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Alpena becomes flash point on gender issues pitting Trump order vs. civil rights law



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A northern Michigan school district controversy is one of the first to test whether Michigan school districts will follow the state's civil rights laws or change long-held policies that they fear may now run afoul of the Trump administration's executive orders on gender issues.

The American Civil Liberties Union of Michigan earlier this month told Alpena Public Schools that a school board proposal to require students to use the bathroom that aligns with their gender at birth would directly violate Michigan's civil rights law, which protects transgender students from discrimination in education.

The Alpena district's board has scheduled a first reading of the new proposal on Monday, Board of Education President Anna Meinhardt told The Detroit News, despite two legal opinions from the district's legal firms that said such a policy would be inconsistent with the district's current anti-harassment and anti-discrimination policies.

"They (law firms) understand concerns regarding compliance with the Executive Orders; however, the District does not need this policy to comply with the Executive Orders," Meinhardt said of the legal opinions. "A couple of board members have requested getting another opinion from an outside legal firm."

The district has no specific bathroom-use policy, Meinhardt said, and already has a single-stall, gender-neutral bathroom in each of its schools and in all of its buildings.

Meinhardt, the board's spokesperson, said the seven-member board has mixed feelings about the proposed change. She declined to provide her personal opinion on the matter, saying she could only speak for the board.

"We are doing the best to learn as we go and gather information," Meinhardt said. "We have some board members who want to get ahead of what is coming from the federal government and worry if we don't have a bathroom policy, that we are not in line with the executive orders. Others have said we should sit back and wait for more clear directions before we make changes."

Board member Monica Dzieszinski, who took office in January, proposed the change and asked for a new policy to be modeled after one approved in [2017 by Fairview Area Schools](#), which is 52 miles away. Dzieszinski did not respond to a request to comment, and neither did Vice President Eric Hansen.

Fairway's student physical privacy policy says student restrooms, locker rooms and showers that are designated for one biological sex are only to be used by that biological sex. The policy says non-conforming students will be denied access to the facilities of the opposite biological sex but may be granted use in a uni-sex restroom or "controlled" use of faculty facilities.

Jay Kaplan, staff attorney for the ACLU's LGBTQ+ Project, said his organization sent a letter to the northern Michigan district on April 4 after it learned of the proposed bathroom policy change.

"There's been a number of school districts that have been looking at policies that they have in writing that are supportive of transgender students and considering whether or not they should remove those policies, so it's not within the radar of this administration," Kaplan said.

"But the bottom line is Trump's executive order does not provide a license to discriminate against transgender students. We have state civil rights laws in Michigan that explicitly protect transgender students. And to deny a transgender student access to restrooms that align with their gender identity, to refuse to recognize a transgender student based on their preferred name or pronouns or to deny a transgender student the ability to participate in school activities in accordance with their gender identity, including sports, we believe violates our state civil rights laws."

"Let's put every school district on notice in Michigan that if they, in response to this executive order, adopt a policy like Alpena is considering, that would discriminate against transgender students," Kaplan said. "So you will take note of that and we will consider remedial action, including filing a complaint with the Michigan Department of Civil Rights."

Asked how Alpena school officials would enforce such a policy, Meinhardt said: "That's a good question. It's one our superintendent brought up. He doesn't know how he or others could enforce it."

Some students weigh in

Alpena High seniors Lucy Cook and Callie Brousseau said they oppose the proposed policy and have spoken to the school board to ensure board members hear from students.

Brousseau, 17, said the proposal creates a negative environment targeting students who may be different.

"This policy seems to be a political and religious agenda for the board, despite the fact that the students and staff are voicing that the current environment is a welcoming and safe place to learn," Brousseau said.

Cook, also 17, said the Alpena High student council plans to speak at the Monday board meeting to oppose the measure.

"This policy is impossible to enforce without violating students' privacy and creates an uncomfortable situation for everyone involved. Our school should be accepting of all students regardless of their gender, and this policy would negatively impact the overall environment within the school," Cook said.

The changes in Michigan come as the Trump administration moves to withhold federal funding from Maine's K-12 system over its policies for trans student athletes. The Trump administration earlier this month [sued Maine for not complying with the government's push to ban transgender athletes in girls and women's sports](#), escalating a dispute over whether the state is abiding by a federal law that bars discrimination in education based on sex.

Trump campaigned against the participation of transgender athletes in sports in the 2024 election campaign. Attorney General Pam Bondi said the issue is a priority for the Republican president.

"President Trump, before he was elected, this has been a huge issue for him," Bondi said at a press conference, according to the Associated Press. "Pretty simple: Girls play in girls' sports, boys play in boys' sports. Men play in men's sports, women play in women's sports."

Trump's departments of Education and Health and Human Services have argued that Maine's education agency is violating the federal Title IX anti-discrimination law by allowing transgender girls to participate on girls' teams. The Justice Department is asking the court to order the state of Maine to tell all schools to ban the participation of males in athletic competitions designated for females.

Maine officials have refused to agree to a settlement that would have banned transgender students from sports, arguing that the law does not prevent schools from letting transgender athletes participate. Democratic Maine Gov. Janet Mills has said the lawsuit is part of a pressure campaign by the Trump administration to force Maine to ignore its own human rights laws.

The Trump administration has also threatened to cut education funding over diversity, equity, and inclusion programs. In response, the Rochester Community Schools superintendent discontinued its unfilled DEI director position on April 11.

The move was applauded by former Rochester school board member Andrew Weaver, who warned school officials they needed to do more. Other parents opposed the measure on social media.

"Eliminating one position does not erase the broader activities and frameworks that fall under DEI. Ignoring this reality places our students and district in jeopardy," Weaver said in an email to the school board. "The Board of Education must exercise strong oversight to ensure this is not just a symbolic gesture to protect funding but a realignment of all programs in compliance with federal law. Anything less would be smoke and mirrors at the expense of our students."

On Friday, Michigan Attorney General Dana Nessel joined 19 other attorneys general in contesting the Trump administration's threats to withhold federal funding over DEI policies, arguing the administration should be barred because its Department of Education's policy is a "vague, contradictory and unsupported interpretation of Title VI."

State Board of Education President Pamela Pugh said earlier this month she asked the Michigan Department of Education to advise every school district in the state not to comply with policies or demands that would inflict harm, violate civil rights laws or force educators to teach lies.

"DEI means ensuring that rural students have reliable transportation to school. It means that students with disabilities receive the services they need. It means affirming students' identities and protecting them from harm," said Pugh, D-Saginaw.

Republican state board member Tom McMillin from Oakland Township proposed an amendment calling for biological boys to stay out of girls' sports, bathrooms and

locker rooms. The measure was rejected by the board, which has a 6-2 Democratic majority. McMillin said the measure was to ensure safety for all students.

"The Democrats' refusal to support my amendment makes it clear that they have no real interest in the safety of girls in schools, otherwise they would have agreed to oppose boys' access to girls' bathrooms, locker rooms and playing in girls' sports," McMillin said in a statement. "It appears that the Democrats on the Board are willing to sacrifice the safety of girls at the altar of the radical, left-wing trans agenda."

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