

# Research paper on the transgender law

Profession, Student



For many years, transgender people often faced discrimination when accessing public accommodations particularly bathroom facilities in schools, offices and restaurants where most of them became victims of verbal and physical violence. For transgender people, finding a safe access to bathroom is a continuous struggle in which they believe that deprivation of its access denied them of full public life involvement. A student may not be able to finish school due to inadequate safe bathroom access or a transgender employee may quit or be fired from their jobs due to bathroom discrimination in the workplace. Bathroom issues and safety are the most common topics in open dialogues in California where a number of Lesbian, Gay, Bisexual and Transgender (LGBT) activists and allies are working together to seek legal protections for transgender people and allow them to access bathrooms that corresponds with their gender identity as well as be treated with dignity and respect both on local and national level. Although San Francisco and Los Angeles have previously implemented this kind of policies, many transgender people are still harassed both physically and verbally by security guards and were put into interrogation by police officers. The San Francisco Human Rights Commission conducted a survey in 2002 which revealed that almost 50% of respondents have been harassed and assaulted in public bathrooms (Transgender Law Center, 2005). Society's negative perceptions and treatment of transgender people, drove Lesbian, Gay, Bisexual and Transgender (LGBT) activists and allies to campaign for bathroom safety and policy reforms that will protect them from hate crimes and violence and which would make them feel being accepted for who they are.

Their efforts and continuous fight for equality were realized on August 12, 2013 when California Governor Jerry Brown signed a law granting the right of transgender students in public schools to use whichever bathrooms or locker facilities they desire (Bohon, 2013). The law also gives them the right to decide to participate in sports activities for either boys or girls. The Assembly Bill 1266 goes into effect in January 1st and will affect an estimated of 6.2 million k-12 students in California's public schools. Backed up by a coalition of civic organizations, LGBT activists and allies, teachers and parents, the new law was faced with various arguments, criticisms and controversies from politicians, religious groups, teachers, students and parents. A coalition of conservative groups formed Proposition 8 and collected hundreds of thousands of dollars for a referendum drive to overturn the new law. In qualifying for a measure to nullify the legislation, the coalition under its umbrella organization, Privacy for All Students has been distributing 200,000 petitions statewide with an objective to obtain 505,000 valid signatures to block the law from taking effect in January and which would allow the citizens of California to vote on the issue in November, 2014 (Marinucci, 2013). While other states have implemented policies to protect transgender students, California is the first state to pass such law of this kind. For transgender students and their families, the new law is essential because it protects them from discrimination and bullying, however, I would like to argue that the new legislation which promotes unisex bathrooms and sports teams could impact various factors that could lead to confusion of children's gender identity.

## **Violation of Privacy Rights of Students**

With the new transgender law, transgender students and their families have succeeded their battles on bathroom rights, however, opponents of the bill argue that allowing transgender students to use facilities of their own choices would violate the privacy rights of the majority of students. Brad Dacus of Pacific Justice Institute states that when the opposite gender enters into the facilities and one is forced to pretend or believe that they are of the same gender even if that person is not, is an invasion of one's privacy (Cole, 2013). Young women and young girls who would want to keep their privacy will be outrageously infringed. One example is a case in Florence High School near Colorado Springs when a male student who claims to be a transgender harassed female students in the bathroom. Despite complaints from parents, school officials have disregarded student's privacy rights and instead warned them that police authorities will be monitoring their discussions and complaints in social media (Pacific Justice Institute, 2013). They were also threatened to be kicked out from the athletic team and sue them with hate crime charges. Such violation destroys parent's and student's rights. The use of mixed gender facilities can cause confusion of heterosexual students because one can no longer distinguish which bathroom is the right one for which gender. Allowing biological boys to play on girl's athletic teams is another crucial violation of the basic rights of young people. A 15- year old boy used to be the lead scorer in a girl's hockey team in Conestoga High School in Pennsylvania but league officials are reconsidering the issue of banning the boys playing on girls' team and vice versa due to reasons of competitive imbalance brought by boys in the girl's hockey teams (Miller,

2013). They were also concerned on girls' safety and the negative effect on other teams where competition should not be at the expense of the fairer athletes. The new law also violates religious rights of students in which some religious doctrines such as the Church of Jesus Christ of Latter Day Saints believe that they are no longer worthy in the eyes of God if someone from the opposite sex sees them undressed or partly undressed before matrimony.

Previous laws have been passed for the protection of transgender people where Senate Bill 48 signed by Jerry Brown in 2011 mandates that the public school's instructional materials should include LGBT roles and contributions through textbooks, handouts, classroom discussions and essays (Rescue Your Child, 2013). Senate Bill 572 implemented that K-12 public schools should mark May 22nd as " Harvey Milk Day" in which children will be taught to respect Harvey Milk as a model, including his life and values as a homosexual activist in San Francisco (Rescue Your Child, 2013). This is another case of serious violation of educational rights of children because public schools should be teaching children with reading, writing and other academic subjects rather than educating them with immoral practices. These violations of rights are considered one of the many factors that cause confusion of children's beliefs, values and their gender identity.

## **Emotional and Mental Impact**

Elementary and middle school age heterosexual children will be exposed to opposite gender sharing with their facilities for the first time and concerns were raised on the psychological trauma it may cause. As a parent, how would you feel if your 16- year old daughter comes home from school one

day in tears of humiliation because boys shared her locker room while she was undressing? Such response is not surprising because they are at an age of learning about modesty, privacy, boundaries and the academics of ABC's and 1-2-3's which are confusing enough. Having an opposite gender inside their bathrooms creates more confusion in which their young minds are not fully equipped to grip with these complicated issues. Opponents of the bill have openly expressed their views while mocking, smearing and ridiculing transgender students who are already coming out in the open in which their rude remarks further stigmatize them. Even with the new law that protects transgender people from discrimination, coming out as a transgender is still a challenge and would require emotional stamina to survive from the pressures of humiliation and mockery.

While it is true that being a transgender is associated with discrimination and prejudice that affects their emotional and psychological state, promoting and teaching other children about gender transformation could lead to additional confusion on children's gender identity. Senate Bill 543 signed by Gov. Arnold Schwarzenegger in 2010 allows 6 year old children to be taken off-campus for counseling sessions for the purpose of encouraging sexually confused children to adopt homosexual or transsexual lifestyles (Rescue Your Child, 2013). These students are too young to know that they are transgender and sending them off for counseling sessions could trigger adverse psychological behavior. Some children who feel cross-gendered can be considered as a phase while some would commonly change their minds at the age of 9 -10 years old (Gender Spectrum). They are not mature enough to make life-changing decisions that they cannot cancel. Randy Thomas, an

Executive Vice-President of Exodus International states that gender identity confusion is already common among teenagers and encouragements of gay or transgender activists in school confuses them further (Williams and Johnston, 2013). Assembly Bill 537 signed by Davis in 1999 allows teachers and staff to openly proclaim their homosexuality, bisexuality or transsexuality and cross-dressing on campus, classrooms and restrooms (Rescue Your Child, 2013). Having a cross-dressed teacher in the classroom would be too much for the children's young minds to deal with which could create confusion and chaos inside the classroom. Our morally confused society needs to deal with troubling examples such as a man dressed up like a woman competes with real women to become "America's Next Top Model" or a transgender female student runs for a prom king. Jim Kelly, a Grossmont Unified High School District board member states that the new transgender law changes our historically recognized system of identifying children by biological sex into a new version of gender identity (Williams and Johnston, 2013). Nowadays, children are no longer identified as male or female in a biological basis but on gender choices. Our traditional, biblical and biological view of two sexes such as male and female has been altered by LGBT activists and allies by introducing multiple genders. They primarily focused on schools to teach our children about multiple genders in which they are made to believe that gender is changeable and valid regardless of how anyone would wish to express himself or herself. These teachings will surely have a major impact on our culture in the coming years which will leave our children more confused.

## **Sexual and Physical Impact**

Opponents of the new law continue to argue that the use of mixed gender facilities will be highly potential for sexual assault among young girls. While the new law protects transgender people from discrimination and harassment, there is a tendency that non-transgender people will be abusing it. Even if a male student is not a transgender, nobody can stop him from going into the girl's bathroom to peep or sexually harass them because he has the right to do so. One has to consider the worst scenario where a high student from a Los Angeles area complained that a transgender boy harassed and peeked at girls over the stalls (Chen, 2013). The new law does not require any medical documents or ID's to identify that one is a transgender. School administrators merely have to rely on the preference of the students and take their words which make it easier for sexual predators to put young girls and children in a susceptible situation. Pedophiles will also have the opportunity to expose themselves to children of the opposite gender. In addition, the law does not stipulate safety measures for the prevention of abuses on this policy which poses a threat to young girl's safety and students are feeling more uncomfortable and confused on how they must deal with the setting. One example of this is the case of Colleen Francis, a 45-year old man who identifies himself as a woman was accused of exposing himself and displaying his male genitalia in the girl's locker room shared by students in Evergreen College in Washington State (Thornton, 2013). No arrest from police authorities was made despite complaints from a young girl because the school cannot discriminate in the basis of gender identity which is one of the most protected factors in discrimination laws.



Outraged parents are more concerned with the safety of their children that they threatened to pull out their children from public schools and transfer them to private schools or resort to homeschooling. The legislation is supposed to protect the children, but in effect, it could lead to more cases of sexual harassment, sexual assault and encourages sexual orientation and promiscuity. On the sports setting, male athletes may abuse the law by attempting to identify themselves as transgender to be able to play on the female's team to obtain athletic advantage.

Senate Bill 71 signed by Gov. Gray Davis in 2003 teaches children as young as 5th grade that sexual behavior is safe as long as they protect themselves with a condom and that homosexuality, bisexuality and transsexuality is normal (Rescue Your Child, 2013). Young children will be forced to orient themselves with these immoralities thereby exploiting their innocence while satisfying the curiosity of those students on puberty age which could lead to risky sexual experiments and behaviors. Gender identity confusion is also associated with sexual abuse and trauma. According to researchers, imposing adult sexuality on children can lead to confusion about what it means to be a boy or a girl (Williams and Johnston, 2013).

The possibilities of sexual assault, harassment and forcing the students to accept the practices and values of Lesbian, Gay, Bisexual and Transgender can only do harm than good both for the transgender people and the heterosexual children. Such teachings of practices can affect the physical and mental well-being of innocent young children which could trigger gender identity confusion.

## **Spiritual and Moral Impact**

The new law also affects the spiritual and moral well-being of children in which they are made to believe that sharing and undressing with the opposite gender inside the bathroom is absolutely normal. Based on the previous laws that were passed, moral and spiritual impacts were attributed with the promotion of anti-Christian indoctrination which teaches children the immoral practices of homosexual, bisexual and transsexual. Education and distribution of condom/ birth control pills, abortion referrals promote anti-God teachings. They tried to create a de facto “morality free zone” schools as mandated by ACR 82 which was signed by California Legislature in 2010. The law states that schools must impose penalty against students who are accused of hate, intolerance or discrimination by speaking or writing against the lifestyles of LGBT people through lectures on traditional marriage, biological gender differences and Biblical values (Rescue You Child, 2013). The legislation of establishing new definitions for marriage and protecting human expressions and behavior related to gender identity has been the subject of crucial arguments among religious groups, pro-family and politicians. The marriage between a man and a woman is the only tradition that has been practiced and accepted by our culture and society for many centuries. The Christian Church does not accommodate or accept the idea of same-sex marriages or embrace homosexual practices and activities (Human Rights Campaign, 2013). Although some religious denominations believed that all human beings including LGBT people are created equal and worthy in the eyes of God, they condemned same-sex practices and relationships. In the minds of young children, these are the Christian doctrines that our great,

great grandparents have been teaching us to embrace and practice for many generations. Changes and alterations in the legislations have been confusing the spiritual and moral beliefs of these children. The institution of family, spiritual and moral foundations have been continuously attacked and torn by outside forces. Schools and teachers are not only responsible for teaching children to learn the academics but they should also serve as the moral and spiritual counselors to children. Parents with strong family values teach and show their children the importance of moral and spiritual values at home. They send their children to public schools with the hope that these children will learn more about good moral and spiritual values from their teachers. But what if the teacher or school administrator is changing the system and beliefs that parents taught to their children? The enforcement of sexual indoctrination in schools are confusing and damaging young children and teenagers. Their fragile minds cannot withstand the pressures of changes, thus, they become the poor victims of our morally confused society.

Our society and the laws have been sensitive to the needs and issues of LGBT people which is an admirable act. In return, LGBT people were more than grateful for this legislation which gave them equal rights and privileges, protection from discrimination and most of all it gave them the freedom to express their gender identity. As members of the society, LGBT people have the freedom to share and express their practices and values, however, the law cannot force other citizens of the society to accept and believe in their values and practices particularly young children and teenagers. Their twisted sexual indoctrination is not suited to the fragile minds of children and imposing them would eventually harm and destroy their psychological,

emotional, physical and spiritual well-being. It is sad to know that our leaders and law-makers have disregarded the essential factors of good and right education for our children. If we truly care for our children's future, it is important to review this new legislation as well as the previous laws that have been passed so we can mold them with values that are morally right and guide them towards the right direction.

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