Rights and Privacy Act (FERPA) and Title IX.

Based on the foregoing reasons, NDSBA asks this Committee to issue a **do not pass** recommendation on HB 1144. Thank you for your time.

Chairman Ruby and members of the House Human Services Committee: I am writing in support of HB 1144.

I support this house Bill HD 1144, not only for the safety, but for the well-being of children in schools.

I really feel there should be labeled restrooms for boys/girls and not shared gendered bathroom closet style stalls. My reasons are that boys/girls have different needs in restrooms and this should all be private.

Students should not feel embarrassed with their private needs, and this could potentially lead to bullying among students. I personally would not want to share space with the opposite sex. If I was at a public event.

I also understand that accommodations for transgender students would be made, so all needs are met.

Thank you for protecting the students and communities of North Dakota

Sincerely, Renae Haman, Crary, ND Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144.

I am deeply concerned about the safety, privacy, and dignity of our students with allowing shared gendered restrooms. In the instance where a student (or perhaps even a staff member, parent, community member, etc.) would not feel comfortable using a traditional male/female restroom, a separate, family-style, restroom could easily provide an alternative accommodation in these circumstances.

I strongly urge you to support HB 1144.

Sincerely, Brandi Olson 701.557.1500 » info.naswnd@socialworkers.org » naswnd.socialworkers.org



Testimony on HB 1144 North Dakota Chapter of the National Association of Social Workers 27 January, 2025 House Human Services Committee

Chairman Ruby and Members of the Human Services Committee:

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) strongly opposes HB 1144, because it infringes upon the rights and well-being of transgender and gender nonconforming youth. This bill stands in direct opposition to the values of equality, justice, and dignity that are core to our profession, and threaten the mental and physical health of those it seeks to marginalize.

The provisions in HB 1144 will exacerbate the systemic mistreatment and stigma that transgender and gender nonconforming youth already face. Not only does this bill restrict transgender and gender nonconforming students' access to restrooms and other school facilities that align with their gender identity, it also prevents schools from creating policies or guidelines around teachers and staff using student's preferred pronouns. Transgender and nonbinary youth experience disproportionately high rates of discrimination, bullying, and harassment in schools. According to The Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health, nearly 80% of transgender and nonbinary youth report experiencing discrimination in some form, and such harmful experiences exacerbate mental health struggles, including depression, anxiety, and suicidal ideation (The Trevor Project, 2022). By institutionalizing discrimination and exclusion through policies like HB 1144, this bill will further harm these already vulnerable youth.

It is also important to recognize that inclusive, supportive school environments are essential to all students' academic success and mental well-being. Transgender and gender nonconforming students are more likely to feel safe and supported in schools where staff use their preferred pronouns and provide access to restrooms and facilities that align with their gender identity. Denying them the simple respect of using their preferred pronouns and access to these facilities sends a harmful message that their identities are not valid, which can lead to significant emotional distress and further alienation. We should be prioritizing the well-being and dignity of *all* students, including transgender and gender nonconforming youth, rather than enacting policies that contribute to their marginalization.

NASW-ND opposes any legislative efforts that violate the civil liberties of transgender and gender nonconforming people. We urge the members of this committee to **vote DO NOT PASS on HB 1144**, as its harmful provisions will only deepen the marginalization and suffering of transgender and gender nonconforming youth in schools. Instead, we call for policies that protect the rights of all individuals, ensure access to safe and inclusive learning environments, and promote a society where every person can live free from discrimination and stigma.

Respectfully,

Elizabeth Loos Lobbyist, #342 North Dakota Chapter of the National Association of Social Workers Chairman Ruby and members of the House Human Services Committee:

I am writing in support of HB 1144

I have a young family with 4 children. One of local elementary schools is currently in the works of building one of these transgender bathrooms. For so many reasons I and several other community members are against this for our young children. Thank you for your time.

Support of House Bill 1144.

House Bill 1144 aims to ensure that children have access to restrooms that provide the necessary privacy and dignity for all students.

I am writing against HB1144, which would make instruction about pronoun use illegal. This increases power to the office of the Attorney General in bad ways. It will also make unisex bathrooms with multiple stalls illegal. This is a weird thing, because this is not how unisex bathrooms tend to work in real life. This bill creates a culture of fear by creating problems where none exist. This bill is poorly written.

Rev. Michelle Webber

Kristin Nelson 1/27/25

5409 20th Street South

Fargo, ND 58104

District 46

DO NOT PASS HB 1144

Chairman Ruby and members of the House Human Services Committee:

I am reaching out again urging a **DO NOT PASS** reccomendation on HB 1144. After reading testimony in favor of this bill, I am inclined to ask the committee to consider why the bill sponsors do not believe single stall, completely private bathrooms are less safe than multi-stall, semi-private bathrooms many buildings have now. These bathrooms can have up to an inch or more of space between the door and the partition allowing anyone coming or going to invade the privacy of the user. Again, I am unsure why those who favor this bill belive this is a better option for our students.

Offering students complete privacy while they complete their own personal care routines can do a lot to promote safety and security in our schools. Staff would be able to monitor the restroom area easier if these spaces are more open, and not closed off in it's own space. Our students will be able to use the restroom without fear of being bullied because bullies will not have private access to other students. Nex Benedict, a non-binary student from Oklahoma died last year after a fight in the restroom. Female bullies followed Nex into the bathroom and beat them up, they later passed away alledgely after completing suicide. Had this bathroom been open concept, with single, private stalls that lock, this attack could have been prevented.

This bill is also another example of state overreach. The state should not have any interest in how a school builds their bathrooms.

I again encourage you to vote **DO NOT PASS** on HB 1144.

Thank you:

Kristin Nelson (she/her)

Attachment: NPR Article Re: Nex Benedict





DONATE

NATIONAL

Oklahoma prosecutors will not press charges in Nex Benedict case

UPDATED MARCH 22, 2024 · 10:07 AM ET



Emma Bowman



Tulsa County District Attorney Steve Kunzweiler, pictured in 2018, says his office is not pursuing charges in the Nex Benedict case.

Sue Ogrocki/AP

If you or someone you know may be considering suicide or is in crisis, call or text 988 to reach the Suicide & Crisis Lifeline.

Prosecutors in Oklahoma say they will not pursue charges in the death of Nex Benedict.

Benedict was a 16-year-old nonbinary student whose death last month was ruled a suicide. They had been injured in a fight with high school classmates the day before.

Benedict, who used both he/him and they/them pronouns, had been targeted by bullies in the months leading up to their death because of their gender identity, according to their family.

Sponsor Message

Bullying someone to attempt or complete suicide is a felony in Oklahoma, reported member station KOSU. But Tulsa County District Attorney Steve Kunzweiler says the fight was not one-sided and there's not enough evidence to press charges.

"Based upon the investigation of the Owasso Police Department, I am in the agreement with their assessment that the filing of juvenile charges is not warranted," Kunzweiler said in a press release Thursday. "From all the evidence gathered, this fight was an instance of mutual combat. I do not have a reasonable belief that the State of Oklahoma could sustain its burden of proof beyond a reasonable doubt if charges were presented for prosecution."

NATIONAL



What happened to Nex Benedict?

Attorneys for Benedict's family have said injuries Benedict sustained in the fight were significant even if their death was ruled a suicide, KOSU reports.

Sarah Kate Ellis, president of the LGBTQ+ media advocacy group GLAAD, told KOSU on Thursday that Kunzweiler, Owasso police, the school district and the medical examiner's office "have failed Nex Benedict and failed us all."

The school district said it has provided counselors for students and said that, "Any notion that the district has ignored disciplinary action toward those involved is simply untrue." It called Benedict's death devastating. An after hours call to the district was not immediately returned.

Sponsor Message

While in the hospital for the injuries they sustained during the fight, according to body cam footage, Benedict told police that they poured water on a group of girls in the high school bathroom after they picked on them for how they laughed. The group then started beating Benedict to the ground until they "blacked out," they said.

The next day, Benedict was pronounced dead. The medical examiner's office found that they had died after taking a lethal mix of prescription and over-the-

counter medication. The full autopsy report has not yet been publicly released.



People gather outside the Stonewall Inn on Feb. 26 in New York City for a vigil for Nex Benedict, a 16-year-old who identified as nonbinary.

Spencer Platt/Getty Images

Owasso police found brief notes written by Benedict that "appeared to be related to the suicide" and are an important part of their investigation, the district attorney said. The notes, which don't make mention of the fight or difficulties at school, Kunweiler said, are "a personal matter" for Benedict's family.

Benedict's case has sparked demonstrations by LGBTQ+ advocates and calls for bullying law reforms.

Suicide rates among transgender youth are disproportionately high compared to cisgender youth, as NPR previously reported. Trans youth report that the wave of anti-LGBTQ+ legislation around the country is a major contributor to negative impacts on their mental health.

oklahoma non-binary gender nex benedict



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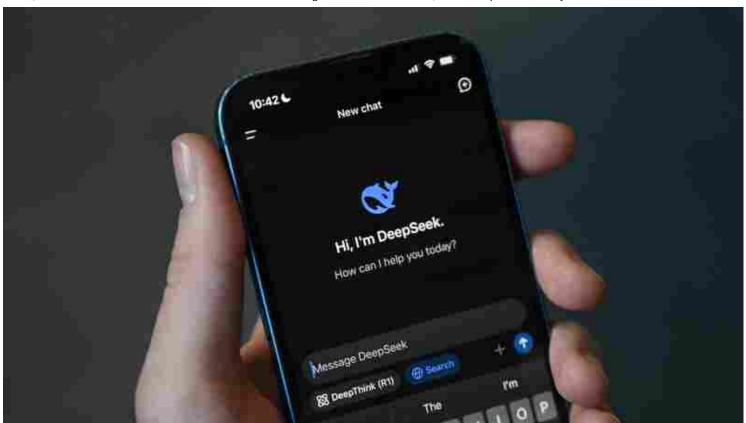
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Chairman Ruby and members of the House Human Services Committee: I am writing in support of HB 1144.

Subjecting children in the schools to sharing bathroom space in any form, whether open/closed, full stall doors or partial stall doors is unacceptable. Children (or any person for that matter) should be granted privacy, safety and have their dignity preserved by the state.

Schools can accommodate transgender students (who represent an extremely small percentage of the population in ND) with single stall bathrooms or they can choose to adhere to school and state policies and use the bathroom of their birth gender. It is unjust to ask the majority of the population to sacrifice their privacy, dignity and safety, especially for females, for the sake of accommodating the very few people who are transgender.

Respectfully, Chris Kurtz

House Human Services Committee Jan 27th, 2025 HB 1144 Testimony in Opposition

Chair Ruby and Members of the Human Services Committee:

I am writing in opposition to HB 1144. Schools, students and families should be able to work together to protect our transgender youth and this bill takes that flexibility away from our communities.

A recent survey of students in North Dakota indicates that the percentage of youth in North Dakota with a transgender experience is similar to that of the rest of the country. **As a psychologist** who works with young people and their families across the state, **I am well aware of the pain that this bill would cause.**

Imagine a young transgender boy, Michael, who struggled to come out to his parents. At first, the family was angry, confused and unsure how to respond. Living in a rural community, they worked hard to educate themselves. Connecting to a network of other families and allies helped them to understand the nature of gender dysphoria - a misalignment between body and brain development.

Initially, the father wondered if trying to change their child's behaviors (push more feminine behaviors) would help. However, the father reviewed the research and came to understand that this kind of push can be very damaging. Instead, they allowed Michael to explore what things made him more himself, and the relationship between father and son improved.

Seeing Michael flourish, the parents spoke with the school about ways for Michael to be more comfortable in the learning environment. After reviewing the pros and cons of different options, it was agreed that Michael would go by male pronouns and use the boy's bathroom. School officials indicated that if there were any problems with this arrangement, it would need to be reviewed. However, most of Michael's peers already recognized Michael as a boy. Michael used the bathroom in an appropriate way, and did not draw any attention to himself in the process. As time went on, Michael's grades improved, he started to participate in the school yearbook, and he reported having improvements in relationships with peers and teachers.

Now imagine that this family sees this bill becoming law. They know that their school is supportive of Michael and want the best for him. However, school officials are now compelled to change course on a plan that is working. Most people have forgotten about Michael's gender history. To suddenly compel Michael to change bathrooms and pronouns would confuse those around him and open him up to new dangers, including harassment and possibly violence.

This bill will hurt our students and families that need support the most. Schools should have the flexibility to listen to the needs of students and families in coming up with plans to manage health and well-being. Not every gender diverse person will need to have a change in their pronouns or use a particular bathroom. Many individuals will be okay with using a separate facility. However, this bill unfairly dictates how to treat every situation. This bill is bad for students, disrespectful of the rights of families, and unnecessarily limiting a school's ability to respond to complex situations.

In conclusion, I hope that you will recognize that this bill is attempting to solve a problem that does not exist. Instead, it would create a more caustic environment for **students who are just trying to go to school and live their lives.**

Thus, I ask that you vote Do Not Pass on HB 1144.

Respectfully,

Dan Sturgill, Ph.D. West Fargo, ND

I am writing in opposition to HB 1144 which will outlaw gender neutral bathrooms in public schools.

The concern looking to be addressed with this bill is that of privacy; whether the gender neutral bathrooms provide adequate privacy for students. I contend that these restrooms offer more privacy than the traditional public restrooms. The gender neutral bathrooms being opposed are those where there are individual stalls with a common area for handwashing. When we think of bathrooms stalls, we often think of the metal stalls that are typical of a public restroom which do not go floor to ceiling and have gaps around the edges of the door and the frame. These are not the type of stalls that are being used for gender neutral restrooms. Instead, the "stalls" are individual, private, rooms similar to private handicapped restrooms you may see in schools or other public places. This actually provides more privacy protection for students wishing to use the restroom without being seen or heard by other students.

With the subject of privacy being addressed, I also wanted to touch on why these restrooms are a good idea.

- Gender neutral bathrooms can be a safe space for people whose gender presentation doesn't conform to expectations.
- Gender neutral bathrooms can demonstrate respect for people's gender identity
- Gender neutral bathrooms can eliminate stress, anxiety, and mistreatment for transgender and gender non-conforming students.
- Transgender and gender non-conforming people often face discrimination, harassment, or violence in bathrooms.
- Gender neutral bathrooms also provide a safe space for all students who endure bullying.

I want to highlight this last reason for supporting gender neutral bathrooms. Because each room is entirely private and there is an open area for handwashing, gender neutral bathrooms actually decrease bullying in schools. School bathrooms are often a hotspot for school bullying because of a lack of supervision. About 20% of middle and highschool students will be bullied. Most of this bullying, especially of physical nature, occurs in places where there is little or no supervision, such as hallways, stairwells, and bathrooms.

When we create a safe place for our transgender and gender non-conforming youth, we are also creating a safe place for all students.

I thank you for your time and consideration.

Devon Dolney

House Human Services Committee Jan 27th, 2025 HB 1144 Testimony in Opposition

Chair Ruby and Members of the Human Services Committee:

Thank you for considering my previous testimony. I would also request that you review the following article which indicates gender neutral bathrooms in schools:

- 1) Meet the needs of gender diverse students as well as all other students AND
- 2) Decrease behavioral problems in those spaces

https://www.mprnews.org/story/2023/09/22/in-st-paul-schools-genderneutral-bathrooms-have-proven-sfer-for-all-students

Thus, the work that is being done in the Devil's Lake region is likely to provide safer spaces for our students.

Please vote Do Not Pass on HB 1144.

Respectfully,

Dan Sturgill, Ph.D. West Fargo, ND

Representative Bill Tveit House District 33 Testimony for HB 1144

Intro to HB 1144 69th NDLA

Chairman Ruby, Vice Chair Frelich, Committee Members:

For the record, I am Representative Bill Tveit, District 33, Hazen; District 33 is the heart of Coal Country where my constituents work tiredlessly to keep your lights and your HVAC fully energized 24/7. District 33 consists of all of Mercer, all of Oliver and the best parts of McLean and Morton Counties in Western North Dakota.

Mr Chairman, it is always a unique pleasure to return and appear before your committee.

If the content of HB 1144 looks familiar, it should. This content passed into Law during the 68th Legislative Session as HB 1522 passed the House 64-22, the Senate 40-6 and was signed into law, effective immediately by the Governor, May 8th 2023.

Mr Chaiman, members, unfortunately, HB 1522 was passed with no penalty or repercussion for non-compliance, (NO TEETH!)

As early as May 9, 2023 Just one day after HB 1522 became law, a school District Superintendent in eastern North Dakota met with his board announcing that he did not agree with the law and he would not comply, and the new law may even be in violation with federal law, or words to that effect.

Chairman Ruby, this administrator has in excess of 11,000 students under his guidance. Thats 11,000 kids he is teaching: if you dont like a law, you dont have to obey it, you choose. Thus you have before you, HB 1144.

What is important to comprehend and adhere to today, is: HB 1522 already established the law as written in Section 15.1-06-21 of the North Dakota Century Code. That is current law and we are not here to debate that issue today.

What is important and why we are all gathered here is to create a way to enforce current law and instill penalties for definance and/or disobediance, there of:

The first change we are suggesting to Section 15.1- 06-21 of the North Dakota Century Code is on page 1, line 7 and 8; Restroom use Enforcement -Penalty. (TEETH ADDED)

The second change is page 1, lines 10 and 11; striking the words that requires or prohibits any and adding or guidelines, whether implicit of explicit, requiring or prohibiting an

The third change is adding page 1, section 4, lines 17 thru 20. This change was brought about by another school district that thought they could get around the law, simply by removing the labels from the restroom and shower rooms. (TEETH ADDED)

Forth, in section 5, page 2, line 1, subsection a. or guidelines, whether implicit or explicit, was added for clarification.

The fifth change was: page 2, line 6 thru 11, adding section 6: Spelling out as to who is responsible to enforce the law, the attorney general, in 2023 when the violation was pursued, the agencies simply passed the buck with no one willing to look into the situation.

Change 6 was page 2, lines 12 thru 14, adding section 7: gives guidence for the Attorney General when a violation does occur.

The final change is found on page 2, lines 15 and 16, adding section 8.: this addresses the penalty when a violation has been found.

Mr Chairman, Committee, as you can now see and understand, the need for HB 1144 is essential for upholding the law that overwhelmingly was passed in 2023, the law that was openly and defiantly disobeyed in 2023 and 2024. HB 1144 is essential to create Teeth for enforcement, for responsability, for guidance, and for penalties, when defiance does take place.

I would ask that you as a committee consider striking the word may and insert shall on page 2, line 6 and again on page 2, line 12, and possibly on page 2, line 15.

Our kids are important, protect their innocence, their saftey is our greatest concern, allowing them to learn in a safe environment.

Lets come together and give HB 1144 your full support with an overwhelming DO PASS recommendation.

I will stand for questions

I am a proud queer nonbinary citizen. My genitals have nothing to do with my character. I'm also a chemistry student, family member, and dog parent. Many see me and assume I'm a woman. It allows privileges and disadvantages but it shouldn't keep me from using whatever restroom is available. If it has a toilet it's fine. I thought we'd been over this but I will ask you to consider some things.

Let me get this straight, pun intended.

There is going to be an emergency declared on people using the restroom.

So, if as a cis woman, my mom taught me

to go in the men's if there was a huge line and she didn't mind going in another bathroom bc it's literally toilets would she be investigated if she was caught going to the men's when she doesn't look like a man or wish to be one?

I want to know how are they planning on investigating. What kind of assault do you want to inflict? Groping students like they've hidden a weapon in their pants? Is this TSA at school now? I've had many trans women friends get stopped and literally fully groped by the TSA under their dress. Are you going to have your public school kids strip searched like they're in jail? Sounds like a very creepy thing to want to enforce. Are you worried about trans women in the bathroom? Someone intending on assaulting a woman is not going to be stopped by a sign that says

"women" and I can guarantee anyone assaulting someone in a bathroom is probably not in women's clothing. He blends in with anyone else you'd never notice him. He moves in shadows. He is the type that takes advantage of women passed out at parties when they're trying to sleep off drinking a little too much. It is usually someone you know.

Imagine you see an objectively beautiful woman. She's wearing an evening dress. Her hair is done she's almost ready to leave the restaurant for the gala but she needs to check her makeup and maybe touch up her lipstick. And you want her to come check her makeup in the men's restroom because of her birth sex? How would you even know she "should" be using the other bathroom? Do you have her medical records?

Do you ask everyone in the bathroom what is in their pants? That's a bit concerning. I'm certain most people that are just there to use the restroom really don't think about anyone else's parts.

What does passing this get us? Are you that curious about the genitals of every person who needs to use a restroom and sorting them by penis or vagina? Why are you thinking about what's between people's legs when it's just a place to eliminate waste and fix your face. Some of us need an anatomy lesson. That may not be your fault. Most people no matter their sex have urethras and anuses to eliminate waste.

Some people have colostomy bags or catheters to help them. Why are you thinking about their genitals? Are you their doctor?

It doesn't change anything if she looks less feminine. If she feels safe in the women's bathroom that is where she should be able to go. And before you say people are showing their genitals in bathrooms, that doesn't really happen in unless you are assisting a disabled person or changing a baby's diaper. The stalls are closed. Are you going to say a woman can't bring her male baby into a restroom? A single dad can't bring his little girl into the stall in the men's room? Who is building all the new restrooms and closing multi-stall and gender neutral bathrooms? You know who usually uses those? People who have to pee.

Are you really saying this is an emergency? It's only an emergency if you're making people have to hold their bladders until they burst for fear of getting

in trouble for peeing in a public restroom.

Everyone deserves the right to use the restroom. It's an emergency when someone is in danger. Many many people will be in danger because of this bill. Kids will be outed to their parents who may not know and may kick them out on the street or worse.

Thank you for your time and consideration,

Ryn

Testimony in Opposition to HB 1144

27 January 2025

Cameron Bauer, Student of Minot State University/Member of MSU Pride Club

This bill not only represents a gross misuse of the government's time and resources but a great misunderstanding on transgender people as a whole. This bill and many like it have the preconceived notion that somehow they are in the defense of something. Whether that be defense of our children, women, parental rights, etc. This bill stands to protect nothing and no one, and will only go on to harm many of the children you swore to serve.

There just simply is not a reason for this bill to even exist. There is no precedent, no prior incidents, and no cause. Trans people are not a threat to the people around them. And for some of us using the bathroom that best fits what we know ourselves to be is very important. Forcing our trans youth to use the bathroom of their sex rather than their gender is unnecessary and only serves to harm them. And the forcible outing of trans students is simply barbaric and will open up some of these children up to abuse and hate from their own families. This would achieve nothing. These children will not magically become cisgender because they are berated by their parents or sent to conversion therapy. It will simply lead them closer to much darker futures filled with self hatred and mistreatment from others.

If you ever talked to a trans person you would realize that they are just like you. We may seem odd to you in our appearance, mannerism, or in our beliefs about ourselves. But we are just people, people filled with hopes, aspirations, and love. You may not understand why we are the way we are or even want to. But that's ok. I ask not for your understanding or care but for your hearts. Your heart to accept that someone is different from you and to see that we mean you and everyone else no harm. And that we wish to live our lives to the same words as our ancestors and all of our fellow Americans have since our great union separated from the Empire of Britain. "Life, liberty, and the pursuit of happiness". Why should our youth be limited from this goal promised for all Americans just because of who they are as a person. Why should they potentially be exposed to abuse from their fellow students and parents because of this. So I implore you! Remember these words and principles as you deliberate over us. And remember that we are your constituents just like everyone else in this great state and harbour that same dream that so many around the world long for.

We have real problems in this great state. Problems that are much more in need of our government's attention than what room people like me decide to perform a bodily function that all humans do. Please reach into your heart and see our plight. Choose not hate for your fellow man but love and compassion. I sincerely hope we as a community can refocus on these critical issues so we all as a state can become greater for it.

I oppose HB 1144 I encourage you to vote no pass.

Hello, my name is Ashlee Faulkner. I have worked in schools like L.E Berger Elementary and in Cheney Middle School in West Fargo. I think that all schools in the Fargo/Moorhead area needs these new bathrooms. The fact that people have a problem with these new bathrooms seems insane to me as an educator.

- 1. Privacy for all students no matter their sexual orientation or gender identity is a luxury.
- 2. Being able to have students not peeking at each other through cracks would make all students feel safe.
- 3. It is cleaner for schools to have it this way.
- 4. Having bathroom such as this limits the amount of student gathering during class times. There is an alarming amount of students that plan to meet up in the bathrooms where staff cant see them to smoke.
- 5. For staff it would be amazing also. Think about the amount of adult staff that have to use these bathrooms.
- 6. These bathrooms harm no one in any way
- 7. I beg you to protect out trans students and other students that need privacy no matter to issue.
- 8. I wish we had these when I was in school and maybe girls wouldn't peek at other girls to make fun of them. Any maybe boys wouldn't have snuck into girls bathrooms to peek at them

I OPPOSE HB 1144

Testimony:

The sky is blue. A simple sentence many would say is a fact. Kindergarten level, the sky is blue. We finally realize there is more than just blue there is black. Night fills half of the time. half of our life. So now the sky is blue and black, but nothing else. However, it is not. It is not just blue or black. The sky is light reflected, so how does that make it blue or black with absence, well it is the opposite. The sky is pink, green, magenta, orange, rainbow. The sky has northern lights, where more than one color can be seen. At night, the sky is black and gray, a moon looking down at us and our silliness for evading the other colors. But forgive me for stepping out of line, the sky is blue and black. No one should believe otherwise, we shall not say the sky is green, or pink at sunset, for it is only blue. When the sun rises it is yellow, and orange, a calm settles among the ocean water. Look away, look away. This is inappropriate. The words blue and black are only to be heard only to be seen. The sky is blue or black. A human either male or female. But what about the intersex, male and female biology. Do we say they are black or blue, female or male. When the gender in a human is nonbinary and not male or female. Do we say nonbinary is blue or pink? Male or female. Why are we sitting here trying to ban language, toilets, self-expression. Humans are not made to fit binaries for we are all not the same. Otherwise, the world would be boring and dull with lack of originality. You cannot simply take away the rights of trans and queer individuals. Just as the sky as has always existed so has queer individuals. There are trans individuals that have had surgeries and become the person they are. They look like the gender they want to express, so do you really want a man walking into the women's restroom, because that is exactly what this bill is trying to pass. We must remember the sky is more than just a color. When we accept things for the way they are the sky is so much more beautiful when it is not just black or blue. Humans are better when they are seen as human not just man or women.

Children should be protected at all costs. That statement includes every child no matter their race, gender, identity, and presence in the LGBTQ+ community. When you take away there right to have their identity and presence acknowledged you are not taking away who they are but instead putting them in danger of physical and mental harm by other students and staff who oppose their existence. That being said, if you were to ban children from using the appropriate bathrooms and pronouns that they align with, you are putting them at risk of hate-crimes and violence towards their mental health and overall well being.

Secondly, how will you determine what child belongs to which bathroom? Are you going to inspect a MINOR's pants to see what their birth gender is? That also provides risk to children because you are giving easier access to sexual predators and pedophiles, besides the fact you are crossing a massive boundary to a child. This would affect all children, and cause massive distrust, anguish, and mental distress to each of them.

Thirdly, suicide rates are already at a high rate for transgender individuals. Doing this will push those numbers even higher. Amongst these faults, these children are prone to domestic violence outside of school and in their own homes by their own family if they are outed to their parents.

When you review this bill I want you to keep these reasons in mind. Children will commit suicide and be harmed by those they should trust or those they should be protected from.



Testimony in Support of House Bill 1144

Mark Jorritsma, Executive Director

North Dakota Family Alliance Legislative Action

January 27, 2025

Dear Chairman Ruby and honorable members of the House Human Services Committee,

My name is Mark Jorritsma, and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1144 and respectfully request that you render a "DO PASS" on this bill.

Over the past few years, it has become apparent that schools, either through ignorance, lack of motivation, or willful defiance, do not always follow recently enacted portions of the Century Code that apply to them. An obvious case of this latter situation was the statement by the Superintendent of the Fargo Public School District that they would not comply with portions of HB 1522 from last session, now enacted in §14-02.4-15.2 and §15.1-06-21 of our Century Code.

Was there any consequence of this defiance? There was none, to my knowledge.

Sadly, it appears that further clarification and stipulations must be put into law to ensure entities such as the Fargo School District cannot openly defy North Dakota law. Further, it is clear from how things transpired in this situation, that there must be some consequence for this type of action. HB 1144 accomplishes these objectives, thus, North Dakota Family Alliance Legislative Action supports it.

I am not a legislator, and I am thankful for that, because you have a far more difficult job than I do. However, what disturbs me is that all your work on HB 1522 was of no consequence to one of the largest school districts in the state and enacting it into the Century Code failed to change their behavior. Those responsible for educating our children need to understand that laws are not merely suggestions, they are requirements. There are 141 of you in this body who have made a commitment to represent North Dakotans by creating laws that improve our quality of life and preserve our values. Let's ensure that happens.

North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on House Bill 1144. Thank you for the opportunity to provide this testimony, and I'd be happy to stand for any questions.

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee

Pioneer Room, State Capitol

HB 1144 2/3/2025

Relating to transgender student accommodations and restroom use in public schools; to provide a penalty; and to declare an emergency.

4:24 p.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman Ruby, Vice-Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Kiefert, Rios, Rohr

Members Absent: Representatives Hendrix, Holle

Discussion Topics:

- Committee work
- Possible proposed amendment
- 4:26 p.m. Representative Frelich introduced the amendments, testimony #38372.
- 4:33 p.m. Representative Bolinske moved to adopt amendment LC# 25.0440.03001.
- 4:33 p.m. Representative Rios seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Υ
Representative Kathy Frelich	Υ
Representative Karen Anderson	Υ
Representative Mike Beltz	Υ
Representative Macy Bolinske	Υ
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Cleyton Fegley	Υ
Representative Jared Hendrix	AB
Representative Dawson Holle	AB
Representative Dwight Kiefert	Υ
Representative Nico Rios	Υ
Representative Karen Rohr	Υ

- 4:33 p.m. Motion passed 9-2-2.
- 4:35 p.m. Vice-Chairman Frelich moved a Do Pass as amended.
- 4:35 p.m. Representative Bolinske seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Υ
Representative Kathy Frelich	Υ
Representative Karen Anderson	Υ
Representative Mike Beltz	Υ
Representative Macy Bolinske	Υ
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Cleyton Fegley	N
Representative Jared Hendrix	AB
Representative Dawson Holle	AB
Representative Dwight Kiefert	Υ
Representative Nico Rios	Υ
Representative Karen Rohr	Υ

4:36 p.m. Motion passed 8-3-2.

Vice-Chairman Frelich will carry the bill.

4:37 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

RS 2/3/25

25.0440.03001 Title.04000 Prepared by the Legislative Council staff for Representative Frelich January 31, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty; and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations <u>- Restroom use Enforcement -</u>

8 Penalty.

- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prehibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- 3. A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall or
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

Sixty-ninth Legislative Assembly

- 8		males and a restroom for remaies may not be located together with a communal sink
2		or communal area where students enter and exit an individual stall or room.
3	<u>5.</u>	Unless otherwise required by law, a school district, public school, or public school
4		teacher may not:
5		a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular
6		student's transgender status without approval from the student's parent or legal
7		guardian; or
8		b. Withhold or conceal information about a student's transgender status from the
9		student's parent or legal guardian.
10	<u>6.</u>	The parent of a student in a school district may submit a complaint to the attorney
11		general, in the manner prescribed by the attorney general, if the school district
12		appears to the parent to be violating this section.
13	7.	The Upon receipt of a complaint under subsection 6, the attorney general shall enforce
14		this section and may conduct investigations by:
15		a. Examining under oath any individual responsible for an alleged violation of this
16		section.
17		b. Issuing subpoenas.
18		c. Applying to a district court for an order enforcing the subpoena or other
19		investigation demand.
20	7. 8.	For a violation of this section, the attorney general may seek and obtain a declaratory
21		judgment or injunction in district court which prohibits the board of a school district, a
22		public school, or a public school teacher from continuing the unlawful practice.
23	8. 9.	The court may assess a civil penalty in an amount not to exceed two thousand five
24		hundred dollars for each violation of this section.
25	10.	If a school had the number of toilets per students required by the state plumbing board
26		on January 1, 2025, and modifying the designation of a gender neutral restroom to an
27		exclusively male or exclusively female restroom to comply with this section causes the
28		school to be out of compliance with the required toilet to student ratio of the state
29		plumbing board, the school is exempt from that requirement.
30	SEC	CTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Module ID: h_stcomrep_18_020 Carrier: Frelich Insert LC: 25.0440.03001 Title: 04000

REPORT OF STANDING COMMITTEE HB 1144

Human Services Committee (Rep. M. Ruby, Chairman) recommends AMENDMENTS (25.0440.03001) and when so amended, recommends DO PASS (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1144 was placed on the Sixth order on the calendar.

25.0440.03001 Title.

Sixty-ninth Legislative Assembly of North Dakota Prepared by the Legislative Council staff for Representative Frelich
January 31, 2025

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Sixty-ninth Legislative Assembly

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28		school to be out of compliance with the required toilet to student ratio of the state
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30	-SE	CTION 2. EMERGENCY. This Act is declared to be an emergency measure.

2025 SENATE EDUCATION
HB 1144

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee

Room JW216, State Capitol

HB 1144 3/24/2025

Relating to transgender student accommodations and restroom use in public schools; and to provide a penalty.

10:00 a.m. Vice Chairman Lemm called the hearing to order.

Members Present: Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Members Absent: Chairman Beard

Discussion Topics:

- Enforce current law
- Restroom use enforcement
- Enforcement and implication of violation
- Fundamental right to privacy and dignity
- Follow rule of law
- Penalty violation
- 10:03 a.m. Representative Tveit, District #33, introduced the bill and submitted testimony #43539.
- 10:13 a.m. Representative Frelich, District #15, testified in favor and submitted testimony #43639.
- 10:33 a.m. David Tamisiea, Executive Director ND Catholic Conference, testified in favor and submitted testimony #43581.
- 10:37 a.m. Mark Jorritsman, Executive Director ND Family Alliance Legislative Action, testified in favor and submitted testimony #43582.
- 10:42 a.m. Linda Thorson, State Director Concerned Women for America of ND, testified in favor and submitted testimony #43477.
- 10:44 a.m. Kristina Sogge, parent District #15, testified in favor and submitted testimony #43578.
- 10:49 a.m. Levi Bachmeier, Business Manager West Fargo Public Schools, testified in opposition and submitted testimony #43649.
- 11:19 a.m. Dr. Aimee Copas, Executive Director Council Educational Leaders, testified in opposition and submitted testimony #43496.

Senate Education Committee HB 1144 3/24/2025 Page 2

- 11:27 a.m. Stella Cantu, citizen, testified in opposition
- 11:30 a.m. Delton Erickson, Executive Director ND Human Rights Coalition, testified in opposition.
- 11:32 a.m. Ned Clooton, Superintendent Devils Lake Public Schools, testified in opposition and submitted testimony #43565.
- 11:49 a.m. Samantha Beauchman, mother and psychologist Valley City, testified in opposition and submitted testimony #43454.
- 11:59 a.m. Alyssa Klossgaard, community member, testified in opposition.
- 12:02 p.m. Kristin Nelson, Public School parent/Advocate for Queer Students, testified in opposition and submitted testimony #43527.

Additional written testimony:

43579, 43164, 43258, 43285, 43327, 43328, 43357, 43421, 43440, 43478, 43479, 43480, 43482, 43491, 43502, 43508, 43510, 43517, 43526, 43533, 43535, 43537, 43546, 43550, 43551, 43552, 43562, 43569, 43572, 43574, 43584, 43586, 43591, 43599, 43611, 43612, 43620, 43506, 43575, 43595, 43596, 43613,

12:04 p.m. Vice Chairman Lemm closed the hearing.

Susan Helbling, Committee Clerk

March 19, 2025

Chairman and Committee Members,

I respectfully request that you consider a vote of NO on HB 1144. If you do not have first-hand experience with a transgender human in your life, the unknown can be hard to understand. I am a mother of a transgender young adult. It was only through working closely with trusted medical teams and school officials that my child was able to not only survive but thrive in life. During the time my child was in high school we navigated solutions and accommodations that kept our child safe, confident, and affirmed while trying hard to ensure other students felt the same respect. It was stressful to constantly worry about the safety of my child, but I found that the open communication led to improved acceptance and understanding, creating a better environment all around. When there is a community that seeks understanding and inclusion, it can literally save lives and uplift, rather than divide.

No one that I know personally that is transgender is out to make others feel uncomfortable or infringe on others privacy or rights. They simply want to feel safe, respected, and go about their business just as anyone else does in life. HB 1144 puts the North Dakotan transgender population at risk to be harmed by others. Blatant disregard for their identity which matches their brain, allowing alienation, prejudice, or stripping away of basic freedoms against this already highly marginalized group of people codify the alienation of our fellow humans and puts lives at risk. Do not pass HB 1144.

Respectfully submitted,

Tara Jensen

District 44, Fargo, ND 58102

Testimony in Opposition to 1144 Presented to the Sixty-ninth Legislative Assembly of North Dakota 3.20.25

Dear Members of the Committee,

I come before you today to express my vehement opposition to this deeply concerning piece of legislation that aims to amend Section 15.1-06-21 of the North Dakota Century Code. This bill is a direct assault on the rights, dignity, and well-being of transgender students in our public schools and sets a dangerous precedent of exclusion, discrimination, and governmental overreach into matters of personal identity and safety.

Practical Implications and Unintended Consequences

- Logistical Challenges: The prohibition of multi-stall or multi-room gender-neutral
 restrooms creates impractical and costly demands for schools. This requirement,
 combined with the limitations imposed on restroom placement, ignores the physical
 realities of existing facilities and budgets, potentially leaving schools non-compliant with
 state plumbing board ratios.
- 2. **Legal Vulnerability**: By mandating discriminatory practices, this bill invites lawsuits from families, advocacy organizations, and civil rights groups, further straining state resources.
- 3. **Mental Health Crisis**: Policies that alienate and stigmatize transgender students are linked to increased rates of depression, anxiety, and suicide. Schools should prioritize the mental health and safety of all students, not enforce regulations that compound harm.

Protecting the Dignity and Rights of All Students

At its core, this bill undermines the fundamental rights of transgender students to exist authentically in public spaces. It not only denies them the ability to use facilities that align with their gender identity but also imposes harmful restrictions that stigmatize and isolate them. This is not about "safety" or "order"—it is about creating barriers to equal participation in education, fostering environments where transgender students are subjected to unnecessary scrutiny, and exacerbating bullying and mental health challenges.

Conclusion

I urge you to reject this harmful bill. It fails to protect students, infringes upon local governance, and perpetuates stigma against transgender individuals. We should be passing laws that uplift and support all students—not ones that single out and marginalize a vulnerable group. Let us ensure that North Dakota remains a place where every child has the opportunity to learn, thrive, and feel safe in their schools.

Thank you for your time and consideration.

Respectfully submitted, Jennifer Boub

jenniferjo.22@gmail.com

I am writing in opposition to HB 1144 which will outlaw gender neutral bathrooms in public schools.

The concern looking to be addressed with this bill is that of privacy; whether the gender neutral bathrooms provide adequate privacy for students. I contend that these restrooms offer more privacy than the traditional public restrooms. The gender neutral bathrooms being opposed are those where there are individual stalls with a common area for handwashing. When we think of bathrooms stalls, we often think of the metal stalls that are typical of a public restroom which do not go floor to ceiling and have gaps around the edges of the door and the frame. These are not the type of stalls that are being used for gender neutral restrooms. Instead, the "stalls" are individual, private, rooms similar to private handicapped restrooms you may see in schools or other public places. This actually provides more privacy protection for students wishing to use the restroom without being seen or heard by other students.

With the subject of privacy being addressed, I also wanted to touch on why these restrooms are a good idea.

- Gender neutral bathrooms can be a safe space for people whose gender presentation doesn't conform to expectations.
- Gender neutral bathrooms can demonstrate respect for people's gender identity
- Gender neutral bathrooms can eliminate stress, anxiety, and mistreatment for transgender and gender non-conforming students.
- Transgender and gender non-conforming people often face discrimination, harassment, or violence in bathrooms.
- Gender neutral bathrooms also provide a safe space for all students who endure bullying.

I want to highlight this last reason for supporting gender neutral bathrooms. Because each room is entirely private and there is an open area for handwashing, gender neutral bathrooms actually decrease bullying in schools. School bathrooms are often a hotspot for school bullying because of a lack of supervision. About 20% of middle and highschool students will be bullied. Most of this bullying, especially of physical nature, occurs in places where there is little or no supervision, such as hallways, stairwells, and bathrooms.

When we create a safe place for our transgender and gender non-conforming youth, we are also creating a safe place for all students.

I thank you for your time and consideration.

Devon Dolney

Dear Chairman Beard and members of the Senate Education Committee,

I strongly urge you to reject HB 1144. This bill is both unnecessary and unsafe. It would require schools to designate restrooms and shower rooms as exclusively for males or females, prohibiting multi-stall gender-neutral facilities. This measure is touted as a solution to a nonexistent problem, and its true impact would be to increase bullying and harassment of transgender individuals.

The rhetoric surrounding this bill claims to prioritize student safety, but I firmly believe it would have the opposite effect. As a concerned parent, I can attest that this bill would not keep my children safe, nor would it protect any other children. Instead, it would perpetuate hate-fueled, transphobic rhetoric that has no place in North Dakota.

I urge you to consider the harm this bill could inflict on vulnerable students and to reject it. Thank you for your time and consideration.

Sincerely, Chelsea Gagner District 32

Dear Committee,

As a lifetime ND resident and grandparent/aunt/family member of a potentially trans child. Seeing and hearing firsthand how bathroom situations in school become more than about going to the bathroom, for my elementary aged grandchild/nephew, it's about their mental health, health and identity. It causes them great distress to be forced to use their sex assigned at birth bathroom, and I do not believe gender separate bathrooms are necessary in school or public places.

I strongly stand In Opposition to HB1144 and believe schools should have the right to incorporate gender neutral bathrooms into their facilities, so that ALL children in the state of ND can use the bathroom freely and safely.

Alexsis Marcellais

Dear Legislators,

I am writing to urge you to NOT PASS HB1144. Gender neutral bathrooms are the solution to gender issues not the problem. Gender neutral, single user bathrooms provide more privacy than any other type of public restroom. As a former public school teacher, I can assure you that I would have loved to have access to a single user, gender neutral bathroom.

My husband and I recently visited a restaurant that was built within the last two years and they featured single user restrooms with community sinks. Men, women and children all used whichever stall was open and then came out into the public area to wash their hands. There was complete privacy while using the toilet and no embarrassment when washing our hands.

Single user restrooms without labels take away the conflict of deciding and enforcing which restroom to use. They also make taking a class of students to the restroom more efficient as any student can use any open stall.

Some other reasons I support gender neutral bathrooms are below:

- Gender neutral bathrooms can be a safe space for people whose gender presentation doesn't conform to expectations.
- Gender neutral bathrooms can demonstrate respect for people's gender identity
- Gender neutral bathrooms can eliminate stress, anxiety, and mistreatment for transgender and gender non-conforming students.
- Transgender and gender non-conforming people often face discrimination, harassment, or violence in bathrooms.
- Gender neutral bathrooms also provide a safe space for all students who endure bullying.

Thank you for your attention and please Vote No on HB1144.

Members of the ND Senate Education Committee and Senator Burckhard (D5):

I am writing to express my opposition to House Bill 1144. This bill infringes upon transgender students' rights to dignity, privacy, and equal access to education while also placing unnecessary burdens on school districts, educators, and families.

The bill disregards the fundamental rights of transgender students by enforcing rigid policies that deny them the ability to use facilities consistent with their gender identity. These restrictions create an exclusionary environment, increasing isolation and mental health risks. Transgender individuals are a recognized part of our communities, and legislation cannot erase their existence or the challenges they face.

Studies by the American Psychological Association and the American Academy of Pediatrics indicate that transgender youth face higher rates of anxiety, depression, and suicidal ideation due to discrimination and lack of affirming policies. Denying transgender people access to gender-appropriate facilities and limiting accommodations exacerbates these issues, leading to unsafe and hostile school environments.

Beyond its impact on students, this bill also imposes excessive penalties on educators and school officials. This excessive oversight could lead to an atmosphere of fear and uncertainty among teachers and administrators, discouraging inclusive practices and further alienating students in need of support.

Requiring school boards to implement restrictive restroom policies removes local control and decision-making authority. Schools are best positioned to develop policies that reflect the needs of their students and communities, rather than adhering to a one-size-fits-all mandate from the state legislature.

Instead of restrictive legislation that marginalizes vulnerable students, North Dakota should support policies that foster safety and respect for all students. Schools should have the autonomy to implement accommodations that ensure all students can access education in a safe and equitable manner, free from discrimination or punitive measures.

I urge you to vote against this harmful legislation and instead advocate for policies that protect the rights, dignity, and well-being of all North Dakota students. Ensuring that schools remain safe, affirming environments for every student should be the priority, rather than implementing measures that promote exclusion and legal penalties.

I hope you will stand against this bill and support the fundamental rights of all students in North Dakota.

Andy Bertsch
District 5 Resident

March 21, 2025

Relating to transgender student accommodations and restroom use in public schools; and to provide a penalty

Dear Committee,

As a lifetime ND resident and friend to a mother of a potentially trans child. Seeing and hearing firsthand how bathroom situations in school become more than about going to the bathroom, for my elementary aged friend's child, it's about their mental health, health and identity. It causes them great distress to be forced to use their sex assigned at birth bathroom, and I do not believe gender separate bathrooms are necessary in school or public places.

I strongly stand In Opposition to HB1144 and believe schools should have the right to incorporate gender neutral bathrooms into their facilities, so that ALL children in the state of ND can use the bathroom freely and safely.

Sincerely,

Jenna Parisien

Dear Chair Ruby and Committee Members,

My name is Samantha Beauchman, my husband and I were born and raised in this state and moved back to ND nearly 5 years ago to raise our family closer to home. I am writing this testimony as a mother, psychologist, and advocate for transgender and gender non-conforming children in the North Dakota public school system. As the mother of a gender non-conforming child, I know firsthand the emotional and physical impact that bathroom designation has on a child throughout the school day.

I feel compelled to preface this testimony by sharing that my child has been gender non-conforming since the young age of two—if you can believe it—and he has never wavered in his interests, his love for stereotypically "girly" things, or his fun and sweet personality. Now, at the age of 8, he is becoming more aware of his differences in a way that wasn't as salient when he was younger and more naïve.

Recently, the issue of gender-specific bathrooms has become a pressing concern in our household and in conversations with my child's educators. My child struggles with deciding which bathroom to use comfortably, to the point that he goes an entire school day without using the restroom. This part of his day causes significant distress, which is evident when we try to process, discuss, or find a solution. Although the school has graciously offered an alternative bathroom, he remains hesitant to use it. For him, the issue is not simply about using a restroom—it is about being forced to think about something that he otherwise does not have to confront throughout the rest of his day. Something as basic as using the restroom—something most of us take for granted—is likely the most distressing part of my young child's day.

I have found no compelling evidence to justify legislation like HB 1144 in our public schools. Schools should have the discretion to support their students in ways that best promote their well-being. However, there is clear evidence—beyond my personal experience—showing that restrictive bathroom policies cause distress for transgender and gender non-conforming students. Even more concerning are the alarmingly high rates of mental health struggles and suicide among LGBTQ youth, as referenced in other testimonies. It pains me to think that my child's mental health challenges could begin at such a young age due to restrictive policies like those imposed by HB 1144.

I believe we can and must do better to support all students, particularly our transgender children, in our schools. Therefore, I urge a **"DO NOT PASS"** on HB 1144.

Thank you for your time and attention,

Samantha Beauchman Valley City Resident



March 24, 2025 Senate Education Committee Testimony in Support of HB 1144

Chairman Todd Beard and members of the Senate Education Committee, I am Linda Thorson, State Director for Concerned Women for America (CWA) of North Dakota, testifying for Concerned Women for America Legislative Action Committee. I am here today on behalf of our North Dakota members in support of HB 1144.

Concerned Women for America, the state's largest public policy women's organization, has as its mission to protect and promote Biblical values and Constitutional principles through prayer, education, and advocacy. We strongly support the provisions in HB 1144; it meets our goal of providing quality education to a level of excellence in academic achievement. Enabling schools to designate a restroom or shower room on school grounds exclusively for males or females and eliminating multi-stall gender-neutral restrooms and shower rooms is beneficial to all students.

Women and girls have valid concerns about privacy and safety in intimate spaces; forcing underage girls to share bathrooms and shower rooms with gender-confused boys is wrong and creates an unsafe school climate for all students. Lawmakers and the governor understood the need to protect female students and <u>passed a law</u> last session, preventing boys from using girls' restrooms. Sadly, female students in our state are still put in harm's way because some school districts have chosen to disobey the law.

Days after the law passed in 2023, requiring school districts to establish, with approval of the parent or legal guardian, a plan for the use of a separate restroom accommodation for transgender students the <u>superintendent</u> of the third largest public school district in the state, publically announced the district would not follow the state law.

Education is of little value unless virtue, truth, and integrity are included as part of the learning environment. Best practices in education involve enriching a child's academic skills during a critical time of development of right and wrong. School administrators publically flaunting their intention to break state law sets a very bad example for children.

Comprehensive character education is "the deliberate effort to cultivate virtue." Students spend nearly 900 hours a year in school; schools must develop <u>respectful environments</u> where students learn core, ethical values, such as being law-abiding citizens.

According to <u>leading educational researchers</u>, learning environments play a significant role in student success. Enhanced learning environments include communicating high expectations. When people in positions of authority in a student's life openly commit to not following state law, not only children but society is harmed.

HB 1144, Also prohibits a school district, public school, or public school teacher from schools from adopting a policy requiring or prohibiting the use of a student's preferred pronoun. The allowance of "preferred pronouns" is harmful because:

- Forcing teachers to use "preferred pronouns" infringes on an employee's right to free speech and the free exercise of religion. Policies that require a student to be referred to by gender pronouns, non-binary, or plural pronouns, or other gendered language that is different from the student's biological sex violate the religious belief that God assigns sex at conception and is a conflict for those unwilling to compromise their beliefs.
- The use of "preferred pronouns" elevates preference over fact. Science is clear: XX is female, and XY is male. There is no "preference" about it.
- Teaching Children about "preferred pronouns" steals valuable classroom instructional time and creates an undo burden on the instructor.

In conclusion, people fall into three groups; they are either children, those who protect children, or those who bring harm to children. Thankfully, a great majority of our lawmakers and Governor Doug Burgum were willing to protect children by passing legislation to prevent gender-confused boys from using girls' restrooms in 2023. HB 1144 strengthens the law and provides a penalty for school leaders who not only choose to put underaged girls in harm's way but teach students unlawful behavior is permissible.

Please vote "do pass" on 1144.

¹ Lickona, Thomas (2004), Character Matters: How to Help Our Children Develop Good Judgement, Integrity, and Other Essential Virtues. New York: Touchstone

Samantha K. Harrison

Regarding HB 1144

March 22nd, 2025

Chair Beard and members of the Senate Education Committee,

My name is Samantha Harrison, a current resident of Mandan in District 34. I am writing to you to urge a "Do Not Pass" recommendation and a "No" vote on HB 1540.

I have written lots of testimony this session. You have probably seen various testimonies that I've submitted speaking about my background as a teacher, an EMT, and a Public Health professional. I've had the privilege to dedicate my professional life to things that matter the most to me, and chief among those has been the education and medical care of children.

You can find the stats if you care to look for them, but I'm instead going to tell you that first-hand I have seen the positive effect that inclusion of transgender people has on both youth and adult mental health. I saw it as a student teacher and full-time teacher when a kid who wasn't accepted found their place in my classroom and felt safe. I saw it when someone who was having a mental health crisis on the ambulance was told that we were there for them. I saw it with my dear, dear friend who finally started living her fullest and best life when she was finally able to accept herself and be accepted by others in her late 30's.

I will also tell you that more of the children in our state will be put at risk of poor mental health if this bill is passed than are currently at risk due to shared handwashing stations. In my previous job at the state overseeing Emergency Medical Services for Children, it never got easier having to prepare EMS agencies in the state for pediatric suicide calls. It was never easier dealing with those calls myself when I was an EMT. I can tell you that bills like this will not help that—they will only make the problem worse.

Trans people are not a danger to you. They are not a danger to me. They are not a danger to children. They are trying to exist.

This bill is ridiculous, cruel, and a waste of time and money. I urge a "Do Not Pass" recommendation from the committee and a "No" vote on the floor on HB 1144.

Sincerely,

Samantha K. Harrison District 34 Senate Education Committee HB 1144 - Testimony in Opposition March 22, 2025

Chairman Beard, Vice Chairmen Lemm, and Members of the Senate Education Committee:

My name is Cassandra Coghill, and I am a lifelong North Dakota resident. I grew up in our public school system, and I am now a mother to two children (ages 8 and 11). I am writing today in opposition to House Bill 1144, which restricts schools from instructing staff to use children's preferred pronouns and which bans the use of unisex bathroom designs in public schools. I have read a considerable amount of the testimony in favor of this bill and have distilled my thoughts down into two main areas of concern: pronoun usage and suicidality, and bathroom stalls and safety/privacy.

- 1. Pronoun Usage and Suicidality: Research into health outcomes for LGBTQ+ youth consistently indicates that using a young person's preferred pronouns dramatically reduces their risk of suicidality. This is a simple gesture that helps keep our children alive. Why would anyone want to privilege the sensibilities of some of the adults working in our schools above the safety and well-being of our most vulnerable youth? If this bill is implemented and suicides among young people in our state increase (which is the most likely and obvious outcome of this policy, based on the data we have), the deaths of those children will be on your hands. Do you really feel comfortable with risking that?
- 2. **Bathroom Stalls and Safety/Privacy:** I can only assume that anybody who is upset about the use of unisex bathrooms in schools, quite literally, doesn't understand how they work, because it is extremely obvious to me that unisex bathroom design only INCREASES safety and privacy for ALL students. With unisex bathrooms, students are using lockable "stalls" that are essentially completely private, individual toilet areas with walls from floor to ceiling-- no gaps toward the top and bottom like what we see with traditional bathroom stalls. Only the sink area is shared. Students in schools that have implemented this design report feeling safer and more comfortable using these private stalls than the traditional, open stalls we see in gendered bathrooms. Administrators in these schools report a reduction in problematic behaviors like smoking in bathrooms as well. Because only the individual area is private (and the shared sink area is open to the hall), students do not have access to a shared, private area where they can collectively engage in prohibited and risky behaviors as a group and with their peers, outside the supervision of school staff, during school hours. As I said, implementing a unisex bathroom design in public schools only INCREASES privacy and safety for ALL students.

In light of these and the many other important points those testifying in opposition to this bill are making here, I would ask that you prioritize the actual safety of our kids across the board, over the fragile sensibilities of some adults, and give this bill a "do not pass" recommendation.

Thank you,

Cassandra A. Coghill (Fargo, ND)

Cass.coghill@gmail.com, 7019361079

Dear Members of the House Human Services Committee,

I am writing to oppose HB 1144 that "would amend and reenact section 15.1-06-21 of the North Dakota Century Code, relating to transgender student accommodations and restroom use in public schools; and to provide a penalty."

Through our entire lives, all of us have used bathrooms that are not designated for males or females. Those have been in our own homes or the homes of friends and relatives. No one felt this was an issue in any way whatsoever.

This amended measure, like its original version, seems to serve no purpose except to harass and intimidate already vulnerable people. I was one of the faculty advisors of the NDSU gay and lesbian student group from 1992-2006. Since 2017 I've coordinated the Red River Rainbow Seniors oral history project, "Breaking Barriers: Harvesting LGBTQ Stories from the Northern Plains." A sadly frequent refrain in those interviews is how isolated and fearful those gay, lesbian, and transgender people felt as youngsters growing up in rural North Dakota. This bill only intensifies that fear.

The hundreds of LGBTQ people I've met over the years, many of whom are now dear friends, just want to live their lives without being harassed and discriminated against.

I also have a 34-year-old transgender granddaughter who was born in North Dakota, but now, thank heavens, lives in Minnesota. She struggles every day with overt and covert discrimination, even there.

Please be compassionate and empathetic for our vulnerable youth.

Sincerely,

Larrry R. Peterson, PhD Professor Emeritus of History, NDSU Chairman and members of the Senate Education Committee

Greetings chairman and people of the committee.

My name is Abigail Kraft of Bismarck and I'm here to respectfully request that you give a Do Not Pass recommendation for HB 1144.

This new law aims to cost both the young people of our state a place to use the restroom, many of which already exist, and the taxpayers, since school districts will be forced to remodel, which will waste even more of our tax dollars simply to comply with a new state law that only benefits those in politics and a token for the misinformed. This law that will punish the mental health of our youth and the taxpayers simultaneously, simply to score some political points. This is not how North Dakota operates.

News outlets like Fox News routinely cherry pick the handful of stories where negative incidents have occurred in order to paint all transgender people as bad and defenders of transgender youth as some sort of evil, "woke" child abusers. They run the same propaganda stories over and over to demonize all transgender people and their defenders as if everyone needs to conform to their morals. I am a Republican who voted for President Trump three times, and I think this whole charade to demonize groups of people in our society and state is one of the most disgusting things I've witnessed. We are better than this in North Dakota, we lead by example, not following a couple of misinformed people on this topic like President Trump and Riley Gaines. Just check either Twitter for a litany of unrelated stories that consistently demonize transgender people and mocking them for simply being themselves. On a daily basis, you can go to Fox News and catch a couple transgender stories that are always presented in a negative light to try to stoke more division, hatred and fear which strayed far from their original talking point about college sports. So now in North Dakota, we're supposed to fall in line and believe that these newly built bathrooms are bad? Where does this nonsense end? What about our children being bullied in schools? If we can stop our children from being bullied, don't we do what we can to stop and prevent it? The ridiculous national culture war crusade against transgender people at the expense of our citizens' own mental health is all this bill comes down to. This bill will also cost the school districts of this state millions of dollars to come into compliance with the new law.

According to a Williams Institute study, North Dakota has approximately 500 transgender youth between the ages of 13 and 17. Sticking strictly with the mental health aspect of our youth, how is this fair to them? Should they be forced to use a bathroom that doesn't align with their gender so they can be bullied and assaulted? Should they have to be ostracized by using a third option of using the bathroom in the teacher's lounge if this bill comes into law and IF the school districts make an accommodation? Should they have to be bullied because the state wanted to make a political point to our citizens? Should our transgender youth refrain from drinking milk, juice and water so they don't have to worry about needing to use the restroom while at school?

I am going to share this point again from our Governor that I provided in my other testimony: Governor Armstrong himself said there is a difference between gender identity and biology. He also said this in a debate with candidate Merrill Piepkorn, quote "Dress however you want. Be who you want to be. This country is a fantastic, weird place, and I think it is great."

If this bill passes, you are going to be putting it on the back of Governor Armstrong to take a stand for our youth, showing him that you sent this to him to force him to make a stand. Are you going to be comfortable making him either go back on his word to pacify a sliver of the party base or will he stand up for all the students of North Dakota and veto this bill? I think this bill should die in the Senate to prevent this from happening and to protect your youth as well as save the taxpayers money from numerous potential school remodels. What we currently have in place is in line with our deeply held values of respecting all of our fellow North Dakota citizens, and I respectfully request you give a Do Not Pass recommendation and other Senators who may vote on this bill to vote a resounding NO.

I will also again state as I have in previous testimony that regardless of what happens with this bill, I hope opposition testimony provided at these hearings can become a starting point with the citizens of North Dakota, that we all come together and have conversations about people and our differences, and how there's no reason to fear someone unlike yourselves.

Thank you for your time,

Abigail Kraft

Bismarck - District 32

Senate Education Committee

HB 1144

Testimony In Opposition

Chairman Beard and Members of the Senate Education Committee

Thank you for the opportunity to testify. My name is Anna Frissell and I am testifying on behalf of Youthworks in opposition to House Bill 1144.

House Bill 1144 requires the banning of modern, state of the art, student-centered restroom designs that schools have implemented to prevent bullying, increase the ability to provide supervision in restroom areas, and to ensure all students – regardless of gender identity – have access to safe, private secure restrooms while in school.

This bill jeopardizes student privacy, security and safety. This bill ignores the realities of school safety for all students. I prosecuted juvenile crimes that were referred to me because of incidents that happened in school restroom areas, I have seen how much these modern restrooms assist administrators to create safer, yet private, restrooms in schools: fewer incidents occur involving all students because the area is easily monitored. This bill is singling out transgender students, who face countless challenges in the school setting and who should be able to use a restroom without fear or anxiety. All students, regardless of gender identity, benefit from this restroom design.

This bill proposes making changes that are a waste of taxpayer dollars. Many schools have been designed utilizing the modern restroom design concept. The renovation costs would be high, with the money wasted on removing modern restrooms that are the best way to protect students and provide privacy.

Please vote NO on House Bill 1144 and prioritize student safety and fiscal responsibility.

Thank you.

Anna Frissell

Youthworks



TESTIMONY IN OPPOSITION TO 1144

- 2 I come before you as a lifelong educator, a parent, and a person who values both the role of
- 3 families and the importance of local decision-making. Like many in this room, I believe in
- 4 limited government, fiscal responsibility, and the need to protect our children. I'm a mother of
- 5 two wonderful young ladies who I love and protect fiercely. This bill, however, contradicts all
- 6 three of those principles.
- 7 Let me start with the issue of **government overreach**. HB 1144 removes the authority of local
- 8 school boards and educators those closest to students and instead imposes a top-down
- 9 mandate from Bismarck. It prescribes in minute detail how restrooms must be configured, what
- 10 policies can or cannot be adopted and even threatens educators with investigations and civil
- penalties up to \$2,500 per incident. This isn't local control. It's state micromanagement of our
- schools and our educators.
- 13 Most troubling to me is **Section 4** of the bill, which mandates that schools eliminate any
- restroom design with shared or common wash areas between male and female facilities. This
- might sound simple on paper, but the cost of implementing this provision across North Dakota is
- 16 staggering.

1

- 17 I've been a college professor of School Facilities since 2008 at the University of Mary, and
- 18 currently, the most cost-effective and architecturally sound restroom design in modern
- schools uses common wash areas not to push an agenda, but because it's safer, cleaner, and
- 20 far more efficient. It allows staff better visibility for supervision and cuts down significantly on
- 21 construction and maintenance costs. Our principals would readily attest to the reduced bullying,
- 22 opportunities for drug use, vaping, etc. with common wash areas. Furthermore, gender neutral
- bathrooms are nice for all kids frankly I personally love the privacy of a family bathroom.
- 24 My daughter indicates that the girls at her school LOVE them when it is time of the month
- 25 where they'd like a little more privacy or if they even have a stomachache the privacy of that
- bathroom is wonderful. Why would we want to eliminate that? I've asked her and she just
- laughed, as did her friends, and had no idea why anyone would care if they washed their hands
- 28 next to boys. She asked me "how is that different than eating lunch next to each other in the
- 29 lunchroom?" I think sometimes we need to remember what it was like to be a kid in the sandbox
- with other kids. It's not evil. They're just washing their hands.
- 31 If this bill passes, schools would be forced to remodel those spaces, costing somewhere between
- 32 \$140 million and \$200 million statewide. That's an enormous burden on school districts and
- 33 by extension, taxpayers to solve a problem that does not exist. While many districts are
- 34 struggling to retain teachers, update materials, and expand mental health services, this bill would
- make them reallocate funds to reposition sinks and restructure restrooms.
- 36 It's not a conservative principle to mandate that schools tear out functional and efficient
- infrastructure and replace it with something less efficient all at the taxpayer's expense.



- This bill doesn't solve problems. It creates legal liabilities, threatens school districts with
- 2 lawsuits, places enormous financial strain on facilities, and strips educators of the ability to do
- 3 what they've been trained to do: support kids.
- 4 And let me be clear our teachers are not political activists. They are professionals who are
- 5 trying to do right by every student in their care. This bill punishes them for doing so.
- We must ask ourselves: what precedent are we setting by legislating restroom layouts with the
- 7 weight of state investigation behind it?
- 8 If we truly believe in limited government, if we truly trust local control, and if we care about
- 9 how taxpayer dollars are spent then we must oppose this bill.
- 10 I respectfully urge you to vote no on HB 1144. Let's work together on real solutions that
- 11 honor families, protect children, and support schools without having our state law
- becoming as such that it makes North Dakota a place that is unfriendly to live in.

Dear Lawmakers and Superintendents:

I live in your district and wanted to connect you to each other because of HB 1144. This bill has been amended to disallow any sort of gender-neutral restroom area that has a communal sink. Most modern school bathroom designs include this sort of layout because it improves safety overall, reduces anxiety and bullying experienced by students, and is easier to monitor for bad behavior.

These bathrooms help all students, but truthfully, removing them will especially hurt transgender students. Our state data, with an analysis of the Youth Risk Behavior Survey, found our LGBTQ+ students experience significant bullying, hardship, and suicidality from schools and that they don't feel safe. Many of these kids even bring weapons to school for self-defense and middle school trans students report not drinking water so they can avoid going to the bathroom.

While we may all have differences of opinion on the best way to run any school, I don't think anyone wants to make school less safe for any student, and I believe our House was under-informed on the real impact of this bill. Please, lawmakers, connect with our local superintendents to have a conversation if this bill is needed or practical.

I am writing to ask you to please oppose any bills that discriminate against transgender people. This includes efforts to retract access to affirming healthcare, sports, and public facilities that match their gender identity. Discriminatory efforts like these are deeply harmful to already at-risk trans children.

I will be watching closely to see what you do to protect trans rights, and I will cast future votes accordingly. Thank you for your time and support.

Sincerely,

Sydney Glende 1330 23rd st S Fargo ND 58103

- 1 Chairmen Beard & members of the Senate Education Committee,
- 2 For the record, my name is Mike Bitz, and I am fortunate to serve as the
- 3 superintendent of the Mandan School District. I want to thank Rep.
- 4 Tveit for bringing this legislation forward with the intention of
- 5 addressing concerns within our schools. I appreciate the time and effort
- 6 he put into drafting HB1144. However, I must testify in opposition to the
- 5 bill, as I believe it is unnecessary and it will have unintended
- 8 consequences for school districts and taxpayers across North Dakota.
- 9 While there have been concerns raised and even threats made about
- students using bathrooms that do not align with their biological sex, I am
- not aware of any evidence of this actually happening or being tolerated
- in any of our schools. From my conversations with fellow administrators
- across the state, we are committed to ensuring safe environments for all
- students, and we follow distict policies and all state laws. North
- Dakota's school districts already have procedures in place to address
- these matters when they arise.
- 17 Secondly, this bill takes an extreme approach by immediately involving
- the North Dakota Attorney General if there is a report of non-
- 19 compliance. I believe it would be much more effective, and reasonable,
- to allow local school administrators to resolve these issues first. If
- 21 concerns are brought forward, we should trust our local districts to
- 22 address them in a timely and appropriate manner. Only if local

- resolution fails should the state step in. This approach aligns with North
- 24 Dakota's tradition of local control.
- 25 Finally, and most importantly, I would like to address Section 4 of the
- bill, which deals with the prohibition of common handwashing stations.
- In Mandan alone, we have over 15 bathrooms in our elementaries and
- 28 middle schools that would need to be redone. I know this will be a
- 29 problem for many other districts as well. Requiring districts to install
- separate handwashing stations is an expensive mandate, that involves
- significant construction costs. At a time when districts are already
- navigating tight budgets, the fiscal note for this portion of the bill is
- simply too large to justify, especially considering there is no pressing
- public health or safety concern necessitating such a mandate.
- In summary, while I appreciate the intent behind this legislation, it is not
- necessary. Local school districts should be given the opportunity to
- address concerns before escalating them to the state level, and the fiscal
- impact of Section 4 is an unnecessary burden on our taxpayers. Thank
- you again for your time and consideration, and I urge you to oppose
- HB1144. I am happy to answer any questions you may have.

3-24-2025

Dear Legislators,

I am a teacher of special needs students who often need a private, separate place to be changed or to attempt to use the restroom. By getting rid of single use bathrooms, you would be harnessing these students to larger bathroom settings and possible ridicule by other students.

I am also writing again to express my deep concern for our transgender youth who will struggle in schools in finding solace in a separate bathroom setting should this legislation pass. As an educator, I have seen many youngsters struggle to understand their identity, some pushed to the brink.

In fact, data indicates that 82% of transgender individuals have considered killing themselves and 40% have attempted suicide, with suicidality highest among transgender youth. (https://pubmed.ncbi.nlm.nih.gov/32345113/)

Furthermore, **school belonging**, emotional neglect by family, and internalized self-stigma made a unique, statistically significant contribution to suicidality. (https://pubmed.ncbi.nlm.nih.gov/32345113/) Students who are uncomfortable with the basic human need of going to the bathroom will be uncomfortable at school.

Please vote NO and end this legislation now.

Sincerely,

Angie Moser

Dear members of the Education Committee

I respectfully ask you to give a DO NOT PASS to HB 1144

I simply do not understand the motivation behind banning gender neutral bathrooms in schools. Have you looked at the layout of gender-neutral bathrooms in our schools? They are comprised of fully-enclosed stalls that provide complete privacy and are open to a hallway. This setup **prevents bullying** because supervision of those spaces is much, much easier than in a traditional bathroom.

My son attends Minot North High School and he reports that bullying and illicit dealings are common in traditional bathrooms, where groups of kids are out of sight of teachers and can gang up on others. My son much prefers using the gender-neutral bathrooms that are available because he feels safe there. I have also heard this from parents of girls.

Traditional bathrooms are still available in our schools, in addition to the gender-neutral ones. Anyone who is more comfortable with a traditional bathroom can visit those. What is the harm in also making gender-neutral bathrooms available?

Why are legislators ignoring the realities of school safety? I can only conclude that this is maybe done out of spite to make life difficult for transgender students, because there is simply no logical reason to ban these types of bathrooms.

Additionally, HB 1144 is a wasteful, taxpayer-funded mandate. Many North Dakota schools have already adopted student-centered restrooms, just think of all the Kindergarten classrooms that have one bathroom inside to be used by all of the little ones.

If HB 1144 passes, schools will be forced into costly renovations at taxpayers' expense.

I urge you to prioritize student safety and fiscal responsibility by voting DO NOT PASS on HB 1144.

Sincerely,

Alexandra Deufel – District 40

Parent of a high-schooler who definitely prefers the gender-neutral bathrooms!

Dear Members of the Senate Education Committee:

I am submitting this testimony in opposition to HB1144.

My name is Paul Breiner and I am a registered architect practicing in the State of North Dakota. My primary area of focus is K-12 schools. I have been involved in dozens of school projects across the state.

This language of this bill would prohibit single stall restrooms. This type of restroom serves several purposes. These include, but are not limited to, family restrooms used by fans and spectators during sporting events, convenience restrooms located within the classroom for pre-school and kindergarten age kids, and staff restrooms.

As an architect, I practice Crime Prevention Through Environmental Design (CPTED). CPTED is an internationally recognized approach to reducing crime by implementing principles in the built environment. One of those principles is "natural surveillance." Rather than relying on security cameras and other electronic monitoring, which does little to stop crime, natural surveillance is an eyes-on approach allowing a space to be watched by the people in the area. This bill directly contradicts this principle. Communal sink and wash areas allow teachers and other school staff to monitor more of the area around restrooms. This reduces opportunities for bullying, vandalism, and other undesirable behaviors. Private stalls maintain a student's privacy.

This bill would cause undue hardship for school districts that currently have these facilities. Restrooms are one of the most expensive spaces to renovate. I would rather have schools spend their financial resources on their academic programs and equipment than on changing their restrooms in response to a law that does not actually promote the safety of students.

Finally, this bill increases risk for our transgender students by forcing them into uncomfortable situations. From personal experience I know kids who would rather hold their bathroom needs than use the school restroom. Not only is this bad for their physical health, it is bad for their mental health.

Overall, this bill is vague, reduces safety and security, causes a financial hardship to school districts, and targets a segment of the student population.

Please give the bill a Do Not Pass.

Thank you,

Paul Breiner, AIA Bismarck, ND Members of the ND Senate Education Committee.

I am writing in opposition to HB 1144

This bill is a direct assault on the rights, dignity, and well-being of transgender students in our public schools and sets a dangerous precedent of exclusion, discrimination, and governmental overreach into matters of personal identity and safety. Your role as legislators is to pass legislation that supports the heath, wellbeing, and safety of North Dakotans. This bill does the opposite by targeting a specific population of people.

It is unclear why you are spending such a large amount of time and resources on such a small portion of the population when there are many other issues impacting the whole state.

I urge a do not pass.

Thank you,

Deacon Erin Power Evangelical Lutheran Church in America Fargo, ND District 10 Kristin Nelson 3/23/25

5409 20th Street South

Fargo, ND 58104

District 46

NO on HB 1144

Chairman Beard and members of the Senate Education Committee:

I am writing you today to encourage you to vote **DO NOT PASS** on HB 1144. This bill overextends the state's authority and inserts our AG into the bathrooms of our public schools. **I do not** believe it is the **responsibility of the state** to ensure students are using the **correct restroom**. I would love to ask Rep. Tveit and the other members who sponsored this bill why they have a **weird obsession** with where students use the restroom. Surly, there must be **more pressing matters** that these representatives, this committee, and our state have to deal with.

This is so much of a non-issue that I guarantee each and every one of you on this committee and reading this testimony have used a restroom next to a transperson and have not known it. I recently saw a video of a non-binary person who was at an airport and workers shooed them out of each bathroom thinking they didn't belong there. Where is this person supposed to pee at? I am truly curious why lawmakers spend so much time worried about where people pee that they must bring a bill to a committee to get other lawmakers thinking of people peeing, and soon, a room of 50+ people are now thinking about where students are using the restroom. It's weird.

Only about 1.8% of high school students in this country identify as trans, and of those, 70% report avoiding bathrooms because they feel unsafe or uncomfortable. Trans people who are uncomfortable with public bathrooms report self-dehydration and "holding it" to avoid public restrooms, some have reported UTIs as a result (Crissman, H.P et. Al). This is a national study, however the point stands, that shaming people and stigmatizing them for their personal care routines creates unsafe and harmful environments for those people. This is against the types of environments we try to build in school, a place where everyone, no matter who they are should be encouraged to live as their true selves.

Facts matter, and here are the facts about regulating a teen's restroom habits as pulled from the Crissman study cited above. The study interviewed 904 youth ages 14-24 around the country about the bathroom debate.

1. Public facilities choice is a private decision.

- a. The study participants agreed that going to the bathroom is a private activity and should be no one's business.
- 2. Public facilities choice is a human right.
 - a. Respondents thought trans people should be able to use whatever bathroom makes them comfortable.
- 3. Public facilities choice and the myth of the transgender perpetrator
 - a. Study respondents understand restrictions on bathroom use by transgender individuals as propagated by inaccurate portrayals of transgender people. Youth pointed out that restricting bathroom use by transgender people is, in part, driven by a conflation of gender non-conformity with criminal sexual deviance, particularly pedophilia.
- 4. Public facilities choice and the safety of transgender people.
 - a. The respondents feared that trans people who pass as their affirmed gender may face harassment and violence if forced to adhere to bathroom restrictions.

I would be remiss if I did not include the other side of the argument:

- 1. Public facilities restrictions: transgender identity as illegitimate:
 - a. This group expressed a belief that sex and gender should always remain concordant, and that this relationship is inflexible.
- 2. Public facilities restrictions based on genital anatomy:
 - a. Bathroom use by transgender people should be restricted and emphasized the importance of genital anatomy in determining which bathroom transgender people should be allowed to use. This rationale stemmed from a fear of individuals, specifically cisgender girls, being exposed to phalluses.
- 3. Public facilities restrictions and the risk of falsified perpetrators:
 - a. These respondents talked about safety concerns and the right of transgender people to use restrooms aligned with their gender identity. Their concern though was that people could masquerade as transgender in order to legitimize their entering other genders' restrooms for nefarious purposes.

This study goes on to say that of the youth who participated, the majority of respondents support transgender people having the right to choose which bathroom they use without restriction. Findings suggest a large number of youth support transgender rights, and a large number would be willing to provide peer support to transgender youth. Those in the study who had concerns for trans people accessing the bathroom of their choice, was more out of fear that of "enabling natal male sexual predators to enter women's bathrooms

for nefarious purposes." Meaning, they fear that cis-males will enter bathrooms and commit sexual assault, they don't actually fear transgender people.

Another study by the NIH delves into the rate of sexual assault among transgender and non-binary teenagers in school. "Transgender and non-binary middle and high school youth experienced sexual assault at troubling rates well above those for non-transgender adolescents. Besides avoiding restrictive policies, schools should strongly consider designating "all-gender restrooms" along with additional adult supervision in locations where harassment is most likely to occur (Murchison, A. R., et al, 2019).

The studies referenced in this testimony will be attached at the end. After considering the data I hope the committee can see another **bill restricting the rights** of North Dakotans is wrong. This bill was submitted by the party of "**small government**" and "**don't tread on me**" and "**freedom**", so please keep that in mind when debating the **bathroom habits of teenagers**.

I would also urge you all to consider the **financial and practical implications** of this bill. Schools who already use these private restrooms would have to **spend tax dollars** to **remodel** them to fall in line with this bill. Will it fall to the **AG's office or DPI** do inspect the restrooms of all public schools to ensure that they pass muster? I cannot think of a better way to use **precious tax dollars** than that.

Your understanding of a trans person is not a prerequisite to their existence.

I implore all of you to vote **DO NOT PASS** on this bill.

Thank you.

Kristin Nelson (she/her)



Journal of Homosexuality



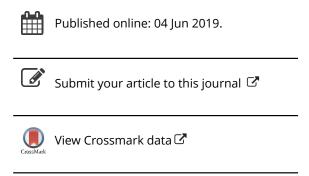
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Youth Perspectives regarding the Regulating of Bathroom Use by Transgender Individuals

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ABSTRACT

Regulations regarding bathroom use by transgender people affect youth across the United States. This study examines youth opinions on bathroom use regulations. Data were obtained from MyVoice, a weekly text messaging survey of youth aged 14-24 years. Youth were recruited nationally at community events and online; Southeast Michigan was overrepresented. Mixed methods analysis was performed using grounded theory methodology. The majority of respondents (n = 683) were white (71.4%) and had education beyond high school (56.5%). Most (79%) stated that bathroom use by transgender people should not be restricted, rationalizing: 1) bathroom use is private and should be a personal decision; 2) choosing bathrooms is a matter of equality, freedom, and human rights; 3) transgender people are not sexual perpetrators; and 4) forcing transgender people to use particular bathrooms puts them at risk. Contrary to the current policy in many schools, respondents do not support restrictions on bathroom use by transgender people.

KEYWORDS

Transgender; LGBT; bathroom; public policy; vouth

Introduction

In recent years, many state legislatures and school boards in the United States have considered regulations regarding bathroom use by transgender people (Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2016; Kralik, 2018; Sanders & Stryker, 2016). In 2016, two contrary efforts brought public bathroom use regulation to the national forefront; North Carolina passed House Bill 2, which required individuals to use the restroom that corresponds with the sex on their birth certificate, and the Obama administration released a letter to schools stating that "a school may not require transgender students to use facilities inconsistent with their gender identity" (Bishop, 2016; Kralik, 2018; Lhamon & Gupta, 2016). Under new administrations, these discrepant regulations were both rescinded in 2017, leaving the issue of which bathrooms



transgender people should be allowed to use up for debate in state houses, municipalities, and schools across the country (Battle & Wheeler, 2017; Kralik, 2018).

The debate regarding public bathroom regulation in the U.S. is occurring in the context of a federal legal system with sparse protections for transgender individuals (Hart, 2014). The U.S. federal government has yet to codify any laws specifically detailing protection for transgender individuals from discrimination on the basis of gender identity. However, an increasing numbers of federal court rulings have concluded that federal discrimination laws, such as Title VII of the Civil Rights Act of 1964 which barred racially segregated public accommodations, forbade the use of federal funds for any discriminatory programs, and banned discrimination based on race, color, religion, sex and national origin, as well as Title IX of the Educational Amendments Act of 1972, should be interpreted as protecting transgender people against discrimination (Title VII of the Civil Rights Act of 1964 (1964)). Yet the issue remains debated as the Supreme Court and Congress have yet to take on discrimination on the basis of gender identity and the current administration's Department of Justice recently indicated that "sex" in the Civil Rights Act of 1964 referred to "biologic sex" and thus does not apply to discrimination against individuals based on gender identity. Without federal precedence, more than a dozen states and numerous municipalities have adopted laws officially protecting people from discrimination in public accommodations based on gender identity ("Transgender people and access to public accommodations," 2014). And rare legislation, such as California Assembly Bill 1266, has specifically addressed public accommodations in schools, legislating that California schools must allow transgender students to use sex-segregated facilities based on their gender identity (Pupil rights: sex-segregated school programs and activities, 2013).

It is estimated that at least 150,000 13-24 years olds in the U.S. (0.7%) identify as transgender (Herman, Flores, Brown, Wilson, & Conron, 2017), with new data from one multi-state survey suggesting an even higher prevalence, with 1.8% of 9th to 12th graders identifying as transgender (Johns et al., 2019). These findings suggest that youth are more likely to identify as transgender than current U.S. adults (Herman et al., 2017). Transgender youth experience high rates of violence and harassment in schools and are less likely to attend college than their cisgender peers (Crissman, Berger, Graham, & Dalton, 2017; James et al., 2016).

Many schools have instituted bathroom use regulations. While at the individual case level student plaintiffs have succeeded in gaining access to school bathrooms aligned with their gender identity through the courts, 60% of transgender youth in a national school climate survey reported being required by their school to use the restroom corresponding with their sex assigned at birth, and 70% of transgender students reported avoiding public

bathrooms because of feeling unsafe or uncomfortable (Kosciw et al., 2016). Transgender people who are uncomfortable with public bathroom options report self-dehydration and "holding it" to avoid public restrooms (Herman, 2013), with some evidence for higher rates of urinary tract infections in individuals who avoid using public restrooms (James et al., 2016).

The minority stress model describes the ways in which marginalized communities, including transgender people, are subject to stress as a result of alienation from social structures, norms and institutions (Bockting, Miner, Swinburne Romine, Hamilton, & Coleman, 2013; Meyer, 2003). Aligned with minority stress theory perspective, gender minority youth who feel unsafe in public restrooms reported less psychological well-being (Weinhardt et al., 2017). Denial of public accommodations has been associated with emotional distress, adverse physical symptoms, and has even been associated with suicidality among transgender people (Reisner et al., 2015; Seelman, 2016). Legal rulings have also levied the minority stress theory, such as the case of Coy Mathis where the Colorado Civil Rights Division ultimately found that forbidding Coy, a transgender girl, from using the girls' bathroom at school created "an environment rife with harassment and inapposite to a nurturing school atmosphere" (Johnson, 2014).

However, the focus of the debate and media campaigns surrounding regulation of the use of public accommodations by transgender people has galvanized less attention for the implications for the wellbeing of transgender individuals, and has instead focused on fears regarding shielding and ensuring the safety of presumed cisgender women and girls in women's bathrooms (Madigan, 2016; Sanders & Stryker, 2016; Schilt & Westbrook, 2015; Stones, 2017). Specifically, the focus has been on what some have termed "penis panic" - the fear that individuals with natal penises will be allowed to "dress in sheep's clothing" and will have open reign to violate "vulnerable women" in women-only spaces (Schilt & Westbrook, 2015). Recent polling and studies suggest that many adults in the U.S. believe transgender people should not use the restroom aligned with their gender identity (Callahan & Zukowski, 2019; Parent & Silva, 2018; "Transgendered students and school bathrooms," 2014). While adult opinions of transgender youth appear more favorable, older and reported more socially conservative political views were associated with hesitance to allow transgender youth to use the restroom corresponding to their gender (Elischberger, Glazier, Hill, & Verduzco-Baker, 2016).

While transgender youth continue to face harassment at levels far beyond their cisgender peers, school environment surveys suggest schools are gradually becoming less hostile spaces for transgender youth (Kosciw et al., 2016). A small qualitative analysis of interviews with lesbian, gay, bisexual and transgender youth (n = 25) recently concluded that gender-neutral bathrooms are important in fostering a sense of safety and inclusivity, but the perspective of larger populations of youth remains unclear (Porta et al., 2017). We hypothesize that in an era where a growing number of youth identify as transgender, many youth may not support restrictions on bathroom use by transgender people. If there is indeed peer support among youth for allowing transgender individuals to use bathrooms concordant with their gender identity, there may be profound positive implications for minority stress among upcoming generations of transgender youth (Bockting et al., 2013). Moreover, it may suggest that youth perspectives on bathroom use policies may differ from the narratives otherwise represented in debates regarding bathroom regulations.

Methods

We conducted a cross-sectional mixed methods study to collect demographic and qualitative data from youth across the U.S. Data were obtained from MyVoice, a weekly text messaging survey that solicits the opinions of youth on health and policy issues. MyVoice sampling and topic selection methods were previously described by Dejonckheere et al. (DeJonckheere et al., 2017). In brief, participants were recruited nationally at community events and online via Facebook and Instagram advertisements. Social media advertisements were created to target specific nationally representative demographic characteristics using weighted samples from the American Community Survey, with adjustments in recruitment advertisement targeting to meet benchmarks (DeJonckheere et al., 2017). Youth in Southeast Michigan were overrepresented. Eligible participants (14-24 years of age, fluent in English, with access to a phone with SMS capabilities) were assented or consented, and completed an online demographic questionnaire (n = 1010). The active MyVoice sample includes 906 youth who have responded to at least one text message survey from MyVoice.

MyVoice participants were asked via text message survey whether they had heard of the debate regarding bathroom use by transgender people: "There is a debate in some states about which bathroom transgender people are allowed to use. Have you heard about this?" (Yes/No). Participants who responded "No" received the following information, "What this means is that a person who was born a female but identifies as a male can only use female bathrooms and vice versa." Participants were then asked the following open-ended questions: "What do you think about this issue?" and "Is this important? Why?" Of the 906 active MyVoice participants, individuals were excluded from the analysis if they did not respond to any portion of the survey (n = 198) or did not respond to at least one of the two open-ended questions (n = 25), resulting in a sample size of n = 683 participants who responded to at least one of the two open-ended questions.

Open-ended responses were analyzed using qualitative content analysis, with a focused analysis of youth perspectives on which bathroom or

bathrooms they believe transgender people should be able to use and why (Hsieh & Shannon, 2005). This focus was established prior to data analysis to address the gap in knowledge surrounding youth opinions on policy options being debated nationally. Emergent themes, including groupings of beliefs about the bathroom types transgender people should use, and the rationale for opinions about bathroom use beliefs were identified. A codebook was codebook-created and iteratively refined by two researchers (HC, NK). The data were independently coded (HC, NK) with discrepancies discussed to reach consensus.

Descriptive statistics were used to calculate the percent of respondents expressing a particular view, using the number of respondents who expressed an opinion about the type of bathrooms transgender individuals should use as the denominator (n = 508), as not all of the 683 participants expressed an opinion regarding the type of bathroom transgender individuals should use. Some respondents (n = 36) identified two acceptable bathroom use options without a clear preference for one of the bathroom types; in this case, their response was coded under both of the bathroom use opinions they endorsed.

This study was approved by the University of Michigan IRB; a waiver of parental consent for participants under the age of 18 years was granted by the IRB.

Results

Among 906 eligible youth, the 683 participants (response rate 75.4%) had a mean age of 18.9 years (SD = 3.1 years), and half identified as nontransgender females (57.4%), labeled as ciswomen, henceforth (Table 1). Approximately 2.2% of participants identified as transgender, and another 1.5% identified as non-binary. The majority of respondents identified as White (71.4%), more than half had education or training beyond high school (56.5%), and the majority lived in the Midwest (69.8%). When the demographic characteristics of our survey respondents were compared to those of active MyVoice participants who did not respond, respondents were more likely to identify as non-transgender females or be from the Midwest compared to non-responders (data not shown).

Nearly all respondents (93%) were aware of the debate regarding bathroom use by transgender people. In open-ended responses, 74% (n = 508) expressed an opinion about policy regulating bathroom use by transgender people. Youth perspectives on bathrooms use policies were categorized as: 1) transgender people should be able to choose which bathroom they use; 2) bathroom use by transgender people should be restricted based on anatomy or sex assigned at birth; or 3) transgender people should use gender neutral or unisex bathrooms (Table 2).

Table 1. Respondent demographic characteristics (N = 683).

Demographic characteristic	n (%)
Age, mean (SD)	18.9 (3.1)
Gender, n (%)	N = 681
Male, non-transgender	247 (36.3)
Female, non-transgender	391 (57.4)
Transgender, female-to-male	14 (2.1)
Transgender, male-to-female	1 (<0.1)
Non-binary	10 (1.5)
Other	18 (2.6)
Race	N = 681
White	486 (71.4)
Black	54 (7.9)
Asian	65 (9.5)
Other (including multi-racial)	76 (11.2)
Hispanic	82 (12.0)
Education	N = 681
Less than high school	296 (43.5)
High school graduate	56 (8.2)
Some college or tech school	201 (29.5)
Associates or tech school graduate	19 (2.8)
Bachelors +	109 (16.0)
Region	N = 679
East	44 (6.5)
Midwest	474 (69.8)
South	98 (14.4)
West	63 (9.3)

Transgender people should be able to choose which bathroom they use (79%; n = 399)

The majority of respondents who expressed an opinion on bathroom use policies stated that transgender people should be able to use whichever bathroom they choose: "I think transgender people should be allowed to use the bathroom of their choice, not what they are assigned at birth" (16 yo, White ciswoman, West). Respondents stated that people should be able to make bathroom use decisions based on their gender identity, or comfort using a particular restroom. Respondents made four main arguments for this position:

1) Public Facilities Choice as a Private Decision

Respondents described choosing a restroom as a private, personal decision: "Going to the bathroom is a private activity and should be no one else's business" (18 yo, White transwoman, South). Individuals espousing privacy arguments also asserted that because an individual's bathroom use should not adversely impact others, an individual's right to privacy should be maintained in making bathroom use decisions: "We should allow people who are trans go to their bathroom of choice it's not like it's going to affect anyone else" (17 yo, Black and White ciswoman, Midwest).



Table 2. Youth perspectives on bathrooms use regulation and core rationales.

Transgender individuals should be able to choose which bathroom they use (79%)

Bathroom use is private and should be a personal decision

freedom, and human rights

Forcing transgender individuals to use individuals at risk

Transgender individuals are not sexual perpetrators

"People should be allowed to go into whatever bathroom they feel comfortable using.. It's no one's business what someone really has in their pants" (23 yo, White cisfemale, East).

Choosing bathrooms is a matter of equality,"I believe that banning them [transgender people] from restrooms of their identity is just another way for people to keep their rights unequal to that of a cisgendered person" (16 yo, American Indian or Alaska Native and White cisfemale, Midwest).

particular bathrooms may put transgender "There's a huge misconception that transgender people are using a bathroom as 'predators'. This is inaccurate..." (22 vo. White cisfemale, Midwest).

> "If they [transgender people] are forced to use a restroom of the gender which they do not present themselves as, that could put them in danger... I don't think trans people should have to fear violence when using the restroom" (19 yo White cisfemale,

Transgender individuals should use bathrooms as restricted based on anatomy or natal sex (17%)

Transgender identity is not a legitimate or acceptable identity Genital anatomy should be important in determining bathroom use There is a risk of perpetrators

masquerading as transgender

"If you are male, I mean if you were born male you use the male restroom. It's as simple as that. Because it's a ridiculous thing to have a conversation over. Males go to male bathroom. That's how that works. Real males. X,y chromosomes" (14 yo, White cismale, South).

"I think that people with penises should use the men's and people with vaginas should use the women's" (14 yo White cismale, Midwest).

"It really doesn't bother me that a person who got a sex change wants to use the bathroom they got the parts for. But it also bothers me that a child molester or rapist could pretend to be a transgender and use that as an excuse to be around kids" (17 yo White cisfemale, South).

Transgender individuals should use gender neutral or unisex bathrooms (10%)

"We should have all gender neutral bathrooms" (18 yo White cismale, Midwest).

2) Public Facilities Choice as a Human Right

Other respondents used a framework of equality, freedom, and human rights as the rationale for their beliefs about bathroom use regulation: "I think trans folks should be able to use whatever bathroom they would like. Because trans rights are human rights, and I think it is important and necessary to advocate for human rights and equity for marginalized groups." (21 yo, White cis-Respondents recognized transgender people *Midwest*). woman, a marginalized minority group, and perceived the regulation of their basic bodily functions (through bathroom use) as a violation of human rights.

Participants called for laws regulating bathroom use as discriminatory: "Lawmakers are blowing up a non-issue to discriminate against minorities... I don't think our legislators should be encouraging hate and discrimination against a disadvantaged group" (20 yo, White cisman, Midwest). Respondents drew parallels between the bathroom use debate and the civil rights

movement, suggesting that the debate is truly about valuing transgender people as people, and is not about bathrooms:

"I saw a post online that said 'it's not about bathrooms, just like it was never about drinking fountains.' That really resonated with me. Bathroom bills draw lines between first and second class people, and it's important to respect people's identities instead of spreading hate" (19 yo, White ciswoman, Midwest).

3) Public Facilities Choice and the Myth of the Transgender Perpetrator

A group of respondents described legislation limiting bathroom use by transgender people as, "based on the fallacy that transgender people are a danger to others" (23 yo, White cisman, West). These respondents understand restrictions on bathroom use by transgender individuals as propagated by inaccurate portrayals of transgender people: "So called 'bathroom bills' are couched in the belief that trans people are sexual deviants or deceptive in some way, which is a harmful mischaracterization of trans people..." (20 yo, White ciswoman, Midwest).

Specifically, youth pointed out that restricting bathroom use by transgender people is, in part, driven by a conflation of gender non-conformity with criminal sexual deviance, particularly pedophilia:

"I believe these bills are ineffective and offensive, they serve only to pander to transphobic ideologies and accomplish nothing regarding a non-existent threat (trans people aren't pedophiles) while simultaneously reaffirming bigoted beliefs..."(20 yo, White cisman, Midwest).

Respondents emphasized that transgender people are not inherently, or disproportionately, sexual predators or pedophiles.

Others noted that assault or violence in a bathroom is illegal, and will remain illegal, regardless of the genders allowed in a particular bathroom:

"Many may argue that it [allowing transgender people in bathrooms aligned with their gender identity] lets people get away with sexual crimes, but sexual crimes are illegal no matter what gender or bathroom..." (15 yo, White ciswoman, Midwest).

These respondents viewed restrictive bathroom policies as legitimizing fears steeped in transphobic mischaracterizations of transgender individuals and their behaviors, under the guise of improving public safety.

4) Public Facilities Choice and the Safety of Transgender People

In addition to transgender people not posing a threat to other bathroom users, respondents noted that forcing transgender people to use a particular bathroom may put transgender people in danger: "Transgender people are most safe in the bathroom they identify with the most" (24 yo, White ciswoman, Midwest). One respondent explained: "As a stealth transguy my safety depends on being able to use the men's bathroom" (23 yo, White transman, Midwest). These respondents argue that, for example, a transgender individual who "passes" as their affirmed gender may be at increased risk of harassment or violence if they are forced by bathroom use restrictions to use the bathroom aligned with their sex assigned at birth. Respondents expressed concerns that transgender individuals may not be well accepted in bathrooms corresponding with their sex assigned at birth: "...it is absurd to expect a trans man with a beard to use the women restroom" (23 yo, White cismale, West).

This group concluded that restricting bathroom use may have negative implications for the well-being of transgender people, in terms of immediate physical safety, emotional and mental health, and marginalization and devaluing of the transgender community:

"Trans people are in greater danger in bathrooms than cispeople. They pose 0 threat. Forcing someone to use the bathroom opposite to their gender identity and expression would cause more shame, confusion and alarm. This is just another way to delegitimize an entire community for the narrow-mindedness of a few" (23 yo, Asian ciswoman, Midwest).

Transgender people should use bathrooms as restricted based on anatomy or sex assigned at birth (18%; n = 92)

Some respondents stated that restroom use by transgender people should be restricted based on an individual's genital anatomy or sex assigned at birth. This group of respondents rationalized bathroom use restrictions with the following arguments:

1) Public Facilities Restrictions: Transgender identity as illegitimate

A cohort of respondents questioned the legitimacy of transgender identity instead endorsing sex and gender as fixed and binary: "People should use the bathroom that is on their birth certificate" (15 yo, White cisman, South). Individuals explained these beliefs by describing transgender identity as diverging from what they saw as an obvious, strict, biologic binary of both sex and gender:

"If one has XY chromosomes, they are male. If one has XX chromosomes, they are female. Males need to use the male restroom, and females need to use the female restroom.. Also, it furthers the ignorance of facts by allowing men to believe they are women, and vice versa" (16 yo, White cisman, Midwest).

This group of respondents expressed a belief that sex and gender should always remain concordant, and that this relationship is inflexible. Thus, transgender people using bathrooms corresponding with their gender identity was seen as unnatural, unacceptable, and pathologic: "Transgender is a mental disorder and shouldn't be praised or accepted" (15 yo, White ciswoman, South).



2) Public Facilities Restrictions Based on Genital Anatomy

Other respondents who felt bathroom use by transgender people should be restricted emphasized the importance of genital anatomy in determining which bathroom transgender people should be allowed to use.

Some respondents of this belief regarded gender affirming surgery on the genitals as a legitimate reason to allow transgender people to use the bathroom aligned with the gender they affirm:

"I don't think transgender people should use whichever bathroom they want to. I think they should be based on the reproductive organs the person has. Therefore, if a trans person had surgery to change their genitals they should use the bathroom that matches their genitals" (23 yo, White ciswoman, East).

In part, respondents noted that this rationale stemmed from a fear of individuals, specifically cisgender girls, being exposed to phalluses: "We need a male and female bathroom. That is it, plain and simple. Because a little girl should not have to be forced to see a penis in the bathroom in the name of 'tolerance'" (17 yo, White and Hispanic cisman, South). Respondents described concerns about the potential for individuals to see genitals different from their own, using language that suggested genital viewing may be forced or inherent in bathroom use.

3) Public Facilities Restrictions and the Risk of Falsified Perpetrators

Some respondents raised concerns about the safety implications of codifying the right of transgender people to use restrooms aligned with their gender identity. These respondents did not express a concern that transgender people would act as perpetrators. Instead, they feared that non-transgender people could masquerade as transgender in order to legitimize their entering other genders' restrooms for a nefarious purpose: "Sexual predators under a transgender facade can be very dangerous if they have free reign to use whatever restroom" (21 yo, White cisman, West).

These individuals at times explicitly recognizing that their fears were not actually of transgender people. Instead, they expressed fears that the right for transgender people to use bathrooms aligned with their gender identity would create an avenue for increased bathroom violence by nontransgender perpetrators, particularly against young people and females:

"Honestly I have nothing against transgender people. But I think they should have a separate bathroom or go in family bathrooms. Not because of who they are but because of bad people in the world. With that law passed, any man can dress in women's clothes and go in a woman's bathroom and take advantage of anyone including young girls" (17 yo, White ciswoman, South).

"I think transgender people should use the bathroom based off of their body part... I kind of don't care as long as no harm is caused to anyone, but I also don't really like the idea of using the bathroom with a man who wants to be a woman. So many rapists could play that off" (19 yo, Black ciswoman, Midwest).



Transgender people should use gender neutral or unisex bathrooms (10%; n=53)

A minority of respondents described gender neutral or unisex bathrooms as the preferred bathroom for proposed use by transgender persons, and more fundamentally challenged the need for the existence of gendered bathrooms. These respondents rationalized that gender neutral bathrooms were not only an ideal option for transgender people, but for all people: "I think the issue would be solved if we got rid of separate gender bathrooms and just created universal bathrooms labeled "Bathroom" instead of "Men" and "Women" (21 yo, White ciswoman, Midwest). These respondents questioned the need for gendered restrooms, with some suggesting universal gender neutral restrooms.

Discussion

In this sample, nearly 8 in 10 youth stated that transgender people should be able to use the bathroom they feel most comfortable in. Youth justified protecting the ability of transgender people to choose the restroom they use with a narrative of privacy and minority rights. This relative peer acceptance aligns with trends suggesting school environments are gradually becoming less hostile spaces for transgender youth (Kosciw et al., 2016). These findings suggest that the majority youth perspective in this survey sample is in disagreement with the current bathroom use policies in many schools, and with legislation considered by many states in recent years to restrict bathroom use by transgender people (Kosciw et al., 2016; Kralik, 2018).

With an eye to civil rights implications, we recognize that the majority opinion should not be the lynchpin in determining the rights of a minority group. While the volume of peer youth support we describe here does not implicate the validity of human rights arguments for public restroom access, it may have significant implications for reducing minority stress associated with public bathroom exclusion. Whereas enacted and felt stigma, such as gendered bathroom exclusion, have been associated with psychological distress in the transgender population, peer support has been found to be protective (Bockting et al., 2013). Our findings suggest that there is significant peer youth support for transgender people using the bathroom concordant with their gender identity.

Moreover, given the lack of codified federal protections against transgender discrimination, and thus the current role for local and state legislation in determining public bathroom regulations, the opinion of the next wave of potential youth voters has significance, particularly as it appears to differ from the current opinion of U.S. adults (Callahan & Zukowski, 2019; "Transgendered students and school bathrooms," 2014).

A minority cohort of respondents in support of restrictions for bathroom use by transgender people expressed a strong essentialist belief in a fixed alignment of binary sex and gender (Callahan & Zukowski, 2019). These respondents referenced sex chromosomes and genitalia as the determinants of both sex and gender, asserting that deviance from this was pathologic. All major American medical societies disagree with this assertion, endorsing gender affirming treatment of transgender people and rejecting the notion that transgender identity is a mental illness (Coleman et al., 2012). It is unclear whether youth with essentialist beliefs lack education regarding gender and sex differences, but regardless of the etiology of these beliefs, respondent quotes indicate clear associated transphobia. Binary conceptions of gender have previously been associated with negative attitudes toward transgender people (Norton & Herek, 2013). While the transphobia associated with essentialist views of gender may be rooted in ingrained value systems, there is some evidence to suggest antiprejudice interventions can reduce transphobia and increase support for transgender nondiscrimination laws (Broockman & Kalla, 2016). This raises the potential for anti-prejudice interventions as a mechanism to address the transphobic views of some youth.

While parental concerns for the safety of presumed cisgender women and children in bathrooms was a focal point during "bathroom bill" media coverage, safety in this context was mentioned by a minority of youth (Johnson, 2014; Madigan, 2016; Schilt & Westbrook, 2015). Interestingly, youth respondents expressed concerns not of transgender people specifically acting as sexual predators in bathrooms, but rather, a fear of enabling natal male sexual predators to enter women's bathrooms for nefarious purposes. Described by Schilt & Westbrook as "penis panic," this narrative suggests a fear of the perceived propensity of individuals assigned male sex at birth to commit assault, regardless of gender (Schilt & Westbrook, 2015). The National Task Force to End Sexual and Domestic Violence Against Women issued a consensus statement directly addressing this concern, stating: "Nondiscrimination laws do not allow men to go into women's restrooms-period... discriminating against transgender people does nothing to decrease the risk of sexual assault" ("National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community," 2016). Youth proponents of allowing transgender individuals to use the bathroom corresponding with their gender identity echoed this argument. Regardless of the prevalence of these fears, and clear transphobia from some individuals with these concerns, ingrained fears of natal males (regardless of gender) as sexual predators signal a serious need to address societal factors that enable sexual assault, including toxic masculinity.

Some respondents in support of allowing transgender individuals to use the restroom most aligned with their gender noted that safety considerations for transgender people likely require more attention. These respondents recognized that transgender people may be at higher risk of physical violence, stigmatization, and harassment if their bathroom use is restricted. These concerns align with research that shows transgender students report significantly lower self-reported safety in bathroom facilities compared to cisgender students and high rates of assault while trying to use the restroom (Herman, 2013; Wernick, Kulick, & Chin, 2017).

Our findings are limited by response bias, and may represent incomplete participant perspectives despite the open-ended nature of responses. Though the sample of respondents represents a large population of youth, our findings are not nationally representative and may have excluded other minority viewpoints. Within the MyVoice cohort, individuals with little knowledge or opinions regarding issues affecting transgender people may have been less likely to respond. The opinions of youth in Southeast Michigan were overrepresented; this is likely due to community recruiting events were held in Southeast Michigan. Participants from Southeast Michigan may also have been more likely to recognize and engage with the host university. Southeast Michigan is politically Democratic-leaning; while the political leanings of the participants were not solicited, and youth tend to be more liberal than adults (Pew Research Center, 2018), if respondents were disproportionately of liberal ideology this may impact the generalizability of the results and suggest an over-estimation of broader youth support for transgender people using restrooms aligned with their gender identity (Norton & Herek, 2013).

Conclusion

In this sample of youth, the majority of respondents support transgender people having the right to choose which bathroom they use without restriction. Young people are more likely than U.S. adults to identify as transgender (Herman et al., 2017) and restrictive policies have been shown to have significant implications for the wellbeing of transgender youth (Johnson, 2014). As schools, states, and federal officials consider policies regarding bathroom use by transgender people, the voices of youth deserve to be heard; the next generation of voters may be more likely to support gender identity nondiscrimination laws for public accommodations than "bathroom bill" legislation enshrining strict bathroom segregation by natal sex.

Moreover, our findings indicating support among a large sample of youth for transgender rights, suggest a large number of youth may be willing and able to provide peer support to transgender youth. This has positive implications for potential reductions in minority stress, and psychologic distress, in the transgender population.

More work is needed to understand whether our finding are nationally representative, how youth opinions evolve as transgender people continue to become more visible in our society, and whether the rejection of "bathroom bills" by youth in this sample will predict a broader shift in public opinion regarding the regulation of gender.

Disclosure statement

The authors declare that they have no conflict of interest.

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Author Contributions

HC performed the data analysis, data interpretation, and initial manuscript preparation. CC performed data analysis, aided in interpretation of the data, and provided manuscript revisions. MM and TC aided in drafting survey items, interpretation of the data, revision of the manuscript, and conceptualization of the study design. MP aided in interpretation of data, aiding in study design, and contributed to manuscript revisions. All authors read and approved the final version of this manuscript before submission.

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School Restroom/Locker Rooms Restrictions and Sexual Assault Risk Among Transgender Youth

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Abstract

Background—Transgender and gender non-binary adolescents experience high rates of peer victimization, but the prevalence of sexual assault in this population has not been established. Some schools restrict transgender and non-binary students from using restrooms and locker rooms that match their gender identity, with unknown effects on sexual assault risk. We tested whether these restrictions were associated with the 12-month prevalence of sexual assault victimization.

Methods—Survey responses were analyzed from 3673 transgender and non-binary U.S. adolescents in grades 7 through 12 who participated in the cross-sectional 2017 LGBTQ Teen Study. We estimated the association between school restroom/locker room restrictions and past-

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Mr Murchison conceptualized and designed the study, coordinated data collection, carried out data analysis, drafted the initial manuscript, and revised the manuscript.

Dr Agénor provided input on the study design and analyses and reviewed and revised the manuscript.

Dr Reisner provided input on the study design and analyses and reviewed and revised the manuscript.

Dr Watson conceptualized and designed the study, coordinated and supervised data collection, and reviewed and revised the manuscript.

All authors approved the final manuscript as submitted and agree to be accountable for all aspects of the work.

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year sexual assault, adjusting for potential demographic, social, and behavioral confounders, using logistic regression. We also tested potential mediators.

Results—The 12-month prevalence of sexual assault was 26.5% among transgender boys, 27.0% among non-binary youth assigned female at birth, 18.5% among transgender girls, and 17.6% among non-binary youth assigned male at birth. Youth whose restroom/locker room use was restricted were more likely to experience sexual assault compared to those without restrictions, with risk ratios of 1.26 (95% CI: 1.02, 1.52) in transgender boys, 1.42 (95% CI: 1.10, 1.78) in non-binary youth assigned female at birth, and 2.49 (95% CI: 1.11, 4.28) in transgender girls. Restrictions were not associated with sexual assault among non-binary youth assigned male at birth.

Conclusions—Pediatricians should be aware that sexual assault is highly prevalent in transgender and non-binary youth, and that restrictive school restroom/locker room policies may be associated with risk.

Table of Contents Summary:

This study reports rates of sexual assault victimization, and its association with restrictive school restroom/locker room policies, in a transgender and gender non-binary adolescent sample.

INTRODUCTION

Adolescents (as well as children or adults) may identify as *transgender* when their gender identity—their internal sense of being male, female, or something else—does not match the sex they were assigned at birth. Someone whose gender identity falls outside of the traditional male and female "binary" may also identify as *non-binary*. Together, transgender and non-binary people are sometimes described as "gender minorities."

Gender minority youth and adults are disproportionately likely to experience sexual violence. In the United States, the lifetime prevalence of sexual assault (i.e., unwanted sexual contact) among gender minorities is estimated at 47%, ¹ Prior research with small samples of gender minority youth has found sexual assault rates of over 50% in some subpopulations, including transgender girls of color, transgender boys, and non-binary youth assigned a female sex at birth. ^{2,3} Transgender and non-binary people with a history of sexual violence are more likely to experience psychiatric distress, ⁴ engage in problematic substance use ^{5,6} and sexual risk behaviors, drop out of school, ⁷ and consider or attempt suicide. ^{4,5,7} In general, adolescents who have experienced sexual assault are at risk for major depression, post-traumatic stress disorder, substance use problems, eating disorders, and additional sexual violence. ⁸

Little is known about risk factors for sexual assault in gender minority adolescents, but school policies and practices play an important role in other forms of victimization. 9,10 One potentially impactful policy is whether schools restrict transgender students from using restrooms or locker rooms that match their gender identity. A majority of transgender students report that school staff have placed limits on their restroom/locker room use. 11 In a focus group study, transgender boys reported fear and harassment when using girls'

restrooms. Using "unisex" facilities, often staff or nurse's restrooms, likewise attracted "unwanted attention from peers and adults." 12

The literature suggests at least three reasons that restroom/locker room policies may be related to gender minority students' risk of sexual assault. First, restrictions may cause students to use facilities that are less safe for them, and students may be assaulted while using them. ¹² Second, restrictions may increase the likelihood of bias-related victimization in other locations, e.g. by increasing peer awareness student's gender minority status, ¹². Third, restrictive policies may not cause victimization, but may be a marker of a hostile school or community climate for gender minority youth. ¹⁰ In each case, we would expect higher rates of sexual assault victimization in gender minority youth whose schools restrict their use of identity-congruent restrooms/locker rooms compared to those not facing restrictions. However, to date, the relationship between restroom/locker room policies and sexual assault victimization has not been examined.

Our first aim was to determine the 12-month prevalence of sexual assault in a large, geographically diverse sample of transgender and non-binary U.S. middle- and high-school youth. Our second aim was to determine whether having been prohibited by school staff from using identity-congruent restrooms/locker rooms is associated with sexual assault victimization in gender minority youth. Our third aim was to test four potential mediators of the restrictions-sexual assault association: perceived safety in restrooms/locker rooms, perceived safety elsewhere at school, sexual harassment victimization, and the proportion of classmates aware of the student's gender minority status.

METHODS

Study population

We analyzed data from the LGBTQ Teen Study, an anonymous web-based survey of lesbian, gay, bisexual, transgender, and queer (LGBTQ) adolescents aged 13 to 17 years living in the United States and able to read English (*N*=17,112).¹³ Youth were recruited through social media posts and were offered Human Rights Campaign-branded wristbands and entry into a \$50 gift card drawing. Participants provided informed assent; parental permission was waived to avoid disclosure of the child's LGBTQ identity. The study protocol was approved by the Institutional Review Board at the University of Connecticut.

Of 29,291 participants who began the survey, 8,985 screened ineligible and 3,006 were removed because they abandoned the survey before completing the first section. Probable mischievous (n=175) and duplicate (n=22) responses were manually identified and removed. The present analysis was limited to the 3,673 participants who were currently in grades 7 through 12 and reported a transgender and/or non-binary identity.

Measures

Restroom/locker room status.—The exposure of interest was being denied access to identity-congruent school restrooms and/or locker rooms by school staff. Participants were asked, "At school, do you use restrooms and locker rooms that match your gender identity?" (1=never, 5=always). Participants with responses other than "always" were provided a list of

5 possible reasons for not using identity-congruent facilities. Those who selected "Teachers or administrators told me I am not allowed to use them" (with or without other reasons) were classified as restricted. Any other response was classified as not restricted. Some students classified as restricted also reported additional reasons, such as feeling unsafe, and some students classified as non-restricted did not use identity-congruent facilities. In other words, the exposure of interest was the restriction imposed by school staff rather than actual facility use.

Sexual assault.—The binary outcome of interest was past-year sexual assault. Participants were asked, "During the past 12 months, how many times did anyone force you to do sexual things that you did not want to do? (Count such things as kissing, touching, or being physically forced to have sexual intercourse.)" The response "0 times" was coded as 0. Any positive number of assaults was coded as 1.

Gender identity and sex assigned at birth.—Gender was assessed using a "two-step approach." Participants provided their sex assigned at birth (male or female) and their current gender identity (male, female, trans male/trans boy, trans female/trans girl, non-binary, genderqueer/gender non-conforming, or write-in responses). "Non-binary," "genderqueer/gender non-conforming," and similar write-in responses (e.g., "gender fluid") were considered non-binary identities. Based on this information, participants were assigned to 1 of 4 categories: (1) *trans male*, i.e., male and/or trans male gender identity and female sex assigned at birth; (2) *trans female*, i.e., female and/or trans female gender identity and female sex assigned at birth; (3) *non-binary, AFAB*, i.e., non-binary gender identity and male sex assigned at birth; and (4) *non-binary, AMAB*, i.e., non-binary gender identity and male sex assigned at birth.

Covariates.—Our primary estimates of the association between restroom/locker room restrictions and sexual assault were adjusted for known risk factors for adolescent sexual assault victimization and gender minority peer victimization, as follows:

<u>Alcohol use.</u>: Participants were asked, "During your life, on how many days have you had at least one drink of alcohol?" (1=0 days, 7=100 or more days). ¹⁴

Family connectedness.: Family connectedness was assessed using the mean of 3 items (sample: "How much do you feel...your family cares about your feelings?"; 1=strongly disagree, 5 = strongly agree). Items were selected, based on item-total correlation, from a 7-item scale previously used in research with LGBTQ adolescents. ^{16,17} Coefficient alpha was 0.83.

<u>Teacher awareness of gender minority status ("outness").</u>: Participants were asked, "For each of the following groups [teachers and adults at school], how many people <u>currently do</u> you think know that you are transgender?" (1=none, 5=all).

<u>Caregiver education.</u>: Participants were asked their relationship to "the one or two adults most responsible for raising you now" and the highest level of education that each had completed (1=High school/GED or less, 2=vocational/technical school or some college,

3=college completion, 4=postgraduate education). For youth with 2 caregivers, scores were averaged and (for Table 1 only) rounded to the nearest integer.

State same-sex marriage approval.: Attitudes towards sexual minorities and gender minorities are strongly correlated, ¹⁸ and same-sex marriage approval rates are predictive of health outcomes in LGBTQ populations. ¹⁹ In our sample, state-level approval was positively associated with family connectedness, outness to classmates and teachers, and perceived safety at school, and negatively associated with depression, sexual harassment, and restroom/locker room restrictions, supporting its validity as a proxy for lower levels of local anti-transgender stigma (see Supplemental Information). The proportion of state residents who approve of legal same-sex marriage was obtained from the 2016 Cooperative Congressional Election Study (CCES; N=64,600). ²⁰

<u>Teacher LGBTQ attitudes.</u>: Participants were asked, "How many of the teachers and staff at your school do you think are supportive of LGBTQ people?" (0=none of them, 3=all of them).

Presence of GSA.: Participants reported whether their school had a GSA, or gender/sexuality alliance (1=yes, 0=no).

Potential mediators.—Variables related to peer victimization were conceptualized as potential intermediates in the relationship between restroom/locker room restrictions and sexual assault risk.

<u>Safety at school.</u>: Participants responded to the question "When at school, how often do you feel safe..." for eight locations (sample: "In the cafeteria," 0=never, 4=always).²¹ Safety in restrooms and locker rooms was defined as the mean of "in the bathroom" and "in the locker room" (alpha=0.89). Safety elsewhere in school was defined as the mean of the remaining six items (alpha=0.88).

<u>Classmate awareness of gender minority status ("outness").</u>: Participants were asked, "For each of the following groups [classmates at school], how many people <u>currently do you think</u> know that you are transgender?" (1=none, 5=all).

Sexual harassment.: Participants rated the past 12 month frequency (0=0 times, 5=6+ times) of experiencing five sexual harassment behaviors (sample: "Having someone flash or expose themselves to you"). ²² Responses were summed. Coefficient alpha was 0.79.

Analysis

We first calculated the distribution of each covariate by gender group (i.e., gender identity and sex assigned at birth) and restroom/locker room restriction status. We then determined the prevalence of past 12-month sexual assault by gender and restroom/locker room restriction status. Next, we fit a logistic regression model for the probability of sexual assault, adjusting for potential confounders associated with adolescent sexual assault (i.e., alcohol use, ²³ family connectedness, ²⁴ and caregiver educational attainment ²⁵) and exposure to anti-transgender stigma and victimization (i.e., state same-sex marriage approval

rate^{18,19} outness to teachers,²⁶ perceived teacher LGBTQ support, and presence/absence of GSA). The initial model also adjusted for age and race, but these were removed due to non-significance. Each model included interaction terms between restroom restrictions and gender group in order to estimate the effect of restroom/locker room restrictions separately for each group. We also tested interaction terms between assigned sex and each covariate; all were non-significant except for the interaction between assigned sex and outness to teachers, which was retained in the final model. Odds ratios from the model were converted to relative risks to aid interpretation.²⁷

To assess potential mediators, we fit a separate natural effects model for each proposed mediator using the *Medflex* package for R.²⁸ The proportion mediated was calculated by dividing the natural indirect effect by the total effect on the log odds scale.

Missingness was low (1.7%) for sexual assault, but substantial for restroom/locker room status (9.6%) and certain covariates. Nearly all missingness was attributable to early survey termination rather than skipping of sensitive items, supporting the assumption that the data were missing at random and making multiple imputation appropriate.²⁹ The data were imputed 40 times using the *mice* package for R, and imputed data were used for all regression models.³⁰ As a sensitivity analysis, we fit models on the non-imputed data, resulting in similar point estimates (except for a stronger association among transgender girls) and larger standard errors due to the deletion of partial cases (see Supplemental Information). Data analysis was conducted in R 3.4.4.³¹

RESULTS

Participants represented every U.S. state, and a plurality (35.4%) lived in the South (Table 1). The mean age was 15.4 years (*SD*=1.3). Most (90.0%) participants were assigned female at birth (AFAB) with the remaining 10.0% assigned male at birth (AMAB); 58.9% of AFAB participants and 56.9% of AMAB participants had a non-binary gender identity.

Non-restricted youth lived in states with higher average same-sex marriage approval (0.62, SD=0.08) compared to restricted youth (0.60, SD=0.08, P<.001; Table 2). Restricted youth were less likely to have a GSA at their school (57.3% compared to 66.8%, P<.001) and gave poorer mean ratings for teacher LGBTQ attitudes (1.34, SD=0.64, compared to 1.53, SD=0.63, P<.001).

The prevalence of sexual assault in the past 12 months was 25.9% (95% CI 24.4, 27.3; Table 3). The prevalence was highest among non-binary AFAB youth at 27.0% (95% CI 25.0, 29.0) and transgender boys at 26.5% (95% CI 24.0, 28.6). Youth subject to restroom/locker room restrictions had an overall sexual assault prevalence of 36.0% (95% CI 31.6, 40.3).

After adjustment for potential confounders, in three of the four gender groups, youth who experienced restroom/locker room restrictions were significantly more likely to experience sexual assault than those whose facility use was not restricted (Table 4). Specifically, restricted transgender boys had 1.26 (95% CI 1.02, 1.52; *P*=.042) times the adjusted sexual assault risk compared to non-restricted transgender boys, restricted non-binary AFAB youth had 1.42 (95% CI 1.10, 1.78; *P*=.012) times the adjusted risk compared to non-binary

AFAB youth without restrictions, and restricted transgender girls had 2.49 (95% CI 1.11, 4.28; *P*=.027) times the adjusted risk compared to non-restricted transgender girls. For non-binary AMAB participants, restroom/locker room restrictions were not associated with sexual assault risk (*P*=.673).

Significant indirect effects were present for all four mediating variables tested (Table 5). Sexual harassment fully mediated the association between restroom/locker room restrictions and sexual assault victimization. There was partial mediation by feeling safe in restrooms/locker rooms (23.7% mediated), feeling safe elsewhere in school (19.0% mediated), and classmate knowledge of gender minority status (6.8% mediated).

DISCUSSION

In our sample of transgender and non-binary U.S. adolescents, the 12-month prevalence of sexual assault was 25.9%, substantially higher than national rates of 15% among cisgender high school girls and 4% among cisgender boys. ³² After adjusting for potential confounders, compared to non-restricted youth of the same gender identity and sex assigned at birth, school restrooms/locker room restrictions were associated with 1.26 times the risk of sexual assault for transgender boys, 1.42 times the risk for non-binary youth assigned female at birth, and 2.49 times the risk for transgender girls; we found no association between restroom/locker room restrictions and sexual assault risk in non-binary youth assigned male at birth. To our knowledge, the present study is the first to determine rates of sexual assault in a large middle- and high-school gender minority sample and the first to assess the association between school restroom/locker room policies and sexual assault victimization.

We found that sexual harassment fully mediated the association between restroom/locker room restrictions and sexual assault risk. One explanation for this finding is that restroom/locker room restrictions increase gender minority students' risk of sexual harassment, which can escalate to sexual assault. It is also possible that the students who experience restroom/locker room restrictions are more likely to experience sexual harassment and assault for other reasons (i.e., confounding), such as poor school disciplinary practices. Notably, our analysis controlled for both state-level and school-level indicators of attitudes towards LGBTQ people, reducing the likelihood that these attitudes confounded our results.

Our mediation results also suggested that restrictions are associated with student safety both in restrooms/locker rooms themselves and elsewhere at school, consistent with prior qualitative research indicating that restrictions increase both restroom/locker room victimization and peer hostility in general. While the present study cannot determine whether the restrictions themselves affected safety, these results suggest that a single-person facility (e.g., a staff restroom) may not fully address the risks associated with restrictions. We found evidence for one potential mechanism for victimization outside restrooms/locker rooms—that restroom/locker room restrictions may put students at risk by "outing" them as transgender 12,33—although classmates' awareness of students' gender minority status accounted for only a small proportion of the association between restrictions and sexual assault risk.

A major strength of the present study is the use of one of the largest samples of gender minority adolescents ever collected, including youth in every U.S. state. We controlled for key potential confounders, including school, family, and contextual factors. The study's limitations stem primarily from the use of cross-sectional, non-probability data. We cannot determine whether restroom/locker room restrictions caused the observed differences in sexual assault risk; furthermore, sexual assault prevalence estimates and other findings may not apply to the full population of U.S. transgender and non-binary adolescents. In particular, Black and Hispanic/Latino/a/x participants were underrepresented, which limited our ability to observe differences by race or ethnicity—a critical consideration in adolescent health research, particularly when restrictive or punitive practices (which often target Black and Latino/a/x youth) play a role. Similarly, the smaller number of students assigned male at birth limited the precision of effect estimates in this subgroup. Nonetheless, our sample had strong geographic and socioeconomic diversity, supporting our findings' generalizability to U.S. gender minority adolescents broadly.

CONCLUSION

Transgender and non-binary middle and high school youth in our sample experienced sexual assault at troubling rates well above those for non-transgender adolescents. Besides avoiding restrictive policies, schools should strongly consider designating "all-gender restrooms," 12,33 along with additional adult supervision in locations where harassment is most likely to occur, 34 training staff to intervene in anti-LGBTQ bullying, and offering privacy options (e.g., curtains) in locker rooms.

Pediatricians should be aware of the high prevalence of sexual assault among transgender and non-binary youth, particularly those who have been subject to restrictive school policies, and should consider sexual victimization as a possible contributor to psychological distress and health risk behaviors in gender minority patients. Clinicians should routinely screen adolescents for a history of sexual assault, ³⁵ keeping in mind that youth may not have previously disclosed the assault and may not volunteer the information unless asked directly. ³⁶ Pediatricians can provide emotional support and mental health referrals; ³⁵ gender minority youth should ideally be referred to providers who are experienced with gender minority populations. From a prevention perspective, pediatricians are key advocates for transgender and non-binary patients, and their role may include educating school officials and submitting letters confirming the patient's need to express their gender identity. ³⁷ These communications can emphasize the importance of access to safe, identity-congruent restrooms and locker rooms.

Future research should identify the characteristics (e.g., perpetrators, settings) of sexual assault in transgender and non-binary K-12 youth, as well as any protective factors. Finally, it is not clear why restroom/locker room restrictions were not associated with sexual assault risk among non-binary youth assigned male at birth. Additional research should seek to better understand the school experiences and health risk profile of this understudied group.

Supplementary Material

Refer to Web version on PubMed Central for supplementary material.

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Abbreviations:

AFAB assigned female at birth

AMAB assigned male at birth

HS high school

GED general equivalency diploma

SD standard deviation

SSM same-sex marriage

GSA gender/sexuality alliance

LGBTQ lesbian, gay, bisexual, transgender, and queer/questioning

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What's Known on This Subject:

Among transgender and gender non-binary adolescents, lacking access to safe, gender identity-congruent restrooms and locker rooms is associated with psychological distress and negative peer attention. Peer victimization, including sexual harassment, is prevalent in this population.

What This Study Adds:

Transgender and gender non-binary adolescents experience high rates of sexual assault victimization during middle and high school. Being denied access to gender identity-congruent school restrooms and locker rooms is associated with sexual assault risk.

TABLE 1.

Percent distribution of demographic, family, social, and behavioral covariates among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

		Assigned fem	ale at birth	Assigned male at birth		
Variable	Total (N=3673), %	Transgender boys (n=1359),	Non-binary youth (n=1947), %	Transgender girls (n=158),	Non-binary youth (n=209),	
Total		37.0	53.0	4.3	5.7	
Region						
Northeast	18.2	17.7	18.2	18.6	21.3	
South	35.4	32.3	37.6	36.5	34.8	
North Central	24.2	27.8	22.1	23.1	20.3	
West	22.2	22.1	22.1	21.8	23.7	
Race/ethnicity						
White	68.1	71.5	66.1	70.3	62.7	
Black	3.0	2.3	3.3	4.4	4.3	
Asian	3.0	2.2	3.3	5.7	3.3	
Hispanic/Latino	8.2	7.1	9.0	5.7	10.0	
Biracial/Multiracial	15.3	14.8	15.8	12.7	16.7	
Another race	2.3	2.1	2.4	1.3	2.9	
Caregiver education						
HS/GED or less	16.6	20.0	14.1	11.2	19.9	
Some college	27.7	29.5	26.6	25.2	27.9	
4-year degree	33.3	32.8	33.9	39.9	27.9	
Graduate degree	22.3	17.7	25.3	23.8	24.4	
Out to teachers						
None	48.2	28.3	60.7	45.6	63.1	
A few	20.9	20.8	21.3	20.4	19.5	
Some	9.4	13.4	7.3	6.2	5.6	
Most	10.9	17.7	6.6	13.4	5.8	
All	10.5	19.9	4.1	14.4	6.0	
Alcohol use						
0 days	44.5	41.3	46.5	48.5	43.8	
1 or 2 days	17.8	16.7	18.3	18.0	20.4	
3 to 9 days	18.2	19.2	17.8	15.2	18.2	
10 to 19 days	8.1	9.7	7.0	10.0	5.9	
20 to 39 days	5.6	6.8	5.4	2.2	3.3	
40 to 99 days	3.0	2.9	3.0	2.7	5.1	
100 or more days	2.6	3.4	2.0	3.5	3.3	
	Mean (SD)	Mean (SD)	Mean (SD)	Mean (SD)	Mean (SD)	
Age (years)	15.40 (1.29)	15.45 (1.25)	15.31 (1.32)	15.74 (1.22)	15.77 (1.28)	
Family connectedness	3.18 (1.00)	3.09 (1.04)	3.20 (0.97)	3.35 (1.05)	3.42 (1.00)	

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Assigned female at birth Assigned male at birth Total Transgender boys (n=1359), % Non-binary youth (n=209), Variable Non-binary Transgender (N=3673), % youth (n=1947), % girls (*n*=158), 0.62 (0.08) 0.62 (0.08) 0.62 (0.08) 0.61 (0.08) State SSM approval 0.62 (0.08)

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 $\textit{Note}. \ SD = standard \ deviation. \ HS = high \ school. \ GED = general \ equivalency \ diploma. \ SSM = same-sex \ marriage.$

TABLE 2.

Percent distribution of demographic, family, social, and behavioral covariates in relation to restroom/locker room restrictions among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

			Assigned female at birth				Assigned male at birth			
	All (N=3673)		Transgender boys (n=1359)		Non-binary youth (n=1947)		Transgender girls (n=158)		Non-binary youth (n=209)	
	Restricted (n=452), %	Not restricted (n=2868),	Restricted (n=265), %	Not restricted (n=985), %	Restricted (n=145), %	Not restricted (n=1599),	Restricted (n=23), %	Not restricted (n=121), %	Restricted (n=19), %	Not restricted (n=163), %
Total	13.6	86.4	21.2	78.8	8.4	91.6	15.7	84.3	11.4	88.6
Race/ethnicity										
White	65.8	68.4	72.7	71.9	56.9	70.0	64.3	66.5	49.9	62.2
Black	2.3	3.2	3.8	2.4	8.1	1.6	4.3	3.5	4.5	2.2
Asian	2.0	3.2	5.9	2.3	4.8	1.9	2.9	3.6	6.7	1.1
Hispanic/Latino	9.0	8.1	5.3	7.1	8.1	7.4	9.6	8.8	13.6	11.3
Bi/Multiracial	17.8	15.0	10.9	14.4	22.1	16.3	16.5	15.4	19.1	19.6
Another race	3.1	2.1	1.5	1.9	0.0	2.9	2.5	2.3	6.2	3.5
Caregiver education										
HS/GED or less	21.0	15.9	72.7	19.3	56.9	23.2	64.3	13.8	49.9	18.5
Some college	32.0	27.1	3.8	29.2	8.1	31.4	4.3	26.0	4.5	33.3
4-year degree	29.9	33.9	5.9	32.8	4.8	32.1	2.9	34.6	6.7	26.0
Graduate degree	17.1	23.1	5.3	18.7	8.1	13.3	9.6	25.6	13.6	22.2
Teachers know gender minority status										
None	31.0	50.9	46.7	30.2	39.8	21.1	64.2	62.3	54.7	43.7
A few	21.5	20.9	20.3	20.8	20.6	20.8	20.6	21.0	10.5	24.5
Some	13.2	8.8	5.5	12.8	10.2	15.4	4.6	7.1	13.2	9.6
Most	18.1	9.8	13.6	16.3	12.6	22.6	4.7	6.2	15.1	11.3
All	16.2	9.6	14.0	19.8	16.8	20.0	5.9	3.5	6.5	10.9
Alcohol use										
0 days	41.0	45.1	46.4	41.7	59.9	39.8	42.7	47.3	52.6	38.5
1 or 2 days	15.4	18.2	17.4	17.3	21.1	14.5	21.6	18.5	10.7	16.8
3 to 9 days	16.4	18.5	17.0	19.9	5.6	16.5	20.0	17.6	4.1	19.6

			Assigned female at birth				Assigned male at birth				
	All (N	All (N=3673)		Transgender boys (n=1359)		Non-binary youth (n=1947)		Transgender girls (n=158)		Non-binary youth (n=209)	
	Restricted (n=452), %	Not restricted (n=2868),	Restricted (n=265), %	Not restricted (n=985), %	Restricted (n=145), %	Not restricted (n=1599),	Restricted (n=23), %	Not restricted (n=121), %	Restricted (n=19), %	Not restricted (n=163), %	
10 to 19 days	10.4	7.7	11.0	9.1	4.2	11.9	6.0	6.7	5.2	9.6	
20 to 39 days	8.1	5.3	2.5	6.1	0.4	9.6	2.7	5.2	7.6	6.8	
40 to 99 days	3.1	3.1	3.2	3.2	0.4	1.8	4.0	2.9	14.0	4.2	
100 or more days	5.7	2.2	2.6	2.7	8.3	6.0	3.0	1.7	5.7	4.6	
School has GSA											
Yes	57.3	66.8	62.1	71.5	49.6	64.9	42.9	59.8	66.7	62.5	
No	42.7	33.2	37.9	28.5	50.4	35.1	57.1	40.2	33.3	37.5	
	Mear	n (SD)	Mean (SD)		Mean (SD)		Mean (SD)		Mean (SD)		
Age, years	15.32 (1.34)	15.42 (1.29)	15.38 (1.30)	15.46 (1.24)	15.15 (1.39)	15.32 (1.31)	15.6 (1.44)	15.77 (1.17)	15.71 (1.24)	15.77 (1.28)	
Family connectedness	2.89 (1.05)	3.22 (0.99)	2.92 (1.05)	3.14 (1.03)	2.82 (1.02)	3.23 (0.96)	2.84 (1.19)	3.44 (1.00)	3.15 (1.01)	3.46 (1.00)	
State SSM approval	0.60 (0.08)	0.62 (0.08)	0.60 (0.08)	0.62 (0.08)	0.59 (0.09)	0.62 (0.08)	0.64 (0.09)	0.62 (0.08)	0.58 (0.08)	0.62 (0.08)	
Teacher LGBTQ support	1.34 (0.64)	1.53 (0.63)	1.39 (0.64)	1.60 (0.61)	1.29 (0.62)	1.47 (0.63)	1.19 (0.75)	1.59 (0.70)	1.20 (0.56)	1.59 (0.58)	

Note. HS = high school. GED = general equivalency diploma. SD = standard deviation. SSM = same-sex marriage. GSA = gender/sexuality alliance.

TABLE 3.

Prevalence of sexual assault in the past 12 months overall and by school restroom/locker room status among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (N=3673)

		Assigned fer	nale at birth	Assigned male at birth		
	All (N=3673), % (95% CI)	Transgender boys (n=1359), % (95% CI)	Non-binary youth (<i>n</i> =1947), % (95% CI)	Transgender girls (n=158), % (95% CI)	Non-binary youth (<i>n</i> =209), % (95% CI)	
Sexual assault in past 12 months		,				
All	25.9 (24.4, 27.3)	26.5 (24.0, 28.6)	27.0 (25.0, 29.0)	18.5 (12.4, 24.6)	17.6 (12.3, 22.8)	
No restrictions	24.3 (22.8, 25.8)	24.5 (21.9, 27.1)	25.6 (23.5, 27.6)	14.9 (8.8, 20.9)	17.6 (12.0, 23.2)	
Restroom/locker room use restricted	36.0 (31.6, 40.3)	33.8 (28.1, 39.5)	42.2 (34.3, 50.2)	37.9 (18.3, 57.6)	17.4 (0.7, 34.1)	

Note. CI = confidence interval.

TABLE 4.

Adjusted risk ratios for the association between being restricted from using gender-appropriate restrooms and locker rooms at school and past 12 month sexual assault victimization among U.S. transgender and non-binary youth in grades 7-12 participating in the LGBTQ Teen Study, by sex assigned at birth and gender identity (*N*=3673)

	Adjusted risk ratio for past 12 month sexual assault victimization (95% CI)
Assigned female at birth	
Transgender boys (n=1359)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	1.26 (1.02, 1.52)
Non-binary youth (n=1947)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	1.42 (1.10, 1.78)
Assigned male at birth	
Transgender girls (n=158)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	2.49 (1.11, 4.28)
Non-binary youth (n=209)	
No restrictions (reference)	1.00
Restroom/locker room use restricted	0.82 (0.27, 2.08)

Note. All estimates are adjusted for parental educational attainment, alcohol use, family connectedness, teachers' awareness of participant's gender minority status, state same-sex marriage approval rate, presence of gender/sexuality alliance, and teacher LGBTQ attitudes. Within each model, the effect of restroom/locker room restrictions was allowed to vary by sex assigned at birth and gender identity (boy/girl versus non-binary). Bolded values are statistically significant at a = 0.05.

TABLE 5.

Direct and indirect effects and proportion mediated by peer victimization variables for association between restroom/locker room restrictions and past 12 month sexual assault victimization among U.S. transgender and non-binary youth in grades 6-12 participating in the LGBTQ Teen Study (*N*=3673)

	Natural direct e	ffect	Natural indirect	Proportion		
Mediating variable	Risk ratio	P	Risk ratio	P	mediated	
Feel safe in restrooms/locker rooms	1.24 (1.05, 1.44)	.013	1.07 (1.04, 1.10)	<.001	.237	
Feel safe elsewhere at school	1.25 (1.06, 1.46)	.008	1.06 (1.03, 1.09)	<.001	.190	
Classmates know gender minority status	1.29 (1.10, 1.50)	.002	1.02 (1.00, 1.04)	.030	.068	
Sexual harassment	1.02 (0.87, 1.19)	.816	1.29 (1.19, 1.40)	<.001	.935	

SEXUAL VIOLENCE & TRANSGENDER/ **NON-BINARY COMMUNITIES**



Almost half of all transgender people have been sexually assaulted at some point in their lives, and these rates are even higher for trans people of color and those who have done sex work, been homeless, or have (or had) a disability.1

Lifetime sexual victimization was much more prevalent among trans respondents who:1



Are American Indian



Are Multiracial



Are Middle Eastern



Are Black



Had Done Sex Work



Had Been Homeless



Had Lived with Disabilities





Physical Assault



Sexual Violence

Trans or non-binary students in grades K-12 reported significant rates of harassment, physical assault, and sexual violence. Of the respondents who were harassed or physically/sexually assaulted due to their gender expression, over half have attempted suicide.2

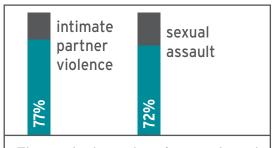
57% of trans and non-binary people said they feel uncomfortable asking the police for help.

58% who interacted with law enforcement in the past year experienced mistreatment, such as verbal harassment, repeated misgendering, physical assault, or sexual assault.¹ Uncomfortable asking the police for help

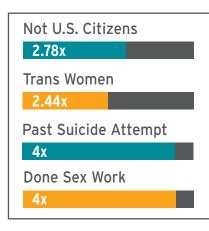


Mistreatment from law enforcement

58%



Those who have done income-based sex work were also more likely to have experienced violence.1



While overall rates of trans and non-binary people receiving unequal treatment at rape crisis centers are low (4.9%), trans women were 2.44 times more likely to have experienced unequal treatment. Those who engaged in sex work were four times more likely.3











About This Infographic

This infographic highlights some of the ways sexual violence specifically impacts transgender and non-binary people. While the information in this infographic comes from research, it is important to keep in mind that trans and non-binary people both contributed to the creation of this infographic and are part of our collective movement to end sexual violence.

Now What?

Because we know that sexual violence happens at higher rates for some communities than others based on factors such as race, sexual orientation, gender identity, economic status, disability status, and immigration status, it is vital that we make our services inclusive. To increase access for trans and non-binary survivors, organizations can work with their local LGBT center and can complete organizational self-assessments to identify opportunities to increase access (see Resources). For more information, including resources on understanding sexual violence in various communities, go to www.nsvrc.org/publications.

Definitions¹

Transgender: This term, sometimes shortened to trans, is often used to describe people whose gender identity or expression differs from what is associated with the gender they were assigned at birth.

Non-Binary: This term is used by some to describe people whose gender is not exclusively male or female, including those who identify as having no gender, as a gender other than male or female, or as more than one gender.

Cisgender: This term, sometimes shortened to cis, is used by some to describe people whose gender identity and expression matches with the gender they were assigned at birth.

References

- 1. James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The report of the 2015 U.S. Transgender Survey.* Retrieved from the National Center for Transgender Equality: https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF
- 2. Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011). *Injustice at every turn: A report of the National Gender Discrimination Survey.* Retrieved from The National Center for Transgender Equality: https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf
- 3. Seelman, K. L. (2015). Unequal treatment of transgender individuals in domestic violence and rape crisis programs. *Journal of Social Service Research*, *41*, 307-325. doi:10.1080/01488376.2014.987943

Resources

Trans Lifeline www.translifeline.org 1-877-565-8860

Demonstrate LGBTQ Access www.demonstrateaccess.org

CenterLink: The Community of LGBT Centers www.lgbtcenters.org

FORGE

www.forge-forward.org

Anti-Violence Project www.avp.org

National Center for Transgender Equality www.transequality.org

Transgender Law Center www.transgenderlawcenter.org

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HB 1144 - vote Do NOT Pass

Dear Senator Beard and members of the Senate Education Committee,

My name is Connie Hoffman of Fargo, and a lifelong resident of North Dakota. I write in opposition to HB 1144, relating to transgender student accommodations and restroom use in public schools; and to provide a penalty.

My concern with this bill is that it deprives all students of safe bathroom accommodations when HB 1144 specifically outlaws gender neutral private single stall bathrooms with full sided walls and doors, which provide the most privacy for any student. I have spoken with many mothers who share that their children in newer schools with this design feel safer using gender neutral single stall private bathrooms, with corresponding shared sinks outside of the private bathroom. This has greatly reduced teasing or peeking or bullying going on because these bathrooms are private and aligned in a very visible manner to teachers and those supervising students.

What capacity does the Attorney General's Office have to investigate potential violations of this bill? How would a determination be made as to who is at fault for a reported violation in a school with a variety of individuals responsible for students throughout the day, such as paraprofessionals, teachers, school nurses, principals, superintendents, school board members?

This bill attempts to make the issue about transgender students and which bathroom they can use. Instead use common sense so kids can use the bathroom during the school day and get back to class. Allow local school districts to have local control as to how to best handle situations in their school. The heartless approach of this bill harms all students.

Vote Do NOT Pass on HB 1144.

Thank you.

Connie Hoffman Fargo, ND My name is Jan Macdonald Russell and I oppose HB 1144.

In 1975, I was a student at Ben Franklin Junior High School in Fargo. The new addition was built and the bathrooms had a communal sink, outside of the traditional bathrooms. As far as I know, I was not affected in any way, washing my hands in the same sink at the same time with a male.

I share a bathroom at home with two other males. As far as I know, this has had no effect on my psyche.

Why are we prepared to spend an estimated \$150 million dollars to address a problem that doesn't exist?

Is the money coming out of your pockets? Or the state's?

Perhaps the time has come for legislation that states that the bill should paid for directly from the legislators who vote for this garbage.

Jan Macdonald Russell Davenport, ND 319-538-1326 Dear Chair Ruby and the members of the House Human Services Committee,

I urge a "Do Not Pass" on HB 1444.

ND citizens do not have the time for this bill. It affects a small population of kids, hoping to make life worse and more difficult to thrive in. I have seen firsthand what removing basic accommodations does to anyone from here or elsewhere. Our state's focus should be on helping these kids. Our education systems are still being crippled by not enough economic support. Our businesses are shutting down due to lack of help. Our farmers are losing lands due to lack of help. People are struggling.

But this bill focuses on adding fire to a culture war, in the hopes that it'll distract from the needs elsewhere. Please consider supporting our people & reducing the harm caused by bills like these. We have actual work needed elsewhere that doesn't rely on making trans kids lives more difficult.

Thank you for your time, consideration, and service to our state, Bee Hayes Representative Bill Tveit House District 33 Testimony for HB 1144 69th NDLA

Chairman Beard, Vice Chair Lemm, Committee Members:

For the record, I am Representative Bill Tveit, District 33, Hazen; District 33 is the heart of Coal Country where my constituents work tirelessly to keep your lights and your HVAC fully energized 24/7. District 33 consists of all of Mercer, all of Oliver and the best parts of McLean and Morton Counties in Western North Dakota.

Mr Chairman, it is a unique pleasure to appear before you and your committee.

If the content of HB 1144 looks familiar, it should. This content passed into Law during the 68th Legislative Session as HB 1522 passed the House 73-19, the Senate 40-6 and was signed into law, effective immediately by the Governor, May 8th, 2023.

Mr Chairman, members, unfortunately, HB 1522 was passed with no penalty or repercussion for non-compliance, (NO TEETH!)

As early as May 9, 2023 Just one day after HB 1522 became law, a school District Superintendent in eastern North Dakota met with his board announcing that he did not agree with the law and he would not comply,

Chairman Beard, this administrator has in excess of 11,000 students under his guidance. Thats 11,000 kids he is teaching: if you dont like a law, you dont have to obey it, you choose. Thus, you have before you, HB 1144.

Important, for everyone to comprehend and adhere to today, is: HB 1522 already established the law as written in Section 15.1-06-21 of the North Dakota Century Code. That is current law and we are not here to debate that issue today.

What is important and why we are all gathered here is to create a way to enforce current law and instill penalties for defiance and/or disobedience, there of:

The first change we are suggesting to Section 15.1- 06-21 of the North Dakota Century Code is on page 1, line 7 and 8; Restroom use Enforcement -Penalty. (TEETH ADDED)

The second change is page 1, lines 10 and 11; striking the words that requires or prohibits any and adding or guidelines, whether implicit of explicit, requiring or prohibiting an

The third change is adding page 1, section 4, lines 17 thru 20. This change was brought about by another school district that thought they could get around the law, simply by removing the labels from the restroom and shower rooms. (TEETH ADDED)

The fourth change is in sub-section 5, page 2, line 3, subsection a. or guidelines, whether implicit or explicit, was added for clarification.

The fifth change was: page 2, line 8 thru 10, adding section 6: Spelling out as to who is responsible to enforce the law, the attorney general, in 2023 when the violation was pursued, the agencies simply passed the buck with no one willing to look into the situation.

Change 6 was page 2, lines 11 thru 17, adding section 7: gives guidance for the Attorney General, when receiving a complaint is received and a violation appears to have occurred.

Sub-sections 7, 8, & 9 were added with amendment .03001 for further clarification, penalty assessment, direction for enforcement and implication of final disposition of a violation.

Subsection 10, also part of .03001 amendment in House Human Services Committee, gives guidelines for plumming and building plans or modifications of restrooms.

Mr Chairman, Committee, as you can now see and understand, the need for HB 1144 is essential for upholding the law that overwhelmingly was passed in 2023; the law that was openly and defiantly disobeyed in 2023 and 2024.

HB 1144 is essential to create Teeth for enforcement; for responsibility; for guidance, and for penalties, when defiance or a violation does take place.

Our kids are important, protect their innocence. Their safety is our greatest concern, allowing them to learn in a safe environment.

Let us come together and give HB 1144 your full support with an overwhelming DO PASS recommendation.

Following me will be co-sponsor Representative Frelich with proposed amendments that I have reviewed and indorse. I would ask that you discuss and adapt those amendments.

I will stand for questions:

7 Feb 2025 passed House 73-18

March 24th, 2025

Chairman Beard and members of the Senate Education committee,

I am writing IN OPPOSITION to HB 1144.

I believe this is a discriminatory bill that will only further stigmatize transgender students in North Dakota.

Transgender students need access to appropriate accommodations during the school day. Passing this bill would force our kids to use bathrooms that endanger their safety.

Gender neutral bathrooms reduce the risk our students face for violence, harassment, and stalking.

Let's work to create environments where all our students feel safe. Inclusive policies and environments improve overall academic achievements vs. leading to higher rates of discipline issues, higher levels of depression/self-esteem, and lower educational aspirations.

Please VOTE NO on HB1144.

Respectfully, Mariah Ralston

In opposition to HB1144

Regardless of how one identifies or doesnt identifies. Everyone should have access to a neutral bathroom, in the grand scheme of things Trans individuals would use these bathrooms to avoid uncomfortable situations and to not bring attention to themselves but this bill is a slippery slope fallacy that could allow gender neutral bathrooms or family restrooms to be removed all across the state. And I dont care sometimes you want a private bathroom because some jerk had their way with one of the stalls in the mens or womens bathroom.

Dear Members of the ND Senate Education Committee and Senator Michelle Powers,

I am writing to express my opposition to House Bill 1144. I am an educator and have seen firsthand how unisex bathrooms benefit all children, regardless of gender. The new Moorhead high school has unisex bathrooms where each stall is an enclosed "room" to allow all students privacy. Those "rooms" are grouped together, along with unisex washing stations. This set up not only allows for privacy for all students, it also eliminates students gathering in groups inside the bathroom where bullying can often take place. It eliminates teachers having to monitor inside the bathrooms as well. This concept itself is based around students' needs and safety and would benefit every child.

I am testifying not just as an educator but most importantly as a parent of a transgender son. My child transitioned when they entered high school. It has been a long and difficult road, and not a day goes by that I do not worry about his safety and wellbeing. Because his high school does not provide unisex bathrooms, my child faces the inability to use the restroom throughout the school day. He does not use the female restroom because his classmates know him to be male, and he does not want to make his female classmates uncomfortable. However, he cannot use the male restroom because he doesn't feel safe in an unmonitored space. He knows he is a target for bullying and violence because there are male students who have expressed hatred towards him. As a result, my son does not eat or drink in the mornings before school, nor does he eat or drink anything at lunch. He abstains from all eating and drinking because he does not want to be put in a position where he has to use the restroom. This abstaining has led to my son being significantly underweight. It also affects his ability to concentrate and learn at school. If my son had access to unisex bathrooms, he would be able to nourish his body like other students. He deserves to have the dignity to be able to use a restroom that allows him privacy and protects his safety. I urge you to protect him and all students by voting "no" on HB 1144.

Sincerely,

Amy Perdaems-Martodam

DO NOT PASS HB 1144

3/23/25

Chairman Beard and members of the Senate Education Committee:

My name is Kristin Nelson and I serve on the Fargo Board of Education's Governmental Affairs Committee and am the designated legislative spokesperson on this topic. I am writing to you today to encourage you to vote DO **NOT PASS on HB 1144**.

<u>Positive School Culture</u>: students who are supported by teachers are more successful in school and have better outcomes. Something as simple as supporting a child's name, nickname, or pronouns can help a student feel accepted as a valuable member of their school committee. Supporting students by using their chosen name or pronouns is also a sign of basic respect.

Students' Rights, Safety and Privacy: Privacy, safety, and security should be inherent in a student's school experience. Single stall bathrooms with a communal sink offer all these things to students. Teachers of any gender can monitor all students using the bathroom without extra staff monitoring two separate bathrooms. Single stalls allow only one student at a time to be in a stall which is safe and private. This type of bathroom offers students who menstruate a private space to change their menstruation products without having to do it in a bathroom full of other people.

<u>Unplanned District Expenses</u>: Remodeling bathrooms is expensive. Many schools in North Dakota have single stalls with communal sinks. As mentioned above, communal sinks are easier for school staff to monitor and manage. Schools face a large financial hit if they must remodel their current bathroom setup. One district in the state estimates their costs to remodel at one million dollars per school. That money could be better used for students and resources rather than to comply with a bill that is an answer to a problem that doesn't exist.

State Resources and Overreach: This bill is written so that anyone suspecting a school of violating any part of this law would be able to make a complaint. This will tie up precious resources and time in the AGs office they could be using to prosecute real crimes. This bill is an example of gross government overreach; the state should not have a say in the design (outside of code enforcement and safety) of our buildings.

This bill will not improve student outcomes or do anything to move our state forward. For those reasons I ask for a **DO NOT PASS** on **HB 1181**.

Respectfully submitted:

Kristin Nelson (she/her)

Fargo Public Schools Board Member

To Members of the Senate Education Committee

We are submitting written testimony to strongly urge a DO NOT PASS on HB1144.

Gender neutral, single use bathrooms provide more privacy and safety for all students and demonstrate respect for peoples' gender identity. Furthermore, this should not be legislated by the State legislature, but left to the local control of individual school districts.

Thank you.

House Bill 1144

My name is Ned Clooten. I am the Superintendent of Schools for Devils Lake Public School District. I'm writing this letter in opposition to HB 1144. In May of 2023, when HB 1522 was signed into law by Governor Burgum, I was just finishing up my 16th year as a HS Principal and there was no one in the state more thankful for that law than me. I felt like we needed guidance from our state on some very difficult issues surrounding transgender students. Prior to HB 1522, school administrators had very little guidance and were often stuck on an island when it came to these issues. I became a Superintendent in July of the same year and one of the first things I talked about with my admin team was how we would enforce HB 1522 in our district. We talked through it in great detail and ran through many scenarios. I was and am still convinced that this law can be enforced with fidelity while at the same time making sure we lead with love in all scenarios.

Fast forward several months and the Devils Lake community was preparing to ask its residents to pass a bond referendum. It was the district's third attempt in 6 years, so I was working hard to learn from past mistakes. One of the things I heard was not enough details. We went into many details with the addition onto Prairie View Elementary as well as the remodel of Central Middle School. There were many board meetings in which we discussed the details we wanted to present. It was February of 2024 when I presented to the school board that I wanted to install single user restrooms at Prairie View. The primary reason I wanted to use single user restrooms was to cut down on the amount of bullying and vaping that takes place in our traditional style boys and girls school restrooms. Single User restrooms, I told my board, were not perfect solutions either, they have their drawbacks, but when it comes to bullying, vaping, and fighting, the data is quite unbelievable. I knew this because of the experiences that I had as a HS Principal trying to control what happens in the traditional style bathrooms as well as talking to and hearing from the schools in ND and elsewhere that had installed these single user restrooms. Again, the primary reason was to cut down on bullying and vaping. Major problems in our schools today.

I also told them that I was planning to not label the bathroom boys and girls. I had some board members question this direction so I explained where my rationale came from. When I was a HS principal, I had students who identified as transgender. For some of those students, one of their major goals in life was to use the bathroom opposite their birth gender. They would just flat out tell me, "Mr. Clooten, I know you won't allow me to, but there is only one of you and there are a lot of bathrooms and kids in this school, so there will be a time when I will do this." As great as HB 1522 was for guidance, it did not apply any sort of consequence for a student who broke this law. So, if a student broke the law the principal has to decide on a consequence and knowing that that consequence could easily get you placed on the Whistleblowers Hotline that night or worse yet, have an OCR complaint filed against you or your school. When I suggested to my board to build single user restrooms and not label them, people have accused me of trying to sidestep the law. That was the furthest thing from my mind. I was trying to eliminate one of the goals for a transgender student. If they don't have a bathroom labeled as the opposite gender, they won't be able to enter the wrong gender bathroom. There was no evil intent in my planning at all.

The last piece I will try to address is the communal wash areas. The pushback that we have received from a small amount of Devils Lake residents has been something that I certainly did not see coming. Communal wash areas are not new. They have been around for many years and in many instances without complaint. The way the amendment in HB 1144 reads right now, we would have to not only adjust the plans we have in place for our new addition on to Prairie View Elementary, but we would also have to go into the existing classroom in Prairie View, Sweetwater, and Minnie H Elementary schools and change them as well. All of those communal sinks have been in place serving children since 1954, again without complaints. We have high schools in the state of ND already using communal sinks successfully. With a conservative fiscal note of \$147 million dollars to 'fix' communal sinks throughout ND schools, I ask you to kill this bill.

I am writing to urge you to oppose HB 1144.

Many restrooms in our local elementary schools have shared sinks. These restrooms are in both schools that were built in the past few years as well as restrooms from schools built in the 1950s. Shared sinks are efficient ways to reduce the number of sinks for custodians to clean as well as use common plumbing. Shared sinks do not mean that students are sharing restrooms. Asking the local schools to spend thousands of dollars to remodel their restrooms is not a good use of our taxpayer money. Our local schools are already struggling with funding at the moment, and asking them to spend money to remodel sinks that work perfectly well is not a good use of taxpayer resources.

In addition, private cubicles for restrooms are truly an asset for all students. Many of the restrooms at our high school no longer have door on the stalls. I know of no one that appreciate using the restroom in public.

One of the wonderful strengths of our North Dakota schools is local control. Our legislature has trusted the schools to make decisions that they know are best for the students in their districts. This bill goes against this long-standing principle because it requires everyone to conform to one notion of school building design and assume that every district needs the same thing.

Sincerely,

Kathy Hintz

I oppose HB 1144.

I urge you to not pass laws that will cause emotional harm. Passing laws dictating which bathrooms trans people are allowed to use will only cause distress and fear. Trans people using a bathroom that align with their gender identity do not pose a threat or safety risk to anyone.

I urge a Do Not Pass for HB 1144.

Jennifer Baker

I oppose HB 1144.

I urge you to not pass laws that will cause emotional harm. Passing laws dictating which bathrooms trans people are allowed to use will only cause distress and fear. Trans people using a bathroom that align with their gender identity do not pose a threat or safety risk to anyone.

I urge a Do Not Pass for HB 1144.

Chris Baker

Senate Education Committee March 24th, 2025 HB 1144 Testimony in Opposition

Dear Chair Beard and the members of the Senate Education Committee.

I urge a "Do Not Pass" on HB 1144.

Content Warning - Self Harm. Please call or text 988 if you're ever suffering from a mental health crisis.

I'm the state expert on LGBTQ+ youth outcomes and I stand behind the <u>testimony I submitted when this was</u> <u>heard in the House</u>. Except I stand corrected, this bill now does something. It now seeks to remove or prohibit modern bathroom design that helps every student be more safe, have more privacy, and for schools to better monitor their kids.

I've written about this at length within this Letter to Editor titled, "We Are Making Kids Cry." I do not particularly care about the penalty for schools violating state law, except in that I prefer local control over our government micromanaging the entire state. Yet, if that is all this bill did, I'm not sure I would be here to talk.

This bill right now is so absolutely cruel and terrible, it will hurt so many kids in the misguided attempt to censor trans youth, that I felt compelled to travel 200 miles and give three days of my life to speaking for a couple of minutes about my personal experiences growing up in North Dakota.

I was bullied relentlessly across multiple school systems. Often in bathrooms. I stopped feeling safe at school, I stopped using the bathroom as much as I could, and I even skipped school during things like mandatory swimming in gym class, leading to truancies and punishment. I was a trans kid, at the time I didn't understand exactly what that was, we didn't have the words yet, but I knew I didn't belong and more important the other boys knew I didn't belong.

I never told anyone this, because I felt like it was my fault. I felt like I deserved it. I felt like I should be the one to handle it. But I was 7, I was 12, I was 15 and at every age I was a child who could not handle anything. I gave up on life, I can't remember a memory where I wasn't deeply suicidal. And I had no idea where to go or how to get help. I eventually dropped out, because if I was going to be dead before 20, what did education matter? And the sad thing is, before my first attempt, when I was so lost at who to ask for help, I reached out to my local representative, who never got back to me.

If our state feels that trans people are not welcome in the bathroom they identify, please accept they are not safe in the bathroom of their sex assigned at birth. There has to be realistic, safe, third options for them. And we solved this with modern bathroom designs that help every student.

Thank you for your time, consideration, and service to our state, Faye Seidler



State of the State Report MR LGBTQ- Youth



The 2025 State of the State report for LGBTQ+ Youth is the first of its kind in North Dakota. It is a spiritual successor to the 2021 North Dakota LGBTQ+ School Climate Report¹ but looks at significantly more systems that impact LGBTQ+ youth. It is a comprehensive review of state data across multiple systems, perspectives from various professionals, different types of organizations, and it represents both parent and LGBTQ+ youth voices.

This report serves to provide comprehensive education on outcomes we see for LGBTQ+ youth. It will give readers a very high level of understanding of the problems these youth face, why they face it, and a solution to move forward that requires no additional funding or personnel to achieve.

This report also comes with resources, essential printouts, and data primers to help professionals advocate for, educate on, and support North Dakota LGBTQ+ youth. While this report explores several different outcomes, it is focused primarily on suicide prevention. Every risk factor contributes to a higher level of suicidality, and our LGBTQ+ youth, especially our trans youth, are at significant risk.

This report and the solutions do not focus on acceptance but ask all invested stakeholders to prioritize and think about safety. While ideological and political beliefs may vary, while individuals may come up with different solutions to the problems our state faces, this report asks that people come together to assure that at the very least all of our kids are fed, safe, and loved.

This report was a joint effort between Harbor Health Initiative and Faye Seidler Consulting



Faye Seidler - Faye Seidler Consulting

Faye Seidler has been actively working to improve LGBTQ+ outcomes across North Dakota, especially within the K-12 setting, for over a decade. She did research into conducting effective LGBTQ+ process improvement training for North Dakota stakeholders in 2015, wrote a comprehensive article on North Dakota LGBTQ+ student outcomes in 2018, co-chaired the ND HHS LGBTQ+ Advisory Board in 2020, led the work on the 2021 LGBTQ+ School Climate Survey, and released the 2023 YRBS Summary Report. Her work currently focuses on suicide prevention across the state.

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Safe Harbor Project - Harbor Health Initiative

The Harbor Health Initiative is an initiative to dramatically improve cultural competency and offered services throughout the state. It hosts the LGBTQ+ Directory, which includes every affirming doctor and mental health specialist, as well as other resources like support groups, activity groups, faith organizations, and more. It started the Safe Harbors Project as a way to create intentional and intersectional approaches to address the issues of safety for LGBTQ+ Youth, support to reduce secondary trauma of service professionals, and generates reports to measure outcomes.

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Author Notes

- There is a lot of heavy data in this report; please understand that going in. 988 is our crisis lifeline number.
- The data explored in the 2023 YRBS is weighted. There are always limitations within survey data. It is not an
 absolute. But it is the best information we have to understand experiences in this state. Most of this report
 is examining that data and filling in the blanks with my ten years of experience working with LGBTQ+ data
 and suicide prevention.
- We all do the best we can with the information we have. Please do not feel guilty if this report allows better understanding of some of the reality of youth experiences in our state. To quote Maya Angelou, "Do the best you can until you know better. Then when you know better, do better."
- Be kind to yourself. We are a state of nearly 800,000 people. There is only so much any one of us can really do. We work so hard, often with little support, little funding, and expectations we can never meet. Every day we show up matters. Every day we try to make tomorrow better than today matters. And while we often think about our shortcomings, because we are not perfect or set up for success, think about how much worse today would be if you weren't in it. You are valuable. Your work matters. You matter. Be kind to yourself.
- When the world feels big, look to the small things in your life, like a warm bath or nice meal. When the world feels too small, look at all the amazing helpers doing great work in our state. As you read this report, know there is hope and a brighter future that we can find.

Acknowledgements

On a personal note, I'd like to thank Cindy Roholt, who taught me how to use a spreadsheet a decade ago. Harbor Health Initiative and the original 2021 LGBTQ+ School Climate Survey would not have been possible without Cody Severson helping to found the Community Uplift Program in 2016.

Special heartfelt thanks to Olivia with Bismarck Student's GSA, Alyssa, Zayden, and Lex with Bismarck Qspace, and Matthew with Youthworks for giving kids hope for so many years. My work supports the professionals who are actually out there saving lives and inspiring hope.

On a professional level, I am always extremely grateful for the work that FirstLink, Red River Child Advocacy Center, and Youthwork do to interrupt trauma and save lives. If you wish to donate somewhere, they are the heroes who I wish I had when I was a kid.

In the world of data, I'd like to thank Matt Schmidt for being an incredible program coordinator for our YRBS and BRFSS data sets and Kodi Pinks for generating incredible state data on suicidality. Xanna Berg for their fantastic work tracking similar data through Kids Count. And the team at ND HOPES

In the world of suicide prevention, I'd like to thank Melissa Markegard, who has done an incredible job as our state suicide prevention administrator, and Sarah Kemp Tabbut for doing so much work connecting and leading various suicide prevention coalitions across the state. And in general, the AFSP of ND, NDSPC, and the Cass and Clay Suicide Prevention Coalitions.

And finally, I would like to personally thank Mark Winkelman, who has been the reason I've been able to track data for LGBTQ+ youth on the YRBS. His data has been the basis for the majority of my important work in North Dakota. Reviewing his data and attempting to find solutions to it has led me to where I am today. Nobody is an island. Collectively, the folks I've mentioned here and countless others who have impacted my life allow me to be the advocate I am for suicide prevention. And thank you for the person reading this report. It took me over a hundred hours to assemble, but if it means I can help just one person, it was worth it.

Faye Seidler

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YRBS LGBTQ+ Middle School Primer
YRBS LGBTQ+ High school Primer

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Executive Summary

In nearly every way that we measure outcomes, LGBTQ+ youth are at more risk and often at exponentially more risk. Not only are their experiences of trauma higher, but they are often less likely to have access to fundamental needs like food, housing, and love. These outcomes are invisible to most of our systems; our state has no direct intervention for support and, at times, is hostile to helping these kids out. These youth are experiencing so much hardship that LGBTQ+ related minority stress has an observable impact on the negative outcome data that is measured for the whole population.²

Key Points for LGBTQ+ Youth

Demographics

- 9,667 Lesbian, gay, bisexual, other, or questioning students in middle and high school (19% of Students)
- 2,226 Transgender or students questioning gender identity in middle and high school (4% of Students)

Suicide, Safety, and Self Harm

- Significantly more likely to self harm, have suicidal ideation, make a plan, and attempt suicide
- More likely to experience sexual violence, intimate partner violence, and bullying
- · Significantly more likely to not feel safe at school, miss school for feeling unsafe, or bring weapons to school

Substance Use

- Significantly more likely to try every substance at a younger age and to binge those substances
- · More likely to live with someone with a drug problem

Sex Education & Wellness

- Less likely to use protection like condoms, while being more sexually active, and having sex at younger age
- More likely to get sex information outside of school

Weight, Diet, Physical Activity

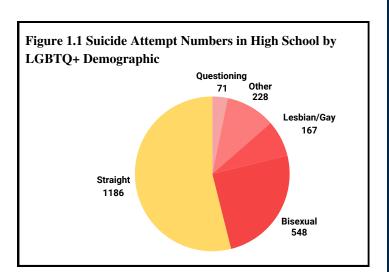
- · Less likely to engage in healthy eating habits
- Significantly more likely to report going hungry at home
- · More likely to not be physically aactive

Social Capital + Mental Health

- · Significantly more likely to struggle with mental health, focus, and grades
- · Significantly more likely to have unstable housing or be kicked out/abandoned
- Less likely to have adult they can talk to for middle school LGBTQ+ youth in particular
- Significantly less likely to get help they need when they reach out

Understanding Disparities

Figure 1.1 represents the makeup of the actual number of students who reported a suicide attempt. It can be easy to see LGBTQ+ students are at higher risk, but what can be lost is that they sometimes make up nearly half of all incidences of bad outcomes. This is important when considering the approach to population intervention, because if LGBTQ+ youth aren't targeted, nearly half the population is being missed by the effort. This breakup will be different across each question.



Introduction

The Youth Risk Behavior Survey (YRBS) is a national system of surveys used to monitor behaviors in schoolaged children that can lead to poor health outcomes. North Dakota has conducted the YRBS in partnership with the Centers for Disease Control and Prevention (CDC) since 1995. On odd-numbered years, ND students in grades 7-8 and 9-12 are administered a voluntary, anonymous survey questionnaire. Schools, teachers, public health professionals, community leaders, and policymakers in North Dakota use YRBS data for decision making, evaluation, and planning.³

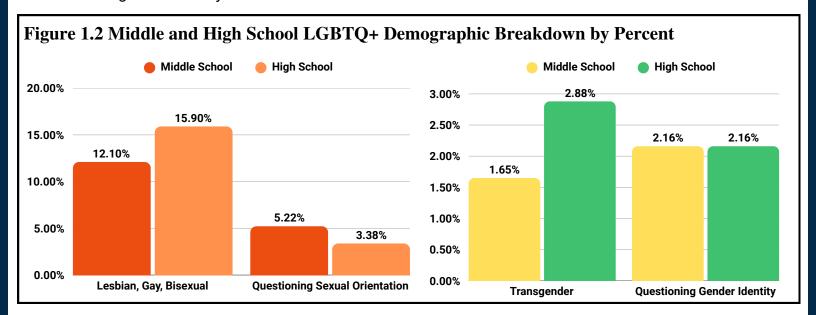
This report focuses on LGBTQ+ data split between sexual orientation and gender identity. It includes straight students as a contrasting demographic to highlight the disparities that exist due to LGBTQ+ minority stress and their compounding risk factors. It will also serve as a comprehensive collection of all state LGBTQ+ data.

Throughout this report, there will be comparisons with other data sources, both local and national:

- YRBS data from 2021, 2019, and 2017
- Trevor Project Survey 2022
- ND 2024 Spring ACHA-NCHA III (College Health Assessment)
- North Dakota Violent Death Reporting System (2022 August, 2023, Under 18) NVHDRS
- FirstLink Call Center Data (2023-2024: Any Age) + Trevor Project Call Data (2022)

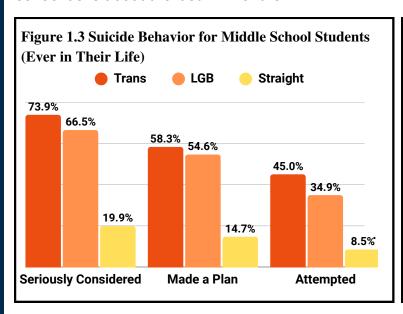
Demographics

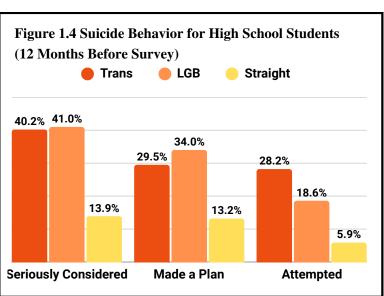
LGBTQ+ students make up approximately 20% of the student base, as seen in Figure 1.2. Students who answered that they were heterosexual (straight) accounted for 77% of both middle and high school students. When applying these statistics to the total population, there are approximately 7,595 LGB students and 1,284 trans students in our middle and high schools, not accounting for students still questioning their sexual orientation or gender identity.



Suicide and Self Harm

Suicide is complex and multifaceted; there is no single cause for suicide. It is best to understand the cause of suicide as a combination of contributing factors, often called risk factors. When considering LGBTQ+ populations, all data is considered for the purpose of if it ultimately relates to and impacts suicidality. LGBTQ+ populations are at disproportional risk for suicide, as seen in Figure 1.3 and Figure 1.4. Important to note, these are different questions. Middle school asks if a student ever made an attempt in their life, while high school asks about the last 12 months.





ND HOPES, an organization dedicated to reducing suicides for western North Dakota LGBTQ+ youth, wrote in a Data Brief, "From 2021 to 2023, the percentage of LGB and transgender middle school students reporting lifetime suicidal thoughts, planning, and attempts all increased." ⁴

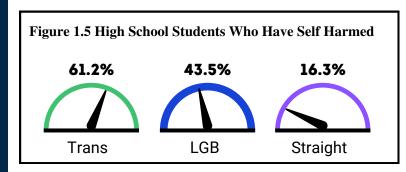


Figure 1.6 High School Students Who Reached Out for Help (Doctor/ Counselor/Hotline) Before Suicide Attempt

HELP

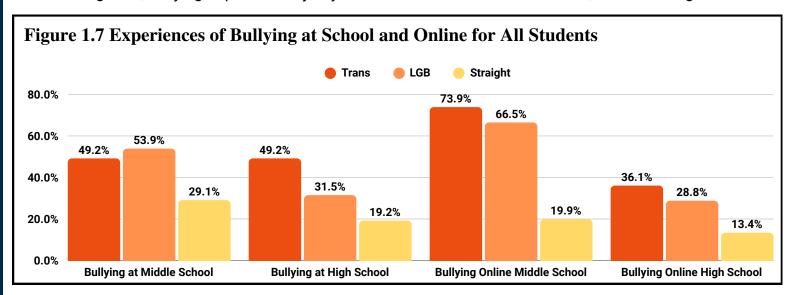
| Yes | Yes

There is a unique question around self-harming behavior that was added to the high school 2023 YRBS, with results explored in Figure 1.5. While efforts around suicide prevention focus on suicide attempts or ideation, self-harming behavior shows an important and unique category for both behavior and risk. The self-harm numbers are significantly higher than suicide attempts, on par with suicide ideation, and significantly higher for trans students. Which is not uncommon for untreated gender dysphoria.

Another question was added, asking if our students reached out for help from a professional before a suicide attempt. In Figure 1.6 it shows that only one in five of our students did so. This was consistent for trans, LGB, and straight students. This indicates our suicide attempt numbers for youth are four times greater than what we have recorded.

Physical Safety & Sexual Violence

While experience of physical or sexual violence is a risk factor for suicide, it can also be a risk factor for dropping out, lower grades, more anxiety or depression, and so on. Suicidal ideation can increase risk-taking behavior, which can result in experiences that lead to further trauma. When considering the data within this section and future sections, think about how it can interconnect and how risk factors can cascade off each other. All together, bullying impacts a majority of middle school LGBTQ+ students, as seen in Figure 1.7



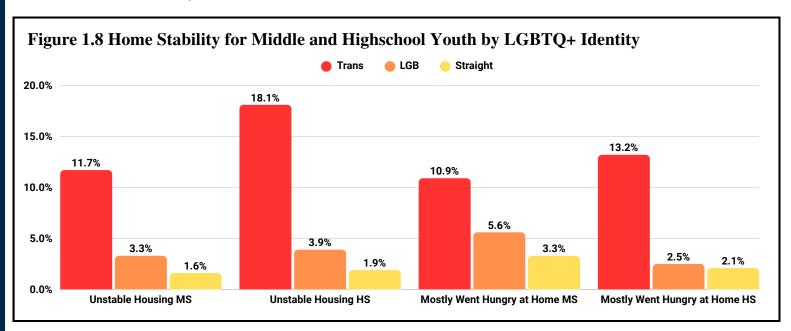
The High School YRBS specifically asks if youth are bullied because others thought they were part of the LGBTQ+ community. While 57% of trans students and 42% of LGB students said yes to this question, 8% of straight students identified being bullied for the perception they were part of the LGBTQ+ community. This means approximately an equal amount of straight students to LGBTQ+ students are being bullied with anti-LGBTQ+ sentiment and are likely to experience similar increases to their risk factors.

The high school YRBS also asks a number of additional questions around safety, including if students carried a weapon, missed school because they felt unsafe, and experiences of sexual or intimate partner violence, as seen on Table 1. While bullying does go down significantly from middle school to high school, this may not indicate simply less bullying behavior, but also youth learning how to avoid bullying by avoiding school and peers or trying to hide. LGBTQ+ youth are disproportionately impacted by sexual violence, something more likely for youth who are isolated from support and trusting adults.

Table 1.1 High School Safety and Intimate Partner Violence	Trans	LGB	S
QN12 - Carried a weapon at least one day in last 30	11.8%	3.8%	4.1%
QN14 - Did not go to school because felt unsafe at least one day in last 30	37.0%	12.2%	6.3%
QN97 - Students who drank alcohol or used drugs before having sex	44.3%	28.4%	8.3%
QN94 - Someone they were dating purposefully tried hurting them	44.9%	33.9%	24.6%
QN95 - Someone they were dating forced them to do sexual things	9.0%	4.5%	2.0%
QN117 - Sexually revealing photos of them texted/posted without permission	17.5%	7.1%	1.7%
QN20 - Experienced sexual violence in their life	31.7%	16.6%	8.0%

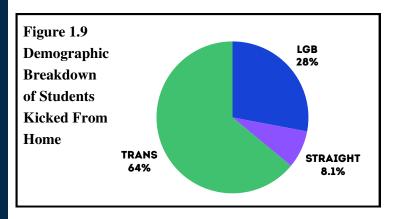
Social Capital: Home

Not all risk factors or experiences of trauma will impact an individual the same. Resiliency is how we understand someone's ability to tolerate trauma. There is not a clear measurement of how resilient an individual might be, but protective factors help to keep youth resilient against risk factors. Protective factors against abuse or suicide in previous sections can be family, trusted adults, or good mental health. Unfortunately, LGBTQ+ youth experience heightened risk factors across every measurement, starting with their home as seen in Figure 1.8.



While there isn't a question to measure family income, an expected risk factor for unstable housing or hunger at home would be financial security. A person's sexual orientation or gender identity should not impact the food available to them or if they have housing needs. The question for middle school students asked if they usually did not sleep at their parents, while the high school question asked just about unstable housing. These students should have the same family dynamics and problems typical to straight students, therefor the discrepancy is likely influenced by minority stress in some capacity.

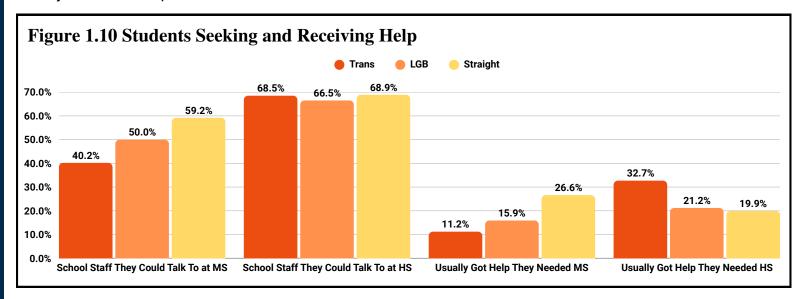
The question on hunger could indicate youth who do not expect support from parents nor ask for it. Their needs might not be getting met because they don't communicate them to their parents. While there may be multiple reasons for this to occur, there must be specific reasons why there is a noticeable discrepancy between straight and LGBTQ+ populations.



High school YRBS specifically asks youth if they were kicked out, ran away, or abandoned. Figure 1.9 shows demographic breakdown from those who were. This means if all demographic population sizes were equal, trans individuals make up 64% of youth kicked out. This is to help Illustrate the extreme disproportional representation of LGBTQ+ demographics for these risk factors. If home isn't safe, where do they go?

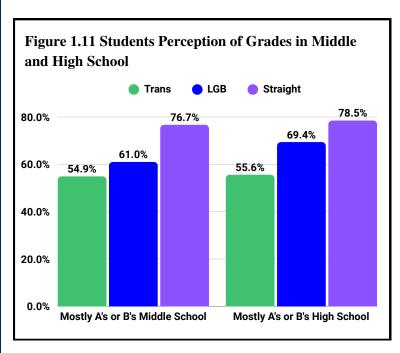
Social Capital: School

The Physical Safety and Sexual Violence section already looked at dangers that exist within schools for students. It would likely be impossible to eliminate all negative outcomes that can occur, but what matters is how schools can respond to and mitigate those situations. This is one of the few data points across the entire YRBS that trends favorably for trans students, specifically high school trans students identifying getting the help they need when asking for it. Figure 1.10 looks at both youth having someone they can talk to and if they usually feel like it helped them.



This is another set of data where we see one of the bigger discrepancies between middle school and high school transgender youth. While most high school students have one adult they can talk to, middle school LGBTQ+ youth are less likely to have that social capital or get the help they need.

When thinking about safety, bullying, or capacity to get help the immediate concern can be around mental health and by extension suicide. What is often missed is its direct impact on school investment and performance.



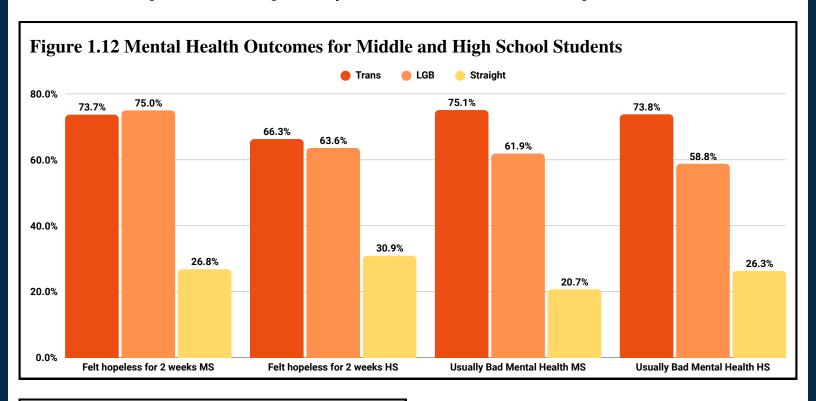
There is a sharp decline for students who report mostly A's and B's for LGBTQ+ students compared to straight students, as seen in Figure 1.11. This reduction of grades could suggest less investment in the school itself, less interest and ability to go to college, and have profoundly negative impacts on the rest of their lives.

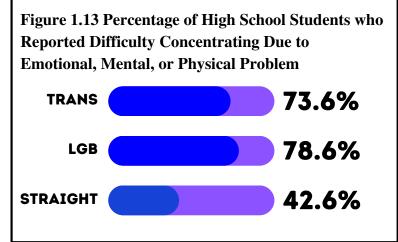
Since they're less likely to have stable homes, more likely to run away, more likely to miss school, and more likely to be hungry or concerned about their safety, they are not in optimal environments to learn. This appears to be reflected in the data.

Mental Health

Given our LGBTQ+ students are struggling with bullying, sexual violence, not feeling safe at school or home, poor grades, lack of adults to talk to, and reporting not getting the help they need, their mental health also suffers. As identified across this report, each risk factor opens students up to further risk factors. Unstable housing or being bullied at school can reduce grades, which reduces investment in school or college, which can make students feel hopeless there isn't a future for them.

It can also become more and more challenging to help youth, who have experienced chronic abuse across their lives, where they don't fundamentally trust adults. The youth who reported they didn't usually get the help they needed when asking for it may be inclined to believe nobody is equipped to handle any of their problems. While LGBTQ+ youth experience unique cultural barriers that come with greater risk of parental rejection or violence, parents may create hostile homes by using anti-LGBTQ+ rhetoric, while not knowing their child identifies within the community. There is no data on how many LGBTQ+ youth are out to their parents in North Dakota. This all together leads to significantly worse mental health as seen in figure 1.12 below.





While school can be a struggle for all students for any number of reasons, the minority stress specific to LGBTQ+ students is seen in the disparities across this report.

Figure 1.13 shows that these students are disproportionately impacted with difficulty concentrating. Many of these students are not in a learning environment, as much as simply trying to survive their environment every day.

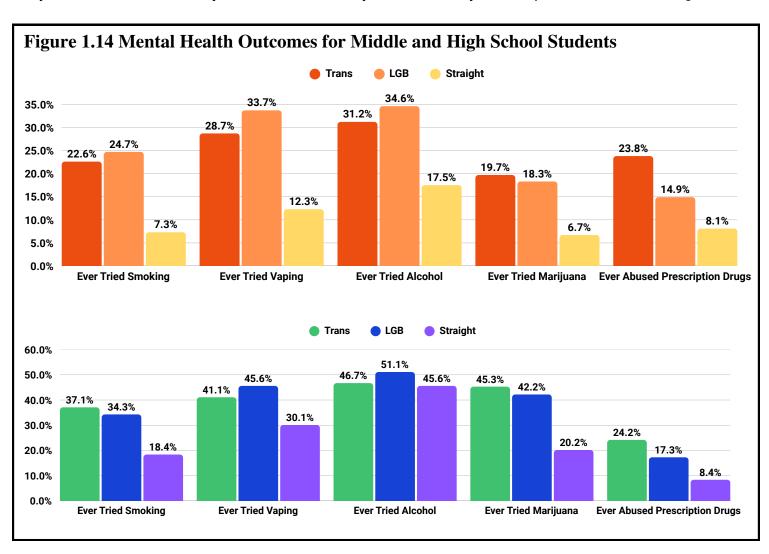
Substance Use

Professionals often associate substance misuse with delinquent behavior; however, it is much more likely used as medicine for youth to cope with the unaddressed trauma they experience. Within middle school, these are 13 to 15-year-old teenagers who are dealing with suicidality, sexual violence, and hopelessness who cannot identify adults to talk to about their problems.

When these youth are caught using substances, they can make up the excuse it was to be cool or fit in, instead of talking about mental health problems, LGBTQ+ identity, or suicidality. This creates a disconnect between adults who are attempting to help kids and the actual problem the youth may be experiencing.

Figure 1.14 below shows the amount of students in both middle and high school who have ever tried smoking, vaping, alcohol, or marijuana, or who abused prescription drugs. One fifth of LGBTQ+ youth have already tried all of these things by middle school, with the numbers getting worse by high school. While drinking is associated with partying, there is not a significant difference for straight youth and LGBTQ+ youth in high school around alcohol. While these outcomes are familiar they may not be measuring the same behavior.

This is a summary of YRBS data on ever using any substance, but collectively LGBTQ+ youth are more likely to try any substance, more likely to try it at a younger age, and more likely to use it in a higher quantity. Given these youth are also more likely to be homeless, they are more likely to face punishment for having it on them.



Highest Discrepancies: Middle School

Nearly all data in North Dakota is measured without regard to sexual orientation or gender identity. To look at the public-facing 2023 YRBS Report, the middle and high school data is broken down by grade, sex, and race. When the analysis excludes 15-20% of a subpopulation, individuals who read it can very easily draw incorrect conclusions about the data they are looking at or how to address the problems. (5, 6)

First, without this report, the discrepancies for LGBTQ+ populations would be invisible to policymakers. Second, this is such a large amount of the population that it has a significant impact on the general data that North Dakota does use to make policy decisions. Regardless of policymakers feelings on LGBTQ+ identity, these youth exist. Ignoring the data does not make the harm they experience go away, and attempting to increase safety for this population does not have to mean changing personal beliefs.

MIDDLE SCHOOL TRANS YOUTH WHEN COMPARED TO STRAIGHT YOUTH

- 2X MORE LIKELY to experience the bad outcome being measured across 43 out of 69 questions
- 3X MORE LIKELY to experience the bad outcome being measured across 27 out of the 69 questions
- 20X MORE LIKELY to misuse cigarettes chronically
- 10.5X MORE LIKELY to not drink water within week of the survey
- 4X MORE LIKELY to not get 60 minutes of physical activity within last the week
- 4X MORE LIKELY to attempt suicide
- 3X MORE LIKELY to go hungry at home because of no food
- 58% LESS LIKELY to get the help they need.

MIDDLE SCHOOL LGB YOUTH WHEN COMPARED TO STRAIGHT YOUTH

- 2X MORE LIKELY to experience the bad outcome being measured across 32 out of the 69 questions
- 3X MORE LIKELY to experience the bad outcome being measured across 20 out of the 69 questions
- 13X MORE LIKELY to misuse cigarettes chronically
- 4X MORE LIKELY to attempt suicide
- 3X MORE LIKELY students who experience sexual violence by partner
- 3X MORE LIKELY to report bad mental health

MIDDLE SCHOOL LGBTQ+ YOUTH'S IMPACT ON OUTCOMES FOR ALL STUDENTS

- 150% Increase for total students chronically smoking cigars (non-straight majority)
- 52.1% Increase for total students who attempted suicide
- 25.0% Increase for total students who experience sexual violence by partner
- o 40.0% Increase for total students did not drink water within a week of survey

Highest Discrepancies: High School

HIGH SCHOOL TRANS YOUTH WHEN COMPARED TO STRAIGHT YOUTH

- 2X MORE LIKELY to experience the bad outcome being measured across 52 out of 123 questions
- 3X MORE LIKELY to experience the bad outcome being measured across 30 out of 123 questions
- 13X MORE LIKELY to misuse cigars/inhalants
- 10X MORE LIKELY to have a revealing photo of themselves texted non-consensually
- 9.5X MORE LIKELY to have unstable housing
- 6X MORE LIKELY to go hungry at home because of no food
- 5.5X MORE LIKELY to feel unsafe at school
- 4.7X MORE LIKELY to attempt suicide

HIGH SCHOOL LGB YOUTH WHEN COMPARED TO STRAIGHT YOUTH

- 2X MORE LIKELY to experience the bad outcome being measured across 32 out of 123 questions
- 3X MORE LIKELY to experience the bad outcome being measured across 9 out of 123 questions
- 5.5X MORE LIKELY to experience bullying because they're perceived as LGBTQ+
- 3.5X MORE LIKELY to have a revealing photo of themselves texted non-consensually
- 3.5X MORE LIKELY to drink before having sex
- 3X MORE LIKELY to attempt suicide

HIGH SCHOOL LGBTQ+ YOUTH'S IMPACT ON OUTCOMES FOR ALL STUDENTS

- 62.5% Increase for total students using alcohol before sex
- 56.3% Increase for total students kicked out of home
- 53.3% Increase for total students who experience sexual violence by partner
- 51.0% Increase for total students who attempted suicide

Discrepancy Conclusion

What's difficult when considering this data is that trans individuals tend to be approximately 1 in 50 students. This can spike the data to create the alarming difference in negative outcomes. While that data is from a small population pool and lower validity, it should not be entirely dismissed either. These students do exist. The main purpose of this breakdown is to highlight the need of making this data standard within general reporting and to understand that these outcomes are so different the minority population has a noticable impact on the total numbers and targeted approaches are required.

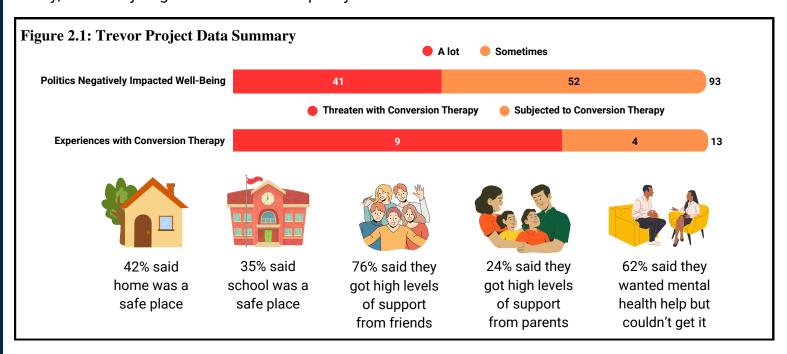
YRBS vs. Trevor Project 2022 National Survey on LGBTQ Youth Mental Health

Many organizations within North Dakota default to the Trevor Project for their LGBTQ+ data. The Trevor Project data set has a number of pros and cons when compared to our local state data that should be considered. These differences are explored in Table 2.1.

Table 2.1 Trevor Project VS YRBS Comparisons

Pros	Mental Health and Suicide	Trevor Project	YRBS LGB
 Asks specific questions on LGBTQ+ demographics that are not captured 	Seriously considered suicide	38%	66.50%
by our YRBS	Attempted suicide in past year	16%	34.90%
Stable data set for LGBTQ+ youth	Symptoms of anxiety	66%	58.80%
Cons	Symptoms of depression	46%	58.80%
Significantly smaller population poolAggregated data from ages 13 to 24	Demographics of Survey		
 More bias in sampling, due to the unavoidable nature of public data 	Age 13-17	57%	83.60%
collection	Ages 18 to 24	43%	16.40%

Where the Trevor Project Survey really shines is in its ability to understand specific LGBTQ+ experiences, such as the impact of politics, conversion therapy, safety at home and school, support from friends and family, and ability to get mental health help they want.



At the time of creating this report, the 2023 Trevor Project data has not come out. This is prior to North Dakota passing a significant amount of legislation targeting LGBTQ+ individuals and trans individuals specifically. Including limiting where trans individuals can safely go to the bathroom, teachers ability to support trans students, and trans students ability to play sports. Some more data on Trevor Project will be included in the hotline call center section!

2023 YRBS vs. College Health Assessment (CHA)

The North Dakota 2024 Spring ACHA-NCHA III College Health Assessment gives us unparalleled access to the experiences of our college students in North Dakota.⁸ It asks a wealth of questions and importantly distinguishes between not just events like bullying but also the self-reported impact those incidences have had. Unfortunately, the data is only correlated to cis and trans students, but there is still demographic data available for sexual orientation as seen in Table 2.2.

Table 2.2 CHA LGBTQ+ Demographics

Demographics	СНА	YRBS (HS)
Straight	85.3%	77.9%
LGB+	14.7%	19.3%
Cisgender	96.9%	93.6%
Transgender	2.2%	2.9%

To look at the data between middle school, high school, and college, there is a trend of better outcomes as students get older, but at each level there is a heightened disparity for transgender students. Transgender students who have made it to college likely have more protective factors and opportunities in the first place. While data reports like these often focus on the bad outcomes, rarely are these outcomes a majority of students. More often than not, the data shows half or more of students are doing relatively fine, within relatively stable conditions. College data, however, shows us trans students continue to be underweight, have less healthy weight, and are less likely to exercise and rate low for food security. All of these factors make sense together and a breakdown is explored in Figure 2.2.

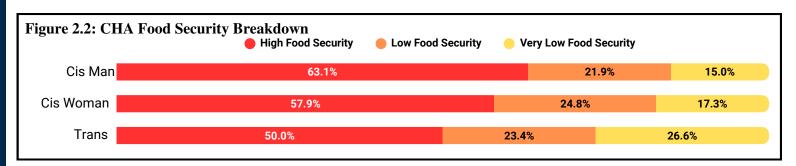


Table 2.3: CHA Campus Safety and Other Variables

CHA - Campus Safety	Cis Men	Cis Women	Trans
On Campus day time	89.4%	86.6%	76.3%
On Campus night time	70.0%	31.9%	22.8%
In community day time	70.6%	57.7%	38.3%
In community night time	50.3%	21.1%	11.0%
Pregnancy and Self Injury			
Uinintentional Pregnancy	0.90%	1.3%	3.1%
Self Injury	6.4%	8.8%	23.9%
Mental Health			
Serious Psychological distress	10.8%	17.5%	29.6%
Positive for lonelieness	41.4%	42.8%	58.1%
Positive for Suicide behavior	16.70%	22.9%	45.5%
Suicide Attempts	2.7%	2.1%	4.5%

While trans students did not fare significantly worse across many metrics, one that stood out was safety on and off campus, with 89% not feeling safe in their local community around campus at night.

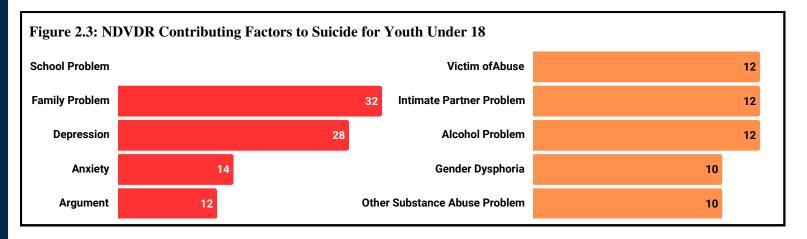
Also seen is a significantly higher number of unintended pregnancies, which could be impacted by the myth that hormone therapy sterilizes and a lack of sexual education targeting trans individuals in high school.

We see trans students significantly more likely to self-harm. While they're also more likely to attempt suicide, the differential is much less than seen in middle and high school, and the actual number is also significantly less.

2023 YRBS vs. North Dakota Violent Death Reporting System

The North Dakota Violent Death Reporting System is NVDRS is a CDC funded, state-based surveillance program that collects data on violent deaths (homicides, suicides, accidental firearm deaths, deaths of undetermined intent, deaths from legal intervention, and terrorism). NVDRS collects data on violent deaths from a variety of sources including death certificates, coroner/medical examiner reports, law enforcement reports, crime laboratory reports, and toxicology results and links them together to provide a comprehensive picture of the circumstances surrounding these deaths.⁹

The NDVDRS data this report has access to only goes until August 10 of 2023, but a valuable missing component to conversations of suicidality and risk is actual lethality of outcomes. While this data set has many limitations, it is still the only access we have on a state level to some of this data. This system tracked 50 deaths by suicide between 2019 and August of 2023 for children and adolescents under the age of 18. The report measured contributing risk factors seen in Figure 2.3.



If trans students account for approximately 2% of youth, seeing Gender Dysphoria listed for 10% of youth who died of suicide would indicate a five times greater likelihood of these youth dying of suicide. This is exactly what the YRBS data says. For each one of these contributing risk factors, the YRBS suggests outcomes are worse for LGBTQ+ students. It is strongly suggested by the data that nearly half of the youth who died by suicide were LGBTQ+. While the data is too limited and suicide is too multifaceted to make such a determination with accuracy, the risk factors add up for LGBTQ+ youth.

While we do not have absolute data for the cause of death that occurs in our state, North Dakota HD Pulse data suggests that on average 54 youth, ages 0-18, die each year in this state. ¹⁰ Also, between 2019 and 2022, on average 10 youth died by suicide each year. According to ESSENCE data, ages 0-19 make up 36.6% of all reported suicide attempts, while only 6.6% of the population that died of suicide.

Altogether, this does suggest that suicide attempt behavior for youth is significantly less lethal than for adults. Accounting for just the high school population, death by suicide occurs one in every 255 attempts. Assuming middle school attempts are similar, this would bring lethality closer to one in every 386 attempts. This is still the second leading cause of death for youth and isn't meant to underplay the serious nature of suicide. But to open the question about how we understand and track suicide behavior. What youth consider an attempt. And that even in the face of these high numbers, the youth do survive, and we must keep attempting to reach them. Further those numbers are at best suggestive within the limited data we have.

2023 YRBS vs. Hotlines

One of the data points that did not differ greatly between LGBTQ+ students and straight students was behavior around asking for help before a suicide attempt. As the text to the right indicates, only 20% of youth sought help for attempting suicide. The question asks if they sought help from a hotline, counselor, or doctor.



This question means we can take most of our data from call centers and multiply it by five to get a more accurate view of the people in our state who may need help. While this question doesn't necessarily indicate middle schoolers, college-age youth, or adults of any age would have the same behavior, we know many people still don't know about suicide prevention resources like 988.¹¹

Also every year, more people become aware of 988, and across the United States, economic insecurity and other struggles are compounding for every population. It is very difficult to distinguish an increase in calls as being higher experiences of trauma, awareness, or both.

Table 2.4 Call Center Data and Total Suicides Attempts for LGBTQ+ Youth

Year	Call Center Data	LGBTQ+	YRBS Total LGBTQ+ Suicide Attempts 2023
2022	Trevor Project	168	1875
2023 July to Oct	FirstLink	121	
2023*	FirstLink	363*	YRBS Total Suicide Attempts 2023
2024 Jan to Nov	FirstLink	361	4438

Table 2.4 would be improved with more information; however, call centers did not start collecting data on LGBTQ+ callers until July of 2023. The 2023 full year-number is an estimate given the average of what was reported from July to October of 2024 by FirstLink, North Dakota's call center. FirstLink was able to provide full data for 2024 up to November, which lines up closely with the estimate from 2023. However, this data is not collected from every caller; during 2024, it was collected approximately 75% of the time according to FirstLink Data.

What is known from this data is that the calls FirstLink gets are likely a small percentage of individuals who need help. 988 responds to callers of all ages and backgrounds. The YRBS reflects just middle and high school students, which accounts for just 6.7% of North Dakota's total population.

The only purpose of this section is to put stronger scrutiny on our systems of measurements and realize many youth never become a number in our systems. Further, it is very likely our state health data around suicidality is significantly worse than is understood by our current data metrics. None of this is a failing for FirstLink, which will likely have taken at least 15,000 calls from people in suicide crisis in 2024 alone. They have saved and continue to save countless lives. It is likely every single person in North Dakota has been impacted directly or indirectly by this service, even if they don't know it. That said, it should be the absolute last line of defense, not the first.

As a final thought, Trevor Project reported a 700% increase in calls to their LGBTQ+ Hotline in response to the recent election. Not to be partisan, but to understand political rhetoric has impacts on kids. 12

North Dakota Student Counselor Survey

During 2024, Harbor Health Initiative reached out to every school counselor working in our public K12 schools. There were 416 school counselors listed on the North Dakota Department of Public Instruction Directory. Of those, 61 responded to communication or 14.6% of them. 16 of those never answered our questions. The answers we have below represent the 45 student counselors who returned communication, who make up 10.8% of the student counselor population for public K12 education.

Table 2.5: North Dakota Student Counselor Survey	
On a 1 to 10 scale, with 10 being the highest - how well do you feel LGBTQ+ youth are doing at your school?	6.27
Would you consider yourself a safe person for LGBTQ+ youth to talk to?	100%
Are there any community resources you're aware of that help LGBTQ+ Youth? Person, organizations, or anything like that?	51%
Do you know anyone else you'd recommend for us to talk to as part of this project?	34%
Are you interested in learning about resources that help LGBTQ+ Youth?	92%
Would you be interested to be on an emailing list to stay up to date on these resources?	90%
Would you be interested in being involved in a statewide LGBTQ+ Support Network?	48%

There were three attempts to reach each student counselor, twice by email and once by phone. Student counselors are often extremely busy, so non-response does not indicate anti-LGBTQ+ beliefs. However, those who did respond likely had more vested interest in keeping LGBTQ+ youth safe. To apply these numbers to the general student counselor population would mean nearly half of our professionals do not have good landing resources for LGBTQ+ youth.

This does reflect in the data, where our LGBTQ+ youth, especially middle school youth, have said they did not get the help they needed. While the majority of these professionals indicated a desire for more tools and communications on tools to help students out, only half indicated interest in being part of a larger effort to improve LGBTQ+ student safety.

The most common reason for not having resources given was being in a small community. The YRBS represents schools all across North Dakota, and most communities and schools are relatively small. This creates significant challenges for finding adequate support for LGBTQ+ youth. There was some pushback from elementary and middle school counselors suggesting they don't interact with this population, incorrectly implying LGBTQ+ identity is a high school or older issue exclusively.

Responses also included frustration with the lack of resources, as well as not clearly understanding what help they could provide or what consequence may come from helping. There were counselors who reported kids doing well, those who said it was a struggle, and those who didn't know of any openly LGBTQ+ students in school. Overall, the state of schools appears to be a kind of "don't ask, don't tell" culture—where not only the students, but the school staff are just doing their best to survive.

It is worth remembering there are many parents who support their LGBTQ+ child and want the school to help them. Resources can still focus on this demographic, even if other parents demand their child doesn't get support.

North Dakota Parents of LGBTQ+ Youth Survey Page 19

Parents of LGBTQ+ Youth

An open survey collected responses from parents of LGBTQ+ youth in North Dakota. The information was collected anonymously to assure safety for those participating.

How has the 2024 fall school year gone?

"The school year was very hard. Each class had a unique set of kids that would pick on my kid in a different way. Between all the different types of bullies, we ended up going with full time online school. Now that we are in online classes my child has all good grades and he smiles again."

Online school was consistently identified as a safe haven for LGBTQ+ youth. Youth were identified as doing better this year compared to last year, with trans youth in particular struggling with bullying and fear. One parent identified their child pursued a GED just to get out.

Does your child worry about anything related to being LGBTQ at school?

"The bathroom has been a major stress point for us. We had to argue with one school to allow him to use the men's bathroom. When he did, he was told to get out by the other boys. There was a fight afterwards and a lot of conversations with the school counselor. The unisex bathroom that we had to fight for didn't have a lock on it and also caused a major issue when another kid opened the door. My child would go out of his way to just not use any bathroom at school."

Bathrooms were a major source of anxiety, with YRBS showing 20% of trans kids in middle school didn't drink water. Something common was parents identifying their kids were often more worried for their friends. Even online students were scared for their friends that went to in-person school. The story shared above is not uncommon.

Do you or your child worry about your future in North Dakota?

We both worry a great deal about what the future holds in North Dakota. In particular, we worry about violence against the LGBTQIA+ community.

For trans youth, losing access to medically necessary healthcare was a concern. Each parent was in some way worried for their child's future in this state. Many parents identified hoping to move as soon as possible or took solace knowing there were still safe places in other areas.

What would you like to see happen to give you hope or support your kid in school?

The 2023 legislative session was SO disheartening with all the anti-trans bills and rhetoric and fearmongering. I am dreading a repeat of that. I really dislike the feeling or idea that I am surrounded by people who have so much antipathy towards my child because of how they identify. I would like to see public leaders and lawmakers prioritizing kindness, respect and compassion.

One parent just wished North Dakota state lawmakers would leave their child alone. Most wished for more support for their kids and for staff to have better education and training on the unique needs of LGBTQ+ youth. The responses here are in line with the outcomes we see in the YRBS.

Feedback from LGBTQ+ Youth

The 2023 and 2024 LGBTQ+ Summit both hosted LGBTQ+ youth feedback panels. These were composed of multiple kids from different ages, grades, and school systems. This is a summary of what they said.

2023 Youth Feedback Panel

Youth-Identified Problems

- Suicide is because of bullying in schools
- School counselors and teachers are not as welcoming as should be
- Many care but cannot do anything, especially with the new legislative session
- · Administrators feel stuck, unable to help kids
- · Want more queer people on school boards
 - More people of color and youth too
- Need more people of color as school counselors
- · More empathy from teachers

Youth-Identified Solutions

- Make education and training more accessible for adults
- Training for school board
- Student-led discussions to discuss inclusivity
- Make GSAs more accessible and prevalent
- Support GSAs



(Youth Feedback Session 2024 LGBTQ+ Summit, picture by Summit Youth Intern)

2024 Youth Feedback Panel

Youth-Identified Solutions

Resources aimed at queer and non-queer peers on how to be allies. For their queer peers, youth want these materials to highlight the importance of unity within the LGBTQIA+ community and not separating certain queer identities from the rest of the group (e.g., combatting "LGB without the T" attitudes). For their non-queer peers, youth recommended resources that equip their peers with bystander intervention skills to stand up to homophobia and transphobia.

Professional development for school professionals on LGBTQIA+ topics (e.g., identity struggles, how to support queer youth). In particular, youth emphasized the importance of visibly queer school professionals. They also highlighted the need for resources geared towards younger school populations, such as 4-6th grade audiences.

Queer-inclusive sex education, including relationship boundaries and how to speak with healthcare professionals. This recommendation highlights the need to further expand the evidence-based In-Clued training that is currently offered by Planned Parenthood.

Queer youth groups outside of the Fargo and Bismarck area. Youth asked that these queer youth groups feature queer facilitators and provide transportation support and food. They suggested that these groups be unaffiliated with schools given potential restrictions tied to school-based organizations. Youth also highlighted the importance of groups for both queer teenagers (12-18) and queer young adults (18-26), as both groups need support.

Resources aimed at adults, including their extended family and family friends, on how to be a trusted adult. They suggested these resources outline "green flags" that signal being an ally, such as using someone's chosen name and pronouns. They added that these resources should be a source of education on LGBTQIA+ identities and issues for adults.

(Panel Summary provided by ND HOPES)

Feedback from Qspace

Qspace is a Bismarck-based LGBTQ+ youth group that has been providing help and support to LGBTQ+ youth in Bismarck and the surrounding region since 2019. Colead by Zayden Bartosh, Alyssa Klossgaard, and Lexi Williams. This has been their experiences over the last six years.

ON MENTAL HEALTH

Fortunately, a majority of the youth we serve right now do have access to mental health services and gender-affirming healthcare. Approximately 2/3rds of our trans youth have been grandfathered into continuing their medically necessary care after the state banned it. Our youth want to make sure that LGBTQ+ affirming therapists are legitimately trained in what it means to be LGBTQ+ affirming and that they understand the issues surrounding LGBTQ+ youth.

ON SCHOOL

School is hard: one youth said, "just because teachers wear pride pins or say that their class is safe, it does not mean that they actually are there for the kids."

Students suggested that even though teachers wanted to be supportive, they didn't know how. Based upon what the youth said, some teachers don't know how to handle bullying and harassment of LGBTQ+ youth or how to talk to these youth about the unique issues they face, even though these same teachers still identify themselves as safe spaces.

Students also identified teachers who did want to help but stopped because they did not have administrative support. While teachers did not say this directly, students perceived the hesitation was because of fear of losing their jobs or getting disciplined. The youth also identified understanding the difficult situation teachers are in, but these kids are still in pain and still need help they are not getting, finding the situation unfair.

The students would like schools to be more supportive of and make sure teachers had appropriate training to intervene during anti-LGBTQ+ remarks and bullying.

ON BEING HOMELESS AND LIVING IN POVERTY

The biggest barrier Qspace youth face is housing insecurity and living in poverty. In general, Qspace youth have to work when they come of age and are able to do so. Some of them do help pay rent with their parents and/or have the constant thought of losing their housing. This disproportionately affects our Indigenous youth, but some of them do get help with Native Inc. Poverty itself is a huge barrier for multiple youth of ours, regardless of race.



(LGBTQ+ Summit, featuring Bismarck Youthworks. Many LGBTQ+ youth use both Qspace and Youthworks in the area.)

Reaching Out to Organizations in North Dakota

As part of the work with the State of the State Report, an open survey was created for organizations that serve youth in some capacity. 40 different organizations were reached out to, while 11 returned the survey. This is not an exhaustive list of youth-serving organizations in our state. Further, responding or not to this survey doesn't convey an organization's stance on LGBTQ+ individuals or belief around if this community deserves to be safe and included. Everyone is busy; the hope is more organizations will get back to us over time.

The intention of reaching out was to start a conversation, assess what organizations were currently doing, and what struggles they currently saw. It also invited feedback from key organizations about what partners are essential in the work to keep LGBTQ+ youth safe.

However, there is a very clear "Don't Ask, Don't Tell" cultural policy around LGBTQ+ topics in the state. While many organizations do wish to keep everyone safe, they believe being too open about safety efforts for LGBTQ+ populations will result in targeted harassment, reduction of funding, or even laws to micromanage services. Or, the organization falsely believes efforts to help all populations will adequately trickle down to LGBTQ+ individuals. Many may not realize a significant portion of their population is LGBTQ+.

American Foundation for Suicide Prevention	Gender Justice	North Dakota Health and Human Services	Prairie St. Johns
Cass Public Health	Grand Forks Police	North Dakota HOPES	Prevent Child Abuse North Dakota
Catholic Charities North Dakota	Grand Forks Public Health	North Dakota Human Rights Coalition	Rape and Abuse Crisis Center
Centre Inc	Interfaith Alliance of North Dakota	North Dakota Medical Association	Red River Child Advocacy Network
Community Healthcare Association of the Dakotas	Kids Count North Dakota	North Dakota National Association of Social Workers	Sanford Child Safety
Community Violence Intervention Center	North Dakota American Civil Liberties Union	North Dakota School Board Association	Sanford Health
Consensus Council	North Dakota Council of Educational Leaders	North Dakota United	Sources of Strength
FirstLink	North Dakota Department of Public Instruction	North Dakota University System	The Foundation
FM Coalition to End Homelessness	North Dakota Domestic and Sexual Violence Coalition	Parents Lead North Dakota	Treatment Center for Traumatized Youth
Fraser	North Dakota Federation of Families for Children's Mental Health	Planned Parenthood North Dakota Chapter	Youthworks

Feedback from Organizations

Organizations were asked questions about what they were doing specifically for LGBTQ+ youth and what barriers they saw. This is far from an exhaustive understanding of services or challenges in the state, but the intent is this can start to be meaningfully built out. So much work is done in silos, where partners do not talk to each other about services, success, or challenges.

What are the main challenges you see for keeping LGBTQ+ youth safe in North Dakota?

"The climate and culture. Very few safe spaces exist where youth can be themselves, and this is driving them to very negative mental health states."

Not all responses were from organizations listed above. Some individual professionals also completed the survey. The main challenges amounted to cultural hostility that both reduced the hope LGBTQ+ youth have within the state and their future, while making them more hesitant to trust getting services from the organizations designed to help them.

One organization identified unique behavior with LGBTQ+ youth, where they were more likely to talk around their problems before opening up to the fact the problem was related to their sexual orientation or gender identity. Something that can be missed if youth aren't given enough time or feel safe enough to talk about the issues they're having. The YRBS already shows the heightened risk this population has, and without knowing someone's sexual orientation or gender identity or if they don't feel safe enough to reveal it, that risk goes invisible to our service providers.

Some identified the negative impact of the state policies that have been made law, such as forcing trans students to be outed, denying their medical care, or restricting communication professionals can use when helping youth. Generally state attitudes contribute to a culture of fear around helping LGBTQ+ youth.

What is your organization doing to ensure LGBTQ+ youth are safe?

Education and Training, Listening Sessions to gather feedback from LGBTQ Youth, and distribution of resources

The various answers amounted to LGBTQ+ specific services, trainings, and resources. A few organizations mentioned DEI training. Some talked about policies to ensure LGBTQ+ youth were safe in getting care. Others talked about general advocacy. One talked about creating broader desiloing efforts to assure professionals themselves had peer support.

While these efforts are fairly standard, another question asked was who else should be included. Only 3 out of the 11 organizations offered any suggestions, and of those, only 1 offered concrete names. The fundamental problem remains that organizations are not talking to each other and only considering their own lane. No organization, by itself, can meaningfully solve the issues impacting LGBTQ+ youth.



Various Organizations Sponsoring LGBTQ+ Summit

The Story of Ikiru

Ikiru is a Japanese movie that was released in 1952 about a dying bureaucrat. Why would an 80 year old movie be featured in a 2025 State of the State Report for LGBTQ+ youth in North Dakota? Well, the plot of the movie involves a family attempting to build a playground but being given an endless run around as the exact situation seems to be outside of the jurisdiction of everyone. The dying bureaucrat is named Kanji Watanabe and eventually takes it upon himself to solve this problem. Spending his final night on the playground he helped make reality.

There is a campaign through the It Gets Better Project called "50 states, 50 grants, 5000, voices" that donates \$10,000 to LGBTQ+ youth groups in every single state with a number of stipulations, requiring the grantee be schools. I explained this wouldn't work in North Dakota; I offered alternative solutions and offered to help problem-solve this issue, but was met with generic emails that they couldn't help. Most national grantors are like this. It isn't their fault, they do good work, but still our kids suffer.

Without naming names or to call out any individual organization within North Dakota, during the last ten years I've been met with silence at requests for help, I've been told various things can't be done, or that it isn't someone's job to help. I've been met with institutional, cultural, financial, and logistic barriers. I'm at times met with hostility or threats. I've been disregarded or ignored on multiple occasions. The majority of individuals I work with clock out at 5:00 PM. And this is my third major report across seven years saying virtually the same things about virtually the same outcomes.

Every single system I interact with is buried in various limits. Whether grant restrictions, quarter by quarter restrictions, or only being able to do measurable work, the outcome remains the same. Our LGBTQ+ youth bear the burden of inaction, suffer the consequence of the limitations in our systems, and experience trauma and hardship after 5:00 PM and on the weekends too. One thought constantly echoes in my head:

EVERY DAY AT LEAST 5 LGBTQ+ YOUTH WILL ATTEMPT SUICIDE IN OUR STATE.

As these kids try to end their own lives, our state rhetoric is just more attempts to make that life harder. I know that being critical or unkind to people does not inspire them to help me. I try to be kind; I try to be patient. I am at times frustrated. I do not know why I'm the one who has to make this report. I don't know why I've had to spend 10 years learning our data systems and design tools to create this report in the small chance this will cause someone to get invested in a way they didn't before.

But, as a child of North Dakota, I didn't get the help I needed. I felt like I was a burden and never asked. I tried to figure out my own problems. As a young adult, I asked for help and didn't get it. As an adult, I asked other people to help out our youth until I lost my voice in the effort of screaming. And today, after ten years, I am nothing if not pragmatic. The truth is no single barrier matters, except for the will to accomplish change. If our mind is set to fix this problem, we can. It is honestly that simple. People are the only barriers.

After ten years of research, my belief is that the solution to these problems requires someone dedicating their life in service to this cause. So, that is what I will do. Taking any help I can. And if I am lucky, I will see the playground be made for LGBTQ+ youth to play in, to be safe, and to be happy— before I die. While my primary goal is LGBTQ+ youth, I, of course, will work for all children in our state to be safe, fed, and loved.

BACKGROUND PHILOSOPHY

The majority of efforts that do exist to help LGBTQ+ youth are siloed and temporary. They often depend on individuals giving much more of themselves than they should be expected to do. Either volunteers at LGBTQ+ groups or non-profits, the student counselors trying to keep all the LGBTQ+ kids at school safe, or LGBTQ+ folks in organizations that endlessly must advocate for themselves.

Many efforts right now can be destabilized by losing donor or grant funding, because grant cycles ended, or due to turnover/burnout. Others can be impacted by legislation, such as medically necessary care being denied to trans youth. This taskforce seeks to disrupt these cycles.

LGBTQ+ SAFETY TASKFORCE

- The LGBTQ+ Safety Taskforce will be a joint effort that welcomes any organization that serves youth
- It will be hosted through the Harbor Health Initiative, where all relevant resources will also be hosted
- It will not hold routine meetings, but meetings around solving particular problems may be called

The purpose of the group is to solve problems by utilizing a vast network of motivated individuals and then record those solutions for public consumption. This effort is collaborative and by itself seeks to replace no service currently existing. The job of this task force is to further desilo our efforts, empower each partner, provide professional peer support, and harm-reductively keep all of our youth as safe as possible.

CORE PRINCIPLES

Inclusive Messaging

The message is not acceptance nor tolerance. It is not changing people's minds; they're welcome to believe what they do. The message is strictly safety. How do we keep LGBTQ+ youth safe? That is the central value and mission to align around.

Casting a Wide Net

Cast the widest possible net, as the more people who are there to hold it, the less likely it will be to give out. This means working with every single organization that interacts with youth, the youth themselves, parents, communities, lawmakers, police, faith communities, and so on. This work does not require a special effort or organization; it requires everyone doing their small part to look out for all youth.

Intersectional Approach While there is a focus on LGBTQ+ youth, the ultimate goal is always that all youth in North Dakota are safe, fed, and loved. The networks created and the desiloing that occurs through this safety taskforce will be a benefit to everyone in the state.

Tackling Burnout Connect professionals together to provide peer support. Most of this work is high trauma; many professionals work in rural communities with few people to talk to.

If efforts are not working on preventing burnout and secondary trauma, they will not be successful.

Citations Page 26

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Publication and Version

This was published originally on January 2nd, 2025. This is the first version of this report, with no edits. This section will be changed to update additional publication and version information. This is Version 1.

Corrections or Improvements

All effort was done to convey the information as accurately as possible, with appropriate credit where possible. If any error has occurred, please email for correction at Fayeseidler@gmail.com.

Collaboration, Feedback, and Future Work

This report will be released every two years, following the YRBS data. If there are sections within this report that your organization would like to tackle, your involvement would be welcomed for the 2027 State of the State for LGBTQ+ Youth.

Please consider sharing this report as widely as possible, and if there is any feedback about this report, please email the author at Fayeseidler@gmail.com. If the complaint is associated with the report being too colorful, one can schedule disappointment on their calendar for 2027.

Resources Page 27

Resources

Resources are a bit like cars; their value depreciates immediately after they leave the lot. It is less important to have a particularly good resource guide than it is to know who keeps publishing resources and where to find them. That said, ND HOPES has published a resource that went live near the start of 2025! It is by far the most up-to-date general resource for LGBTQ+ youth parents, teachers, and schools.



The LGBTQIA2S+ Resource Guide features valuable resources and guidance for supporting LGBTQIA2S+ youth in North Dakota. The guide contains local information on North Dakota programs, resources, and providers, with specific resources for schools, parents, healthcare providers, and community members.



https://www.ndhopes.com/suicide-prevention-resource-guides



Harbor Health Initiative has the LGBTQ+ Directory, which is every affirming provider and support group across the state. It also hosts the Safe Harbor Project and the LGBTQ+ Safety Taskforce. The website include all important resources for Trans individuals across the state, including general help resources if they are struggling with food, shelter, or other basic needs.



(ff) https://harborhealthinitiative.org/directory/



Faye Seidler Consulting has a number of newsletters, shows, points of data, and opportunities for people to get informed and get involved. She hosts all publicly available data on her website for easy access across multiple sectors. And hosts the one pager essential LGBTQ+ Resource Guide included on the next page.



(fff) https://www.fayeseidlerconsulting.com/news.html



FirstLink is the 988 crisis and lifeline center for North Dakota and parts of western Minnesota. They are also our 211 call center, hosting a state directory of general resources. They are the absolute best organization to call if you're looking for generally anything, need someone to talk to, or find yourself in a mental health crisis.





NORTH DAKOTA LCBTQ+ RESOURCE LIST

STATE ORGANIZER

Faye Seidler - Suicide Prevention Advocate

Phone: 701-732-0228

Email: fayeseidler@gmail.com

Website: fayeseidlerconsulting.com

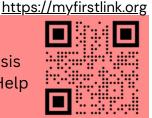


I'm rooting for you.
There is a future where
you can be happy, let's
fight for it.

EMERGENCY SUPPORT

You Matter. You Deserve Help.

- Dial or text 988 for Mental Crisis or 911 for Crisis
- Dial 211/text zip code to 898-211 for General Help
- FirstLink prioritizes resolution without police



AFFIRMING HEALTHCARE

LGBTQ+ Health and Community Directory

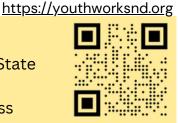
- All Affirming Providers in ND + Border Cities
- All LGBTQ+ Community/Activity/Support Orgs
- Transition Info + Link to at Home STI Test Kits



YOUTH SUPPORT

Stay Safe, Fed, and Sheltered

- Services for 22 or Under, Drop-Ins across State
- Food, Showers, Transition Housing
- Seeks to Stop Trafficking and Homelessness



HUMAN RIGHTS

Discrimination is Illegal, Your Rights Matter

- Know Your Rights Resources
- Referrals to Human Rights Experts
- Human Rights Training



ADVOCACY

Be the Change You Want in the World

- Weekly Local Equity News + Email Service
- Statewide Advocacy, Organizing, Data Expert
- Created This Resource List!



https://www.capnd.org/resources-in-nd

EVERYTHING ELSE

General Help Services for All Populations

- All the Food Banks and Homeless Shelters
- Access to Legal Help or Fair Housing
- Job and Transportation Access



ND 2023 MIDDLE SCHOOL YOUTH RISK BEHAVIOR SURVEY LGBTQ+ REPORT (P1)

	11 11	10 10	
Suicide & Self-Harm	Trans	LGB	S
QN15 - Ever seriously considered suicide	73.9%	66.5%	19.9%
QN16 - Ever made a plan to attempt suicide	58.3%	54.6%	14.7%
QN17 - Ever attempted suicide	45.0%	34.9%	8.5%
		- B	
Safety & Sexual Violence	Trans	LGB	S
QN13 - Bullied on school property	49.2%	53.9%	29.1%
QN14 - Bullied electronically	73.9%	66.5%	19.9%
QN33 - Ever had sex	21.5%	12.10%	5.6%
QN51 - Someone they were dating purposefully tried hurting them	25.1%	20.7%	7.3%
QN50 - Someone they were dating forced them to do sexual things	22.1%	21.7%	8.0%
Social Capital & Mental Health	Trans	LGB	S
QN47 - Students who experienced unstable housing (30 days before survey)	11.7%	3.30%	1.6%
QN61 - Students who mostly went hungry at home	10.9%	5.60%	3.3%
QN65 - Students reported one adult/teacher at school they could talk to	40.2%	50.00%	59.2%
QN52 - Students who felt sad or hopeless almost every day during 2 weeks	73.7%	75.00%	26.8%
QN45 - Bad Mental health most of the time or always not good (Anxiety/Depression)	75.1%	61.90%	20.7%
QN64 - Usually got help they needed when feeling empty, hopeless, anxious, or angry	11.2%	15.90%	26.6%
QN48 - Students who describe grades as mostly A's and B's within 12 months	54.9%	61.0%	76.7%
Substance Use	Trans	LGB	S
QN18 - Ever smoked in their life	22.6%	24.7%	7.3%
QN22 - Ever vaped in their life	28.7%	33.7%	12.3%
QN26 - Ever drank alcohol in their life	31.2%	34.6%	17.5%
QN55 - Ever used marijuana in their life	19.7%	18.3%	6.7%
QN30 - Ever took prescription pain medication without doctors orders	23.8%	14.9%	8.1%

ND 2023 MIDDLE SCHOOL YOUTH RISK BEHAVIOR SURVEY LGBTQ+ REPORT (P2)

Demographics Sexual	Orien	tation
Heterosexual (Straight)	1683	77.06%
Gay or Lesbian	47	2.15%
Bisexual	140	6.41%
I describe myself differently	78	3.57%
Questioning	114	5.22%
Don't know what this is asking	122	5.59%
Total	2184	100.00%

	1 10	10 M		100	1 1/2 STEEL STEEL
Demographics Gender Identity					
I am not Transgender			2058	94	.25%
I am Transgender			36	1.	65%
Not sure if I am Transgender			42	1.	94%
Don't know what this means			47	2.	16%
Total			2184	100	0.00%
Middle School Population Total 17419					
Straight	13423	LGB	2114	Trans	287

Survey Considerations

More information on the Youth Risk Behavior Survey can be found here: https://www.hhs.nd.gov/health/YRBS. All data presented here is weighted, with analysis done by Mark Winkelman at Winkelman Consulting. This was compiled as part of the Safe Harbors Project: https://harborhealthinitiative.org/safe-harbors/. More data can be found at Faye Seidler Consulting - https://www.fayeseidlerconsulting.com/state-data.html. Faye Seidler is the data expert on LGBTQ+ outcomes within North Dakota, and summarized the data present here: she can be reached at Fayeseidler@gmail.com.



Faye Seidler - Faye Seidler Consulting

Faye Seidler has been actively working to improve LGBTQ+ outcomes across North Dakota, especially within the K-12 setting, for over a decade. She did research into conducting effective LGBTQ+ process improvement training for North Dakota stakeholders in 2015, wrote a comprehensive article on North Dakota LGBTQ+ student outcomes in 2018, co-chaired the ND HHS LGBTQ+ Advisory Board in 2020, led the work on the 2021 LGBTQ+ School Climate Survey, and released the 2023 YRBS Summary Report. Her work currently focuses on suicide prevention across the state.

Email: Fayeseidler@gmail.com

Website: www.fayeseidlerconsulting.com/



Safe Harbor Project - Harbor Health Initiative

The Harbor Health Initiative is an initiative to dramatically improve cultural competency and offered services throughout the state. It hosts the LGBTQ+ Directory, which includes every affirming doctor and mental health specialist, as well as other resources like support groups, activity groups, faith organizations, and more. It started the Safe Harbors Project as a way to create intentional and intersectional approaches to address the issues of safety for LGBTQ+ Youth, support to reduce secondary trauma of service professionals, and reports to measure outcomes.

Email: info@harborhealthinitiative.org

Website: harborhealthinitiative.org/directory/

ND 2023 HIGH SCHOOL YOUTH RISK BEHAVIOR SURVEY LGBTQ+ REPORT (P1)

Suicide & Self Harm	Trans	LGB	S
QN97 - Purposefully harmed self	61.2%	43.5%	16.3%
QN27 - Seriously considered suicide within 12 months of survey	40.2%	41.0%	13.9%
QN28 - Made a plan to attempt suicide within 12 month of survey	29.5%	34.0%	13.2%
QN29 - Attempted suicide within 12 months of survey	28.2%	18.6%	5.9%
QN98 - Asked for help before attempt from anyone (family, school, hotline)	19.8%	21.2%	18.4%
Safety & Sexual Violence	Trans	LGB	s
QN24 - Bullied on school property	49.2%	31.5%	19.2%
QN25 - Bullied electronically	36.1%	28.8%	13.4%
QN96 - Bullied because people thought they were LGBTQ+	57.1%	41.50%	7.5%
QN12 - Carried a weapon at least one day in last 30	11.8%	3.8%	4.1%
QN14 - Did not go to school because felt unsafe at least one day in last 30	37.0%	12.2%	6.3%
QN20 - Experienced sexual violence in their life	31.7%	16.6%	8.0%
QN94 - Someone they were dating purposefully tried hurting them	44.9%	33.9%	24.6%
QN95 - Someone they were dating forced them to do sexual things	9.0%	4.5%	2.0%
QN117 - Sexually revealing photos of them texted/posted without permission	17.5%	7.1%	1.7%
QN97 - Students who drank alcohol or used drugs before having sex	44.3%	28.4%	8.3%
Social Capital & Mental Health	Trans	LGB	S
QN86 - Students who experienced unstable housing (30 days before survey)	18.1%	3.9%	1.9%
QN116 - Student was kicked out, ran away, or abandon (30 days before survey)	15.1%	6.6%	1.9%
QN118 - Students reported one adult/teacher at school they could talk to	68.5%	66.5%	68.9%
QN119 - Strongly agree there are clear rules and consequences for behavior	52.1%	54.1%	59.4%
QN120 - Students who reported most of time or always feeling safe at school	41.3%	63.1%	73.8%
QN26 - Students who felt sad or hopeless almost every day during 2 weeks	66.3%	63.6%	30.9%
QN84 - Bad Mental health most of the time or always not good (Anxiety/Depression)	73.8%	58.8%	26.3%
QN114 - Usually got help they needed when feeling empty, hopeless, anxious, or angry	32.7%	21.2%	19.9%
QN115 - Difficulty concentrating because of physical, mental, or emotional problem	73.6%	78.6%	42.6%
QN87 - Students who describe grades as mostly A's and B's within 12 months	55.6%	69.4%	78.5%

ND 2023 HIGH SCHOOL YOUTH RISK BEHAVIOR SURVEY LGBTQ+ REPORT (P2)

Substance Use	Trans	LGB	S
QN31 - Ever smoked in their life	37.1%	34.3%	18.4%
QN35 - Ever vaped in their life	41.1%	45.6%	30.1%
QN100 - Ever drank alcohol in their life	46.7%	51.1%	45.6%
QN41 - Ever drank alcohol before age 13 (more than a few sips)	23.0%	14.5%	11.2%
QN46 - Ever used marijuana in their life	45.3%	42.2%	20.2%
QN47 - Tried marijuana before age 13	16.1%	7.8%	3.3%
QN49 - Ever took prescription pain medication without doctors orders	24.2%	17.3%	8.4%
QN102 - Lived with someone who had problem with drug/alcohol use	53.6%	55.9%	28.5%
Weight, Diet, & Sex	Trans	LGB	S
QN105 - Tried losing weight by not eating in 24 hours, vommiting, etc	37.6%	40.6%	19.3%
QN109 - Students mostly went hungry because not enough food	13.2%	2.5%	2.1%
CDCPA - Did not do 60 minutes of activity once in the last seven days	13.2%	2.5%	2.1%
QN123 - Received most about sex education at school	11.7%	21.8%	31.2%
QN56 - Ever Had Sex	44.3%	28.4%	8.3%

Demographics Sexual Orientation			
Heterosexual (Straight)	1404	77.87%	
Gay or Lesbian	42	2.33%	
Bisexual	175	9.71%	
I describe myself differently	69	3.83%	
Questioning	61	3.38%	
Don't know what this is asking	52	2.88%	
Total	1803	100%	

Demographics Gender Identity						
I am not Transgender			1688	93	.62%	
I am Transgender			52	2.	88%	
Not sure if I am Transgender			39	2.	16%	
Don't know what this means			24	1.	33%	
Total			1803	3 10	00%	
High School Population Total			+		34556	
Straight	26909	LGB	5481 Trans		997	

Survey Considerations

More information on the Youth Risk Behavior Survey can be found here: https://www.hhs.nd.gov/health/YRBS. All data presented here is weighted, with analysis done by Mark Winkelman at Winkelman Consulting. This was compiled as part of the Safe Harbors Project: https://harborhealthinitiative.org/safe-harbors/. More data can be found at Faye Seidler Consulting - https://www.fayeseidlerconsulting.com/state-data.html. Faye Seidler is the data expert on LGBTQ+ outcomes within North Dakota, and summarized the data present here: she can be reached at Fayeseidler@gmail.com.

Faye Seidler - In Service to North Dakota

Contributions to Data

- 2014 The Logistics of Providing LGBTQ+ Training to Key Sectors
- 2021 North Dakota LGBTQ+ School Climate Report
- 2023 North Dakota Suicide Reporting in Journalism
- 2024 North Dakota 2022 Behavioral Risk Factor Surveillance System LGBTQ+ Report
- 2025 North Dakota State of the State Report for LGBTQ+ Youth

Contributions to State Resources

- Essential LGBTQ+ Print Out
- Secondary Trauma for First Responders Print Out
- Journalism and Media Suicide Prevention Print Out
- North Dakota LGBTQ+ Veterans Resources
- LGBTQ+ Directory with Harbor Health Initiative

Contributions to Suicide Prevention Efforts

- Desiloing 6000 stories/events shared over 4 years
- Suicide Prevention Training Recaps
- Bills by Risk and Protective Factors in 2025
- Serve Cass Clay Suicide Fatality Review Team
- Added SOGI questions to BRFSS in 2022
- Worked as contributor to help secure 6 million dollar CDC Grant for Suicide Prevention

Contributions to Training

- Navigating Safety for LGBTQ+ Youth
- Comprehensive Professional Development Training on LGBTQ+ Populations
- ND LGBTQ+ Youth: A Story of Suicide and Resilience

Awards and Recognitions

•	Rainbow Bead Carrier Out of Darkness Walk - AFSP	2024
•	Youth Leadership Award - Youth Works	2024
•	Hometown Hero Award - Dakota Outright	2023
•	Grand Marshal of Fargo-Moorhead Pride	2023
•	Women's Network Impact Award	2022
•	Champion of Capital Pride	2022
•	Contributor to Youth Award WFPS	2022
•	Human Rights Coalition's Arc of Justice Award Recipient	2020

Contributions to Our Law Making Body

2023		2	025	
Bill Stats • 34 Total • 25,106 words • 6 in Favor • 29 in Opposition		Bill Stats (So far) • 37 Pieces Total • 12,689 words • 14 in Favor • 23 in Opposition		
Bill's Submitted Test	timony on	Bill's Submitted Testin	mony on	
1/15 - HB 1390 1/17 - SB 2149 1/24 - HB 1249 1/24 - HB 1254 1/24 - HB 1301 1/24 - HB 1522 1/24 - HB 1473 1/24 - HB 1489 1/24 - HB 1332 1/24 - HB 1332 1/25 - SB 2231 1/25 - HB 1474 1/30 - HB 1491 1/30 - HB 1494 1/30 - HB 1494 1/30 - HB 1537 2/7 - HB 1526 2/8 - HB 1488	3/7 - HB 1139 3/13 - HB 1390 3/13 - HB 1111 3/13 - HB 1205 3/13 - HB 1256 3/13 - HB 1362 3/13 - HB 1390 3/13 - SB 2139 3/14 - HB 1488 3/15 - HB 1254 3/15 - HB 1473 3/20 - SB 2231 3/21 - HB 1474 3/21 - HB 1522 3/22 - SB 2260 3/27 - HB 1249 3/27 - HB 1489	1/14 - HB 1100 1/14 - SB 2145 1/15 - HB 1160 1/16 - HB 1143 1/17 - HB 1012 1/20 - SB 2096 1/20 - SB 2200 1/21 - SB 2105 1/21 - HB 1181 1/21 - HB 1430 1/27 - HB 1556 1/29 - SB 2264 1/29 - SB 2300 1/29 - SB 2244 1/30 - HB 1411 1/30 - HB 1475 2/3 - HB 1475 2/3 - HB 1391 2/17 - HCR 3013 2/10 - HB 1495 2/10 - HB 1553	3/11 - HB 1430 3/11 - HB 1217 3/11 - SB 2281 3/12 - SB 2105 3/12 - HCR 3013 3/17 - HB 1540 3/17 - HB 1458 3/17 - HB 1450 3/18 - HB 1391 3/18 - HB 1612 3/18 - SB 2400 3/18 - SB 2307 3/20 - HB 1106	

Contributions to Writing

Key Articles

- 2018, Dec 19th North Dakota is Failing our Queer Youth
- 2022, Jan 19th Giving Hope to North Dakota Queer Youth
- 2022, June 20th The Choices LGBTQ+ youth make
- 2022, Dec 15th The Coming Storm for LGBTQ+ People
- 2025, Jan 19th Electric Heater-Side Chat About Queer Kids Today

2015

August 16th - At F-M Pride parade, activist says transgender health should be next focus

2016

August 10th - Trans Bathroom Bills: Let's Talk

August 31st - <u>LGBTQ+ Activities and Resources</u>

Sept 21st - How to be more trans-friendly in your organization

Sept 28th - A Parent's Guide to Transgender Children

Oct 12th - Clubs for LGBTQ+ Students

Nov 2nd - Let's Talk: The Impact Your Vote Has on the Trans Community

Nov 9th - The Trans Mentor Program

Nov 16th - Transgender day of remembrance

Nov 22nd - The Joke's On You

Nov 30th - <u>Transgender Health Insurance Basics</u>

Dec 7th - Transgender History Part One

Dec 21st - Let's Talk: Dating someone who is transgender

2017

Jan 11th - The GSA initiative: help needed!

Jan 18th - Video Games: A Transgender perspective

Feb 8th - The Difference between Drag and Transgender

Feb 15th - Let's Talk: North Dakota's Anti-discrimination Bill

Feb 22nd - The community Uplift Program

Jan 1st - Transgender Healthcare Panel

March 1st - Celebrating Trans People of Color

March 15th - Inclusive religion

April 19th - Gender Friendly Grand Forks

April 26th - It's time to move out of North Dakota

May 5th - North Dakota: a hell for LGBTQ+

May 10th - How to have effective online conversations

May 24th - Farqo Moorhead Queer Radio

June 7th - The Gender Maze

July 26th - Real Talk: The Fargo-Moorhead Pride Center

Aug 20th - A look at Intersectionality

Aug 17th - Gender Identity and Pronoun etiquette

Sept 27th - Transgender-affirming therapists in Fargo

Oct 4th - Therapy Options for Transgender and low-income Individuals

Oct 11th - Janet Mock: The Power of Storytelling

Oct 18th - North Dakota United Against Hate

Nov 17th - Real Talk: What it means to be an Activist

Dec 8th - Community Activism: How to Start and Where to get involved

Dec 17th - "let's fight for what's right!": Strand calls on Fargo rights panel to work for

transgender protections

Dec 27th - The First Fargo-Moorhead LGBTQ+ Health Clinic

2018

Jan 31st - An Open letter to North Dakota Parents and Schools

Feb 7th - Harbor Health Clinic - Second option for Gender Affirming Hormone Therapy

March 7th - Tristate Transgender Social

April 18th - An open letter to North Dakota Trans Youth

May 23rd - A loveletter to Corecon

June 20th - <u>Transgender Day of Visbility</u>

Oct 10th - LGBTQ+ Healthcare Day

Oct 24th - We must not limit the definition of gender

Dec 19th - North Dakota is Failing our Queer Youth

2019

Jan 24th - North Dakota needs LGBTQ+ Anti-discrimination laws

March 11th - It's time to have better conversations about gender and identity

April 17th - How America Shot itself in the foot

June 13th - Using religion to attack LGBTQ+ individuals is against Scripture

2020

July 2nd - The next focus for the LGBTQ+ Community

July 24th - Please let science and medicine lead the discussion on queer youth

Sept 21st: Numbers show what many LGBTQIA North Dakotans already know: queer youth are moving out-of-state

2021

Jan 21st - Our Schools Deserve Better

Feb 10th - <u>Transgender People in Sports: What Does the Data Say?</u>

March 16th - North Dakota Anti-trans bill part of national trend, trans advocates say

March 21st - Tax dollars will be used to defend proposed anti-trans legislation

April 15th - At the very least, a study should have been done first

Nov 3rd - North Dakota Government now brought to you by Facebook

Dec 6th - Report finds many North Dakota Schools Fall Short on support for LGBTQ+ students

2022

Jan 19th - Giving Hope to North Dakota Queer Youth

May 16th - Queer youth need support and visibility more than ever

June 20th - The Choices LGBTQ+ youth make

Aug 22nd - What Kind of World do we want for our kids?

Oct 31st - A first look at transgender youth data for North Dakota

Dec 15th - The Coming Storm for LGBTQ+ People

2023

Jan 17th - North Dakota Aims to be LGBTQ+ Free by 2025

Feb 7th - America's 'Moral Panic'

Feb 10th - North Dakota Senate advances bills targeting trans students' pronouns

Feb 21st - Proper trans health care can save lives

March 13th - Consultant discusses ND's LGBTQ+ Bills

March 28th - There is Hope in North Dakota

April 5th - How to end the culture wars in North Dakota

April 5th - Port - You can make peace only with your enemies

April 17th - Government Overreach

April 25th - How to keep trans youth safe in North Dakota

May 25th - The North Dakota Bus Ride

June 23rd - Assessing Gender-Affirming Care Bans After Key Ruling

June 29th - The F-M Juneteenth Event Was an Incredible Celebration

July 24th - Dealing with grief in the wake of a tradegy

July 27th - Those pushing transgender bills in North Dakota

August 1st - Marching Towards Hope (Pride Guide Edition)

August 9th - As pride approaches, some events to take place in Fargo despite earlier shift to Moorhead

August 11th - Libraries should be Places of Joy

August 20th - Navigating Safety in times of terror

August 22nd - You deserve help and you really do matter

August 28th - Let's work to keep trans kids safe

Sept 2nd - A tourists View of Grandforks Pride

Sept 23rd - The Challenges of Modern Journalism

Sept 29th - A time to celebrate Libraries

Oct 29th - Suicide Prevention advocate Specializing in LGBTQ+ populations will speak Friday

Nov 2nd - Families and advocates continue to fight for LGBTQ+ Rights in North Dakota

Nov 15th - Be the hope others need

2024

Jan 4th - The Legend of Martin Luther King Jr. Lives On

March 7th - What inspires you about North Dakota?

April 30th - We can find hope through celebration

May 9th - Fargo resident hosting event to help people navigate mental health crisis, thoughts of suicide

May 30th - Can politics be positive?

June 1st - A New Horizon for LGBTQ+ Population Data

July 14th - Do not lose faith in a better world

Sept 5th - September is National Suicide Prevention Month

Sept 25th - Assessing the youth impact of ND's LGBTQ restrictions

Oct 1st - Gaps form as youth mental health challenges rise

Oct 20th - Calming Election day Anxiety

Oct 26th - No matter who's in office, it'll all be okay

Nov 19th - Metro changemakers spread joyful message to students in Concodria's Social

Activism program

Nov 23rd - How to maintain hope in difficult times

Dec 19th - Please Lead with Compassion for Queer and Trans Youth

2025

Jan 13th - <u>LGBTQ+ students in North Dakota at higher risk of suicide, other harms than straight couterparts, study says</u>

Jan 19th - Electric Heater-Side Chat About Queer Kids Today

Jan 21st - Believe in North Dakotans

Jan 30th - North Dakota's ban on transgender care for minors is life-threatening, doctor testifies

Feb 12th - We're making kids cry

March 17th - Courage Spreads like Fire

Dear Chairman Beard and Members of the Senate Education Committee,

I am writing in strong support of HB 1144.

As a parent in District 15, I am deeply concerned about recent developments that jeopardize student privacy. Our district is building a 5th-grade addition that would force elementary-aged children to share bathroom facilities with the opposite gender. Despite parental efforts—petitioning nearly 900 signatures (500 from our district area) and voicing concerns to the school board—we have been met with an unresponsive board, ignoring the heart of the privacy protections outlined in Section 15.1-06-21 of the North Dakota Century Code.

Personally, even as an adult, I find gender-neutral bathrooms uncomfortable, and I do not want this to become the norm in our schools. What is most troubling is that the rationale behind the planned design of the new bathroom facilities appears to be influenced by a desire to support transgender ideology at the elementary level since IT IS possible to design restrooms that accommodate ALL students and minimize bathroom bullying without making them gender-neutral. In doing so [supporting transgender ideology], our school's current plan forces all children to share facilities with the opposite gender, potentially exposing them to situations where privacy is compromised—such as when a door is not properly locked, girls needing to clean up after boys before using a toilet seat or boys being exposed to used and unused menstrual products.

Now, all children are being forced to give up their privacy as boys and girls, in the name of being gender-neutral, even though accommodations can be made for students who may not feel comfortable using a bathroom designated for their biological sex.

While HB 1144 does not fully eliminate all concerns, (such as the potential for bathrooms to remain gender-neutral such as our school has found a loop whole for), it would at least require separation of wash stations for boys and girls, offering a vital step toward protecting student privacy.

The revisions introduced in this bill are essential. In any other context, if an institution fails to comply with the law, it faces consequences. The lack of penalties for not adhering to laws protecting student privacy undermines the effectiveness of those laws. If there are no consequences, what is the point of having these protections in place?

These issues are not trivial. Our children's dignity and privacy are at stake. Our students deserve to have their genders as male and female be respected in ways that support their understanding of their own bodily autonomy. When a school board fails to engage with concerned parents and a district disregards a petition, we must turn to our elected representatives for help.

With construction set to begin soon, I urge you to support HB 1144 to prioritize our children's safety and privacy.

Thank you for your time and consideration, Kristina Sogge

Dear Chairman Beard and members of the Senate Education Committee,

I am writing to express my strong support for House Bill 1144, which seeks to clarify policies regarding restroom use and gender identity accommodations in North Dakota's public schools. This bill is essential to ensuring that schools maintain clear, fair, and transparent policies that respect biological distinctions while upholding parental rights.

House Bill 1144 provides necessary guidelines that:

- Ensure school restrooms and locker rooms remain designated based on biological sex, maintaining privacy and safety for all students.
- Require schools to work with parents or legal guardians to develop individual plans for transgender students, ensuring parental involvement in sensitive issues.
- Prohibit the withholding of information about a student's transgender status from their parents, reinforcing the importance of family involvement in a child's development.

This bill is not about discrimination but about creating policies that respect both students' rights and parental authority. By ensuring restrooms and locker rooms remain single-sex, HB 1144 upholds the privacy and security of students, particularly young girls. At the same time, it provides accommodations for transgender students in a way that includes parents in decision-making. This policy doesn't force bathrooms to be labeled, but I think that would make a great addition to this bill, labeling reinforces ideas at a young age of the distinction between two genders.

As a parent of three children, I believe this legislation strikes a fair balance between addressing the concerns of all students while maintaining order and clarity within schools. I urge you and the committee to vote in favor of HB 1144 and support its passage into law.

Thank you for your time and for your commitment to serving North Dakota's students and families. I appreciate your consideration of this important issue and your attention.

Sincerely, Andrew Sogge



Representing the Diocese of Fargo and the Diocese of Bismarck

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: Senate Education Committee **From:** David Tamisiea, Executive Director

Date: March 24, 2025

Re: HB 1144 — Enforcement of Transgender Accommodations in

Public Schools

The rule of law is a fundamental principle that refers to the notion that all individuals and institutions are subject to the law. It means that laws govern a political community, rather than arbitrary decisions by individuals or groups. As John Adams famously stated, "we are a government of laws, and not of men." Simply stated, no one is above the law.

House Bill 1144 is about following the rule of law. It seeks to amend Section 15.1-06.21 of the North Dakota Century Code by adding an enforcement mechanism and penalties for those who violate this law. This section of the North Dakota Century Code was enacted by North Dakota's 68th Legislative Assembly during the 2023 legislative session. It established common-sense and balanced rules regarding the use of preferred gender pronouns and restroom accommodations for transgender students in public schools. The original bill had a provision for suing a school district for violating the law, but it was taken out and never put back in.

After the law was passed in 2023, the Superintendent of the Fargo School District publicly defied the law and refused to comply with it. The spokeswoman for the District stated to news outlets that the Fargo public schools would continue to allow students to use the restroom that aligns with their gender identity. Because there was no enforcement mechanism in place, there was no evident consequence to the school district for breaking the law.

As this unfortunate incident makes clear, Section 15.1-06.21 needs an enforcement mechanism. We ask for a **DO PASS** recommendation on HB 1144.



Testimony in Support of House Bill 1144

Mark Jorritsma, Executive Director

North Dakota Family Alliance Legislative Action

March 24, 2025

Good morning Chairman Beard and honorable members of the Senate Education Committee, My name is Mark Jorritsma, and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1144 and respectfully request that you render a "DO PASS" on this bill.

Over the past few years, it has become apparent that schools, through ignorance, lack of motivation, or willful defiance, do not always follow recently enacted portions of the Century Code that apply to them. An obvious case of this latter situation was the statement by the Superintendent of the Fargo Public School District that they would not comply with portions of HB 1522 from last session, now enacted in §14-02.4-15.2 and §15.1-06-21 of our Century Code.

Sadly, it appears that further clarification and stipulations must be put into law to ensure school districts cannot openly defy North Dakota law. Further, it is clear from how things transpired in this situation, that there must be some consequence for this type of action. HB 1144 seeks to accomplish these objectives, therefore, North Dakota Family Alliance Legislative Action supports it.

What disturbs me is that significant work on HB 1522 last session was ignored by one of the largest school districts in the state. Those responsible for educating our children need to understand that laws are not merely suggestions, they are requirements. There are 141 of you in this body who have made a commitment to represent North Dakotans by creating laws that improve our quality of life and preserve our values. Let's ensure that happens.

For these reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on House Bill 1144. Thank you for the opportunity to testify and I'd be happy to stand for any questions.

HB 1144

Shaydora Todd

In Opposition

Chairman and Committee Members,

My name is Shaydora Todd, and for the past nine years, I have previously worked closely with at-risk youth, including those facing mental health challenges and members of the LGBTQ+ community, within both residential and school settings. In my experience, I have witnessed the positive impact of gender-neutral bathrooms, even in environments with highly vulnerable or troubled students. There are many reasons that this bill should be opposed including the latter. Unfortunately, this bill does not remove the already horrible law in North Dakota, but we must not make it worse.

I strongly urge you to vote *Do Not Pass* on HB 1144 for the following reasons:

1. Safety Concerns

This bill targets an already vulnerable population: transgender youth. In North Dakota, transgender youth make up just 1.7% of middle and high school students. Yet, this group faces disproportionately high rates of suicidality, bullying, and mental health challenges. Passing this bill will only further harm these young people by adding additional layers of discrimination and risk. To those who claim this bill is about protecting students' safety—where is the concern for the safety of trans youth, who are already at a heightened risk? These young people deserve our protection and empathy, not further marginalization (GLSEN, 2024).

2. Implementation Challenges

This bill's practical impact will be costly and time-consuming for our schools, especially those already invested in gender-inclusive solutions like floor-to-ceiling stalls. Rather than making schools safer, this bill will unnecessarily burden school districts, staff, and students. It could lead to and enforce invasive procedures for transgender students and force staff into uncomfortable positions that complicate their ability to foster a supportive and safe learning environment (GLSEN, 2024).

3. The Broader Impact

Considering the cost of finances and the emotional and mental toll on our students is crucial. We must ask ourselves: How can we justify taking steps that will cause harm to an already marginalized group to appease a more significant portion of the student

body? Transgender youth deserve the same level of safety, dignity, and respect as every other student.

Conclusion

I urge you to consider the lives of the 1.7% of students directly impacted by this bill and the financial strain it places on our schools and taxpayers. (Seidler, 2021) Voting *Do Not Pass* on HB 1144 is a critical step in protecting all students, including transgender youth, and fostering an environment of inclusion and safety for everyone.

Thank you for your time and for considering my testimony.

Sincerely, Shaydora Todd

elp

References

GLSEN (n.d.). *4 Big Problems With Anti-Trans Bathroom Bills – and How You Can Help*. Retrieved February 1, 2025, from https://www.glsen.org/blog/4-big-problems-anti-trans-bathroom-bills-and-how-you-can-h

Seidler, F. (2021). YRBS 2021 Complete LGBTQ+ Data Overview [Data set]. Faye Seidler https://www.fayeseidlerconsulting.com/uploads/1/4/0/2/140266850/yrbs_2021_complete lgbtq data overview.pdf

Chairman Beard and committee members

My name is Chaz Brobst. I come as a concerned citizen and advocate for LGBTQIA2S+ youth and individuals. I urge you to Do Not Pass HB 1144.

I have been out of school for 20 plus years. I went to a small rural school and was not openly "out." I didn't have words for what I felt at that time, I just knew I did not feel comfortable using the girl's bathroom. Because I felt uncomfortable, I would often go all day without using the restroom. Even more, I would often stay after school for FFA activities. Therefore, between the school day and after school activities, it was often 9 hours without using the bathroom during the day. This means that as a female, from a health standpoint, I was not taking good care of things that needed to be taken care of.

The locker room was a whole other issue. I enjoyed playing basketball, but because of being uncomfortable in the locker room, I only played basketball in elementary school for 1 year. The thought of changing and showering in the locker room gave me so much anxiety and fear. Even physical education class was a struggle. I would not shower after class and because I would not shower, I would not do anything that would make me get too sweaty. I hardly participated in anything we were doing.

Even now, I struggle with using the bathroom. Every time I need to use a restroom in public, I have the anxiety and fear build up as soon as I see a Women's Restroom and Men's Restroom sign. A decision has to be made in that moment. I do not feel like a Women's Restroom is the right one and neither does a men's restroom. No person should have such anxiety and fear to use something as basic as a bathroom. I do use a women's restroom, but I often get dirty, or questioning looks when walking in. There needs to be better options across the board.

Youth in school, who are supposed to be getting an education and preparing for their future, should not have to be overcome with fear and anxiety around using the restroom. A student that needs to use the restroom and is struggling with that feeling is not in a head space to be taking in the information that is being taught. Struggling with something as simple as using the restroom is preventing students from learning.

It is not only LGBTQIA2S+ students that would benefit from gender neutral bathrooms. From personal experience, I know at least two boys have been molested by fellow males in bathrooms and locker rooms. Any student that feels more comfortable using a more private area should have that right.

Gender neutral bathrooms are needed in all schools and public places. A bathroom that has full door stalls and a shared sink provides just as much privacy and even more privacy than a typical Girl's Bathroom or Boy's Bathroom. Locker rooms with private showers and dressing areas will benefit anyone that struggles with being in a group setting.

I have not seen anything saying that schools will be removing the Girl's and Boy's Bathrooms. If that is where your child is comfortable then great, they can use that bathroom. Having a gender-neutral bathroom makes using the bathroom for youth who just doesn't feel like either bathroom fits for them or those students that are just more comfortable using a more private bathroom.

Let's make our schools more about educating students and not about causing anxiety and fear around using the bathroom.

I urge you to Do Not Pass HB 1144.

Chaz Brobst Bismarck, ND Members of the Committee, I want to come before you today to urge a DO NOT PASS on HB 1144. It pains me to see how we as a society have let fear, intolerance and misinformation direct our policies in ways that are so damaging to people who are already marginalized. We pretend it is to OprotectO our students, but the lack of protection for transgendered or gender non-conforming individuals speaks volumes on what is really motivating these laws. The people our daughters need to fear in restrooms, schools, churches and the community are not transgendered individuals. Statistically speaking, females are at risk from cis-gendered males at an alarming rate. Unfortunately, we donÕt seem to want to address the true threat to our children; instead we identify the Ôboogey manÓ as transgendered individuals and pretend that by limiting their access to restrooms, we are protecting our children. What we are actually doing is supporting an environment of hostility that supports bullying and violence. Additionally, the restrictions placed upon teachers and schools in terms of using the pronouns preferred by the student remains another area of lack of compassion and empathy for these students. And why? Why do we continue to try to make life more difficult for people who are already marginalized by society and are just trying to live their best, authentic life. I wonder what would happen if each of us would take the time to visit with and really get to know a transgendered or gender non-conforming individual. I challenge each of you to do so. I like to believe we would then be able to stand before them with open arms and an open heart, and walk beside them on this often difficult journey of life. I urge you to acknowledge the personhood of all of our students and vote DO NOT PASS on HB 1144. Thank you for your time. Peggy Stenehjem-TitusFargo, ND



Great Public Schools

Great Public Service

Testimony Before the Senate Education Committee HB 1144 Monday, March 24, 2025

Chairman Beard and members of the Committee, I am Nick Archuleta, and I am the president of North Dakota United. I appear before you today in opposition to HB 1144 and to urge a *do not pass* recommendation for this piece of legislation.

Members of the Committee, HB 1144 represents an extreme solution to a problem that does not exist. In so doing, this legislation usurps the authority of local school boards and, if passed, may force school districts across the state to incur tens of millions of dollars in renovation expenses. In West Fargo alone, that cost could be over \$8M.

Mr. Chairman, I do not say that this legislation is unnecessary lightly. I am simply agreeing with what House Majority Leader Mike Lefor stated on the floor of the House when the author of HB 1144 tried in vain to seek a vote on a version of this bill during 2023's special session. The Majority Leader said, as recounted in an October 24, 2023, column by Rob Port, "This matter should be handled locally,' he said, mentioning that he had contacted the state Department of Public Instruction to inquire about what the process would be for a school official, or school district, out of compliance with the law. He said a complaint would have to be filed, at which point DPI would investigate and potentially instruct local law enforcement and local prosecutors to enforce the law. 'DPI has not received a complaint' about Fargo's noncompliance, he said."

At ND United, we agree with the Majority Leader. To the best of my knowledge, Mr. Chairman and members of the Committee, DPI has still not received such a complaint. What the Majority Leader outlined indicates that there already exists a means by which those who are not compliant with the law can be held accountable, thus rendering HB 1144 redundant and unnecessary. In addition, the amendments to the bill regarding bathroom design are decisions better left to the local school boards. As for involving the Attorney

General's office in these matters without allocating the requisite resources to conduct investigations, HB 1144 would potentially pull AG staff from the important work they do each day.

Mr. Chairman, this legislature should resist the temptation to further marginalize transgender children. Rather, the legislature and our state are better served by helping our schools promote safe and welcoming school cultures where all of North Dakota's kids can follow their dreams and prepare to be responsible members of our communities.

For these reasons, Chairman Beard, and members of the Committee, I urge a *do not pass* for HB 1144.



1224 West Owens Avenue Bismarck ND 58501 1-800-932-8791 • (701)255-4127 www.ndsba.org

HB 1144 Testimony of Amy De Kok Senate Education Committee March 24, 2025

Chairman Beard and members of the Senate Education Committee, my name is Amy De Kok, and I am the Executive Director for the North Dakota School Boards Association (NDSBA). NDSBA represents all 168 public school districts and their governing boards. I am here in opposition to HB 1144, specifically the provision that prohibits a restroom for males and a restroom for females from being located together with a communal sink or communal area where students enter and exit individual stalls or rooms.

Across North Dakota, many schools—particularly elementary schools—utilize restroom designs that feature communal handwashing areas outside of individual stalls or rooms separated by gender. This design is not only common but also serves important functional, financial, and safety purposes.

Financial Burden on Schools

Reconfiguring and reconstructing these restroom facilities to comply with HB 1144 would impose an extreme financial burden on school districts. The cost of compliance would be in the hundreds of millions of dollars, as it would require significant structural modifications, including:

- Demolishing and reconstructing existing restroom facilities.
- Expanding floor plans to accommodate separate enclosed restrooms for both genders.
- Addressing plumbing and ventilation issues resulting from such renovations.

For many districts, particularly rural schools, these costs would be prohibitive and could divert critical funding away from educational resources, teacher salaries, and student programming.

Safety and Supervision Concerns

The current design of communal sink areas allows for better supervision by school staff, ensuring student safety and discouraging misconduct. By requiring fully enclosed and separate restrooms, this bill could inadvertently reduce oversight and increase opportunities for bullying or other inappropriate behavior in unsupervised spaces.

Lack of Justification for Structural Overhaul

There has been no demonstrated necessity to eliminate communal sink areas in schools. These designs have been successfully implemented for decades, providing efficient and sanitary restroom facilities for students. The proposed change would create logistical and financial challenges without clear benefits.

For these reasons, I urge you to oppose HB 1144 and its restroom design mandate. Schools across North Dakota should not be forced to allocate enormous resources toward unnecessary construction projects when those funds could be better used to support students and educators.

Thank you for your time and consideration.



Dear Chair of Senate Education and Committee Members,

I urge a 'Do Not Pass' on HB 1144. This bill attempts to fix a nonexistent problem and only creates new problems for our school districts. The bill imposes limitations on architectural designs, privacy, and creates new expenses for our school districts that need to redesign and rebuild parts of their schools. All of this additional burden being placed on our school systems at the same time as the Dept. of Education is being cut, and the legislators of North Dakota debate cutting property taxes, further reducing the avenues for covering expenses in our districts.

This bill introduces these new challenges and limitations on our districts are only the means to one end: To further oppress and stigmatize the LGBTQ+ community. 'Bathroom Bills' that have been passed in other states have resulted in harm to students and the economy of those states.

The contemporary architectural style that has individual stalls is beneficial for all of our students, whether or not they are trans. In particular I would like to point out the restrictive nature of Mens/Boys restrooms. Upon entering these bathrooms you are sometimes faced with the limitation of only having one or two actual toilets, as we have chosen to instead just build urinals where actual toilets could be. This decision limits the capabilities of men's rooms as the options for doing a #2 are reduced. Ironically, this bill is not just anti-trans and anti-privacy, it's actually anti-men.

In closing, I request that you respect everybodies privacy when it comes to our bathrooms and respect our school districts decisions to build their bathrooms in equitable and efficient designs.

Please vote 'Do Not Pass' on HB 1144.

Thank you for your civil service to our state.

Sincerely,
Dalton Erickson
Executive Director
North Dakota Human Rights Coalition

Members of the Committee, I want to come before you today to urge a DO NOT PASS on HB 1144. It pains me to see how we as a society have let fear, intolerance and misinformation direct our policies in ways that are so damaging to people who are already marginalized. We pretend it is to OprotectO our students, but the lack of protection for transgendered or gender non-conforming individuals speaks volumes on what is really motivating these laws. The people our daughters need to fear in restrooms, schools, churches and the community are not transgendered individuals. Statistically speaking, females are at risk from cis-gendered males at an alarming rate. Unfortunately, we donÕt seem to want to address the true threat to our children; instead we identify the Ôboogey manÓ as transgendered individuals and pretend that by limiting their access to restrooms, we are protecting our children. What we are actually doing is supporting an environment of hostility that supports bullying and violence. Additionally, the restrictions placed upon teachers and schools in terms of using the pronouns preferred by the student remains another area of lack of compassion and empathy for these students. And why? Why do we continue to try to make life more difficult for people who are already marginalized by society and are just trying to live their best, authentic life. I wonder what would happen if each of us would take the time to visit with and really get to know a transgendered or gender non-conforming individual. I challenge each of you to do so. I like to believe we would then be able to stand before them with open arms and an open heart, and walk beside them on this often difficult journey of life. I urge you to acknowledge the personhood of all of our students and vote DO NOT PASS on HB 1144. Thank you for your time. Peggy Stenehjem-TitusFargo, ND

Senate Education Committee HB 1144 - Testimony in Opposition March 24, 2025

Members of the Committee,

I am writing in opposition to HB 1144. As a public educator who works in a brand-new school this year, I see first-hand the benefits of the single-stall bathrooms. Students are provided better security, privacy, and comfort than traditional multi-stall bathrooms. Students who would often avoid the old restrooms all day, are now given another option at school and do not have to wait until they get home at the end of the day. Remodeling these newly-constructed restrooms would cost the school—and taxpayers—needless wasted dollars. If students are not comfortable with the single-stall restrooms, they are able to use several other "traditional" school restrooms within the building.

Maybe some of our lawmakers need to go back to school and actually see for themselves what is benefitting and hurting our students. I guarantee you will find more pressing issues than bathrooms. Let's stop wasting time on these non-serious bills that only seek to discriminate against and attack our LGBTQ students. They end up hurting all students. I urge you to vote NO on HB 1144.

Thank you, Shannon Krueger District 3 Minot, ND

- 1 Testimony in Opposition to HB 1144
- 2 Submitted by Darin Scherr
- 3 Business and Operations Manager, Bismarck Public School District.
- 4 My name is Darin Scherr, and I serve as the Business and Operations Manager for
- 5 Bismarck Public Schools (BPS). I am submitting this testimony in opposition to
- 6 House Bill 1144, which would impose new mandates related to restroom
- 7 accommodations in public schools.
- 8 Bismarck Public Schools is committed to maintaining safe and functional facilities
- 9 that serve the practical needs of our students. HB 1144 would create unintended and
- 10 costly challenges for school districts across North Dakota, including BPS.
- 11 Currently, Bismarck Public Schools utilizes shared handwashing stations located
- outside of restrooms, which serve both boys and girls. This design has proven
- effective for both hygiene and supervision purposes. In addition, in many older
- schools at the primary grade levels, we have single bathrooms with handwashing
- 15 located in the classroom. Currently HB 1144 would prohibit restrooms of different
- 16 designations from sharing a communal area.
- 17 Enforcing such a restriction would require significant, unnecessary renovations to
- existing facilities not to improve student safety or well-being, but simply to meet
- 19 a new, rigid configuration that does not reflect the practical realities of our schools.
- 20 In summary, Bismarck Public Schools respectfully urges the committee to oppose
- 21 HB 1144. It would require costly modifications to existing functional facilities.
- Thank you for the opportunity to share our perspective.



Testimony on HB 1144 National Association of Social Workers – North Dakota Chapter Senate Education Committee March 24, 2025

Chairman Beard and Members of the Senate Education Committee:

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) strongly urges the Senate to **reject HB 1144**. This bill represents an overreach by the government and threatens to undermine the rights and well-being of transgender and gender-nonconforming youth, directly opposing the core values of respect, dignity, and equality that should be afforded to all children.

HB 1144 is discriminatory and harmful to transgender and gender-nonconforming youth. It restricts their access to school facilities that match their gender identity, which further marginalizes an already vulnerable group. These harmful policies have long-lasting effects on their mental health. According to The Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health, nearly 80% of transgender and nonbinary youth report experiencing discrimination. This discrimination leads to severe emotional distress, contributing to higher rates of **depression**, **anxiety**, **and suicidal thoughts**.

Every child deserves to attend school in an environment where they are respected, supported, and able to thrive. Denying transgender and gender nonconforming students the recognition of their identities, including the use of their preferred pronouns and access to gender-appropriate facilities, is not only harmful but detrimental to their emotional and mental well-being. Research consistently shows that when students are affirmed in their identities, they experience greater safety, belonging, and overall well-being. In contrast, policies like HB 1144 foster feelings of rejection, isolation, and distress, which can have long-term effects on a child's emotional health.

Schools should be places where all children, regardless of their gender identity, feel valued and can learn without fear of exclusion or discrimination. Policies promoting inclusion, respect, and support are essential for the mental and emotional health of all students.

NASW-ND calls on the Senate to vote **DO NOT PASS on HB 1144.** This bill infringes on the constitutional rights of all students, and its provisions will only deepen the discrimination and marginalization that transgender and gender-nonconforming youth already face. We urge lawmakers to prioritize policies that uphold the rights, dignity, and well-being of all children, ensuring that every student has access to a safe and inclusive learning environment where they can thrive.

Respectfully,

North Dakota Chapter of the National Association of Social Workers

The Trevor Project. (2022). 2022 National Survey on LGBTQ Youth Mental Health.



North Dakota House of Representatives

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



Representative Kathy Frelich

District 15 8827 54th St. NE Devils Lake, ND 58301 kfrelich@ndlegis.gov

COMMITTEES:

Vice Chair Human Services Transportation

Senator Beard and Members of the Education Committee,

My name is Kathy Frelich, and I have the privilege of representing District 15, which encompasses my hometown of Devils Lake and the area North, all the way to the Canadian border. I'm here to walk you through some proposed amendments and explain some of the amendments that were introduced in the House Committee.

First, the House Committee removed the Emergency Clause from the Bill. That had been Section 2 of the Bill. In speaking with the Bill sponsor, it was explained this Bill was first drafted for our 2023 Special Session, in response to claims made by certain administrative staff saying they would not comply with House Bill 1522 which passed in the Regular Session earlier that year. Since this specific situation has resolved itself, the Emergency clause seemed unnecessary.

The purpose of the Bill was Section 1 subsection 6, which included a penalty. And although the House Committee didn't feel the Emergency Clause was needed, we did agree with the need for recourse and consequence. However, during our House Committee meeting, we heard testimony from the Attorney General's office in opposition to this section of the Bill. As they read it, they believed it suggested a need to investigate all the schools in ND. In speaking with the Bill sponsor, and understanding this was not his intention, I asked Legislative Council to draft a clarifying amendment, and it was adopted.

I spoke to a representative from the AG's after the House passage, to see if they had any further concerns. They were happy with the amendment but suggested a further amendment to include a new subsection 6 which includes language stating a parent should first seek to address concerns within the school district, prior to taking the concern to the AG's office. This may have been understood, but I feel it certainly would be good to state this in Code.

Next is Subsection 4. First, I'll explain why the section was included and then I'll explain why the further amendments are before you today. In my hometown, we passed a bond referendum for a school renovation, to both accommodate student enrollment but also to meet some of the most serious building flaws and disrepair. The goal was to get our buildings up-to-date with current accessibility and safety requirements. The vote came in at 63.5% in favor, which

amounted to 1103 votes. I believe our Superintendent did an excellent job of meeting with the citizens and explaining his concerns. A subcommittee of sorts was brought together to discuss the plans. However, when plans were clarified, it was noticed by parents that we were looking at gender neutral bathrooms with communal sinks. A petition was started to bring forward community awareness and it was signed by 900 people by the time it was presented to the School Board. I am here today to represent the concern of these constituents. These are not just minor concerns; they are about the fundamental right to privacy and dignity.

Although school administration indicates the bathroom design is to prevent bullying, I think some believe it is directly due to accommodations of transgender students. Regardless of the intent, my purpose here today is to stand in strong support of the women and girls using these restrooms. I stand here today not to oppose the inclusion of accommodations for transgender students—House Bill 1522 already ensures those students are respected and provided for, in private spaces, as you can see in subsection 2. This Bill does not seek to undermine those protections. Instead, I stand to protect the privacy of girls. This isn't about excluding anyone—it's about maintaining the integrity of spaces that have historically been designated for women and girls; spaces where privacy should be paramount.

It seems to me; females are always the ones to pay the price when accommodations are made. I argue that restrooms, including the sink area, should be considered an intimate space. I would like to quote from our President's Executive order of January 20th. In Section 4 subsection d, it states "Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females are designated by sex and not identity". I would just highlight that it states intimate space and not restroom.

Lastly, I am introducing a further amendment to "grandfather" in existing schools. This was a concern brought up on the House floor and one we hadn't completely vetted in our Committee. I don't believe any of us understood how many schools have adopted this new design. We cannot, in good conscience, force taxpayers to bear the financial burden of retrofitting schools that have already made significant investments in their facilities. The Bill should reflect a practical approach—one that respects existing facilities and doesn't impose unnecessary costs on taxpayers, but also seeks to create a clear plan going forward.

We need to take a step back, see if accommodations have gone too far, and err on the side of privacy and protection for all students. Keep in mind less than 4% of our students identify as transgender whereas 50% of our students are female. They also deserve privacy and respect.

Included in this amendment is an exclusion for young children, as this was never the purpose of the Bill, and one can clearly recognize the benefit of having communal sinks where teachers can instruct on proper hand washing and hygiene.

I would urge this Committee to really consider how we want bathrooms to look in our schools going forward. We make laws to protect our children, and we do not leave the protection of our children up to "local control." This is a Bill which guarantees personal privacy for girls, and I urge the committee to adopt the amendments and give HB 1144 a Do Pass recommendation.

Thank you and I'll stand for questions.

25.0440.04003 Title. Prepared by the Legislative Council staff for Representative Frelich
March 14, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

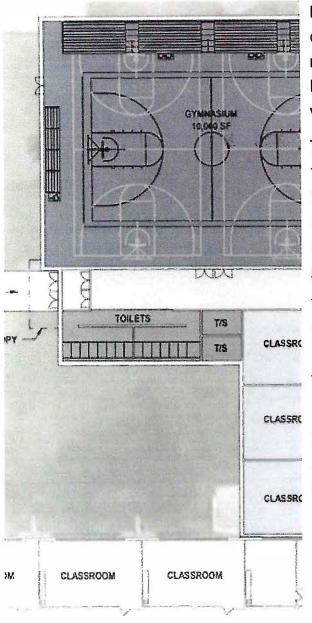
- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations Restroom use Enforcement -
- 8 Penalty.
- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall or
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

Page No. 1

т,		males and a restroom for females may not be located together with a communal sink
2		or communal area where students enter and exit an individual stall or room. This
3		subsection does not apply to restrooms for students in preschool through grade four or
4		a restroom or shower room in existence on July 1, 2025.
5	<u>5.</u>	Unless otherwise required by law, a school district, public school, or public school
6		teacher may not:
7		a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular
8		student's transgender status without approval from the student's parent or legal
9		guardian; or
10		b. Withhold or conceal information about a student's transgender status from the
11		student's parent or legal guardian.
12	<u>6.</u>	The parent of a student in a school district may submit a complaint to the atterney
13		generalschool district, in the manner prescribed by the attorney generalschool district
14		policy, if the school district appears to the parent to be violating this section.
15	<u>7.</u>	After the parent has made a complaint under subsection 6, if it appears to the parent
16		the school district is violating this section, the parent may submit a complaint to the
17		attorney general, in the manner prescribed by the attorney general.
18	8	Upon receipt of a complaint under subsection 67, the attorney general shall enforce
19		this section and may conduct investigations by:
20		a. Examining under oath any individual responsible for an alleged violation of this
21		section.
22		b. Issuing subpoenas.
23		c. Applying to a district court for an order enforcing the subpoena or other
24	ř	investigation demand.
25	<u>8.9.</u>	For a violation of this section, the attorney general may seek and obtain a declaratory
26		judgment or injunction in district court which prohibits the board of a school district, a
27	Ī.	public school, or a public school teacher from continuing the unlawful practice.
28	9. 10.	The court may assess a civil penalty in an amount not to exceed two thousand five
29		hundred dollars for each violation of this section.
30	<u> 10.</u>	If a school had the number of toilets per students required by the state plumbing board
31		on January 1, 2025, and modifying the designation of a gender neutral restroom to an

Sixty-ninth Legislative Assembly

1	exclusively male or exclusively female restroom to comply with this section causes the
2	school to be out of compliance with the required toilet to student ratio of the state-
3	plumbing board, the school is exempt from that requirement.



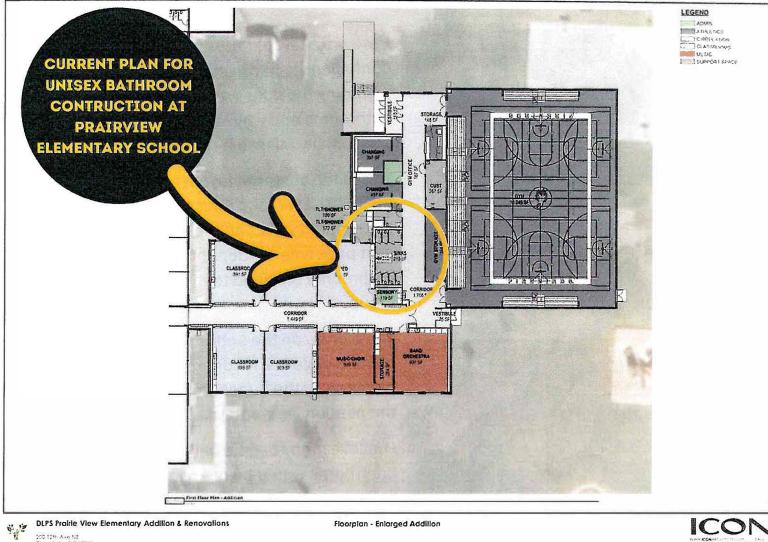
Here are a few pictures to explain the confusion we had in our District regarding the building plans for the bathrooms and why I think the concern was initially missed by parents.

This is the blueprint layout that was on the District website prior to the referendum vote. The top picture on the next page was a blueprint of the bathrooms provided to the working group.

The picture on the bottom of the second page is a rendering which was provided by the Superintendent after the petition was started.

bathrooms would be open to the hallway, but still divided into two sides; one side for males and one for females.





200 17th Ave NE Devil Lake, NO 58301





Testimony in Opposition to HB 1144

Presented by Levi Bachmeier, Business Manager, on behalf of Beth Slette, Superintendent, West Fargo Public Schools

Chairman Beard and Members of the Senate Education Committee,

Thank you for the opportunity to provide testimony in opposition to HB 1144. As the superintendent of West Fargo Public Schools, I want to highlight the significant and harmful impact this bill would have on our district's school facilities, student safety, privacy, and financial resources.

West Fargo Public Schools has intentionally implemented single-stall, all-user restrooms in several of our schools because they provide greater privacy, stronger supervision, and improved safety for all learners. At Eastwood Elementary, for example, the addition of these restrooms in 2020 has led to a noticeable reduction in behavioral issues. Teachers report that during whole-class bathroom breaks, they can more effectively supervise learners, reducing misbehavior.

Additionally, all communal handwashing areas are monitored by security cameras, and many restrooms have cameras positioned outside their entrances to allow for quick identification and intervention if issues arise. This setup has been instrumental in ensuring accountability, addressing misconduct, and preventing escalation of conflicts.

As the superintendent of West Fargo Public Schools, my top priority is ensuring the safety of all learners. If HB 1144 passes, it will take away one of the most effective ways I have to ensure school safety. Instead of improving security, it will force our district to return to multi-stall restrooms—environments that have historically seen increased bullying, fights, vandalism, and other safety concerns. This bill does not protect learners—it does the opposite.

Multi-stall restrooms have long been a challenge in schools due to the lack of adult supervision inside. Behavior logs from multiple schools in West Fargo illustrate the frequent disruptions, safety risks, and disciplinary incidents that occur in traditional multi-stall restrooms. These include:

- Vaping and drug use: Students have been caught vaping nicotine and marijuana in multistall bathrooms across middle and high schools, often requiring disciplinary action and law enforcement involvement.
- Physical altercations: Multiple fights have taken place in multi-stall restrooms, including pre-planned fights arranged on social media, contributing to an unsafe environment.
- Inappropriate behavior: Incidents have occurred where students peeked over bathroom stalls and took pictures of learners using the toilet. These are serious privacy and safety concerns for all learners.

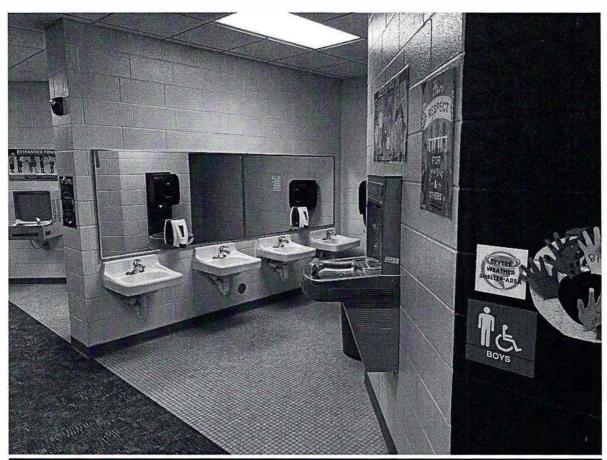
These problems are significantly reduced in schools that have adopted single-stall restrooms with communal handwashing stations. Unlike multi-stall restrooms, where misconduct can occur out of sight, single-stall restrooms eliminate the opportunity for group misbehavior, ensuring that learners use the facilities appropriately and return to class promptly.

According to a recent survey of our school principals, West Fargo Public Schools currently has 10 schools with single-stall restrooms that open into a shared handwashing station, and the 2025 referendum includes \$4.95 million in funding to renovate restrooms at 13 additional sites to follow this same design. If HB 1144 becomes law, our district will need to modify these spaces to comply with the new requirements—changes that come at significant financial cost to taxpayers. In some buildings, this would mean reconfiguring the layout of single-stall restrooms and relocating handwashing stations to ensure compliance. These renovations would not improve safety or learning environments; they would simply be costly, disruptive, and unnecessary.

HB 1144 does not enhance student safety or privacy. Instead, it creates unfunded mandates that force districts to spend millions of dollars undoing restroom designs that have proven to reduce behavior issues, improve supervision, and increase privacy.

I urge the committee to oppose HB 1144 and allow school districts to continue making facility decisions based on safety, privacy, and educational best practices—not restrictive, costly mandates.

Thank you for your time and consideration.





2025 SENATE STANDING COMMITTEE MINUTES

Education Committee

Room JW216, State Capitol

HB 1144 4/8/2025

Relating to transgender student accommodations and restroom use in public schools; and to provide a penalty.

9:28 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Discussion Topics:

- Change for a certain population
- Restroom use enforcement
- Original version of bill
- Designs changing/evolving

9:28 a.m. Chairman Beard opened the hearing up with discussion on proposed amendment testimony #44774.

9:33 a.m. Representative Tveit, District #33, answered questions from the committee.

9:51 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.0440.04003 Title. Prepared by the Legislative Council staff for Representative Frelich
March 14, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is
- 6 amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations Restroom use Enforcement -
- 8 Penalty.
- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- 3. A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall or
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

1		males and a restroom for females may not be located together with a communal sink		
2		or communal area where students enter and exit an individual stall or room. This		
3		subsection does not apply to restrooms for students in preschool through grade four or		
4		a restroom or shower room in existence on July 1, 2025.		
5	<u>5.</u>	Unless otherwise required by law, a school district, public school, or public school		
6		teacher may not:		
7		a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular		
8		student's transgender status without approval from the student's parent or legal		
9		guardian; or		
10		b. Withhold or conceal information about a student's transgender status from the		
11		student's parent or legal guardian.		
12	<u>6.</u>	The parent of a student in a school district may submit a complaint to the atterney-		
13		generalschool district, in the manner prescribed by the attorney generalschool district		
14		policy, if the school district appears to the parent to be violating this section.		
15	<u>7.</u>	After the parent has made a complaint under subsection 6, if it appears to the parent		
16		the school district is violating this section, the parent may submit a complaint to the		
17		attorney general, in the manner prescribed by the attorney general.		
18	8.	Upon receipt of a complaint under subsection 67, the attorney general shall enforce		
19		this section and may conduct investigations by:		
20		a. Examining under oath any individual responsible for an alleged violation of this		
21		section.		
22		b. Issuing subpoenas.		
23		c. Applying to a district court for an order enforcing the subpoena or other		
24	ř	investigation demand.		
25	<u>8.9.</u>	For a violation of this section, the attorney general may seek and obtain a declaratory		
26		judgment or injunction in district court which prohibits the board of a school district, a		
27		public school, or a public school teacher from continuing the unlawful practice.		
28	9. 10.	The court may assess a civil penalty in an amount not to exceed two thousand five		
29		hundred dollars for each violation of this section.		
30	<u> 10.</u>	If a school had the number of toilets per students required by the state plumbing board		
31		on January 1, 2025, and modifying the designation of a gender neutral restroom to an		

Sixty-ninth Legislative Assembly

1	exclusively male or exclusively female restroom to comply with this section causes the
2	school to be out of compliance with the required toilet to student ratio of the state-
3	plumbing board, the school is exempt from that requirement.

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee

Room JW216, State Capitol

HB 1144 4/9/2025

Relating to transgender student accommodations and restroom use in public schools; and to provide a penalty.

9:12 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Discussion Topics:

- Original version of bill
- 9:14 a.m. Chairman Beard opened the hearing up for discussion.
- 9:16 a.m. Senator Boschee moved to amend back to the original version of the bill LC #25.0440.04004.
- 9:16 a.m. Senator Wobbema seconded the motion.

Senators	Vote
Senator Todd Beard	Υ
Senator Randy D. Lemm	Υ
Senator Michelle Axtman	Υ
Senator Josh Boschee	Υ
Senator Justin Gerhardt	Υ
Senator Mike Wobbema	Υ

Motion Passed 6-0-0

- 9:20 a.m. Senator Lemm moved Do Pass as amended.
- 9:20 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Todd Beard	Υ
Senator Randy D. Lemm	Υ
Senator Michelle Axtman	Υ
Senator Josh Boschee	N
Senator Justin Gerhardt	Υ
Senator Mike Wobbema	Υ

Motion Passed 5-1-0

Senator Lemm will carry the bill.

Senate Education Committee HB 1144 4/09/2025 Page 2

9:23 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.0440.04004 Title.05000 Adopted by the Senate Education Committee

April 9, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT



ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty; and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations Restroom use Enforcement -
- 8 Penalty.
- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall er
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

1		males and a restroom for females may not be located together with a communal sink		
2		or communal area where students enter and exit an individual stall or room.		
3	<u>5.</u>	Unless otherwise required by law, a school district, public school, or public school		
4		teacher may not:		
5		a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular		
6		student's transgender status without approval from the student's parent or legal		
7		guardian; or		
8		b. Withhold or conceal information about a student's transgender status from the		
9		student's parent or legal guardian.		
10	<u>6.</u>	The parent of a student in a school district may submit a complaint to the attorney		
11		general, in the manner prescribed by the attorney general, if the school district		
12		appears to the parent to be violating this section.		
13	<u> </u>	Upon receipt of a complaint under subsection 6, the The attorney general shall enforce		
14		this section and may conduct investigations by:		
15		a. Examining under oath any individual responsible for an alleged violation of this		
16		section.		
17		b. Issuing subpoenas.		
18		c. Applying to a district court for an order enforcing the subpoena or other		
19	6	investigation demand.		
20	8. 7.	For a violation of this section, the attorney general may seek and obtain a declaratory		
21		judgment or injunction in district court which prohibits the board of a school district, a		
22	ř(public school, or a public school teacher from continuing the unlawful practice.		
23	<u>9.8.</u>	The court may assess a civil penalty in an amount not to exceed two thousand five		
24	S	hundred dollars for each violation of this section.		
25	<u> 10.</u>	If a school had the number of toilets per students required by the state plumbing board		
26		on January 1, 2025, and modifying the designation of a gender neutral restroom to an		
27		exclusively male or exclusively female restroom to comply with this section causes the		
28		school to be out of compliance with the required toilet to student ratio of the state		
29		plumbing board, the school is exempt from that requirement.		
30	SEC	CTION 2 EMERGENCY This Act is declared to be an emergency measure		

Module ID: s_stcomrep_58_005 Carrier: Lemm Insert LC: 25.0440.04004 Title: 05000

REPORT OF STANDING COMMITTEE ENGROSSED HB 1144

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** (25.0440.04004) and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1144 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 CONFERENCE COMMITTEE

HB 1144

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee

Pioneer Room, State Capitol

HB 1144 4/22/2025 Conference Committee

Relating to transgender student accommodations and restroom use in public schools.

3:32 p.m. Madame Chair Rohr opened the meeting.

Members Present: Madame Chair Rohr, Representatives Frelich, Fegley, Senators Lemm, Gerhardt, Boschee

Discussion Topics:

- Grandfather clause
- Intent of the bill
- 3:32 p.m. Senator Lemm discussed the Senate's Amendment.
- 3:36 p.m. Representative Frelich proposed amendments relating to a grandfather clause, #45138.
- 3:54 p.m. Representative Tveit, District 33, testified and answered questions.
- 4:00 p.m. Madame Chair Rohr adjourned the meeting.

Jackson Toman, Committee Clerk

25.0440.04005 Title. Prepared by the Legislative Council staff for Representative Frelich April 22, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

In place of amendment (25.0440.04004) adopted by the Senate, Engrossed House Bill No. 1144 is amended by amendment (25.0440.04005) as follows:

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations <u>- Restroom use Enforcement -</u>
- 8 Penalty.

5

6

- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall or
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

1	males and a restroom for females may not be located together with a communal sink		
2		or co	ommunal area where students enter and exit an individual stall or room. This
3		subs	section does not apply:
4		<u>a.</u>	To a restroom or shower room in existence on July 1, 2025.
5		b.	If a student requires an accommodation under the federal Individuals with
6			Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the
7			federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with
8			Disabilities Act [42 U.S.C. 12131 et seq.], or other law which would otherwise
9			violate this subsection.
10	<u>5.</u>	Unle	ess otherwise required by law, a school district, public school, or public school
11		teac	her may not:
12		a.	Adopt a policy or guidelines, whether implicit or explicit, concerning a particular
13			student's transgender status without approval from the student's parent or legal
14			guardian; or
15		b.	Withhold or conceal information about a student's transgender status from the
16	1		student's parent or legal guardian.
17	<u>6.</u>	<u>The</u>	parent of a student in a school district may submit a complaint to the attorney
18		gene	eralschool district, in the manner prescribed by the attorney generalschool district
19		polic	cy, if the school district appears to the parent to be violating this section.
20	<u>7.</u>	<u>Afte</u>	r the parent has made a complaint under subsection 6, if it appears to the parent
21		the s	school district is violating this section, the parent may submit a complaint to the
22		attor	ney general.
23	8.	Upo	n receipt of a complaint under subsection 67, the attorney general shall enforce
24		this	section and may conduct investigations by:
25		<u>a.</u>	Examining under oath any individual responsible for an alleged violation of this
26			section.
27		<u>b.</u>	Issuing subpoenas.
28		<u>C.</u>	Applying to a district court for an order enforcing the subpoena or other
29			investigation demand.

plumbing board, the school is exempt from that requirement.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee

Pioneer Room, State Capitol

HB 1144 4/23/2025 Conference Committee

Relating to transgender student accommodations and restroom use in public schools.

11:03 a.m. Madame Chair Rohr opened the meeting.

Members Present: Madame Chair Rohr, Representatives Frelich, Fegley, Senators Lemm, Gerhardt, Boschee

Discussion Topics:

- Designations for restrooms
- Grandfather clause
- A new subsection for redesignation
- School-sponsored events
- 11:03 a.m. Representative Frelich introduced the 25.0440.04007 amendment, #45154.
- 11:08 a.m. Liz Fordahl, Legislative Council, testified and answered questions.
- 11:24 a.m. Representative Frelich moved amendments relating to designations of restroom, grandfather clause, a new subsection, and redefining exceptions to the bill, in place of the Senate Amendment.
- 11:24 a.m. Senator Gerhardt seconded the motion.
- 11:24 a.m. Motion passed 6-0-0.

Representative Frelich and Senator Lemm will carry the bill.

11:25 a.m. Madame Chair Rohr adjourned the meeting.

Jackson Toman, Committee Clerk

April 23, 2025



Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston, Clemens

In place of amendment (25.0440.04004) adopted by the Senate, Engrossed House Bill No. 1144 is amended by amendment (25.0440.04008) as follows:

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty; and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations Restroom use Enforcement -

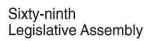
8 Penalty.

9

10

11

- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- 3. A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall er
 multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for





1		mal	es and a restroom for females may not be located together with a communal sink	
2		or c	communal area where students enter and exit an individual stall or room. This	
3		subsection does not apply to a restroom in existence on July 1, 2025.		
4	<u>5.</u>	Not	withstanding subsection 4:	
5		a.	An individual may use a restroom in accordance with the federal Individuals with	
6			Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the	
7			federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with	
8			Disabilities Act [42 U.S.C. 12131 et seq.]; and	
9		b.	A public school may change the designation of a restroom or shower room from	
10			one designated sex to the other designated sex to accommodate a school-	
11			sponsored event.	
12	6.	_Unl	ess otherwise required by law, a school district, public school, or public school	
13		tead	cher may not:	
14		a.	Adopt a policy or guidelines, whether implicit or explicit, concerning a particular	
15			student's transgender status without approval from the student's parent or legal	
16			guardian; or	
17		b.	Withhold or conceal information about a student's transgender status from the	
18	E		student's parent or legal guardian.	
19	<u>6.7.</u>	The	parent of a student in a school district may submit a complaint to the attorney	
20		gen	eralschool district, in the manner prescribed by the attorney generalschool district	
21		poli	cy, if the school district appears to the parent to be violating this section.	
22	7. 8.	Afte	er the parent has made a complaint under subsection 7, if it appears to the parent	
23		the	school district is violating this section, the parent may submit a complaint to the	
24		atto	rney general.	
25	9.	Upo	on receipt of a complaint under subsection 68, the attorney general shall enforce	
26		<u>this</u>	section and may conduct investigations by:	
27		<u>a.</u>	Examining under oath any individual responsible for an alleged violation of this	
28			section.	
29		<u>b.</u>	Issuing subpoenas.	
30		<u>C.</u>	Applying to a district court for an order enforcing the subpoena or other	
31			investigation demand.	





1	<u>8.10.</u>	For a violation of this section, the attorney general may seek and obtain a declaratory
2		judgment or injunction in district court which prohibits the board of a school district, a
3	r	public school, or a public school teacher from continuing the unlawful practice.
4	9.11 .	The court may assess a civil penalty in an amount not to exceed two thousand five
5		hundred dollars for each violation of this section.
6	<u>10.</u>	If a school had the number of toilets per students required by the state plumbing board
7		on January 1, 2025, and modifying the designation of a gender neutral restroom to an
8		exclusively male or exclusively female restroom to comply with this section causes the
9		school to be out of compliance with the required toilet to student ratio of the state
10	Mesonological	plumbing board, the school is exempt from that requirement.
11	SEC	CTION 2 EMERGENCY This Act is declared to be an emergency measure

HB 1144 042325 1125 AM Roll Call Vote

Final Recommendation

HB 1144

Date Submitted: April 23, 2025, 11:25 a.m.

Recommendation: In Place Of
Amendment LC #: 25.0440.04008

Engrossed LC #: N/A

Description:

Motioned By: Frelich, Kathy Seconded By: Gerhardt, Justin House Carrier: Frelich, Kathy Senate Carrier: Lemm, Randy D.

Emergency Clause: None Vote Results: 6 - 0 - 0

Rep. Rohr, Karen M.	Yea
Rep. Frelich, Kathy	Yea
Rep. Fegley, Clayton	Yea
Sen. Lemm, Randy D.	Yea
Sen. Gerhardt, Justin	Yea
Sen. Boschee, Josh	Yea

Module ID: h_cfcomrep_68_003

Insert LC: 25.0440.04008 Title: 06000 House Carrier: Frelich

Senate Carrier: Lemm

REPORT OF CONFERENCE COMMITTEE ENGROSSED HB 1144

Your conference committee (Sens. Lemm, Gerhardt, Boschee and Reps. Rohr, Frelich, Fegley) recommends that in place of amendment <u>25.0440.04004</u> adopted by the Senate, Engrossed HB 1144 is amended by amendment <u>25.0440.04008</u>.

Engrossed HB 1144 was placed on the Seventh order of business on the calendar.

25.0440.04007 Title. Prepared by the Legislative Council staff for Representative Frelich April 23, 2025

Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz Senators Weston. Clemens

In place of amendment (25.0440.04004) adopted by the Senate, Engrossed House Bill No. 1144 is amended by amendment (25.0440.04007) as follows:

- 1 A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code,
- 2 relating to transgender student accommodations and restroom use in public schools; and to
- 3 provide a penalty; and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1. AMENDMENT.** Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:
- 7 15.1-06-21. Transgender student accommodations Restroom use Enforcement -
- 8 Penalty.
- A board of a school district, public school, or public school teacher may not adopt a
 policy that requires or prohibits anyor guidelines, whether implicit or explicit, requiring
 or prohibiting an individual from using a student's preferred gender pronoun.
- A board of a school district shall establish, with the approval of the parent or legal
 guardian, a plan for the use of a separate restroom accommodation for a transgender
 student.
- 3. A board of a school district or a public school shall prohibit a student from using a
 restroom that does not coincide with the student's biological sex.
- A restroom or shower room on school grounds, which is accessible by multiple
 individuals at one time, must be designated for use exclusively for males or exclusively
 for females and may be used only by members of the designated sex. Multi-stall ermulti-room-gender neutral restrooms and shower rooms are prohibited. A public school

1		may	change the designation of a restroom or shower room from one designated sex to
2		the	other designated sex to accommodate a sporting event. A restroom for males and
3		a res	stroom for females may not be located together with a communal sink or
4		com	munal area where students enter and exit an individual stall or room. This
5	a	subs	section does not apply to a restroom in existence on July 1, 2025.
6	<u>5.</u>	Notv	vithstanding subsection 4, an individual may use a restroom in accordance with
7		the f	ederal Individuals with Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.],
8		sect	ion 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal
9		Ame	ericans with Disabilities Act [42 U.S.C. 12131 et seq.].
10	6	_Unle	ess otherwise required by law, a school district, public school, or public school
11		teac	her may not:
12		a.	Adopt a policy or guidelines, whether implicit or explicit, concerning a particular
13			student's transgender status without approval from the student's parent or legal
14			guardian; or
15		b.	Withhold or conceal information about a student's transgender status from the
16	I		student's parent or legal guardian.
17	6. 7.	The	parent of a student in a school district may submit a complaint to the atterney-
18		gene	eralschool district, in the manner prescribed by the atterney generalschool district
19		polic	cy, if the school district appears to the parent to be violating this section.
20	7. 8.	Afte	r the parent has made a complaint under subsection 7, if it appears to the parent
21		the:	school district is violating this section, the parent may submit a complaint to the
22		atto	rney general.
23	9.	Upo	n receipt of a complaint under subsection 68, the attorney general shall enforce
24		this	section and may conduct investigations by:
25		<u>a.</u>	Examining under oath any individual responsible for an alleged violation of this
26			section.
27		<u>b.</u>	Issuing subpoenas.
28		<u>C.</u>	Applying to a district court for an order enforcing the subpoena or other
29			investigation demand.

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1	8. 10.	For a violation of this section, the attorney general may seek and obtain a declaratory
2		judgment or injunction in district court which prohibits the board of a school district_a
3		public school, or a public school teacher from continuing the unlawful practice.
4	9. 11.	The court may assess a civil penalty in an amount not to exceed two thousand five
5		hundred dollars for each violation of this section.
6	<u>—10.</u>	If a school had the number of toilets per students required by the state plumbing board
7		on January 1, 2025, and modifying the designation of a gender neutral restroom to an
8		exclusively male or exclusively female restroom to comply with this section causes the
9		school-to-be-out-of-compliance-with-the-required-toilet-to-student-ratio-of-the-state-
10		plumbing board, the school is exempt from that requirement.
11	SEC	CTION 2. EMERGENCY. This Act is declared to be an emergency measure.