

NEWS RELEASE

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NORTH DAKOTA JOINS OTHER STATES IN CHALLENGE OF FEDERAL TRANSGENDER BATHROOM MANDATE

BISMARCK, ND – Attorney General Wayne Stenehjem joined Attorneys General from nine other states in filing a complaint in federal district court challenging the recent mandate from the US Department of Education and Department of Justice that misinterprets federal law regarding how schools assign students to bathrooms and locker rooms. Current state law and federal regulations allow schools to maintain separate facilities based upon sex. The recent action by these two federal agencies would require bathrooms, locker rooms and showers to be open to both sexes based solely on the student's choice.

“This is yet another example of federal overreach. The federal government does not have the authority to mandate that North Dakota schools require students to share locker rooms and bathrooms with children of the opposite sex, said Stenehjem.

In the complaint, the states allege that the federal mandate attempts to circumvent established law by ignoring the appropriate legislative process necessary to change the law. It also purports to supersede local school districts' authority to address student issues on an individualized, professional and private basis.

“North Dakota school districts, not Washington bureaucrats, are in the best position to make decisions that affect our students. And in North Dakota, the local schools already review these isolated cases as they occur to establish, on a case by case basis, the appropriate measures to protect student privacy,” said Stenehjem.

States are threatened with a loss of federal funds if they do not comply with the federal Title IX mandate.

When a federal agency takes such unilateral action in an attempt to change the meaning of established law, it leaves state and local authorities with no other option than to pursue legal clarity in federal court in order to enforce the rule of law.

North Dakota joined Arkansas, Kansas, Michigan, Montana, Nebraska, Ohio, South Carolina, South Dakota, and Wyoming.

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