NATIONAL WOMEN'S LAW CENTER
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January 28, 2026

Government, Military, and Veterans Affairs Committee
Nebraska Legislature
Room 1507
1445 K Street
Lincoln, NE 68508

Re: OPPOSE LB 730, a bill that harms women and girls in public schools

Dear Members of the Committee:

Thank you for the opportunity to submit this testimony on behalf of the National Women's Law Center Action Fund (NWLCAF). NWLCAF is a national non-profit legal advocacy organization dedicated to the protection and advancement of legal rights and opportunities for women, girls, and all who face sex discrimination. Since our founding, NWLCAF has worked to advance educational opportunities for all students and to ensure that rights and opportunities are not unlawfully restricted based on sex. NWLCAF has a particular interest in ensuring that discrimination against LGBTQI+ individuals, including transgender women and girls, is not perpetuated in the name of women's rights.

NWLCAF is submitting testimony in opposition to LB 730, a bill that would restrict access to sex-separated restrooms and locker rooms in public schools, public post-secondary institutions, and state agencies by narrowly defining sex to exclude transgender and gender-expansive people. **Such restrictive policies ultimately result in inappropriate scrutiny of children's bodies, exacerbating further harassment of all women and girls, transgender and cisgender alike.** In taking away flexibility needed by public schools and other institutions to respond to basic needs of their increasingly diverse student populations, LB 730 will open schools up to further legal liability. For these reasons, NWLCAF urges the Committee to reject LB 730 and instead consider proposals that empower public schools and institutions to ensure full inclusion of all students regardless of gender identity.

1. **LB 730 encourages reporting and policing of students' gender, which will exacerbate harassment of all women and girls.**

Exclusionary restroom policies—especially policies like LB 730 that carve out explicit protections for those who report on a students' gender—invite intrusive questions about whether a student may have access to specific restrooms. Increased policing of

students' gender in school bathrooms will predictably result in higher rates of harassment faced by all women and girls—transgender and cisgender alike—as the bill would encourage inappropriate scrutiny of children's bodies.

***All* women and girls—including cisgender women and girls—are harmed by the increased gender policing encouraged by exclusionary restroom policies.** There are repeated incidents in the past few years of staff, peers, and others who have publicly—and, at times, confrontationally—questioned the gender of a cisgender woman or girl in a school setting. In 2024, for example, a state official in Utah publicly critiqued a cisgender girl's "larger build" and questioned her gender on social media after her success in school sports, resulting in threats to the student and her family.[1] When this scrutiny takes place in a restroom, it often results in confrontation, harassment, and/or forcible exclusion from the restroom. Gender policing and associated harms, including exclusion, disproportionately impact Black and brown women and girls who do not match specific expectations of femininity. In the past year, examples include:

- An 18-year-old biracial cisgender woman was reportedly forced to unzip her sweatshirt and show a restaurant server her clothed breasts to end a restroom confrontation;[2]

- A Black cisgender woman was accosted by two male police officers at an Arizona store bathroom based on her appearance;[3]

- A 6'4" cisgender woman in Florida was reportedly trapped in a stall at her workplace as a male customer followed her into the restroom and shouted anti-transgender slurs at her;[4] and

- A cisgender woman with short hair was confronted by a Boston hotel security guard and then escorted out of the restroom in front of other patrons, who then verbally harassed and misgendered her.[5]

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[1] Courtney Tanner, Utah school board member Natalie Cline questions high school athlete's gender, causing social media uproar, The Salt Lake Tribune (Feb. 7, 2024), https://www.sltrib.com/sports/2024/02/07/utah-school-board-member-natalie/.

[2] Ryan Adamczeski, Lesbian teen cornered by server in bathroom and forced to prove gender files charges, Advocate (Aug. 13, 2025), https://www.advocate.com/news/minnesota-cisgender-girl-restaurant-bathroom.

[3] Christopher Wiggins, Cis woman confronted by police officers in Arizona Walmart restroom for looking too masculine speaks out, Advocate (Feb. 28, 2025), https://www.advocate.com/news/lesbian-mistaken-transgender-arizona-walmart.

[4] Daniel Wu, Walmart fires woman who reported anti-trans threats from man in bathroom, The Washington Post (Mar. 27, 2025), https://www.washingtonpost.com/nation/2025/03/27/walmart-fires-woman-trans-hate-bathroom/.

[5] Brandon Truitt, Woman says security guard at Liberty Hotel in Boston confronted her in bathroom, asked to prove gender, CBS News (May 7, 2025), https://www.cbsnews.com/boston/news/women-boston-liberty-hotel-bathroom-gender.

LB 730's exclusionary policy would invite these increased risks for all students without meaningfully engaging with the experience of transgender and gender-expansive students. **Transgender people are *more* likely to be verbally harassed in or excluded from a restroom if they are forced to use the facility that does not align with their gender identity, as LB 730 seeks to do.**[6] For example, less than two years ago, a cisgender boy looked over the stall and then assaulted seventeen-year-old transgender student Cobalt Sovereign in a Minnesota public school, breaking their jaw and leaving them hospitalized for two days after they used the bathroom aligned with their sex assigned at birth.[7] It is not surprising that transgender students are already far more likely to avoid using school bathrooms than any other group. In a 2021 survey of roughly 6,000 transgender students, 81% of transgender boys and 77% of transgender girls reported avoiding a school bathroom for safety reasons.[8] An inability to use the restroom during the school day has adverse impacts on transgender youth, including physical and mental health challenges; medical problems, such as kidney, cardiovascular, and urinary tract conditions, related to fasting or dehydrating; and higher rates of suicide attempts.

The binary framing of LB 730 and the restroom and locker room classifications within will also amplify stigma and harassment faced by intersex people who have variations in their sex characteristics. Although LB 730 acknowledges that intersex people may pursue accommodations or other legal remedies under the Americans with Disabilities Act of 1990, the scrutiny invited by this bill will functionally exclude certain intersex students, force them to out themselves to their school and peers, or otherwise invite harassment.[9]

As an organization dedicated to the education and well-being of all woman and girls, LB 730's exclusionary restroom and locker room policy will only increase the hostility and harassment faced by women and girls in Nebraska's schools. As such, we cannot support this legislation and urge the Committee to reject advancement of this bill.

2. **LB 730 invites further litigation against Nebraska's schools.**

The entire premise of LB 730—and, indeed, the aggressive effort to legislate restroom access—is based on the wrong and misguided notion that cisgender people face some harm or risk from sharing a sex-separated space with a transgender person. This is not only inaccurate, but often masks the very real harms faced by those who endure

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[6] Jody L. Herman, Andrew R. Flores & Elana Redfield, Williams Inst., Safety and Privacy in Public Restrooms and Other Gendered Facilities 4 (2025), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Bathroom-Access-Feb-2025.pdf.

[7] Matt Lavietes, Transgender teen hospitalized after alleged attack in high school bathroom, NBC News (June 7, 2024), https://www.nbcnews.com/nbc-out/out-news/transgender-teenhospitalized-alleged-attack-high-school-bathroom-rcna156105.

[8] GLSEN, The 2021 National School Climate Survey 89 (2022), https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf.

[9] *See* Henningham, M., & Jones, T. (2021). Intersex students, sex-based relational learning & isolation. Sex Education, 21(5), 600-613.

gender-based harassment resulting from increased policing of their presentation and bodies. **LB 730's effort to legislate distinctions based only on discomfort and misinformation will open Nebraska's schools to greater legal liability as those who face harassment or exclusion—transgender and cisgender alike—assert their civil rights.**

As far back as 2002, the U.S. Court of Appeals for the Eighth Circuit has rejected the premise that cisgender people may exert a privacy right to be shielded from the mere presence of transgender people in a public restroom absent any concrete harm or harassment—finding that "mere inconvenience" or a transgender person "merely being present in the … restroom" is not sufficient to demand exclusion.[10] Other federal courts have since echoed this analysis, with some instead finding that the harms and isolation faced by transgender students demand legal recourse.[11] Consider the reasoning in the *Grimm v. Gloucester County School Board* case from 2020: "The stigma of being forced to use a separate restroom … 'invite[s] more scrutiny and attention' from other students, 'very publicly brand[ing] all transgender students with a scarlet 'T'.'"[12]

Public schools and institutions already ensure privacy in restrooms through stalls and urinal dividers. While further steps to enhance all students' privacy can be taken—through structural improvements such as floor-to-ceiling stall dividers—the *Grimm* court recognized that "the bodily privacy of cisgender boys using the boys restroom did not increase when [a transgender male student] was banned from those restrooms."[13] Based on these faulty foundations, LB 730 will burden the civil rights of marginalized students without adequate justification, inviting further lawsuits against schools that fail to account for students' needs or would now be prohibited from taking appropriate steps to remedy restroom-related bullying and harassment.

Conclusion

LB 730 is a misguided and harmful approach that ignores the basic needs of Nebraska's increasingly diverse student population. Advancing LB 730 will only result in further scrutiny and policing of children's bodies, exacerbating hostile learning environments that deprive all women and girls of a safe school setting. NWLCAF urges the Committee to reject LB 730 and instead prioritize efforts that ensure all students are protected from harassment regardless of gender identity. If the Committee has any questions about this testimony, please contact Brian Dittmeier, NWLCAF's Director of LGBTQI+ Equality, at bdittmeier@nwlc.org.

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[10] *Cruzan v. Special Sch. Dist., No. 1*, 294 F.3d 981 (8th Cir. 2002).
[11] *A.C. v. Metropolitan Sch. Dist. of Martinsville*, 75 F.4th 760 (7th Cir. 2023); *Parents for Privacy v. Barr*, 949 F.3d 1210 (9th Cir. 2020); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 856 (4th Cir. 2020); *Doe ex rel. Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518 (3d Cir. 2018); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034 (7th Cir. 2017).
[12] *Grimm*, 972 F.3d at 617-618 (citing *Boyertown Area Sch. Dist.*, 897 F.3d at 530).
[13] *Id.*