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EDUCATION

Amid parent complaints and national scrutiny, South Western School District boards up bathroom windows



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York Dispatch

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A Hanover-area school district boarded up the windows it previously cut into so-called "gender-identity" bathrooms, allowing passersby to look inside the facilities for LGBTQ+ students.

The move came two days after The York Dispatch's report on the South Western School Board decision — which members attributed to a right-wing, Christian law firm they'd hired — drew national scrutiny and outcry from civil liberties advocates.

School officials continued to ignore or decline the Dispatch's requests for comment on the matter, but parents confirmed that the windows had been boarded up at some point Wednesday or Thursday. It's not clear who ordered the windows to be covered or whether the issue would be revisited.

South Western's elected school board was expected to consider a proposal restricting which bathrooms LGBTQ+ students can use at its meeting on Wednesday.

Parents told the Dispatch that their children don't feel comfortable using the bathrooms with the newly installed windows that provide a clear view inside from the hallway. One parent spoke to Emory H. Markle Middle School's principal, seeking an exemption to allow her son to use a different bathroom farther away from his classroom.

"I found it really strange," said Jennifer Holahan, a South Western parent who shared photos of the windows with the Dispatch.

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Civil rights and civil liberties experts said the district's new policies — and renovations — are discriminatory and appear to be an intimidation tactic against LGBTQ+ students.

“Schools should be a welcoming and safe environment that nurtures students’ curiosity and well-being. Discriminatory policies like this one not only undermine those goals, they also make students less safe,” read a statement from the ACLU of Pennsylvania.

Clare Twomey, of York City's Human Relations Commission, told the Dispatch that anyone in the county is welcome to come to the organization's local office to file a report, which will then be brought to the Pennsylvania Human Relations Commission.

When she read about the situation in Hanover, Twomey simply said: "Oh my God."

"They are creating views into private areas," she continued. "That should be sacrosanct."

Whether it's a teen popping zits or a young woman menstruating, Twomey said, all young people deserve privacy in a school bathroom.

Kristina Moon, senior attorney at the Education Law Center, echoed those sentiments.

“We urge impacted students to contact the Education Law Center about this kind of discrimination at South Western or other schools following such a harmful and illegal practice,” Moon said.

The ELC is based in Philadelphia and Pittsburgh. Its mission is to "ensure access to a quality education for all children" in Pennsylvania.

South Western school officials have refused to comment on the matter with the Dispatch.

In a written statement to the U.K.-based Independent, South Western Superintendent Jay Burkhart declined to comment on the matter, but added: "The district administration did not make any physical alterations, including installation of the windows with sight lines to the sink areas, without specific directive from the board."

In statements to other media outlets, board president Matthew Gelazela stated, “In making the area outside of stalls more viewable, we are better able to monitor for a multitude of prohibited activities such as any possible vaping, drug use, bullying or absenteeism.”

Gelazela, however, did not answer why windows were cut into the "gender-identity" restrooms but no other student restrooms in district school buildings.

He declined the Dispatch's repeated requests for comment on the issue in recent weeks and hasn't offered public comment since an earlier report of his private email disclosure that he was the parent advocating for a book ban at South Western schools. Further, the Dispatch's reporting showed he spoke to state politicians in an attempt to strip funding from a local library that vowed to stock any books the district banned.

Last year, citing the concerns of a few unnamed people, the board unanimously approved a policy that would split the gendered options into five: male and female facilities based on sex assigned at birth, male and female facilities based on gender identity, and single-user, gender-neutral facilities. The changes, which amounted to new signage, were seen as a compromise in contrast with more restrictive policies enacted by other York County districts, such as Red Lion.

In August, however, a new conservative South Western School Board majority opted to cut windows into the gender identity bathrooms at a cost of \$8,700 on the reported advice of the Harrisburg-based Independence Law Center. The ILC has advocated for book bans and other anti-LGBTQ+ policies in school districts across Pennsylvania.

The ILC said it had not advised board members to cut windows into a bathroom with stalls. "It's the position of the Independence Law Center that privacy in multi-user facilities starts at the door of the room, not the door of stalls," the organization's statement read.

The firm would recommend a single-user bathroom similar to what is on airplanes and would open up to public areas.

The Dispatch has filed a Right-to-Know Law request seeking documents that would clarify what the ILC recommended to the school board.

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In August, the school board approved cutting "openings in order to increase oversight of wash area and enhance stall privacy" in the gender identity bathrooms in Emory H. Markle Middle School, according to the board's agenda.

"We are adding privacy in the toilet facility," Gelazela said during the Aug. 14 board meeting.

Holahan said she was shocked when her 13-year-old son told her about the renovations. She asked her son to take photos of the newly renovated bathrooms, which she then posted to social media alerting other parents to what the school district has done.

Moon called the situation alarming but added that it wasn't surprising, given other anti-LGBTQ+ policies advocated by the South Western School Board.

In the spring, the board adopted ILC-drafted policies restricting which sports teams students can compete on and which pronouns they can use in school.

“First the board over-complicated a non-issue by creating multiple tiers and assignments for student bathrooms, which stigmatizes and limits safe options for trans and nonbinary students,” Moon wrote. “Now they’ve cut actual holes for windows into the student bathrooms — but only the bathrooms they expect trans and nonbinary children to use.”

Moon described it as a horrifying violation of the students’ privacy.

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Twomey questioned Gelazela's claim that the windows were installed to curtail absenteeism — since students typically need hall passes and, if they were truly absent, administrators wouldn't see them in school at all.

Those excuses ring hollow, she said, adding that she would pull her child out of a school "in a minute" if it encroached on the privacy of student bathrooms.

“Intentionally putting a window in in order to watch people in the bathroom doesn’t make that any different than someone drilling a hole in the wall to look through the wall to see what’s going on in the bathroom,” she said.

Twomey also questioned why this was done now.

The district's bathroom policy was adopted by the board in August 2023, before a wave of far-right board members were elected in a low-turnout election that fall.

Since then, the Biden administration updated the Title IX law to expand protection for LGBTQ+ students, including gender identity. That update went into effect on Aug. 1 in schools.

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Twomey pointed out there is a lot of focus on Title IX, as some organizations have moved to block it by filing lawsuits in other states.

“The bottom line is that he, according to his words, he is doing the exact opposite of what they say they’re trying to do,” she said.

She added if there is a vaping, drug usage or bullying problem so bad a window was cut into the bathroom, then there are bigger problems.

“I’m not buying what they’re selling,” she said.

Moon said this is “cruel discrimination” aimed at transgender and nonbinary students.

“The school board is acting on really bad advice and making the school district a mockery and an outrage,” she wrote.

She said all children have a right to use “easily accessible bathrooms” that offer them “true privacy and do not discriminate based on sex and gender identity,” as explained by federal and state law.

Twomey said by definition the windows are discriminatory, which is not legal.

“This is bullying,” she said of the windows. “This is adults bullying LGBTQ+ students.”

Twomey added if the LGBTQ+ students weren’t involved, this wouldn’t have happened.

“This is intentional bullying and therefore by definition, because it is different treatment, it is now also discrimination,” she said.

South Western's next board meeting is scheduled for 7 p.m. Wednesday at 225 Bowman Road, Hanover, and it will be livestreamed on the district’s YouTube channel.

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