

Chicago Tribune, IL, USA

Transgender student who sued Palatine school district over locker room access loses round in court

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Chicago Tribune

January 25, 2018, 2:35 PM

A Cook County judge Thursday denied a request by a transgender student for equal access to the girls' locker room at Palatine High School, ruling that state law only requires she be given access.

Senior Nova Maday is suing, claiming the district only agreed to allow her use of the girls' locker room if Maday agreed to use a private stall to change clothes.

Maday's attorneys had asked that a judge issue a temporary injunction granting additional locker room access.

But on Thursday, Judge Thomas Allen said that state law does not call for "full and equal access" to school facilities, because in 2010 state legislators specifically removed that language for schools in the state's Human Rights Act, leaving only the word access.

Allen said Maday's contention that she has not been provided equal access to the locker rooms "may be a correct statement, but I cannot ignore the plain language of (the statute)."

"This is a balancing act of all balancing acts, but it's not my role to establish social lines up or down," the judge said.

District 211 Superintendent Daniel Cates told reporters after the judge's ruling that the decision upholds the "important balance" the district has already established for transgender students while "safeguarding student privacy."

In a statement released after the suit was filed in November, Cates said "allegations in the lawsuit misrepresent the accommodations extended to this student and District 211's approach to working with and supporting transgender students."

The ACLU of Illinois, which represents Maday in the suit, is "extremely disappointed in the judge's ruling for Nova and for her dignity not to be fully recognized as the girl that she is," spokesman Ed Yohnka said.

"The analysis we heard suggests after years and years of hard fought efforts ... we're being told there is a place where that discrimination is permitted and that is in our public schools," Yohnka said. "And I think that's something that frankly should alarm people."

District 211 has been at the center of the fight over bathroom and locker room access since another transgender student filed a complaint with the U.S. Department of Education in 2013. The federal agency later determined that the district had violated Title IX, a law banning gender discrimination in schools, and as a result the district agreed to give the student access to the girls' locker room while also installing the private changing areas.

That prompted a group of local families who oppose such accommodations to sue the district. That suit is still pending. Members of the group and their attorneys have said that opening up locker rooms and bathrooms to transgender students violates the privacy and rights of other students.

Maday was not present at Thursday's hearing. Yohnka said attorneys are weighing their next steps in the case.

<http://www.chicagotribune.com/suburbs/ct-met-transgender-student-lawsuit-palatine-20180125-story.html>