

LD 1704 - An Act to Prohibit a School Administrative Unit from Adopting a Policy That Allows a Student to Use a Restroom Designated for Use by the Opposite Sex

'Disingenuous' is the first word that comes to mind with any argument that seeks to exclude trans people from public spaces— the sports field, the bathroom: these places are the easily crystallized arenas in which to Other a people under the guise of the protection of a demographic that otherwise doesn't seem to reap the benefits of this protection.

The bill's language suggests that the "biological sex assigned at birth" is immutably present in the case of the trans student, which is an erroneously unscientific and prejudicial foot to start on. The biased terms of the "trans argument"— designed for use by a certain sex, the opposite sex, and the notion that this sex is intractable— are those of a stance that cannot break beyond bad faith into the legitimate discussion of gender, inclusion, and the impact that denying the nuance of these can have on the health of a society.

Trans students accessing the restroom befitting their gender identity is to the benefit of each student's mental health, and of course is inextricably linked to their confidence, safety, privacy, and evasion of distress and dysphoria. To ignore these things in a student population is to exacerbate other public health concerns. Trans-inclusive policies are made with an objective of avoiding crises; they do not condone or legalize harassment, stalking, violence, or sexual assault, nor can they be evidenced to make these things more frequent.

The arguments that would inform a prejudice against trans students are fallacious, lacking in worthy evidence. There is no demonstrable link between transgender students using public facilities that align with their gender identity and an increase in safety risks. Justifications to the contrary are made with at minimum a bias, wherein the trans community is drawn into a narrative of sexualization and othering. They are made with this disingenuity on behalf of those who would stand to be offended or affected largely by those who are always clamoring to hold back civil and human rights with any convenient branding. If the disingenuity fell, and we were left with the heart of the matter, perhaps it would resemble the fear of the 'other' and a lack of understanding that it is not worth debilitating the compassion of a society to police something which could only be scarcer as an issue by disappearing. The small percentage of out trans members of our society translating into a use of public space that must be misrepresented and disproportionately distorted to be problematic? Reason enough to target this 'other.' What galls me the most about proposals like this is the prioritization of belief in that comfort-food, facile binary over the real complexities of caring for the members of our much less theoretical community.

The Maine Human Rights Act prohibits discrimination based on gender identity including in spaces of public accommodation, and ensures that transgender individuals are entitled to equal treatment in all areas. There is precedent here of course in *Doe v. Regional School Unit 26*. To continue to call these human rights into question with proposals such as this goes against already established progress and our state's commitment to fairness, inclusion, community, and respect. These qualities are not

malleable, as the authors of this bill would suppose.

Not one among my trans family or friends leveraged their gender identity for the sake of intrusion and insinuation, or for any reason that came from 'without.' Trans identity is an expression of a non-binary that confounds reductive proposals, the use of public spaces a byproduct of this expression and not an end unto itself. To betray a misunderstanding of this as in LD 1704 is asinine; a bill unschooled in its own subject and unwilling to engage in nuanced conversation is to the detriment of each student. This bill is concerned with perpetuating a myth and stigma rather than protecting its subjects, and its authors would mandate that a school's administrative unit thrust a portion of its student body into a crisis that we are educated enough to prevent. To acknowledge that humanity doesn't fit within a binary is simply that, humane. The trans community faces higher risks of mental health issues, of course including risks of suicide. Trans-inclusive policies at school lead to improved mental health, better engagement with school overall, and increased safety for trans youth.

Policing the gender presentation of the cisgendered alike seems antithetical to protecting them; It invites gender scrutiny that could subject any student to invasive interrogation or accusations of being 'opposite' their gender identity— at worst violating for any individual using these facilities and at best reinforcing stereotypes of women and girls in need of protection. Including trans students promotes values of non-discrimination and inclusion among all students.

I hope Maine will take each opportunity such as this to embrace the complexity and humanity of its youth, and to commit fiercely through education and legislation to creating a safe and prosperous space for its trans community, youth and adult. We have the opportunity to continue leading and advocating for sense and compassion in this wonderfully nonbinary facet of what makes us human.

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