

Sioux Falls Argus Leader, SD, USA

Transgender bathroom policy debate returns to S.D. Legislature

Dana Ferguson, [dferguson@argusleader.com](mailto:dferguson@argusleader.com)

Published 5:50 p.m. CT Feb. 2, 2018 | Updated 6:12 p.m. CT Feb. 2, 2018

PIERRE — South Dakota lawmakers are set to consider what students should be taught about gender identity and whether schools should write and make public their transgender bathroom policies.

The bills come two years after Gov. Dennis Daugaard vetoed a proposal to bar transgender students from using bathrooms that don't match their biological sex at birth.

The proposals are aimed at freeing up time to teach other subjects and ensuring transparency about policies related to bathroom use, the bills' sponsor said.

Opponents, meanwhile, said the measures singled out transgender students for discrimination and posed problems for all students in understanding gender identity.

The first proposal, Senate Bill 160, would outlaw teaching gender identity or gender expression to public school students in grades seven and below.

Sen. Phil Jensen, R-Rapid City, brought the proposal because he felt state test scores in math and English were falling and felt more time could be spent in those areas rather than on gender identity.

"Why are we getting into something as controversial as gender identification education when our test scores are horrific?" Jensen said.

Civil liberties advocates said the measure targeted transgender and gender non-conforming students in South Dakota.

"By prohibiting any mention of transgender experience in school, it prevents teachers and administrators from creating a safe and welcoming environment for their students," the American Civil Liberties Union of South Dakota said in a statement opposing the bill.

Daugaard on Friday said he felt the current process for the state's Board of Education Standards to write and approve school standards and local districts' ability to apply them were adequate.

"I don't know that our standards of education are properly the subject of legislative enactments," he said.

Jensen also penned a proposal that would require each public school district to write and make available its policy regarding transgender students' access to restrooms and locker rooms.

"It became obvious to me that there needed to be a policy available in writing that is available to the public," Jensen said after meeting with a principal in his district on the subject.

The ACLU and LGBT groups opposed House Bill 1296.

Republican lawmakers led by Jensen also brought forth Senate Bill 202, which would require those who maintain a public "multi-person or unisex restroom" to post signs indicating people of the opposite sex might be in the facility.

"Wouldn't you want to know if there's someone of the opposite sex in the bathroom before you use a multiuse facility?" Jensen said. "To me, it's a common-sense bill."

The bills had not yet been slated for committee hearings Friday evening.

<http://www.argusleader.com/story/news/politics/2018/02/02/transgender-bathroom-policy-debate-returns-s-d-legislature/1089257001/>