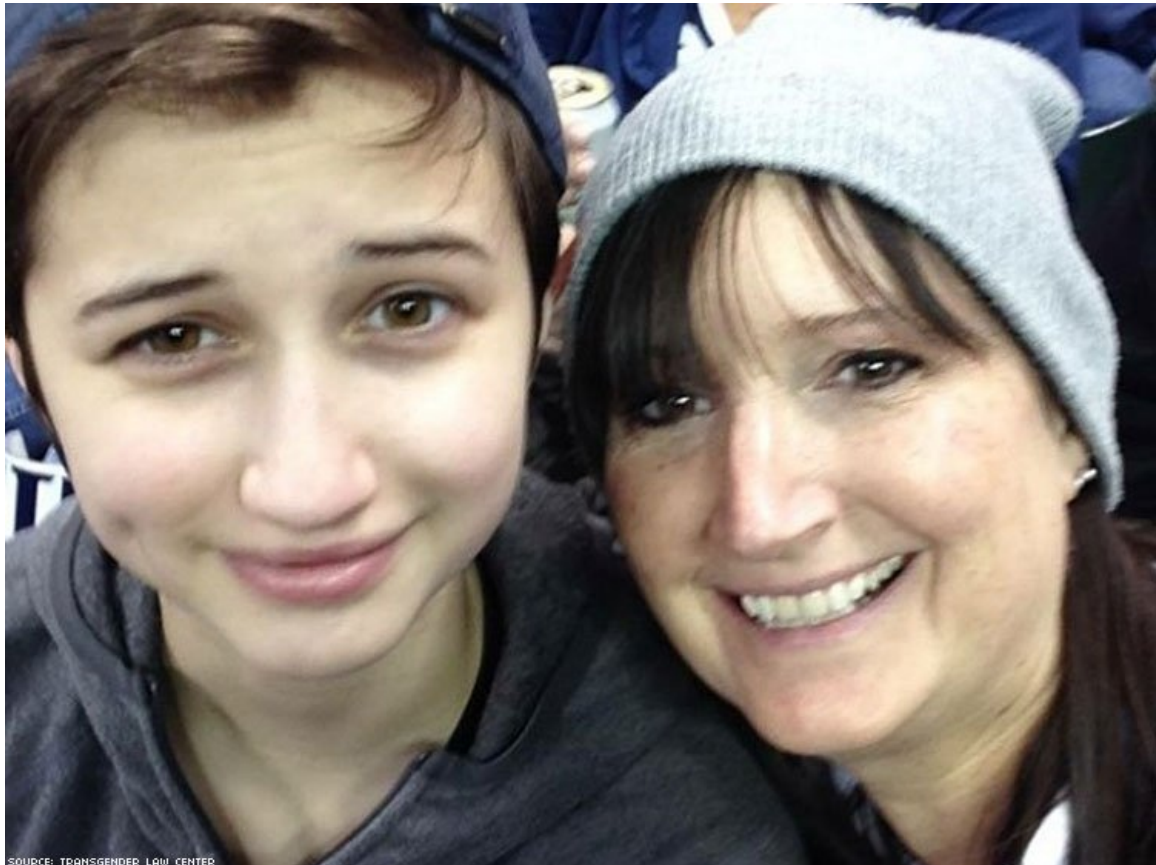


Transgender Student Wins School Bathroom Battle

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SOURCE: TRANSGENDER LAW CENTER

Ashton Whitaker and his mom. Photo courtesy of The Advocate. [/caption]

Summary: A federal appeals court has ruled that a transgender student in Wisconsin can use the bathroom of the gender with which he identifies.

On Tuesday, a transgender student emerged victorious in his bathroom battle against his school district, thanks to a federal appeals court. According to *Buzzfeed*, this decision is "a big win for those seeking to advance transgender rights in the courts."

Ashton "Ash" Whitaker of Kenosha Unified School District in Wisconsin was battling a policy that said he could not use the bathroom of the gender in which he identified. On Tuesday, US Court of Appeals for the Seventh Circuit vote unanimously to halt the use of the policy. The court said that the School District has not demonstrated that it would be harmed letting Whitaker use the bathroom of his choice.

The court, which hears cases in Illinois, Indiana, and Wisconsin, upheld the lower court's decision that was in favor of the student. The appeals court said that Whitaker was protected from discrimination under the sex discrimination ban in Title XI of the Education Amendments of 1972 as well as the Equal Protection Clause of the Fourteenth Amendment.

The bathroom usage of transgender students became a hot topic after sex-same marriage became legal across the United States. In several states such as Wisconsin, Texas, and North Carolina, lawmakers tried to make it illegal for people to use the bathroom opposite of the sex in which they were born. While these policies are being challenged, the Trump administration has taken a stand by withdrawing federal transgender student protections that the Obama administration had put into place.

A similar bathroom case was rejected by a federal court in Virginia, but Whitaker's case was allowed to move forward. In her written decision, Judge Ann Claire Williams said that Title XI influenced her ruling.

"A policy that requires an individual to use a bathroom that does not conform with his or her gender identity punishes that individual for his or her gender non conformance, which in turn violates Title IX," Williams wrote.

The school district had argued that they were in compliance with the Equal Protection Clause because they treated boys and girls the same. However, Williams said that the school's policy was unconstitutional because it did not treat transgender students the same as cisgender students.

"School District treats transgender students like Ash, who fail to conform to the sex based stereotypes associated with their assigned sex at birth, differently," Williams wrote.

Chief Judge Diane Wood and Judge Ilana Rovner were also on the panel that heard Whitaker's case.

Whitaker was represented by the Transgender Law Center and Relman, Dane & Colfax PLLC.

"I am thrilled that the Seventh Circuit recognized my right to be treated as the boy that I am at school," Whitaker said in a statement. "After facing daily humiliation at school last year from being threatened with discipline and being constantly monitored by school staff just to use the bathroom, the district court's injunction in September allowed me to be a typical senior in high school and to focus on my classes, after-school activities, applying to college, and building lasting friendships."

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What do you think of Wisconsin's ruling? Let us know in the comments below.

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