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# GOOD NEWS

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## Court blocks Idaho's deeply transphobic student bathroom bill

*The law offers a bounty on trans bathroom users and paints them as would-be rapists.*

By Daniel Villarreal (<https://www.lgbtqnation.com/author/dannyv/>) Friday, October 27, 2023

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Idaho's bathroom ban for transgender students has been temporarily blocked by the Ninth Circuit Court of Appeals. [The law, SB1100](https://www.lgbtqnation.com/2023/08/judge-blocks-school-bathroom-bill-just-as-classes-start/) (<https://www.lgbtqnation.com/2023/08/judge-blocks-school-bathroom-bill-just-as-classes-start/>), banned trans kids from using school facilities that align with their gender identity and offered children a \$5,000 bounty for reporting trans students who use the restroom that matches their gender identity.

Challengers of the law say that it violates the Equal Protection and Due Process Clauses of the U.S. Constitution's Fourteenth Amendment and Title IX of the Education Amendments of 1972, a federal law that prohibits sex-based discrimination in any school or any other education program that receives funding from the federal government.

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The transphobic legislation defines sex as “immutable biological characteristics at birth,” wholly ignoring the existence of intersex children who have sex traits that aren’t entirely male or female. The legislation also states that the mere presence of trans students might inflict “psychological injury” on cisgender peers and increases “the likelihood of sexual assault, molestation, [and] rape,” trans independent journalist Erin Reed pointed out (<https://www.erininthemorning.com/p/idaho-bathroom-ban-temporarily-blocked>).

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When the law first came before Judge David Nye, a judge appointed by former President Donald Trump, he initially blocked it for further review. However, Nye later decided to let it go into effect, ignoring the Supreme Court precedent established in *Bostock vs. Clayton*

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*County*, which said that gender discrimination is a form of sex discrimination. Reversing his initial decision, Nye claimed that sex and gender are two distinctly separate things and that Title XI allows “sex-segregated facilities” in schools.

The LGBTQ+ legal advocacy group Lambda Legal appealed Nye’s decision, and the Ninth Circuit blocked the law while lawyers on both sides of the issue prepare their cases.

“For years, transgender students have been able to use restrooms consistent with their gender at schools across Idaho for years without incident. This order will allow that inclusive practice to continue while we pursue our challenge,” Lambda Legal Staff Attorney Kell Olson told *The Windy City Times* (<https://www.windycitytimes.com/lgbt/Ninth-Circuit-temporarily-blocks-Idaho-restroom-ban-as-court-challenge-proceeds-/75681.html>).

Reed noted that appeals courts across the nation have been divided on this issue, establishing the high likelihood that the issue will likely come before the conservative-leaning Supreme Court. While the Fourth, Seventh, and Ninth Circuit Courts have all ruled in favor of trans bathroom access, the Eleventh Circuit ruled in December 2022 that trans school bathroom bans don’t violate Title IX.

Discover more

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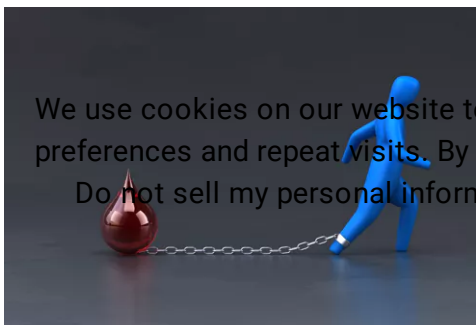
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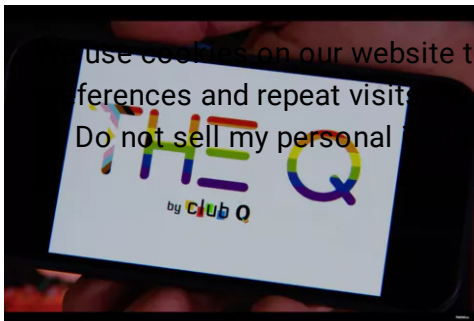
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