

Key Legal Impacts of I-1552



Repeals Non-Discrimination Protections for Transgender People

- I-1552 repeals key protections for transgender people under Washington’s Law Against Discrimination. These protections have been the law in Washington since 2006, when the Legislature prohibited discrimination based on gender identity.
- It allows places of public accommodation (such as businesses open to the public), employers, and other entities covered by the Washington Law Against Discrimination to prohibit transgender people from using gender-segregated facilities that are consistent with their gender identity. (I-1552, Section 5(4) and Section 6).
- It would be at odds with federal non-discrimination laws that have been interpreted to require employers to allow transgender people to use gender-segregated facilities at work that are consistent with their gender identity. (See, e.g., *Lusardi v. McHugh*, EEOC No. 0120133395 (2015); OSHA, *Best Practices: A Guide to Restroom Access for Transgender Workers* (2015)).

Bans State and Local Governments from Adopting Key Protections for Transgender People

- I-1552 seeks to prohibit all state and local government entities in Washington from adopting ordinances, rules, or other policies that allow transgender people to use gender-segregated facilities that are consistent with their gender identity. (I-1552, Section 5(4)(b) and Section 6).

Repeals Protections for Transgender Students in Public Schools

- I-1552 would prohibit K-12 public schools in Washington from allowing transgender students to use gender-segregated facilities that are consistent with their gender identity. (I-1552, Sections 2, 3, and 6).
- Depending on the outcome of cases now pending in federal court, I-1552 could result in the loss of federal funding by Washington schools. Lawsuits are pending on whether federal Title IX law requires schools that receive federal funding to allow transgender students to use gender-segregated facilities that are consistent with their gender identity. (See, e.g., *G.G. v. Gloucester County School Board*, No. 15-2056 (4th Cir.)).

Authorizes Student Lawsuits Against Public Schools

- If a public school permits transgender students to use facilities consistent with their gender identity, I-1552 authorizes other students who “encounter” a transgender student in a gender-segregated facility to sue the school for \$5000 each time that occurs. (I-1552, Section 2(3) and Section 6).