

Interim

email: "chruby@of90.net Carrie Hruby"

Sunday, August 28, 2016 at 8:38:06 AM Central Daylight Time

To: email: "bdrury@of90.net Becky Drury", email: "troach@of90.net Todd Roach", email: "

Todd

Roach", email: "sspringer@of90.net Steve Springer", email: "

Steve", email: "rhuller@of90.net

Rebecca Huller", email: "mbaskett@of90.net Mary Baskett", email: "

Mary Baskett", email:

"jwagnon@of90.net John Wagnon"

Board Vacancy

To date we have received three completed application for the Board vacancy. Another 5-6 people have inquired about the vacancy and I've forwarded the form to them. Lynn and I will compile all that are received and forward as a packet on September 2.

Transgender Student

We have a student who recently shared with his parents that he would like to identify as a male, although born female. admin. are handling this very sensitively and have met with him and his parents. He

is seeing a counselor, and has a great deal of anxiety about a recent divorce and this gender conflict.

Mother has been very collaborative and interested in working together to move forward. The

admin has arranged for him to change for PE and take restroom breaks in the nurse's office area.

5/10/2018

Google Apps Vault - Interim

Upcoming Meetings/Events

IASB Southwestern Division Meeting

The October 5 IASB Southwestern Division meeting will be held right here in O'Fallon, at the OTHS Milburn campus. For more information [click here](#).

Please [email Lynn](#) if you would like to attend and she will register us as a group.

—

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



5/10/2018

Google Apps Vault - Re: Interim: Delayed with Questions

Re: Interim: Delayed with Questions

email: "t Steve"
To: email: "chrubv@of90.net Carrie Hruby"
Cc: email: 'John Wagnon'

Wednesday, August 31, 2016 at 9:59:54 AM Central Daylight Time

Good Morning. Some comments and questions for you.

BOE Vacancy. I would like to request all materials relating to proposed board mbrs not later than close of business on Mon the 5th if at all possible, as we are leaving town for the rest of the week and I want to review them while we are gone. The list of potential BOE mbrs you just sent: Is there any problem sending that list out to my 'peeps' to solicit feedback about them?

Nurse; If we hire an RN are we expecting the salary to be similar to what we were paying? I am concerned about an increase in staffing expenses. Secondly, if we paid for Geri to become a CSN, what did we have for a 'payback' period as a guarantee on our investment? If we had nothing, we then need to set up guidelines for providing credentials in return for a 'return on investment'. Can discuss at a Fin Com meeting as well as Policy Com. May need to get an LOA with the union(s) as well. I am presently against a stipend for a head nurse. The responsibility comes with the job. Take it or don't. We seem to be in the 'let's spend money' mode here.

EK. You're present solution is correct. Sometimes shit happens. Deal with it. They got some newly remodeled digs. Be thankful and put an effort into making it work. Mark has apparently gone above and beyond and not been whining about compensation. Wheeeeeaaaa.

Transgender student. It seems that you have decided to change the God given biological makeup of this student without input from a

5/10/2018

Google Apps Vault - Re: Interim Delayed with Questions

court, the BOE or God. The child is a girl. *She* needs to be referred to as a girl. I am saddened that she is having such problems and is confused. But confused is the status, and confusion is not a reason for the district to stand on it's head! What grade is this child in? How does it help her confusion to be changing, etc in the nurse's office? It simply serves to draw further attention to *her* anxieties. What is next on her agenda or her parents agenda? Do they want her to change with the boys? That would be *very* disruptive and thus a violation of school policy punishable by suspension/expulsion!!

BOE Agenda item: I would like to discuss/address what needs to be done for/with 'transgender' students in this case and in the future. A child with serious 'confusion' issues needs professional assistance, and not at taxpayer expense!

OK. Enough of the beat of today's drum. Sadly we have arrived at a place in time I had hoped would pass us by. But, that was wishful thinking. The issue is here and we need to deal with it. Next up?? Yes, next will be a place for Mohamed to wash his little feet and face Mecca three times during the school day.

Call is you would like to chat. I'm here till 1300 hours.

SS

On 08/28/2016 8:38 AM, Carrie Hruby wrote:

5/10/2018

Google Apps Vault - Re: Interim: Delayed with Questions

email: 'John Wagnon' Wednesday, August 31, 2016 at 11:06:12 AM Central Daylight Time
To: email: "chruby@of90.net Carrie Hruby", email: "Steve"

My \$.02 on sending the list of names around for feedback. My initial thought is that you should use whatever means of feedback you need in order to make the best decision. If you have a trusted "peep" who might have some solid counsel on a potential board appointee, I don't see a problem with talking to said "peep" for advice. That said, it might not be a bad idea to let the other board members know that some of us plan to do just that.

I'll send a note to all the board members and give them a chance to come back to me with any potential pushback.

Also, to clarify, I'm not suggesting we post all these names in the newspaper or on Facebook, etc to solicit blanket feedback. Rather, I'm referring to a discussion between you and a trusted friend(s) who might be able to share some wise counsel about one of our candidates.

Thanks,

John

5/10/2018

Google Apps Vault - Re: Interim: Delayed with Questions

From: Carrie Hruby <chruby@of90.net>

Sent: Wednesday, August 31, 2016 10:49 AM

To: Steve

Cc: John Wagnon

Subject: Re: Interim: Delayed with Questions

Good morning,

BOE Vacancy--No problem on the sending of materials by the 5th. I actually plan to send all of the applications to the BOE members on September 2 after the 3:00 pm deadline.

I'll let John answer the question about whether or not Board members should send out the names to the public. I would imagine that's something all Board members should agree to.

Nurse--I met with the union, who had input from our current nurses about the duties Geri filled. I'll send a more detailed note to all Board members later today.

EK--Thanks for the support on that decision :) I think it was only one person who was complaining, and even she understood when we explained that there would be no compensation.

Transgender student--I do not believe the student or parent want to pursue an option of changing with the boys. The courts recently ruled that districts do not have to accommodate such requests. But again that is not something they wish to pursue, nor

<https://ediscovery.google.com/discovery/u/0/DisplayMessage?h=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&at=ACD7onqsynobhV2dWIMrh5cYMKoq1mdj2>

5/10/2018

Google Apps Vault - Re: Interim: Delayed with Questions

would we accommodate. The family is currently in counseling, with an outside counselor, at their own expense.

Hope this helps clarify.

Have a great day,

Carrie

On Wed, Aug 31, 2016 at 9:59 AM, Steve < > wrote:

Good Morning. Some comments and questions for you.

BOE Vacancy. I would like to request all materials relating to proposed board mbrs not later than close of business on Mon the 5th if at all possible, as we are leaving town for the rest of the week and I want to review them while we are gone. The list of potential BOE mbrs you just sent: Is there any problem sending that list out to my 'peeps' to solicit feedback about them?

Nurse; If we hire an RN are we expecting the salary to be similar to what we were paying? I am concerned about an increase in staffing expenses. Secondly, if we paid for Geri to become a CSN, what did we have for a 'payback' period as a guarantee on our investment? If we had nothing, we then need to set up guidelines for providing credentials in return for a 'return on investment'. Can discuss at a Fin Com meeting as well as Policy Com. May need to get an LOA with the union(s) as well. I am presently against a stipend for a head nurse. The responsibility comes with the job. Take it or don't. We seem to be in the 'let's spend money' mode here.

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her confusion to be changing, etc in the nurse's office? It simply serves to draw further attention to *her* anxieties. What is next on her agenda or her parents agenda? Do they want her to change with the boys? That would be very disruptive and thus a violation of school policy punishable by suspension/expulsion!!

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SS

On 08/28/2016 8:38 AM, Carrie Hruby wrote:

Re: Interim: Delayed with Questions

email: "chruby@of90.net Carrie Hruby"
To: email: "Steve"
Cc: email: "John Wagnon"

Thursday, September 1, 2016 at 5:34:19 PM Central Daylight Time

said it's not causing any problems to use the restroom in the nurse's area to change. It doesn't prevent other students from visiting the nurse's office, as it is the restroom rather than the office area, that is used.

Also, they have several other students who use that restroom before their PE class. For example, one has anxiety about changing in the locker room and is on an IEP. Another is a diabetic and sees the nurse to check insulin levels and then changes there. Another is a student who had a theft issue and they are working to regain trust.

On Wed, Aug 31, 2016 at 5:00 PM, Steve <

> wrote:

Oooops! Sorry I missed that grade statement. Getting old I guess.

OK, so below you say "The courts recently ruled that districts do not have to accommodate such requests. But again that is not something they wish to pursue, nor would we accommodate." So why have we accommodated the request to change in the nurse's office and use the restroom there? Is there not more important business going on in the nurses's office? If she is a girl, has been a girl at using those facilities for over two years and still can use the girls restroom/lockerroom, what is the point? Where is this going?

John, I do think we need to do a quick visit with this in Exec Session next BOE mtg.

SS

5/10/2018

Google Apps Vault - Re: Interim: Delayed with Questions

On 08/31/2016 12:17 PM, Carrie Hruby wrote:

I'm not sure I can answer the question about whether or not changing in the nurse's office is helpful. That was the request of the student and parent and we agreed to it.

On Aug 31, 2016, at 11:49 AM, Steve < wrote:

Thanks for the quick response.

Didn't answer two questions though. What grade is this child in? How does it help her confusion to be changing, etc in the nurse's office?

SS

On 08/31/2016 10:49 AM, Carrie Hruby wrote:

Good morning,

Fwd: Transgender

email: "chruby@of90.net Carrie Hruby" Friday, September 30, 2016 at 8:25:15 PM Central Daylight Time
To: email: "bdrury@of90.net Becky Drury", email: "sspringer@of90.net Steve Springer", email: "Steve" , email: "John Wagnon", email: "rhuller@of90.net Rebecca Huller", email: "mbaskett@of90.net Mary Baskett" , email: "troach@of90.net Todd Roach", email: "Mary Baskett" , email: "mloyd@of90.net Matt Lloyd"

In follow up to the Board's request, I asked Dr. Benway for the OTHS procedures/policy.

Begin forwarded message:

From: "Benway, Darcy" <BenwayD@oths.us>
Date: September 30, 2016 at 3:47:47 PM CDT
To: Carrie Hruby <chruby@of90.net>
Subject: Transgender

Attached are the procedures we follow for Transgender students. OTHS specific procedures have been inserted on page 4.

Attachments:

image003.png 10.0k

7-10 AP (rev 8-15) Transgender.doc 94k

Students

Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students

This procedure's accommodation and support guidelines advance the District's goals of (1) providing all students equal access to a safe, non-hostile learning environment, and (2) implementing risk management controls in a developing and unsettled area of the law in which the federal Office of Civil Rights and Department of Justice have issued guidance.

While there is no mandate requiring procedures for accommodating transgender students or gender non-conforming students, this procedure guides school officials through the: (1) application of State and federal anti-discrimination laws to this student population, and (2) common needs in which transgender or gender non-conforming students may request accommodations and support at school. This procedure applies to all school activities, school-provided transportation, and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager, with input from others as appropriate, will implement this procedure. They will work with each transgender or gender non-conforming student, and as appropriate with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis. The Board Attorney will be consulted concerning legal compliance.

Gender-Based Discrimination Is Prohibited

School districts must provide equal educational opportunities to transgender students and gender non-conforming students. Under State law, *sex discrimination* extends to claims of discrimination based on *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. The Ill. Human Rights Act defines *sexual orientation* as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972. According to the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice, Title IX protects lesbian, gay, bisexual, and transgender students, from gender discrimination.

School Board policy 7:10, *Equal Educational Opportunities*, recognizes the legal requirements described above. This procedure's guidance on accommodating transgender students or gender non-conforming students is based on OCR pronouncements. See the last section, Resources.

Gender-Based Bullying and/or Harassment Is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students. According to the federal Office of Civil Rights, a school district is responsible for damages suffered by a student who was the victim of protected-class harassment: (1) that is severe, pervasive, or persistent; (2) about which school officials knew or should have known; and (3) that interferes with or limits a student's participation in or benefit from services, activities, or opportunities offered by the school.

The School Code prohibits **bullying** on the basis of **actual** or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. 105 ILCS 5/27-23.7(a). The Board policy on bullying and the District's suite of bullying prevention materials must be used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (from the *Arcadia Resolution Agreement*, 7-24-2013, www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf). NOTE: Definitions are not intended to label students, but rather to assist with understanding.

Gender-based discrimination is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Sex assigned at birth and assigned sex refers to the gender designation listed on one's original birth certificate.

Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender identity refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

Transgender describes an individual whose gender identity is different from the individual's assigned sex. **Transgender boy** and **transgender male** refer to an individual assigned the female sex at birth who has a male gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a transgender student is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

Gender transition refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

Gender stereotypes refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender non-conformity refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

Facilities refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

- 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.
- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
- 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
- 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Common Needs for Transgender or Gender Non-Conforming Students: Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (Illinois Human Rights Act and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations is difficult because school officials must balance the rights of transgender or gender non-conforming students to freedom from discrimination and freedom of expression with the rights of other students to freedoms of religion and expression. The Board Attorney is an indispensable member of the team that will identify accommodations for a specific student.

This list is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. Seek the Board Attorney's advice concerning the scope and extent of accommodations.

1. Gender transition
2. Names and pronouns
3. School student records

4. Student privacy and confidentiality
5. Access to gender-segregated areas (e.g. locker rooms and restrooms)
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation*, www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx
7. Dress codes
8. Gender segregation in other areas (e.g., class discussions and field trips)

OTHS Administrative Procedures:

- Schedule a meeting with parents and a social worker to gain an understanding of their expectations and level of support for their student. All situations are unique.
- Request supporting documentation regarding the gender identity of the student. (Documentation (a) demonstrating that a student consistently and uniformly asserts a gender identity different from the student's assigned sex, or (b) for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.) Note: This is a request for documentation, not a requirement.

For minor (<18 years) transgender students with parental support/consent and for adult (age 18+) transgender students, **ALLOW** the following:

- Name change and identification on non-legally binding documents
 - Use of desired name
 - Name change on ID
 - Name change on class rosters or other non-legal documents
 - Use of pronouns associated with gender identification
- Use of restroom for the gender with which student identifies
- Use of locker room for the gender with which student identifies
- Enrollment in classes of the gender with which student identifies (Boys/Girls PE)

Unless the student presents an amended birth certificate or court order legally changing his/her name or sex, official school records containing the student's birth name or reflecting the student's assigned sex at birth shall continue to reflect the legal name and legal sex assigned to the student but **MUST** be treated as confidential.

For minor (<18 years) transgender students where parents do not support or consent to the gender of which the student identifies, no name change can occur on non-legal documents. A meeting with the parents and the social worker should **still** be called to address the student's social and emotional well-being and explore options to make the student as comfortable as possible in the school environment. Options may include bathroom and locker room accommodations, social work support, and/or use of a preferred name by teachers who **already** use nicknames in classrooms. The plan put into place will be done on a case by case basis.

Athletic participation in all cases involving a transgender student will be governed by the policies and procedures established by the IHSA.

Training for School Staff Members

When and where appropriate, professional development for staff members should include opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding bullying, discrimination, and student privacy.

Resources

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, published by the National School Board Association and other participating organizations, April 2013, at www.nsba.org/sites/default/files/reports/Dealing%20with%20Legal%20Matters%20Surrounding%20Students%E2%80%99%20Sexual%20Orientation%20and%20Gender%20Identity.pdf.

Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (undated), at www.doe.mass.edu/ssce/GenderIdentity.pdf.

OCR Dear Colleague Letter, harassment and bullying (2010), at www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html.

OCR Guidance on Responsibilities of Schools to Address Sexual Violence, Other Forms of Sex Discrimination (2014) at www.ed.gov/news/press-releases/guidance-issued-responsibilities-schools-address-sexual-violence-other-forms-sex.

OCR and DOJ Consent Decrees and Resolution Agreements:

www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html (Anoka-Hennepin School District, MN, 3-5-2012).

www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html (Tehachapi Unified School District, CA, 7-7-2011).

www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf (Arcadia Unified School District, CA, 7-24-2013).

Executive Order No. 11,246, 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., p. 339, (1965), as amended on July 21, 2014, prohibits discrimination by the federal government or federal contractors on the basis of sexual orientation or gender identity. The Secretary of Labor was directed to prepare implementing regulations within 90 days (or by 10-19-2014).

The School Leaders Risk Management Association. *District Transgender and Gender Non-conforming Student Practice and Policy*, May 2014 (Copyright - Chicago: Brokers Risk Placement Service, Inc., 2014).

Which Way to the Restroom? Respecting the Rights of Transgender Youth in the School System. April 2012 (Copyright - National School Boards Association), Grant Bowers and Wendy Lopez, at www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf.

5/10/2018

Google Apps Vault - Re: Fwd: Transgender

Re: Fwd: Transgender

email: "Steve"
To: email: "chruby@of90.net Carrie Hruby"

Saturday, October 1, 2016 at 5:17:01 PM Central Daylight Time

Thanks for the follow up. I wish I could 'appreciate' the content.

SS

On 09/30/2016 8:25 PM, Carrie Hruby wrote:

In follow up to the Board's request, I asked Dr. Benway for the OTHS procedures/policy.

Begin forwarded message:

From: "Benway, Darcy" <BenwayD@oths.us>

Date: September 30, 2016 at 3:47:47 PM CDT

5/10/2018

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To: Carrie Hruby <chruby@of90.net>

Subject: Transgender

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email: "chruby@of90.net Carrie Hruby"

Friday, October 7, 2016 at 3:43:51 PM Central Daylight Time

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Requests for Sample Policy Info.

In addition to the policy I emailed you from OTHS a few days ago, I've also attached some documents that we found regarding the topic of transgender students. This information is FYI. I can continue to look for additional samples if you would like.

Upcoming Meetings/Events

October 9--Board members were invited to attend Braden Gaab's Eagle Scout Court of Honor at Carriel at 2:00 pm.
October 11--Carrie and Becky meet with 5th grade teachers
October 12--Carrie and Becky have Board Advisory and Boundaries Committee meetings
Date TBD--Finance Committee meeting (Patty and Steve are working on options for meeting dates)
October 17--Carrie, Becky and John meeting with staff re: questions about Boundaries recommendation
October 18--Regular Board meeting at 7:00 pm

Additional FYI Information for Matt Lloyd

Each week I will add information for Mr. Lloyd at the bottom of the interim report. I will include it here in case it might also be helpful to other Board members, but it most likely will be information with which you're already familiar.

Attached is a list of the Board Goals that were established last year. We used these goals in our Admin Retreat this summer, to guide our goals as a team and individually. The principals have now also used them to write their evaluation goals and the school improvement goals.

Also attached is a PPT John and I presented to the City Council last Spring, as a "state of the District address." I also presented this information to the noon Rotary Club, and was happy to tell both groups about the many tasks we've accomplished the past year.

--
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net

**Attachments:**

TransgenderPolicyExamplesandInfo.pdf 2.2M
BoardGoals.docx 79k
CityCouncil.RevisedMay2.pptx 5.5M

Students

Administrative Procedure - Accommodating Transgender Students or Gender Non-Conforming Students 1

This procedure's accommodation and support guidelines advance the District's goals of (1) providing all students equal access to a safe, non-hostile learning environment, and (2) implementing risk management controls in a developing and unsettled area of the law in which the federal Office of Civil Rights and Department of Justice have issued guidance.

While there is no mandate requiring procedures for accommodating transgender students or gender non-conforming students, this procedure guides school officials through the: (1) application of State and federal anti-discrimination laws to this student population, and (2) common needs in which transgender or gender non-conforming students may request accommodations and support at school. This procedure applies to all school activities, school-provided transportation, and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager, with input from others as appropriate, will implement this procedure. They will work with each transgender or gender non-conforming student, and as appropriate with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis. The Board Attorney will be consulted concerning legal compliance.

Gender-Based Discrimination Is Prohibited

School districts must provide equal educational opportunities to transgender students and gender non-conforming students. Under State law, *sex discrimination* extends to claims of discrimination based on *sexual orientation* and *gender identity*. 775 ILCS 5/5-101(11); 23 Ill.Admin.Code §1.240. The Ill. Human Rights Act defines *sexual orientation* as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth." 775 ILCS 5/1-103(O-1). The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms. 775 ILCS 5/5-103.

Federal law prohibits exclusion and discrimination on the basis of *sex*. 20 U.S.C. §1681(a), Title IX of the Education Amendments of 1972. According to the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice, Title IX protects lesbian, gay, bisexual, and transgender students, from gender discrimination.

Administrative procedures are not adopted by the board. Before using this procedure, consider all footnotes and customize the procedure for your district. Remove the footnotes before duling and communicating the new procedure to district staff.

1 Administrative procedures guide the implementation of board policy. Policies are often implemented by district administrators through specifically-tailored administrative procedures. To implement a policy, the purpose and function of the policy must be understood. The purpose and function of 7:10, *Equal Educational Opportunities* is three-fold:

- (1) to ensure legal compliance with equal educational opportunity (EEO) laws,
- (2) to direct or authorize the superintendent or staff members to implement EEO laws, and
- (3) to establish board processes, and/or provide information about EEO laws to staff members and students.

This administrative procedure provides considerations for supports and accommodations that transgender students or gender non-conforming students may need as required by policy 7:10, *Equal Educational Opportunities*.

School Board policy 7:10, *Equal Educational Opportunities*, recognizes the legal requirements described above. This procedure's guidance on accommodating transgender students or gender non-conforming students is based on OCR pronouncements. See the last section, Resources.

Gender-Based Bullying and/or Harassment Is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students. According to the federal Office of Civil Rights, a school district is responsible for damages suffered by a student who was the victim of protected-class harassment: (1) that is severe, pervasive, or persistent; (2) about which school officials knew or should have known; and (3) that interferes with or limits a student's participation in or benefit from services, activities, or opportunities offered by the school.

The School Code prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. 105 ILCS 5/27-23.7(a). The Board policy on bullying and the District's suite of bullying prevention materials must be used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. See 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Terminology and Definitions

The District uses the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student (from the *Arcadia Resolution Agreement*, 7-24-2013, www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf). Note: Definitions are not intended to label students, but rather to assist with understanding. *Gender identity*, *sex assigned at birth*, *transgender*, and *gender transition* are defined slightly differently in a *Dear Colleague Letter* issued jointly by the U.S. Departments of Education and Justice on May 13, 2016 (see Resources below).

Gender-based discrimination is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Sex assigned at birth and assigned sex refers to the gender designation listed on one's original birth certificate.

Gender expression refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender identity refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

Transgender describes an individual whose gender identity is different from the individual's assigned sex. *Transgender boy* and *transgender male* refer to an individual assigned the female sex at birth who has a male gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. For purposes of this procedure, a *transgender student* is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is

documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity.

Gender transition refers to the experience by which a transgender person goes from living and identifying as one's assigned sex to living and identifying as the sex consistent with one's gender identity. A gender transition often includes a *social transition*, during which an individual begins to live and identify as the sex consistent with the individual's gender identity, with or without certain medical treatments or procedures.

Gender stereotypes refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

Gender non-conformity refers to one's gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes.

Facilities refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

- 2:260, *Uniform Grievance Procedure*, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The District Complaint Manager shall address the complaint promptly and equitably.
- 6:65, *Student Social and Emotional Development*, requires that social and emotional learning be incorporated into the District's curriculum and other educational programs.
- 7:10, *Equal Educational Opportunities*, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:20, *Harassment of Students Prohibited*, prohibits any person from harassing, intimidating, or bullying a student based on an actual or perceived characteristic that is identified in the policy including, among other protected statuses, sex, sexual orientation, and gender identity.
- 7:130, *Student Rights and Responsibilities*, recognizes that all students are entitled to rights protected by the U.S. and Illinois Constitutions and laws for persons of their age and maturity in a school setting.
- 7:160, *Student Appearance*, prohibits students from dressing or grooming in such a way as to disrupt the educational process, interfere with a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.
- 7:165, *Student Uniforms*, encourages students to wear school uniforms in order to maintain and promote orderly school functions, school safety, and a positive learning environment, if adopted.
- 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, contains the comprehensive structure for the District's bullying prevention program.
- 7:250, *Student Support Services*, directs the Superintendent to develop protocols for responding to students' social, emotional, or mental health problems that impact learning.
- 7:330, *Student Use of Buildings - Equal Access*, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 7:340, *Student Records*, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.

Common Needs for Transgender or Gender Non-Conforming Students: Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (Illinois Human Rights Act and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations must be made on a case-by-case basis depending upon the needs expressed by the student.

The Superintendent may establish a gender support team that will identify accommodations for a specific student. The Board Attorney should be consulted and invited to be a member of the team.

This following list of possible accommodation considerations is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. Seek the Board Attorney's advice concerning the scope and extent of accommodations.

1. Gender transition
2. Names and pronouns
3. School student records

For managing demographic information in the ISBE Student Information System, see www.isbe.net/sis/pdf/student_demographics.pdf.

4. Student privacy and confidentiality
5. Access to gender-segregated areas (e.g. locker rooms and restrooms)
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, *Policy and School Recommendations for Transgender Participation*, www.ihsa.org/AbouttheIHSA/ConstitutionBylawsPolicies.aspx
7. Dress codes
8. Gender segregation in other areas (e.g., class discussions and field trips)

Training for School Staff Members

When and where appropriate, professional development for staff members should include opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding bullying, discrimination, and student privacy.

Resources

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, published by the National School Board Association and other participating organizations, April 2013, at www.nsba.org/sites/default/files/reports/Dealing%20with%20Legal%20Matters%20Surrounding%20Students%E2%80%99%20Sexual%20Orientation%20and%20Gender%20Identity.pdf.

Gender Spectrum, an organization whose mission is to help create gender sensitive and inclusive environments for all children and teens. at www.genderspectrum.org.

Massachusetts Department of Elementary and Secondary Education, *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment Nondiscrimination on the Basis of Gender Identity* (undated), at www.doe.mass.edu/ssce/GenderIdentity.pdf.

OCR *Dear Colleague Letter*, harassment and bullying (2010), at www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html.

OCR *Guidance on Responsibilities of Schools to Address Sexual Violence, Other Forms of Sex Discrimination* (2014) at www.ed.gov/news/press-releases/guidance-issued-responsibilities-schools-address-sexual-violence-other-forms-sex.

OCR and DOJ Consent Decrees and Resolution Agreements:

www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901.html (Anoka-Hennepin School District, MN, 3-5-2012).

www2.ed.gov/about/offices/list/ocr/docs/investigations/09111031.html (Tehachapi Unified School District, CA, 7-7-2011).

www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf (Arcadia Unified School District, CA, 7-24-2013).

OCR and DOJ *Dear Colleague Letter*, transgender students (2016), at www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf.

Executive Order No. 11,246, 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., p. 339, (1965), as amended on July 21, 2014, prohibits discrimination by the federal government or federal contractors on the basis of sexual orientation or gender identity. The Secretary of Labor was directed to prepare implementing regulations within 90 days (or by 10-19-2014).

The School Leaders Risk Management Association. *District Transgender and Gender Non-conforming Student Practice and Policy*, May 2014 (Copyright - Chicago: Brokers Risk Placement Service, Inc., 2014).

Transgender Students in Schools: Frequently Asked Questions and Answers for Public School Boards and Staff. April 2016 (Copyright - National School Boards Association), at [cdn-files.nsba.org/s3fs-public/reports/2016 Transgender Guide.pdf?1R8sk-ORT6/2 CyWC6K2/2KEhwZg](http://cdn-files.nsba.org/s3fs-public/reports/2016%20Transgender%20Guide.pdf?1R8sk-ORT6/2%20CyWC6K2/2KEhwZg).

Which Way to the Restroom? Respecting the Rights of Transgender Youth in the School System. April 2012 (Copyright - National School Boards Association), Grant Bowers and Wendy Lopez, at www.nsba.org/sites/default/files/reports/Respecting%20the%20Rights%20of%20Transgender%20Youth%20and%20appendices.pdf.

Policy and School Recommendations for Transgender Participation:

Source: IHSA

The Illinois High School Association approves this policy and process to address the participation of transgendered students in all IHSA state finals series in athletics and activities.

For the purpose of this policy the following definitions will be in place:

- **Transgendered:** a person whose gender identity doesn't match the sex assigned to him or her at birth.
- **Intersex:** a person who is born with a reproductive or sexual anatomy and /or chromosome pattern that doesn't seem to fit the typical definitions of female or male.
- **Gender Identity:** a person's deeply-felt internal sense of being male or female.
- **Gender Expression:** a person's external characteristics and behaviors that are socially defined as either masculine or feminine (dress, speech, mannerisms, social interactions, etc)

Privacy Statement: All discussions and documents at all levels of the process either by a member school, appeals panel, and/or IHSA shall be kept confidential unless specifically requested by the student and family.

School Procedure:

- 1) The student and/or parents shall contact the school administrator or athletic director at their member school notifying them that the student has a different gender identity than listed on the student's school registration card or birth certificate and that the student wishes to participate in athletics/activities in a manner consistent with their gender identity. The school shall collect the following for the participation ruling:
 - a. Gender identity used for school registration records
 - b. Medical documentation (hormonal treatments, sexual re-assignment surgery, counseling, medical personnel, etc.)
 - c. Gender identity related advantages for approved participation
- 2) Once the school administrator has collected the relevant information, the member school shall contact the IHSA office in writing of the request for the ruling, the student's gender identity, and the selected athletics/activities that the student would like the opportunity to participate in if they are selected through the team try-out process.
 - a. Once the student is approved, participation is granted through the duration of their high school career, it does not need to be annually renewed.

IHSA Procedure:

IHSA will make final rulings on student participation. The IHSA will establish a group of medical personnel to act in an advisory role when reviewing rulings. Appealing parties should provide the following documentation:

- 1) A current transcript and school registration information
- 2) Documentation of the student's consistent gender identification (e.g. affirmation statements from student, parent/guardian, and/or health care provider.
- 3) Any other pertinent documentation or information

The IHSA will respond to the member school in writing the decision of the participation ruling.

Areas of Awareness:

Have a plan in place

Use correct names/pronouns- according to student's self-identification

Gender appropriate restroom accessibility

Locker room accessibility

Educational training for teachers, counselors, coaches, administrator and students on transgender sensitivity in relation to student

Manner of dress according to gender identity

Access to resources and accurate information

Source: NSBA



2016
TRANSGENDER
STUDENTS IN SCHOOLS

Frequently Asked Questions and Answers for Public School Boards and Staff

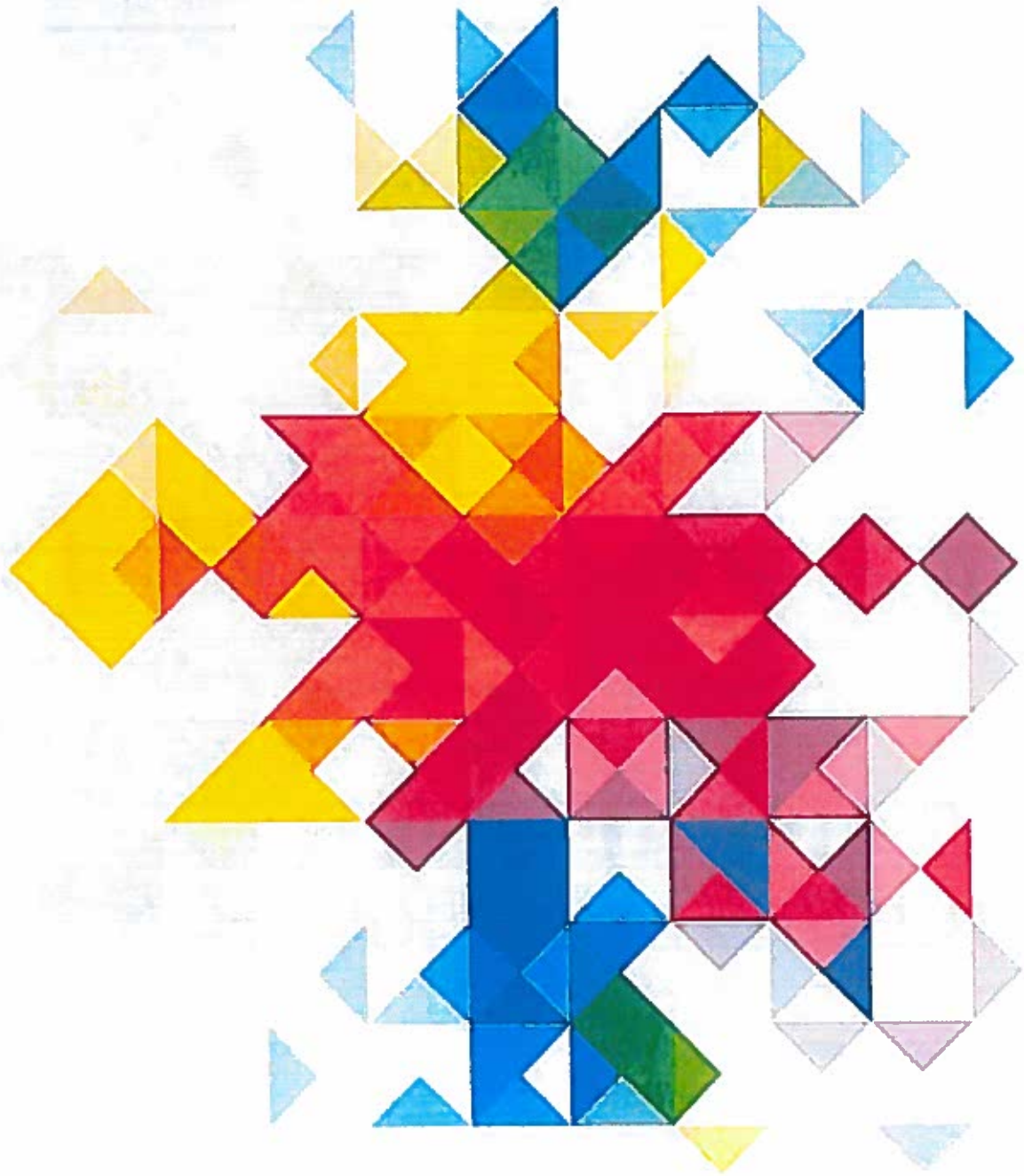


Table of Contents

2016 Transgender Students in Schools

| | |
|--------------------------------------------------------|----------|
| I. Introduction..... | 5 |
| II. FAQs..... | 6 |
| Definitions..... | 6 |
| Addressing a Transgender Student..... | 6 |
| Discrimination/Harassment..... | 7 |
| Student Privacy..... | 9 |
| Official Records..... | 11 |
| Curriculum..... | 12 |
| Sports, School Activities, and Physical Education..... | 13 |
| Restroom and Locker Room Accessibility..... | 14 |
| Gender Segregation in Other Areas..... | 15 |
| School Trips..... | 15 |
| Dress Codes..... | 16 |
| School Staff..... | 17 |
| Community Engagement..... | 17 |
| Endnotes..... | 20 |



I. INTRODUCTION

As K-12 public school leaders, you know that societal challenges, conflicts, and changes often play out dramatically in public schools. Students and staff bring to school each day their own unique family, religious, and personal experiences, their views, their opinions, and their struggles. As society continues to confront issues of sexual orientation and gender identity, schools have become a key arena where evolving views are explored and tested.

Today, societal attitudes with respect to LGBT people, particularly those who are transgender or gender non-conforming, are evolving rapidly. With the U.S. Supreme Court's recognition of same-sex marriage as a fundamental right,¹ and many states prohibiting discrimination based on sexual orientation or gender identity,² LGBT rights are front and center. Transgender or gender non-conforming students' increasingly assert civil and educational rights at school, which means school staff and leadership must balance a growing number of competing voices: requests from students and parents for accommodation, concerns of students and parents relating to privacy and safety, requirements from state governments and federal agencies, and guidance from special interest groups.

While these sometimes-demanding voices continue to press schools from all sides, the legal framework specifically addressing transgender students remains piecemeal. Schools currently have no single, definitive legal authority to inform their response in this area. The U.S. Supreme Court has yet to hear a case on transgender student issues, and conflicts remain between the few existing federal court rulings on the one hand, and the Departments of Justice and Education on the other regarding how Title IX, the federal sex anti-discrimination law, should be applied.

In this shifting legal landscape, your goal — and challenge — as public school leaders remains clear: to provide educational access and to maintain safe learning environments for all, including transgender students. School board members have an opportunity to lead through your policy-making function. You should engage your communities regarding the most effective policies and procedures that will ensure equal access to education, while reflecting community concerns and values. Public schools belong to all, and policy decisions about important issues should be made only after appropriate involvement of those affected by the decision and with due consideration for the rights of those holding dissenting views, seeking to reconcile sometimes deeply conflicting community views and legal imperatives on these issues.⁴ Admittedly, the conversation is not easy. Recent experience demonstrates that even as school boards adopt and implement anti-discrimination

policies to protect students, they are faced with more difficult conversations about how to implement those policies on a day-to-day basis. How do we allow equal access, but respect privacy for transgender and other students? How does a school district apply its dress code for transgender students? And how do schools regulate student use of single-sex restrooms and locker rooms? School boards and school staff will have to answer these questions through policy and daily on-the-ground decisions, all the while balancing sincerely held beliefs and community norms.

There are no quick and easy answers to these questions. While social change can be painful and challenging, it also can be a process of enrichment and growth, especially when school leaders engage and guide their communities in conversations that respect disparate beliefs and opinions. This guide is intended to assist your efforts to engage in these difficult conversations, and to make very difficult choices, while navigating a sometimes confusing legal landscape. Our primary aim is to offer a guide for spotting issues, understanding existing legal frameworks, and, where appropriate, offering recommendations to help schools ensure that all students, regardless of gender identity, are safe and learning at school. A key tenet undergirding this guide is the belief that all children have a right to learn, and they deserve public schools free from discrimination and harassment.

The guide is not intended to provide one size fits all legal advice for what are very sensitive and complex social and legal issues. Because these issues must be resolved in the context of local communities, school boards and school district leaders are encouraged to consult their school attorney member of the NSBA Council of School Attorneys regarding how the applicable laws and regulations in their state, along with federal requirements outlined here, may affect the policy decisions they are making for their schools.

We urge school boards and their communities to use this guide as a balanced, objective resource to illuminate your conversations on this topic, and to support the mission of public schools to educate our nation's children in safe learning environments.



II. FAQs

1. Definitions

“Transgender” is an umbrella term used to describe individuals whose gender identity, expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth. Gender identity is not sexual orientation.

Question: What is meant by transgender or gender non-conforming student?

The American Academy of Pediatrics (AAP) describes gender non-conforming people as “persons with behaviors, appearances, or identities that are incongruent to those culturally assigned to their birth sex. Gender nonconforming individuals may refer to themselves as transgender, gender queer, gender fluid, gender creative, gender independent, or non-cisgender.” The AAP definition reflects the increasingly—though not universally⁴—accepted view that gender is “a continuum between maleness and femaleness” and that for a particular child, gender non-conformity may “change over the years or disappear altogether.”⁵

Gender identity is not sexual orientation, which refers to a person’s emotional, romantic, and/or sexual attractions to men, women, or both sexes.⁶ A transgender student may have any sexual orientation.⁷

2. Addressing a Transgender Student

Question: What names and pronouns should school staff use when speaking about or to a transgender student?

In speaking to or about a transgender student, you should treat him or her with the same dignity and respect as any other student. Whether educators should honor a request by a student or his or her parents that the student be addressed with a name and pronouns that conform to the student’s gender identity may depend on local school policy, applicable law, and concerns for order and behavior in the particular educational environment. Issues related to employees who do not want to address a transgender student with names/pronouns aligned with the student’s gender identity are discussed below in Section 12, School Staff.

Some local and state boards of education have adopted policies or issued guidance documents on this topic to help staff members who are unsure how to address gender-nonconforming students

In the absence of an affirmatively stated preference, The District of Columbia Public Schools tells staff, “students should be addressed by their preferred name and gender pronoun,” and advises that when school staff is unsure regarding a student’s preferred name or pronoun, staff should discuss the matter with the student privately and tactfully to determine the student’s preference.⁸ Similarly, the New York State Department of Education recommends that school officials discuss with the student and possibly the parents the question of name and pronoun use, and develop “a plan to reflect the individual needs of each student to initiate that name and pronoun use within the school.” The guidance suggests the “plan also could include when and how this is communicated to students and their parents.”⁹

Several advocacy and interest organizations have issued guidance on addressing and serving transgender students in public schools, which you may find helpful for further insight as you form and re-form policies and practices on serving transgender students.¹⁰



3. Discrimination/Harassment

The State of the Law: Discrimination on the Basis of Gender Identity

All students in public schools are protected by federal civil rights statutes and constitutional concepts like equal protection, free speech, free exercise of religion and privacy. Generally, these legal standards require that schools treat students fairly and equally, without discriminating on the basis of characteristics including sex. Title IX of the Education Amendments of 1972 is particularly important in the discussion of legal protections for transgender students.

Title IX provides that “[n]o person... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” The U.S. Department of Education’s Office for Civil Rights (OCR), which enforces Title IX and other civil rights statutes, has taken the position that Title IX and the department’s implementing regulations protect students from discrimination based on gender identity (as well as sexual orientation), and has strongly enforced this position with school districts. Title IX and its regulations are, however, silent on the issue. And courts have disagreed with OCR’s interpretation of Title IX’s application in several important areas. At least one recent federal district court opinion states that regulations under Title IX expressly allow schools to provide separate bathroom facilities based on sex. In finding that a school board did not run afoul of Title IX by limiting a transgender student to the bathroom assigned to the student’s birth sex, the court emphasized: “Not only is bodily privacy a constitutional right, the need for privacy is even more pronounced in the state educational system. The students are almost all minors, and public school education is a protective environment. Furthermore, the School Board is tasked with providing safe and appropriate facilities for these students.”¹³

Many states protect transgender students more explicitly, through statutes, state regulations, or guidance than federal law. Currently, some states include a student’s sexual orientation, gender identity, gender expression, or transgender status as a protected class under state anti-discrimination and/or human rights laws. You should check with your school attorney, your state department of education, and your state school boards association for additional guidance on state-level legal standards regarding discrimination against transgender students.

Question: Are transgender students protected more, or differently, from discrimination, harassment, and bullying?

Transgender students are protected from discrimination, harassment, and bullying, just like any other student. What is not clear at the moment, due to Title IX’s silence on the matter, is whether federal law protects transgender students based on their transgender status, or simply protects them from discrimination based on sex, and the extent of a school’s responsibilities in either case. At first blush, it would appear that there would be little, if any, difference in the protections provided to transgender students under federal law. However, the federal statute prohibiting discrimination on the basis of sex does not speak to the rights of transgender students specifically.¹³

In this vacuum of more specific federal law, some states and the District of Columbia have passed laws protecting transgender students from discrimination.¹⁴ Recently, other states have sought to pass legislation protecting the safety and privacy of all students while excluding transgender students from certain activities and facilities and/or denying them protection against discrimination.¹⁵ Some local school boards have adopted policies providing transgender students with protections against discrimination, even when such protections are not provided under state law. You should familiarize yourself with your state’s requirements and your district’s policy on this topic.

Question: Should a school board’s policies prohibit discrimination, harassment, and bullying of transgender students?

Federal law neither requires nor prohibits a school district from developing and implementing a school board policy against discrimination, harassment, and bullying of transgender students. Such a policy may be required or encouraged by your state.

As school leaders, you do your best to provide a safe educational environment for all students, and to treat all students with dignity and respect, regardless of a student’s sex, sexual orientation, gender identity/expression, transgender status, or other characteristics. You should consider your approach to prohibiting discrimination, harassment, and bullying of transgender students as you would for other students with characteristics protected by law or recognized by your school community. To foster a sense of inclusiveness in the school environment, a school board could amend an existing anti-discrimination policy to include transgender students as another protected class. Doing so could assist your efforts to maintain a safe school climate by creating opportunities to raise awareness, to train staff about expectations, and to



notify stakeholders of procedures for resolving claims around transgender issues. On the other hand, boards should also weigh the risk that including transgender students in their existing non-discrimination, harassment and bullying policies could lead to potential claims by individuals who assert that specific applications of such policies violate their constitutional or statutory rights. In this regard, awareness of the expressed concerns and sincerely held beliefs of all members of the school community can be helpful in guiding application of an inclusive policy.

In considering policy on accommodating transgender students, you may note that some state school boards associations and state boards of education have issued guidance documents based on the goals of inclusiveness and equity, and, where applicable, based on state laws protecting transgender students. These guidance resources sometimes include model policy language that you may adopt in whole or in part, after consultation with your school attorney. Below are some examples of state-level guidance for educators:

- California School Boards Association, *Policy Brief—Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students* (Feb. 2014). https://www.csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/-/media/CSBA/Files/GovernanceResources/PolicyNewBriefs/Transgender/201402_PBNondiscriminationGender_Ashx
- Connecticut Safe School Coalition, “Guidelines for Connecticut Schools to Comply with Gender Identity and Expression Non-Discrimination Laws: Frequently Asked Questions”, http://www.ct.gov/chro/lib/chro/Guidelines_for_Schools_on_Gender_Identity_and_Expression_final_4-24-12.pdf
- One Colorado, *Guidance for Educators Working with Transgender and Gender Nonconforming Students*, http://www.one-colorado.org/wp-content/uploads/2013/03/Transgender_Guidance.pdf
- Massachusetts Department of Elementary and Secondary Education, “Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment”, <http://www.doe.mass.edu/ssce/GenderIdentity.pdf>
- New York State Education Department, “Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students”, http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf; and
- Texas Association of School Boards, “Legal Issues Related to Transgender Students”, https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/transgender_students_july15.pdf

A variety of non-governmental organizations (NGOs) also provide guidance and sample policies. School board members may wish to familiarize themselves with those policies and consider their applicability to their own school district. Because many NGOs represent specific interests, school boards are well served by conferring with their COSA lawyer before adopting a particular policy.

Question: How should a public school handle a complaint by a transgender student of discrimination, harassment, or bullying?

You should act on a complaint of discrimination, harassment, or bullying made by a transgender student with the same level of expediency, thoroughness, and corrective action as a complaint made by a non-transgender student. In fact, applying a separate procedure for processing complaints made by transgender students itself could be considered discrimination, particularly if the complaints are not investigated with the same vigor as those of non-transgender students.

With any complaint of discrimination, harassment, or bullying by a student — transgender or not — who is also identified as a special education student under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504), you should have procedures in place to ensure that school staff determine if the discriminatory, harassing, or bullying conduct may have resulted in a denial of the student’s rights to a free appropriate public education (FAPE). The U.S. Department of Education, Office for Civil Rights (OCR) has said that bullying on any basis of a student with a disability who is receiving services under IDEA or Section 504 can result in a denial of FAPE that “must be remedied...”¹⁴ OCR expects schools to convene the student’s IEP or Section 504 team(s) to determine whether there has been a denial of FAPE, and to formulate an appropriate response. Even though it is far from clear under applicable court decisions what constitutes a denial of FAPE in the bullying context, you should be aware that if you fail to investigate a complaint and/or to take corrective action, your school district may be subject to further investigation either by a federal or state governmental agency.



4 Student Privacy

State of the Law: Student Privacy

Every public student has a recognized right to privacy at school protected by the Family Educational Rights and Privacy Act (FERPA) and, in certain situations, by the U.S. Constitution. FERPA protects education records and personally identifiable information contained in them from release except under certain circumstances and allows a student and/or the parents access to those records. A student's transgender status in an education record is personally identifiable information, which would be protected from disclosure to others without the student's and/or parent's consent.

If a student's transgender status is included in his or her education records, parents of minor students have a right to see that information. FERPA does not preclude schools from otherwise sharing the transgender status of a minor student with the parents. But, generally, a student's transgender status is confidential information and should be protected as such by school officials.

Question: Is a transgender student, or his/her parents, required to notify school staff of the student's transgender status?

No. Unless a family is seeking action by school officials such as changes to official records, changes in the way a student is addressed at school, or accommodations regarding restrooms or locker rooms, there is no legal requirement that parents notify the school of a child's transgender status.

That said, awareness of a student's gender identity is important so that you as school officials can engage in appropriate conversations with the student and family, maintain records accurately, make any needed accommodations for use of facilities, and ultimately ensure a safe learning environment for all. School boards should consider adopting policies around gender identity that prepare staff to address issues before they arise.

Question: Once a school staff member has actual notice of a student's transgender status, how should the school handle this information? Which members of the school staff should be informed? What information should be shared?

A member of the school staff, as provided in school district policy or practice, should speak to the student and family about how they prefer that the information be handled. Some families may wish a student's transgender status to remain

private. Others families may prefer that the student's status is shared, and even discussed in class.¹⁷ Under FERPA and many state privacy laws, it is appropriate and allowable for an educational institution to share student information with other "school officials," including school staff, as long as they have a legitimate educational interest in that information. It may be necessary that an entire grade-level team or entire school staff be informed of a student's transgender status to enable the student to be safe at school. But generally, you should obtain parental (or eligible student) consent before sharing the student's transgender status with people who are not school officials.

Regardless of whether your school community currently has any transgender students, it is a good idea to provide training to staff and students on transgender issues to increase awareness of district policies and practices on specific issues such as names, pronouns, school records, and restroom/locker room use, and to ensure that the school community knows the appropriate steps to take in instances of bullying and harassment, and requests for accommodation.

A student's transgender or gender-nonconforming status is his/her private information. The district only will disclose the information to others with the student's prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being.

— Policy language recommended by the California School Boards Association. See CSBA Sample Administrative Regulation – Students: Non-discrimination/Harassment, Transgender, and Gender-Nonconforming Students, AR 3145-3(h)(1), at *8, http://www.casba.org/assets/californiasba_rec_d-08-14-15.pdf.

Question: What privacy interests should school officials consider when a school is communicating with a student's parents regarding the student's transgender status? Does the age or grade level of a student matter?

You should consider federal and state legal protections of student privacy when communicating with a transgender student's parents; and age does matter.

As school officials, you walk a delicate line, balancing the privacy interests of the student vis à vis his or her parents, and your legal duty to act in the parents' place, known as *in loco parentis*.¹⁸ A very small number of courts have recognized a public school student's reasonable expectation of privacy in his or her sexual orientation, which suggests there would be a

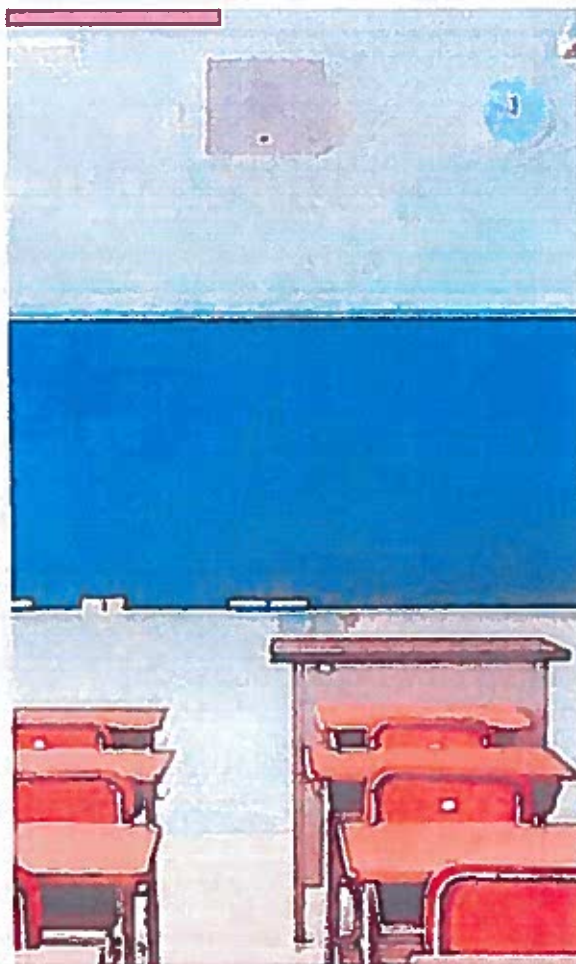


corresponding expectation for transgender status.¹⁹ But a few courts also have recognized that this right of privacy is not absolute and may be outweighed in situations where schools have a legitimate or compelling reason to disclose information to parents that directly or implicitly reveals their child's sexual orientation.²⁰

Given the unsettled state of the law, you may choose to direct school staff who are unsure whether the parents are aware of the student's transgender status to refrain from incautious disclosure of a student's transgender status. It may be wise to advise staff to limit discussions of a student's transgender status to situations where there is a legitimate or compelling need to do so, for example to address school records, use of facilities, health concerns, safety issues, including bullying or harassment, and where there is a legal duty to inform parents about their child's situation.

You also should consider the student's age and developmental stage. In the case of young students such as those in the elementary grades, or students with developmental disabilities, school officials should be able to communicate with parents regarding transgender status, unless there is a reason to fear for the safety of the child if that status is revealed. For middle and high school students, while there is generally no legal requirement that schools obtain the consent of minors to speak with parents about the child's private matters, school officials may wish to talk with a tween or teen first to ascertain any concerns the student may have with such communications. The conversation could present opportunities for you to share community resources that may be of assistance to the students and their families, or could identify the danger of potential abuse against a child outside of school. Always remain aware of your duty to report reasonable suspicion of child abuse or neglect to the appropriate child protective service agencies as required by state law.

If the student remains concerned about informing his or her parents, you should explore the basis for the student's concern, and determine whether the concern triggers any child abuse reporting obligations. Keep in mind that parental disagreement or lack of support regarding a student's gender expression alone does not equal reportable behavior. In fact, while schools may have a role in facilitating conversations between parents and students, including connecting them to local resources or support services,²¹ schools should be aware that families also may have sincerely held beliefs that impact the way they view issues of gender identity and sexuality. For this reason, you would be well advised to focus your concerns on the student's well-being in the school setting.



Question: What should schools do if a transgender student expresses an interest in self-harm?

If any student expresses an interest in self-harm, you should follow existing policies and procedures and work closely with school counselors and other school staff who know the student to determine next steps.

Unless there is a concern that sharing a student's expression of an interest in self-harm will put the student at further risk, or there is a clear prohibition or protocol under state law, you should contact the parents of minor students and share the concern regarding self-harm. If the student is in middle or high school, you may want to first speak to the student about contacting his or her parents, and the parameters on what needs to be shared. You should explain to the student the school's responsibility in ensuring his or her safety at school.

5. Official Records

State of the Law: Official School Records

Although federal law does not directly address name and gender changes in student records, state law and policy is evolving on this topic. Before making a decision or adopting a policy on student name and/or gender changes in school records, consult with your state school boards association and your school attorney.

FERPA requires educational institutions to allow parents or eligible students to review education records, and to request that the school change "inaccurate" or "misleading" records.²³ An educational institution must provide the parents the opportunity for a hearing to challenge the content of the student's education records.²⁴ The Department of Education's Family Policy Compliance Office (FPCO) issued a letter in 1991 saying FERPA does not apply to requests for (and, therefore, does not require) changes in records regarding transgender status, because records reflecting a student's gender or name as of a certain date contain no error. FPCO noted that, under FERPA, it is a "substantive decision of the school district" whether to amend the education records to reflect a name and gender other than that of the student during his or her attendance.

However, parents and students may still make such requests, and state law may require a change.

As a general rule, states require school districts to maintain a "permanent" record for a student that matches his or her legal name and gender, as indicated on a legal document such as a birth certificate.²⁵ This permanent record is tied to the statewide longitudinal data system and the state education agency. Many states now recommend through policy guidance that schools maintain a transgender student's permanent record in a secure location, and that that record remain confidential, accessible only to key staff.²⁶ Meanwhile, the student's every-day records, including class rosters, student ID card, and test documents can reflect the student's preferred name and gender. Other states require simply a request from a student or his or her family to change student records. Connecticut and Massachusetts recommend that schools reflect in a student's record his or her chosen name, as affirmed by the parent or legal guardian, regardless of whether there has been a legal name change.²⁷ The student's birth name is considered private information, not to be disclosed.

Question: When a student requests to be addressed by a name and gender different from that assigned at birth, what documentation can/must/should the school require before complying with that request?

Unless state law requires legal or medical documentation, and considering the points raised in this guide, schools may consider accommodation of a student's requests to be addressed by his or her preferred name and gender identity. As with nicknames, your school staff usually are inclined to honor a student's preferences so that he or she feels safe and supported at school, without any need for documentation. Honoring a student's request to be referred to by the name and gender of his or her choice can contribute to creating a supportive climate for the student. As a practical matter, it also may put the school district in a better legal position. However, the school's interests in maintaining order and discipline and avoiding disruption in the educational environment could justify the refusal to honor a transgender student's request to be referred to by a certain name in the same way such interests would support a refusal to use certain nicknames preferred by non-transgender students. Schools should be careful to base such refusals on the same criteria no matter the gender identity of the student, or the school might face a claim of discrimination based on gender or gender stereotypes, and a potential enforcement action by OCR based on gender identity²⁸ under Title IX.²⁹

Question: Is a school required to change the student's records to match the name and gender being asserted at school?

State law is the first place to check. In many states, a request from the parent or student alone is enough to change school records.³⁰ In others, school officials must obtain a letter from the student's physician or counselor, a court order, or medical evidence before changing a student's record. As stated above, FPCO has suggested that FERPA does not require schools to change records retroactively based on transgender status after a student leaves the school, but does allow parents to request a change to records that are "inaccurate" or "misleading."

Rather than requiring a family to initiate proceedings under FERPA to change a record by challenging its current accuracy, you can work with families to ensure that a student's records accurately reflect his or her preferred name and gender identification, in compliance with state law. In this way, the student feels respected, and you have opened channels of communication with the family. It also can help alleviate staff confusion about how to address a transgender student. Codify your approach in district policies, including requests by former students for amended records, transcripts, and diplomas. It is likely that FERPA's provisions that permit amendment to "inaccurate" or "misleading" records would apply in that



case. For current students, some school districts change the student's main file according to his or her preferences, but keep a separate confidential file identifying the student's birth name and sex assigned at birth. In Illinois, for instance, school officials may reflect the student's preferred name on all official documents, including rosters, student ID cards, and test documents, but must retain a copy of the student's birth certificate under the Illinois Missing Children Records Act.³⁰

Question: If a student obtains a court order changing his or her name, or an amended birth certificate, must the school amend the student's educational records retroactively?

Yes, under most state laws. However, some state laws do not require a court order. For instance, Massachusetts says:

{T}ransgender students who transition after having completed high school may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.³¹

Importantly, federal law does not answer this question. As previously discussed, under FERPA, parents may request that a school change educational records that contain incorrect or misleading information. If a student's education records contain his or her prior name or gender identity that was accurate at that time, a change may not be required retroactively under federal law. However, state law may address this specifically and allow for a change to school records if a court order has changed the birth certificate or name.

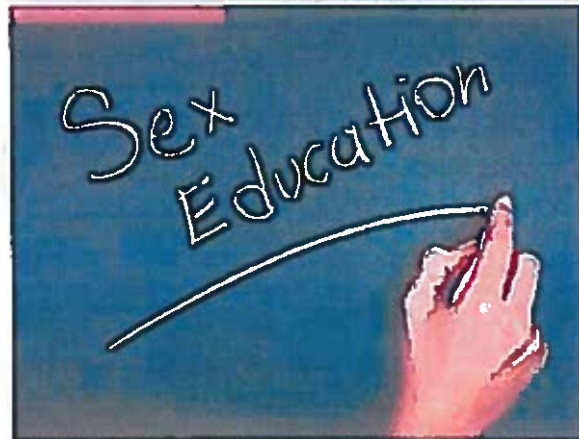
6. Curriculum

Question: Are schools required by law to expand their health or sex education curriculum to include content that addresses transgender students, gender identity, and/or sexual orientation?

In most states, there is no such requirement. Only 23 states and the District of Columbia require sex education. In other states, it is permissible, and many school districts in those states have sex education programs. Where sex education is provided, only 13 states require discussion of sexual orientation. Of these 13 states, nine require that discussion of sexual orientation be inclusive (CA, CO, DE, KY, NJ, NM, OR, RI, and WA). Most of the states that require inclusive discussion of sexual orientation have standards that include discussion of gender identity.

Question: Can parents "opt out" of having their student participate in those portions of the health or sex education curriculum?

This is a matter of state law. Thirty-seven states require that school districts that offer sex education to include parents in sex education, HIV education, or both. Three states (AZ, NV, and UT) require affirmative parental consent before students may participate in one or both types of instruction. Thirty-five states and the District of Columbia require school districts to give parents the option of removing their child(ren) from such programs. Of the nine states that require inclusive discussion of sexual orientation as part of sex education, two (DE and KY) do not mandate that districts give parents a choice about their child's participation in such instruction.³²



Question: Is there any requirement that school districts incorporate educational content about the contributions of transgender figures into the general education curriculum, such as history, literature, science, etc.? May schools include materials that feature or include transgender people or characters in a story?

California is the only state that requires the inclusion of the contributions of various groups of people, including gay, bisexual, and transgender, in state and U.S. history curricula. The state law requires "the study of their roles and contributions to the economic, political, and social development" of the state and nation "with particular emphasis on portraying the role of these groups in contemporary society."³³

Except where specifically prohibited, school districts may take a more inclusive approach in presenting lessons across the whole curriculum, although some states prohibit including instruction that "promotes a homosexual lifestyle or portrays homosexuality as a positive alternative life-style."³⁴ As defined

by AAP and noted above, however, sexual orientation and homosexuality are not synonymous with gender identity.²³ Whether such prohibitions technically apply to a given school in a particular state is a question for school board legal counsel. As with many curricular choices, a school board is well advised to explore inclusion carefully and with a high degree of transparency and community involvement. Where the board adopts an inclusive approach, it may also wish to make clear that family input remains essential to the education of students and that avenues (formal or otherwise) exist for parents to raise and resolve concerns and objections about the lessons their children are receiving at school. School districts should also involve educators when making decisions on how best to achieve curricular goals. (For more discussion, see the section on Community Engagement below.)

7. Sports, School Activities, and Physical Education

Question: How may a transgender student participate in sports and school activities, including physical education and other extracurricular classes that are separated by sex?

For school activities like physical education and same-sex curricular activities (i.e., sex-segregated reading or mathematics classes), ideally a transgender student should have the same opportunities to participate as non-transgender students, although a school board's determination whether a transgender student should be permitted to participate in the activities aligned with the student's gender identity must carefully consider social, community and legal issues related to privacy, safety, and constitutional protections.

For sports activities, a transgender student's ability to participate will vary by state. In those sports not governed by the state's athletic association, a transgender student should, in general, be permitted to participate in those activities for the sex that is consistent with the student's gender identity at school, particularly where state statutes or regulations or local policies prohibit discrimination on the basis of transgender status. However, before adopting such a policy, school boards should be aware that the participation of a transgender student on the team aligned with the student's gender identity may raise concerns from parents, students, and opposing teams who cite safety issues or complaints of unfair advantage.

For sports governed by the state's athletic association, participation rules are likely to be regulated by the association. Some state athletic associations have policies or regulations permitting transgender athlete participation on a team for the gender with which they identify, with some requiring a doctor's verification. Other states permit their participation only on the team that coincides with their birth-assigned sex

or the sex that appears on their birth certificate. Some states have no policy at all for the participation of transgender students.²⁴ Districts that comply with state association rules prohibiting transgender students from participating on teams of the gender with which they identify may be subject to OCR enforcement activity for an alleged violation of Title IX. Whether federal courts would adopt OCR's position based on guidance or non-binding letters and, absent a change in the current law and/or regulations, is yet to be seen.

Question: If a state's athletic association rules permit a transgender student to participate on a team of the gender with which the student identifies, should/may the transgender student's school notify any opposing teams?

No. A student's transgender status contained in an educational record is considered personally identifiable information and should be kept confidential under FERPA. A school district is prohibited by FERPA from disclosing such information without consent from the parent and/or the student (depending on the student's age) to anyone who does not have a legitimate education need for that information. Although the answer is clear under FERPA, a school board should be aware that its compliance with these federal privacy requirements does not prevent the assertion of claims seeking damages for physical harm or other injuries based on the failure to disclose. The likely outcome of such claims is yet to be determined.



Question: Are transgender students eligible to be homecoming or prom king or queen in their gender of preference?

The criteria used to determine which students are deemed eligible to be homecoming king or queen vary by school district, many of which do not involve the gender status of the student. For some school districts, the eligibility criteria might be which student raises the most money in certain fundraising efforts. Other



school districts may let each student club nominate a student for each king and queen role, and then let the student body as a whole vote for king and queen among the slate of candidates.

Practices or policies that are gender-based (irrespective of a student's gender identity), such as who is eligible to be homecoming king or queen, limitations on who can attend as "couples" (opposite sex, but not same sex), etc., can create the appearance of an environment that promotes exclusion and discrimination/harassment of students by students and staff, and may result in claims asserting denial of equal access to a school district's educational programs and activities. Consistent with each school board's mission of providing a safe educational environment for all students, school boards should review any such gender-based policies and practices to determine whether they serve a legitimate educational goal or otherwise non-discriminatory purpose. Absent such a purpose, the rule is subject to challenge, and at least two courts have found that a refusal to allow a student to bring a same-sex date to a prom is a violation of the First Amendment.³⁷

8. Restroom and Locker Room Accessibility

Question: How should schools handle restroom or locker room use?

This question is one that many schools are grappling with in the face of a dearth of federal law, widely differing state laws, and conflicting signals from federal courts and OCR. You should approach this question with caution and a careful understanding of the law in your state.

On the federal side, the Title IX regulations issued by the U.S. Department of Education allow schools to provide separate but comparable bathrooms, locker rooms, and shower facilities on the basis of sex.³⁸ A federal district court in Virginia held in 2015 that a transgender student did not have a claim under Title IX against a school district whose board policy required separate restrooms based on biological sex, as the policy complied with the regulation.³⁹ OCR, on the other hand, has advised at least one school district that Title IX requires schools to provide transgender students with full access to locker rooms and bathrooms that align with their gender identity,⁴⁰ but has not provided any formal guidance on the issue.

States are handling restroom/locker room use in different ways. After Massachusetts added gender identity to the classes protected by its discrimination laws, the Massachusetts Board of Elementary and Secondary Education subsequently adopted revised regulations saying that transgender students may access restrooms, locker rooms, and changing facilities that correspond with their gender identity. In North Carolina,

the governor recently signed into law a bill that restricts use of multiple occupancy restrooms and locker rooms to individuals of the same biological sex.⁴¹ It does allow schools to provide single occupancy bathrooms and changing areas for use by transgender students. Several other state legislatures have proposed similar bills that would require transgender people to use the facilities corresponding to their assigned birth gender.⁴² Still other jurisdictions have remained silent on the issue.

While there is no definitive national legal authority on the issue, federal courts in non-school cases have recognized a fundamental right to privacy or acknowledged the legitimacy of safety concerns in cases involving individuals undressing, using the restroom, or showering in an area to which a member of the opposite birth sex has access.⁴³ Moreover, a federal district court recently asked the question whether a university engages in unlawful discrimination in violation of Title IX or the Constitution when it prohibits a transgender male student from using restrooms and locker rooms designated for men on campus. The court concluded: "The simple answer is no."⁴⁴

Your school attorney may be able to help you determine the impact, if any, of state criminal statutes prohibiting indecent exposure⁴⁵ on a policy allowing a student of one biological anatomy to enter and use restrooms, locker and shower facilities of the opposite biological sex. In states that have a statute prohibiting discrimination based on gender identity, the attorney may want to ascertain whether there is an exception for "restrooms, shower rooms, bath houses and similar facilities which are in their nature distinctively private."⁴⁶

For these reasons, you should proceed with care when developing policies to address this issue. You should gather input from all stakeholders, engage in conversations with experts and community members, and formulate workable policies that focus on promoting a positive and safe learning environment for all students, and comply with state and federal law.

Question: Can a school require a transgender student to use a single occupant restroom/private changing area instead of the group restroom or locker room?

Yes, unless there is a state statute or legal ruling, state department of education regulation, or district policy that prohibits that. School districts should be aware that OCR takes the position that transgender students should have unfettered access to locker rooms and changing rooms consistent with their gender identity. Even though this view does not rise to the level of "law," it could become an issue in an OCR enforcement action should the district adopt a policy that restricts transgender students to facilities for their birth-assigned gender. A federal district court in Virginia,

mentioned above, has rebuffed OCR's position that Title IX requires an open-access policy,⁴⁷ citing the Title IX regulations permitting schools to segregate bathrooms, locker rooms, and shower facilities on the basis of sex.⁴⁸ The court reasoned that the word "sex" at the very least contemplates birth sex as one interpretation, making the district's policy compliant with the regulation.



Question: If a transgender student opts to use a single-occupant restroom or locker room, must a school construct new restroom facilities in locations that are convenient for the transgender student?

Schools are not legally required to construct new restroom facilities in convenient locations when a transgender student opts to use a single-occupant restroom. As you plan for new school facilities or renovations, you may want to keep in mind issues related to the accommodation of transgender students. You will need to consider plumbing codes and local building codes that often stipulate the number of separate bathrooms that must be made available for males and females. One building designer has noted that these code restrictions mean all-gender bathrooms must be in addition to the sex-segregated restrooms.⁴⁹

Question: How should schools handle objections by non-transgender students or families to sharing locker rooms or restrooms?

Ensure that your schools are places where all students are made to feel welcome, respected, and protected. While remaining sensitive to the rights of all students, a practical way of addressing these concerns is to make spaces available for any student who does not want to share locker rooms or restrooms with other students. Such options can include privacy curtains in locker rooms and separate restrooms.

Keep in mind, however, that OCR takes a strong stance on this issue. In at least one recent case, OCR indicated the use of such separate facilities must be voluntary, and contrary policies could result in enforcement action.⁵⁰

9. Gender Segregation in Other Areas

Question: If a school separates students on the basis of sex for certain curricular content areas, such as sex education, can or should a school require a transgender student to participate in the class of the sex the student was assigned at birth?

In states that specifically protect transgender students from discrimination by law, the transgender student must be allowed to participate with the class of the sex with which that student identifies. Even in states that do not provide those protections, it could be considered a violation of Title IX to deny the student a right to participate in a class with the sex with which that student identifies, as Title IX has been found to protect against discrimination on the basis of non-conformity to gender stereotypes.⁵¹

10. School Trips

Question: If a school trip involves an overnight stay with sex-segregated sleeping rooms, may a school assign a transgender student to share a room occupied by student(s) of the sex with which he or she identifies?

There is no definitive federal legal authority on the question of room assignments for transgender students. As noted, OCR has taken the position that Title IX's prohibition on sex discrimination extends to transgender students and requires that schools provide them with access to restrooms and locker rooms that correspond with their gender identity. It is reasonable to assume that OCR would apply the same reasoning to assignment of transgender students to sleeping rooms during overnight school trips. State anti-discrimination laws and regulations also may mandate or provide guidance as to the specific response that schools should take in addressing this issue. Schools may also want to take into account the privacy rights and safety concerns recognized by courts in non-school situations involving individuals undressing, using the restroom, and showering when members of the opposite birth sex have access to these private areas.⁵²

Under these circumstances, it is important that school districts adopt policies and procedures that are focused on safety for all students and that seek to balance their respective privacy interests. You will have to make difficult decisions that should be informed by community input from a wide range of stakeholders and experts. Ensure that all students (and their families)



who participate in extracurricular activities that may involve overnight trips are aware of the school's policy and the options available to them. Where the district has chosen to adopt an inclusive policy that would allow the assignment of transgender students to occupy rooms with students with the same gender identity, provide notice of the policy well in advance.



Question: Should a school notify the other students assigned to the same sleeping room, or their parents, that a transgender student will be assigned to their room?

No. As noted above, a student's gender identity is likely to be considered personal information in a student's education record that may not be disclosed to others absent parental consent under FERPA and that may be protected by the constitutional right to privacy. Where courts have recognized a constitutional right to privacy in a student's sexual orientation (which could be correlated to a student's transgender status), they have required an important or compelling reason to disclose that information to others. State privacy laws also may prohibit such disclosure to non-school staff. Again, the answer under FERPA is clear, but schools should be aware that non-disclosure could result in claims seeking damages for physical or other injuries.

Question: If a student's transgender status is known or suspected by other students, how should a school handle a request from a non-transgender student to be assigned a sleeping room with a student of the same birth gender?

Again there is no federal legal authority on this issue. To the extent that district policy allows schools to honor student requests to switch rooms after an assignment has been made or to specify a preference for a particular roommate in advance without regard to the reason, a request to be assigned to a room with a student of the same birth gender should be treated similarly.

III Dress Codes

Question: May a school district have a gender-specific dress code that identifies what would be acceptable dress for each sex?

In general, courts grant school districts a great degree of latitude in adopting and enforcing dress codes that are based on promoting a safe and educationally focused environment at school. But a transgender student could challenge a dress code that contains gender specific provisions on several legal grounds: 1) violation of free expression rights under the First Amendment or violation of due process and equal protection rights under the Fourteenth Amendment; 2) violation of Title IX's prohibition on discrimination based on gender; and 3) violation of state civil rights laws and constitutional protections.

Gender-specific dress codes are likely to be deemed constitutional only where the school can show that the restricted expression substantially disrupts or interferes with the work of the school or the rights of other students.³³ To the extent a school board believes gender-specific provisions are necessary, such provisions are more likely to be upheld if they can be shown to be substantially related to a sufficiently important educational interest. School districts also should ensure that such provisions are enforced uniformly with respect to non-transgender and transgender students.

Question: For school-related events, such as school dances, graduation ceremonies, or yearbook pictures, may a school district require that a transgender student dress according to the sex assigned at birth?

Gender-specific dress requirements for school-related events would be subject to the same kinds of legal challenges as those described above in reference to dress codes in general. Sex-specific distinctions in dress regulations have been allowed where they were justified by school concerns about safety, discipline, distraction from learning, and promoting community values. For example, a restriction on boys wearing dresses for school-related events might be appropriate where such attire would result in substantial disruption, but in places where such an occurrence would be more socially acceptable and result in minimal disruption, such a restriction would be less justifiable.³⁴ Schools also should take into account such factors as the setting and the age of the students. Many schools have adopted gender-neutral policies, such as requiring all graduating students to wear the same color cap and gown, rather than assigning different colors based on sex.

12. School Staff

Question: Is a school district required to conduct any training about transgender student concerns?

Currently, federal law does not require school districts to conduct any training for staff and students on transgender issues. You should consult your school attorney member of the NSBA's Council of School Attorneys on whether such training is required in your state or your state's school boards association. In any case, schools are well advised to conduct training in this evolving area, particularly for school staff, and to include information in their student handbooks to heighten awareness of challenges faced by transgender students in the school setting. Include examples of bullying, harassing, and discriminatory behaviors by staff or students, and inform both students and staff about complaint procedures and avenues for resolution. Also, because the law is slowly changing, differs by state, and is attracting media attention, try to be proactive in addressing concerns before they arise. Such efforts would support a school district's goals of creating an inclusive educational environment where all students are respected and kept safe, regardless of transgender status, while reducing exposure to legal liability.

Question: If a school administrator has advised school staff that a transgender student wants to be addressed by that student's preferred name or pronoun, can a school staff member refuse to do so?

Under most circumstances, a school staff member should abide by the parent's/student's wishes as to how to address the transgender student. In accepting employment with a school district, administrators and school staff agree to abide by, uphold, and enforce all of their school board's policies and procedures, as well as federal and state laws, including a wide variety of non-discrimination, harassment, and bullying policies and procedures. Complying with the school administrator's directive and abiding by the school district's anti-discrimination policies and procedures likely will not interfere with an employee's personally held beliefs. Moreover, consistent with the school board's mission, an employee's religious or other sincerely held beliefs should not prevent that employee from treating all students with respect and dignity.

Question: Can an employee be disciplined for insubordination for failure to comply with an administrator's directives, or the student's or parent's expressed name and pronoun preferences?

A school district could pursue disciplinary action against the offending employee for insubordination for failing to comply with the administrator's directives and/or the student's/parent's

wishes. In fact, the employee's failure to comply could create a discriminatory or hostile environment for the transgender student, and potentially open the door for school district liability or investigation. Where the employee has refused to comply based on her genuine belief that the directive is contrary to her religious convictions, she may claim that the district has violated her First Amendment rights by disciplining her. Whether that claim would be successful in federal court is unclear. While the Supreme Court in a non-school context has recognized a free exercise exemption to a government mandate directing an action the plaintiffs viewed as inimical to their sincerely held religious beliefs,³¹ the Supreme Court has also accorded employers significant control over employee speech that constitutes part of official job duties.³⁴

If the employee not only refuses to comply with the directive, but also allows other students to disregard the student's name and pronoun preference, which creates a harassing or hostile environment for the transgender student, the school board also could pursue disciplinary action against the offending employee for allowing student-on-student harassment. The employee must strive to prevent such harassment as part of his or her duties.

13. Community Engagement

"How districts maintain relationships with the community... can significantly influence the breadth and depth of academic, social, and civic experiences for children."

—Partnerships, Not Pushouts: A Guide for School Board Members: Community Partnerships for Student Success, April 2014, Version 1.0, National School Boards Association, et al.

Your job as a school official crafting policy and practices on transgender student issues is not easy. You must consider how to accommodate transgender student needs while reflecting your community's concerns; you must balance privacy interests and safety needs; and you must navigate this journey without the benefit of clear law at the federal level. On top of that, each student and family situation is unique, so it may be tempting to take each on a case-by-case basis, rather than developing official policy.

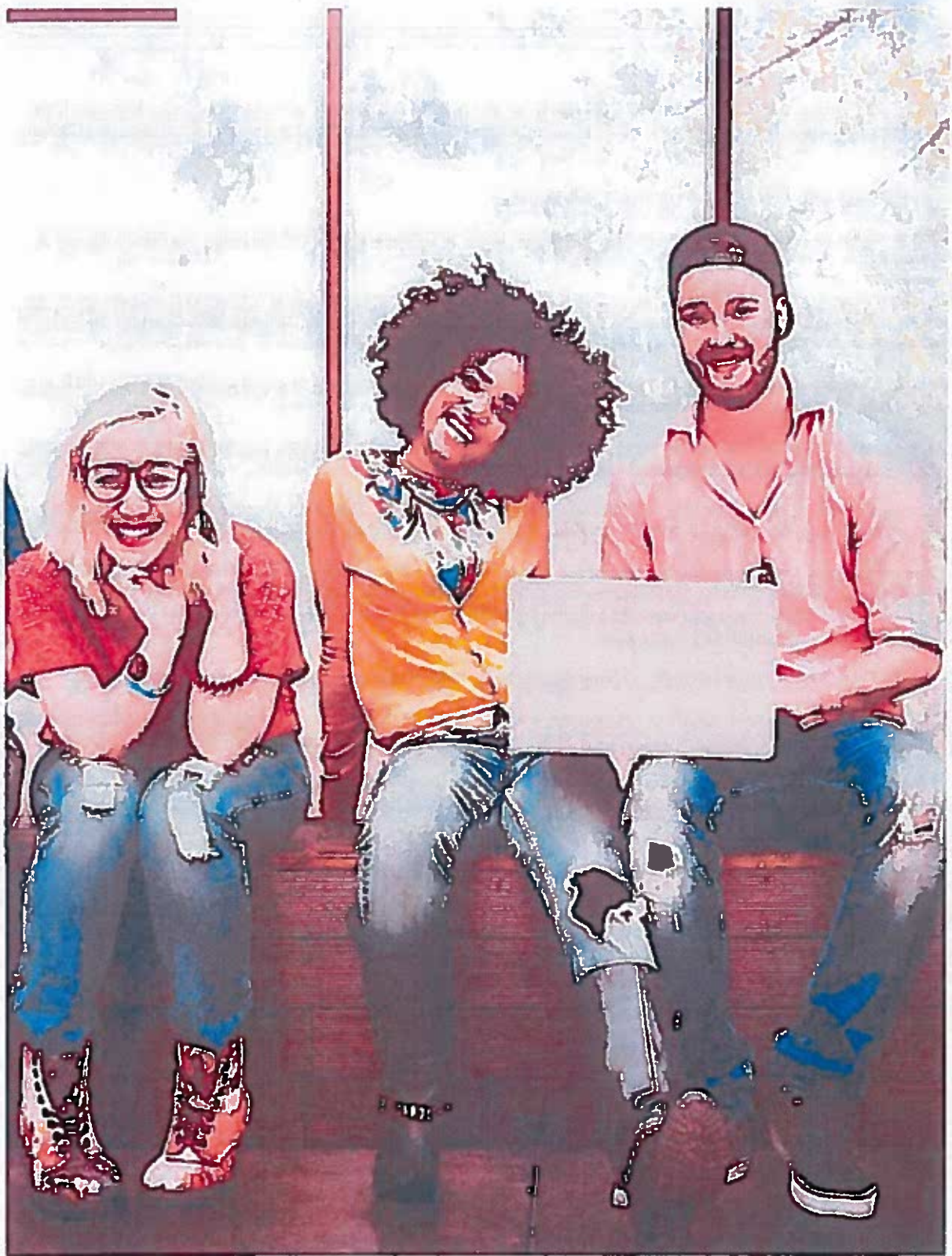
While FERPA and other privacy laws do limit the ways in which school officials respond to the public and others about an individual student's gender identity concerns, school boards in particular have an opportunity to lead in this area. Schools reflect their communities, and in "many places, [they] operate as the town center,"³⁵ linking a wide variety of stakeholders. As representatives of their communities, school board members



are in a unique position to lead and address the complex issues that arise in the context of transgender students. That connection to the community is an essential component to finding common ground in what could be a highly politicized conversation. Ultimately, the school district's goal should be the development and implementation of a policy that is informed by the law, protects all students, and makes sense for the community it serves. Leading the conversation with an eye towards informed policy development can help increase awareness and understanding, minimize resentment, and ultimately contribute to safe learning environments for all.

Remember that when we speak of "requests" for accommodation, or "claims" of discrimination or harassment, we are speaking of real needs of children and their families. Whether the requests or claims come from the transgender students, their families, school staff, or concerned members of the community, they generally are not fronts for political agendas or movements. They are real-life problems, with an individual person at the center, and

a community surrounding that person. The concerns of the community are real and often deeply rooted. It will be helpful for school boards considering policies involving gender identity to seek common ground among the various community voices. To find it, remember the central mission of public schools: to serve all students equitably, in a safe and supportive environment. Students and their families are members of the local community. School board policy will affect them directly. Far less crucial are the voices of special interest groups, particularly those that are so removed from the community that they don't represent its values and its residents, or appreciate local dynamics. Public forums, advisory committees, social media, and school meetings are all ways in which school districts can engage their stakeholders. Whatever the means, keeping the focus on student needs while encouraging respectful discourse not only can but also can inform not only the board about its policy choices, but also help the community understand the ultimate choices made by the district.





Endnotes

¹ *Obergefell v. Hodges*, 576 U.S. ___, 135 S. Ct. 2584 (2015); see also National School Boards Association, *Same-Sex Marriage: What the Obergefell Decision Means for School Districts*, <http://www.nsba.org/same-sex-marriage-what-obergefell-decision-means-school-districts>

² See discussion under FAQ Section 3: Discrimination/Harassment.

³ For simplicity, we refer to gender-nonconforming, transgender, gender-questioning, gender fluid, and similar descriptions together as “transgender.”

⁴ See FIRST AMENDMENT CENTER & BRIDGEBUILDERS, PUBLIC SCHOOLS AND SEXUAL ORIENTATION: A FIRST AMENDMENT FRAMEWORK FOR FINDING COMMON GROUND, <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/03/sexual-orientation-guidelines.pdf> (endorsed by, among others, the American Association of School Administrators, CEAI and GLSEN).

⁵ Am. Psychological Ass’n, *Answers to Your Questions About Transgender People, Gender Identity, and Gender Expression* (2011), available at <http://www.apa.org/topics/lgb/transgender.aspx>.

⁶ See, e.g., Am. Coll. of Pediatricians, *Gender Ideology Harms Children* (Mar. 21, 2016; temporary statement), available at www.acped.org/the-college-speaks/position-statements/gender-ideology-harms-children.

⁷ Stanley R. Vance Jr., M.D., Diane Ehrensaft, Ph.D. & Stephen M. Rosenthal, M.D., *Psychological and Medical Care of Gender Nonconforming Youth*, PEDIATRICS (AM. ACAD. OF PEDIATRICS 2014), <http://pediatrics.aapublications.org/content/pediatrics/134/6/1184.full.pdf>.

⁸ Am. Psychological Ass’n, *Sexual Orientation & Homosexuality: Answers to Your Questions For a Better Understanding* (2008) (noting that sexual orientation refers to an enduring pattern of such attractions, and that research over several decades has demonstrated that sexual orientation ranges along a continuum, from exclusive attraction to the other sex to exclusive attraction to the same sex), available at <http://www.apa.org/topics/lgb/orientation.aspx>.

⁹ Gender Equity Resource Center, *Definition of Terms*, http://genco.berkeley.edu/lgb_resources_definition_of_terms#transgender.

¹⁰ D.C. PUB. SCHS., TRANSGENER AND GENDER-NONCONFORMING POLICY GUIDANCE (June 2015), available at <http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Transgender%20Gender%20Non%20Conforming%20Policy%20Guidance.pdf>.

¹¹ N.Y. STATE EDUC. DEP’T, GUIDANCE TO SCHOOL DISTRICTS FOR CREATING A SAFE AND SUPPORTIVE SCHOOL ENVIRONMENT FOR TRANSGENER AND GENDER NONCONFORMING STUDENTS (July 2015), available at http://www.p12.nysed.gov/dignitynet/documents/Trans_GENCGuidance-FINAL.pdf.

¹² *G.G. v. Gloucester Cnty. Sch. Bd.*, ___ F.Supp. 3d ___, No. 15-54, 2015 WL 5560190 (E.D. Va. Sept. 17, 2015).

¹³ GLSEN ET AL., MODEL DISTRICT POLICY ON TRANSGENER AND GENDER NONCONFORMING STUDENTS, available at http://www.glsen.org/sites/default/files/Trans_ModelPolicy_2013.pdf; ACLU ET AL., SCHOOLS IN TRANSITION - A GUIDE FOR SUPPORTING TRANSGENER STUDENTS IN K-12 SCHOOLS, <http://www.nclrights.org/wp-content/uploads/2015/08/Schools-in-Transition-2015.pdf>.

¹⁴ Letter from Russlyn Ali, U.S. Dep’t of Educ. Ass’t Sec’y for Civil Rights, to Colleagues (Oct. 26, 2010), www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf; Letter from Catherine Lhamon, U.S. Dep’t of Educ. Ass’t Sec’y for Civil Rights, to Colleagues transmitting “Questions and Answers on Title IX and Sexual Violence” (Apr. 29, 2014) (supporting application of Title IX to discrimination on the basis of sexual orientation and transgender status), www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf. At least one federal court has disregarded this interpretation of Title IX. *G.G. v. Gloucester Cnty. Sch. Bd.*, ___ F.Supp. 3d ___, No. 15-54, 2015 WL 5560190 (E.D. Va. Sept. 17, 2015).

¹⁵ See GLSEN, NONDISCRIMINATION LAWS PROTECTING STUDENTS BY STATE, http://www.glsen.org/sites/default/files/NonDiscrim_Laws_by_State.pdf.

¹⁶ In February 2016, HB 1008, which restricted access of transgender people to bathrooms corresponding to their birth assigned gender,

was passed by the South Dakota Legislature but was vetoed by the governor. Mitch Smith, *South Dakota Governor Vetoes Restriction on Transgender Bathroom Access*, N.Y. TIMES, Mar. 2, 2016, at A12, available at www.nytimes.com/2016/03/02/us/governor-vetoes-trans-gender-bathroom-restrictions-south-dakota.html?_r=0.

¹¹ Letter from Catherine E. Lhamon, U.S. Dep't of Educ. Ass't Sec'y for Civil Rights, U.S. Dep't of Educ., to Colleagues (Oct. 21, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>.

¹² For example, parents may request that staff introduce the student to other students by his or her preferred name, as a classroom management matter.

¹³ *In loco parentis*: Of, relating to, or acting as a temporary guardian or caretaker of a child, taking on all or some of the responsibilities of a parent. BLACK'S LAW DICTIONARY 787 (10th ed. 2014). The Supreme Court has recognized that during the school day, a teacher or administrator may act *in loco parentis*. See *Hernandez Sch. Dist. v. Aron*, 515 U.S. 646, 654, 115 S. Ct. 2386, 2391 (1995).

¹⁴ *C.N. v. Wolf*, 410 F. Supp. 2d 894 (C.D. Cal. 2005); *Botello v. Morgan Hill Unified Sch. Dist.*, No. C09-02121 HRL, 2009 WL 3918930 (N.D. Cal. Nov. 18, 2009).

¹⁵ *Nguon v. Wolf*, 517 F. Supp. 2d 1177 (C.D. Cal. 2007) (no violation of right to privacy under First Amendment when principal disclosed a student's sexual orientation to mother in carrying out statutory duty to advise parents of circumstances leading to student's suspension); *Wyatt v. Fletcher*, 718 F.3d 496 (5th Cir. 2013) (no clearly established right to privacy under the Fourteenth Amendment barring public secondary school officials from discussing student's sexual activity with parents)

¹⁶ ACLU, SCHOOLS IN TRANSITION, *supra* note 12.

¹⁷ 20 U.S.C. § 1232g(2), 34 C.F.R. §§ 99.20–22.

¹⁸ 20 U.S.C. § 1232g(a)(2), 34 C.F.R. § 99.21.

¹⁹ See, e.g., CAL. DEP'T OF EDUC., FREQUENTLY ASKED QUESTIONS: SCHOOL SUCCESS AND OPPORTUNITY ACT, available at <http://www.cde.ca.gov/re/di/eq/faqs.asp>; TEX. ASS'N OF SCH. BODS., LEGAL ISSUES RELATED TO TRANSGENDER STUDENTS, available at https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/transgender_students_july15.pdf.

²⁰ N.Y. COMP. CODES R. & REGS. TIT. 8, § 100.2 (2016); TEX. EDUC. CODE § 28.025(e); 19 TAC 74.5(b); TEX. EDUC. AGENCY, MINIMUM STANDARDS OF THE ACADEMIC ACHIEVEMENT RECORD, available at <http://tea.texas.gov/index2.aspx?id=5974>; CAL. CODE REGS. TIT. 5 § 432 (2016); CAL. DEP'T OF EDUC., FREQUENTLY ASKED QUESTIONS: SCHOOL SUCCESS AND OPPORTUNITY ACT, available at <http://www.cde.ca.gov/re/di/eq/faqs.asp>.

²¹ See MASS. DEP'T OF ELEM. AND SEC. EDUC., GUIDANCE FOR MASSACHUSETTS PUBLIC SCHOOLS: CREATING A SAFE AND SUPPORTIVE SCHOOL ENVIRONMENT, NONDISCRIMINATION ON THE BASIS OF GENDER IDENTITY, available at <http://www.doe.mass.edu/ssce/GenderIdentity.pdf>; CONN. SAFE SCH. COALITION, GUIDELINES FOR CONNECTICUT SCHOOLS TO COMPLY WITH GENDER IDENTITY AND EXPRESSION NON-DISCRIMINATION LAWS, FREQUENTLY ASKED QUESTIONS, available at http://www.ct.gov/chro/lib/chro/Guidelines_for_Schools_on_Gender_Identity_and_Expression_final_4-24-12.pdf.

²² Letter from Catherine Lhamon, *supra* note 13 at 5-6.

²³ 20 U.S.C. § 1681.

²⁴ CALIF. SCH. BODS. ASS'N, *Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, CSBA Policy Brief, at * 3 (Feb. 2014), <https://www.csba.org/~media/E68E16A652D34EADA2BFDCD9668B1C8F.ashx> (advising that if a student provides documentation of a legal name or gender change, then the official student record must be changed to reflect this); MASS. DEP'T OF ELEMENTARY AND SECONDARY EDUC., GUIDANCE FOR MASSACHUSETTS PUBLIC SCHOOLS, *supra* note 22e (advising that as "Massachusetts' law recognizes common law name changes. An individual may adopt a name that is different from the name that appears on his or her birth certificate provided the change of name is done for an honest reason, with no fraudulent intent. . . , schools should accurately record the student's chosen name on all records, whether or not the student, parent, or guardian provides the school with a court order formalizing a name change." The department has a procedure in place to update name changes and gender markers in the Student Information Management System (SIMS) upon request.)



³⁰ 325 ILL. COMP. STAT. 50/5(b)(1) (2016).

³¹ See MASS. DEP'T OF ELEMENTARY AND SECONDARY EDUC., GUIDANCE FOR MASSACHUSETTS PUBLIC SCHOOLS, *supra* note 26.

³² GUTTMACHER INSTITUTE, *State Policies in Brief—Sex and HIV Education* (Mar 1, 2016), available at https://www.guttmacher.org/sites/default/files/pdfs/spibs/spib_SE.pdf.

³³ CAL. EDUC. CODE § 51204.5 (2016).

³⁴ ARIZ. REV. STAT. § 15-716 (2016); see also LA. REV. STAT. § 17:281; MISS. CODE § 37-13-171.

³⁵ See source cited *supra* note 7.

³⁶ For a list of athletic association policies regarding athletics participation of transgender students, see www.transathlete.com/#lk-12/c4w2.

³⁷ *McMillen v. Navamha Cnty. Sch. Dist.*, 702 F. Supp. 2d 699 (N.D. Miss. 2010) (school officials' refusal to allow student to attend prom with same-sex date violated First Amendment, but refused to issue injunction on the ground it would not serve the public interest); *Fricke v. Lynch*, 491 F. Supp. 387 (D.R.I. 1980).

³⁸ 34 C.F.R. § 106.33.

³⁹ *G.G. v. Gloucester County Sch. Bd.*, ___ F.3d ___, No. 15-54, 2015 WL 5560190 (E.D. Va. Sept. 17, 2015)

⁴⁰ Letter from James Ferg-Cadima, U.S. Dep't of Educ. Acting Ass't Sec'y for Civil Rights Policy, to Emily Prince (Jan. 7, 2015), <http://www.tricker.com/documents/miss-transgender-student-restroom-access-1-2015.pdf>.

⁴¹ N.C. GEN. STAT. § 115C-521.2.

⁴² The governor of South Dakota recently vetoed a bill (H.B. 1008) that would have required transgender students to use bathrooms and locker rooms that correspond to their birth assigned sex. Greg Botelho and Wayne Drash, *South Dakota governor vetoes transgender bathroom bill*, CNN (Mar 2, 2016), <http://www.cnn.com/2016/03/01/us/south-dakota-transgender-bathroom-bill/>. Similar bills are pending in several states. E.g. Okla. S.B. 1014, Tenn. S.B. 2387 & H.B. 2414.

⁴³ See, e.g., *Cimby v. Meachum*, 684 F.2d 712 (10th Cir. 1982) (finding prisoner asserted viable constitutional privacy claim based on female guard viewing him while he showered, used the toilet or undressed); *Kastl v. Maricopa Cty. Comm. Coll. Dist.*, 325 F. App'x 492 (9th Cir. 2009) (accepting employer's proffered safety concerns for banning transsexual plaintiff from using women's restroom as legitimate business reason under Title VII).

⁴⁴ *Johnston v. University of Pittsburgh*, 97 F. Supp. 3d 657 (W.D. Pa. 2015).

⁴⁵ E.g., KAN. REV. STAT. § 510.148.

⁴⁶ See, e.g., KAN. REV. STAT. § 344.145(2)(a), Louisville-Metro Ordinance 92.05

⁴⁷ *G.G. v. Gloucester County Sch. Bd.*, ___ F. Supp. 3d ___, No. 15-54, 2015 WL 5560190 (E.D. Va. Sept. 17, 2015).

⁴⁸ 34 C.F.R. § 106.33.

⁴⁹ Matt Nardella, *The Space Between Gender Neutral and Accessible Restrooms* (Jan. 20, 2015), www.moss-design.com/gender-neutral-restrooms

⁵⁰ Letter from Adele Rapport, U.S. Dep't of Educ. Office for Civil Rights, to Dr. Daniel E. Cates, Superintendent Township High School District 211, OCR Case No. 05-14-1055 (Nov. 2, 2015), <https://www2.ed.gov/documents/press-releases/township-high-211-letter.pdf>.

⁵¹ Letter from Catherine Lhamon, U.S. Dep't of Educ. Ass't Sec'y for Civil Rights, *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities*, at *25 (Dec. 1, 2014), <http://www2.ed.gov/about/offices/list/ocr/>

[docs/faq-title-ix-single-sex-201412.pdf](#). (Question 31. How do the Title IX requirements on single-sex classes apply to transgender students? Answer: All students, including transgender students and students who do not conform to sex stereotypes, are protected from sex-based discrimination under Title IX. Under Title IX, a recipient generally must treat transgender students consistent with their gender identity in all aspects of the planning, implementation, enrollment, operation, and evaluation of single-sex classes.)

³² See discussion *supra* Section 8 and accompanying endnotes.

³³ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969). Compare *Olesen v Bd. of Educ. of Sch. Dist. No. 228*, 676 F. Supp. 820 (N.D. Ill. 1987) (upholding ban on boys' wearing of earrings where district had a gang problem and some earrings were used as gang symbols); with *Hayden v. Greensburg Community Sch. Corp.* 743 F.3d 569 (7th Cir. 2014) (rule prohibiting long hair for boys basketball team members violates Title IX and Equal Protection Clause of Fourteenth Amendment).

³⁴ See, e.g., *Doe v. Brockton Sch. Comm.*, 2000 WL 33342399 (Mass. App. Ct. Nov. 30, 2000) (finding school district could not prohibit transgender student from wearing dresses where there was no evidence that student's dress, rather than behavior, caused substantial disruption); *McMillen v. Itawamba Cnty. Sch. Dist.*, 702 F. Supp. 2d 699 (N.D. Miss. 2010) (female student asked to wear tuxedo to prom).

³⁵ *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. ___, 134 S. Ct. 2751 (2014) (finding Religious Freedom Restoration Act applies to corporations and that government's contraceptive mandate under the Affordable Care Act substantially burdens the plaintiffs free exercise of religion for RFRA purposes).

³⁶ See *Garrett v. Ceballos*, 547 U.S. 410 (2006).

³⁷ See *supra* note 4.





Luciano: Washington school sorting out bathroom policies regarding transgender youth

Saturday Posted Apr 30, 2016 at 6:31 PM

By Phil Luciano
Journal Star columnist

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WASHINGTON — As transgender legislation, debate and court cases spark national headlines, controversy bubbles at a central Illinois grade school.

Central Primary, a K-3 school in Washington, has had to make restroom accommodations for a student who was born male but identifies as female. The school board, relying on a broad policy that mandates "equal access" for all students, has permitted the 8-year-old to use the girls' restroom. At the last two board meetings, a group of parents has asked that the school create a unisex bathroom for transgender students. Though the board has twice refused that request, the group plans to make another pitch later this month.

"Every female student at the school has lost their right to privacy when using the restroom," says a mother with the parental group. "Every student should be able to use the restroom without having a student of the opposite sex present. ... The school board and administration have completely disregarded the (group's) concerns."

But school Superintendent Dale Heidbreder, though unwilling to discuss any particular student, says the board has maintained an open ear and mind. In making decisions, he says, the board has followed its policies on gender identity keeping an eye on legal developments regarding an evolving, contentious issue increasingly heading to court.

"Anytime you have concerns brought by parents, the board is going to look at all aspects. We're utilizing our current policies," he said. "... I think anytime there are any (court) rulings, we will seek legal counsel."

In the meantime, the 8-year-old's mother says the current set-up has worked well, for the child and classmates.

"There's been no trouble," she says. "None at all."

Central Primary is part of Central School District 51, which also includes Central Intermediate, a grades 4-8 school on the same campus, several blocks from Washington Community High School. The district has about 1,300 students, with just under 600 enrolled at Central Primary.

Just before the current academic year, the administration was approached by the parents of a transfer student, a newcomer in the second grade. The parents explained that the student was male by birth but identifies as a girl, including appearance and dress. At the request of the parents, the school board agreed to allow the child to use the girls' restrooms at the school. Per policy for all students, an adult monitor is present for restroom breaks.

That decision regarding the 8-year-old was not made publicly. Talking broadly about privacy matters, Heidbreder says, "Any time you have situations involving matters of a personal nature, the board discusses that in executive session."

Heidbreder declined to say how many transgender students attend Central Primary; the mother of the transgender 8-year-old says she knows of no other.

The child's mother says there have been no problems at the school, at the restrooms or otherwise. The child is treated by classmates as any girl, the mother says.

"There are a couple of kids who know (the child) is transgender," the mom says. "But I'm not sure they know exactly what transgender is."

Early this year, word trickled to some parents about the transgender child using the girls' bathrooms. Several parents formed a group and discussed the matter with the administration. The group's spokesperson declined to comment for this story. But one parent in the group, speaking on the condition of anonymity, says

the group is concerned about a violation of pupils' sense of "privacy" being violated — now at Central Primary but perhaps later at the phys-ed locker room at Central Intermediate.

"The reason we have separate restrooms and separate locker rooms is to have privacy," the parent says. "We want girls to have privacy and boys to have privacy."

The group wants the board to create gender-neutral restrooms at the schools, for bathroom breaks at both schools and to allow phys-ed change of clothes at the intermediate school. The group made that request at the March and April meetings of the board, both times the board said there was no need to create a transgender-specific policy.

"Why would they not proactively tackle the issue and establish a gender neutral restroom for students identifying as transgender?" the parent says.

Contacted for this story, board members either referred questions to Superintendent Heidbreder or ignored the request. Heidbreder says the board follows set policies that already address transgender issues. Its Equal Educational Opportunities" policy

<http://central51policy.webs.com/Section%207/0710.pdf> states, "Equal educational and extracurricular opportunities shall be available for all students without regard to color, race, nationality, religion, sex, sexual orientation, ancestry, age, physical or mental disability, gender identity, status of being homeless, immigration status, order of protection status, actual or potential marital or parental status, including pregnancy." That policy also includes a "Sex Equity" tenet stating, "No student shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities."

Within that framework, the administration and board would evaluate any transgender issues on a case-by-case basis, Heidbreder says. He says that many student needs are considered individually.

"Things aren't always cut-and-dried," he says.

Plus, he says, a flexible framework works well as transgender issues continue to evolve in legislatures and courthouses.

"As it unfolds, we feel (evaluation) has to be on a case-by-case basis," Heidbreder says.

The Illinois State Board of Education has no policy on restroom or locker-room use by transgender students. Peoria School District 150 addresses transgender situations much like Central Primary.

"We are aware of at least a couple of transgender students in our district," says spokesman Chris Coplan. "The principal will typically meet with the family to develop a plan that allows the needs of the student to be met. Currently, we've been able to accomplish this by identifying a unisex bathroom for the student to use in his or her school."

He says those gender-neutral facilities are "general restrooms, single-stall bathrooms in the office of the school. Currently, the transgender students also use the same restrooms for a locker room, but that was their choice for PE. ... Currently, our transgender students are not participating in athletics."

Across the nation, school districts are watching developments in this heated issue from questions and proposals to protests.

Last year, the U.S. Department of Education found that suburban-Chicago Palatine Township High School District 211 broke the law in denying use of girls restrooms to a male-to-female transgender student at Fremd High School. The department — citing Title IX, the federal civil-rights law that prohibits gender discrimination in federally funded education programs — threatened to pull \$6 million in funding unless Fremd made accommodations. Earlier this year, the district complied, installing five public-restroom-style stalls in the school's boys and girls locker rooms. However, in announcing that decision, the district superintendent said that if any female students were to feel uncomfortable about the situation, further special accommodations would be made, wherever that might lead.

In the wake of that development, a Palatine state lawmaker has introduced a bill requiring students to use restrooms that correspond to the sex on their birth certificate. Rep. Thomas Morrison, a Republican, said he drafted the measure —

still pending in Springfield — “so that every school district in Illinois can be confident in setting policy that respects the privacy of all students.” The bill does not explain how schools would investigate possible scofflaws.

Other legislation has been proposed and debated in multiple states. Perhaps most famously, North Carolina passed a law requiring people to use public bathrooms matching their biological sex, triggering a high-profile boycott by musicians and bands (including Pearl Jam, Bruce Springsteen and Boston), who cancelled shows there. Last week, a protest petition with 150,000 signatures reached the state Capitol, where police later arrested more than 50 demonstrators.

Perhaps the loudest statement came earlier this month from a federal appeals court in Virginia. There, in Gloucester County, a 16-year-old female-to-male transgender student had been denied use of his high school’s boys restrooms. The teen and the American Civil Liberties Union filed a suit seeking relief from what the teen called “discriminatory treatment.” After a federal judge ruled against the petition, the 4th U.S. Circuit Court of Appeals overturned the decision, leaning on Title IX in mandating that transgender students be allowed to use school restrooms of their identifying gender.

The ruling might have ripples of implications. For one, the federal circuit includes North Carolina, which might now have a hard time upholding that birth-sex bathroom law. For another, though the Virginia school had built unisex bathrooms in the wake of the teen’s suit, the appeals court said a separate arrangement wasn’t enough: transgender students deserve full, equal restroom access.

Meanwhile, in multiple states, state legislation and municipal ordinances have been poised and passed regarding school and public restrooms. How might the Virginia court ruling come into play? Good question, even at Central Primary.

For now, the parents’ group plans to keep meeting and planning to push for gender-neutral facilities at the school. At the May meeting, one parent looks for strength in numbers.

“We are hoping for a larger group to attend,” she says.

PHIL LUCIANO is a Journal Star columnist. He can be reached at pluciano@pjstar.com, [facebook.com/philluciano](https://www.facebook.com/philluciano) or (309) 686-3155. Follow him on Twitter @LucianoPhil.

Tech Tip/Trick (week of 2Dec16) 5th Annual D90 Tech Shopping Guide

email: "mweid@of90.net Matt Weld"

Friday, December 2, 2016 at 2:23:13 PM Central Standard Time

To: email: "everybody@of90.net Everybody"

District 90,

I've had many questions about recommendations for helping out Santa, and so with the help of Tech Guru Grady and Elf Espenschied (from OTHS) I've come up with recommendations for your Holiday tech shopping. Instead of the comparison tables I used to create, I think it would be easier to go by age range. The ranges represent my personal opinion, and as parents, you can shop as you wish.

Kindergarten - 2nd grade = Tablet. iPads are good but pricey. If they want them to play games, an Android platform is just fine, such as a [Kindle Fire](#).

3rd - 7th grade = Chromebook. Now that they'll be doing homework on the computer, and (definitely in D90) have individual Google Accounts, the [Dell Chromebook 13](#) (\$430) comes highly recommended, although they are more expensive than the [Lenovo n22](#) (\$162.99 at [Best Buy](#)) we have in D90. As an in-between, I really like my Acer Chromebook 14 (\$269 at [Best Buy](#)). *[The number after 'Chromebook' on Dell and Acer indicates the diagonal dimensions of the screen. For Lenovo, it's the generation number.]*

8th - 11th grade = OTHS does not use Google Suite for Education, so this morning when I spoke with their tech director, Dwight Espenschied, he said he recommends the [Lenovo n23 with Windows](#) (see attached flyer for special OTHS offer of \$301.59 (incl. tax) from Computype). Dwight has also negotiated deals with Experimac in Shiloh and the Microsoft Store in Richmond Heights - just mention you're from O'Fallon schools. See the attached flyers for details.

12th - college = ? When my daughter went to college in August, we checked with the University as to what they recommend. Much of it depends on what they use in the classroom and for each major. Engineering people tend to prefer Windows, while creative majors prefer Apple. If they are a liberal arts student, a Chromebook would probably work just fine. My daughter has found Google Slides very useful for group projects because people could work on the project from wherever whenever. I would say the [Lenovo 23](#) from OTHS would be a good entry device if their chosen school does not have a recommendation.

Resources and other nifty links:

http://www.thetoyinsider.com/holiday_guide/tech-12/ (including STEM gifts!)

<http://www.theverge.com/a/holiday-gift-ideas-2016>

<http://www.techradar.com/news/mobile-computing/laptops/best-chromebooks-top-5-chromebooks-in-the-us-1233696>

<http://thewirecutter.com/reviews/best-chromebook/>

Happy Shopping!

Matt Weld

5/10/2018

Google Apps Vault - Tech Tip/Trick (week of 2Dec16) 5th Annual D90 Tech Shopping Guide

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[Webpage](#)

@MatthewWeld



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Attachments:

OTHS Chromebooks Flyer.pdf 151k

St. Louis Microsoft store Surface Recommendations O'Fallon Schools (1).pdf 501k

Apple OTHS Flyer 7_20_16.pdf 564k

Policy Committee meeting

email: "chruby@of90.net Carrie Hruby" Monday, December 12, 2016 at 11:46:57 AM Central Standard Time
To: email: "mllloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: 'Steve'
, email: "sspringer@of90.net Steve Springer"
Cc: email: "lbiehl@of90.net Lynn Biehl"

Good morning,

Please add a Policy Committee meeting to your calendar for Dec 21 at 9:00 am. Matt—if that doesn't work for you, please let me know and we'll look for another time. That morning works for Rebecca and Steve.

Lynn will post the meeting and send you a pdf of the policies we will need to consider. Steve has also asked that we discuss the issue of transgender students.

Thank you,
Carrie

—
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



email: "mllloyd@of90.net Matt Lloyd" Monday, December 12, 2016 at 12:01:16 PM Central Standard Time
To: email: "chruby@of90.net Carrie Hruby"
Cc: email: "rhuller@of90.net Rebecca Huller" , email: "Steve" , email: "sspringer@of90.net Steve Springer" , email: "lbiehl@of90.net Lynn Biehl"

Sorry I didn't get back sooner. We didn't finalize our travel plans until Friday. The 21st will be fine. Generally, evenings are better for me (since I work in StL) but I can make 9AM work if that is best for everyone else. it is not a big deal.

Matt

On Mon, Dec 12, 2016 at 11:46 AM, Carrie Hruby <chruby@of90.net> wrote:
Good morning,

Please add a Policy Committee meeting to your calendar for Dec 21 at 9:00 am. Matt—if that doesn't work for you, please let me know and we'll look for another time. That morning works for Rebecca and Steve.

Lynn will post the meeting and send you a pdf of the policies we will need to consider. Steve has also asked that we discuss the issue of transgender students.

5/10/2018

Google Apps Vault - Policy Committee meeting

Thank you,
Carrie

--
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



--
Matt Lloyd
D90 School Board

email: "chruby@of90.net Carrie Hruby"

Tuesday, December 13, 2016 at 9:33:34 AM Central Standard Time

To: email: "mlloyd@of90.net Matt Lloyd"

Cc: email: "rhuller@of90.net Rebecca Huller", email: "Springer", email: "lbiehl@of90.net Lynn Biehl"

Steve", email: "sspringer@of90.net Steve

Thank you, Matt. I look forward to seeing you all then

On Mon, Dec 12, 2016 at 12:01 PM, Matt Lloyd <mlloyd@of90.net> wrote:

Sorry I didn't get back sooner. We didn't finalize our travel plans until Friday. The 21st will be fine. Generally, evenings are better for me (since I work in StL) but I can make 9AM work if that is best for everyone else. it is not a big deal.

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Matt—if that doesn't work for you, please let me know and we'll look for another time. That morning works for Rebecca and Steve.

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Thank you,
Carrie

--
Carrie E. Hruby

5/10/2018

Google Apps Vault - Fwd: RE: Transgender Presentation at IASB

Fwd: RE: Transgender Presentation at IASB

email: "rhuller@of90.net Rebecca Huller" Wednesday, December 21, 2016 at 10:26:20 AM Central Standard Time
To: email: "sspringer@of90.net Steve Springer" , email: "chruby@of90.net Carrie Hruby" , email: "milloyd@of90.net Matt Lloyd"

----- Forwarded message -----
From: "Rebecca Huller" <huller1@gmail.com>
Date: Dec 21, 2016 10:25 AM
Subject: Fwd: RE: Transgender Presentation at IASB
To: <rhuller@of90.net>
Cc:

----- Forwarded message -----
From: "Smith, Jennifer A." <jas@franczek.com>
Date: Dec 13, 2016 2:15 PM
Subject: RE: Transgender Presentation at IASB
To: "Rebecca Huller" <huller1@gmail.com>
Cc:

Thank you for reaching out. I am happy to hear you found the presentation helpful. I attached a copy of our presentation. I hope that it serves as a helpful resource.

Jennifer

5/10/2018

Google Apps Vault - Fwd: RE: Transgender Presentation at IASB

From: Rebecca Huller [mailto:rebecca.huller@iasb.org]

Sent: Tuesday, December 13, 2016 11:39 AM

To: Smith, Jennifer A.

Subject: Transgender Presentation at IASB

I am emailing you to request the power point presentation from the transgender conference I attended in November. I will be meeting with our policy committee next week and although I took copious notes, there are still a few slides I would like to review.

Thanks,

REbecca Lin Huller

Jennifer A. Smith

https://ediscovery.google.com/discovery/u/0/DisplayMessage?hl=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&at=ACD7onrW_V4eBCeDHleVP8EdYnPyPaTI

5/10/2018

Google Apps Vault - Fwd: RE: Transgender Presentation at IASB

Partner

312.786.6589

jas@franczek.com

Franczek Radelet P.C.

300 South Wacker Drive

Suite 3400

Chicago, IL 60606

312.986.0300 - Main

312.986.9192 - Fax

www.franczek.com

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Attachments:

FINAL 2016 Legal Update on Supporting Transgender Students Triple I.PPTX 3.4M

email: "sspringer@of90.net Steve Springer"
To: email: "

Wednesday, January 4, 2017 at 9:46:38 PM Central Standard Time

----- Forwarded message -----

From: Rebecca Huller <rhuller@of90.net>

Date: Wed, Dec 21, 2016 at 10:26 AM

Subject: Fwd: RE: Transgender Presentation at IASB

To: Steve Springer <sspringer@of90.net>, Carrie Hruby <chruby@of90.net>, Matt Lloyd <mlloyd@of90.net>

5/10/2018

Google Apps Vault - Fwd: RE: Transgender Presentation at IASB

----- Forwarded message -----

From: "Rebecca Huller" <rhuller@of90.net>
Date: Dec 21, 2016 10:25 AM
Subject: Fwd: RE: Transgender Presentation at IASB
To: <rhuller@of90.net>
Cc:

----- Forwarded message -----

From: "Smith, Jennifer A." <jas@franczek.com>
Date: Dec 13, 2016 2:15 PM
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To: "Rebecca Huller" <rhuller@of90.net>
Cc:

Thank you for reaching out. I am happy to hear you found the presentation helpful. I attached a copy of our presentation. I hope that it serves as a helpful resource.

Jennifer

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Sent: Tuesday, December 13, 2016 11:39 AM

To: Smith, Jennifer A.

Subject: Transgender Presentation at IASB

https://ediscovery.google.com/discovery/u/0/DisplayMessage?hl=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&at=ACD7onrW_V4eBCeDHleVPBEdYnPyPaTI

5/10/2018

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I am emailing you to request the power point presentation from the transgender conference I attended in November. I will be meeting with our policy committee next week and although I took copious notes, there are still a few slides I would like to review.

Thanks,

REbecca Lin Huller

Jennifer A. Smith

Partner

312.786.6589

jas@franczek.com

Franczek Radelet P.C.

5/10/2018

Google Apps Vault - Fwd: RE: Transgender Presentation at IASB

300 South Wacker Drive

Suite 3400

Chicago, IL 60606

312.986.0300 - Main

312.986.9192 - Fax

www.franczek.com

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Attachments:

FINAL 2016 Legal Update on Supporting Transgender Students Triple I.PPTX 3.4M

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 ATTORNEYS & COUNSELLORS

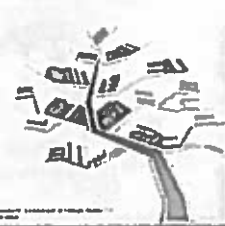
ILLINOIS SAFE SCHOOLS THE ALLIANCE

2016 Legal Update on Supporting Transgender Students

Craig Anderson
 Executive Director, IHSA

Jennifer A. Smith
 Partner, Franczek Radelet

Owen Daniel-McCarter
 Executive Director
 Illinois Safe Schools Alliance




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ILLINOIS SAFE SCHOOLS THE ALLIANCE

- The mission of the Alliance is to promote safety, support and healthy development for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth, in Illinois schools and communities, through advocacy, education, youth organizing and research.

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"When someone with the authority of a teacher, say, describes the world and you are not in it, there is a moment of psychic disequilibrium, as if you looked in the mirror and saw nothing."
 — Adrienne Rich, poet



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ILLINOIS SAFE SCHOOLS THE ALLIANCE

SEX ≠ GENDER

- Sex is a biological construct that refers to our physical attributes and our genetic make up.
 - Physical attributes = internal and external anatomy (genitalia, internal reproductive organs)
 - Genetic make up = hormones and sex chromosomes (XX or XY)
- Male, Female, Intersex

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ILLINOIS SAFE SCHOOLS THE ALLIANCE

SEX ≠ GENDER

- Gender is a social construct, most often operating in a binary system, that refers to roles, behaviors, activities, and attributes that a given society considers appropriate for boys/men or for girls/women.
 - Include the psychological, behavioral, social, and cultural aspects of being masculine or feminine
- Man, Woman, Both, Neither


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ILLINOIS SAFE SCHOOLS THE ALLIANCE

SEX ≠ GENDER

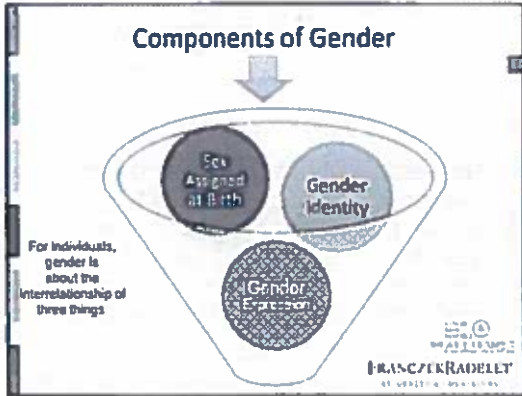
Sexual Orientation is about who you are attracted to; romantically, emotionally, spiritually, physically, and/or sexually.

Gender Identity is about who you are.



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Terminology

- Transgender/Trans:** "is an umbrella term that may be used to describe people whose gender expression does not conform to cultural norms and/or whose gender identity is different from their sex assigned at birth."

Transgender is a self-identity, and some gender nonconforming people do not identify with this term"
 (Trans Bodies, Trans Selves pg. 620)

FRANCZEK RADELET P.C.

Terminology

- Cisgender/Cis:** is an umbrella term for people whose gender identity aligns with the sex they were assigned at birth and is a privileged identity.

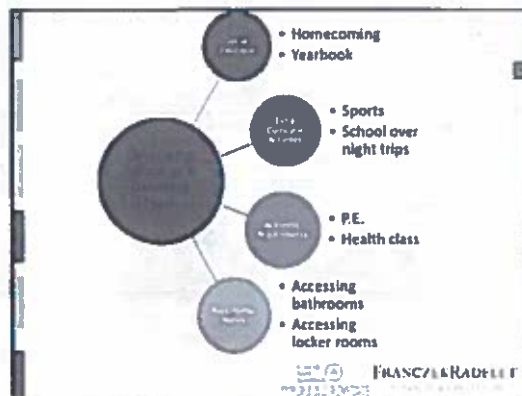
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Gender Pronouns

Please note that these are not the only pronouns. There are an infinite number of pronouns to use and you should use the pronouns that your client uses.

| Subjective | Objective | Possessive | Reflexive | Example |
|------------|-----------|------------|----------------|-----------------------------------------------------------------|
| She | Her | Her(s) | Herself | She is speaking / directed to her. The background is hers. |
| He | Him | His | Himself | He is speaking / directed to him. The background is his. |
| They | Them | Theirs | Themselves | They are speaking / directed to them. The background is theirs. |
| It | Its/Its' | Its/Its' | Itself/Itself' | It is speaking / directed to it. The background is its. |

TSER



Litigation Impact on Illinois Schools

IMPACTS:

- Locker rooms
- Bathrooms
- Overnight accommodations

DOES NOT IMPACT:

- Name changes
- Bullying/harassment obligations
- Dress code accommodations

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What litigation matters to Illinois?



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U.S. Department of Education

- OCR Enforcement Position since 2013
- Non-Public Guidance in 2015
- May 13, 2016 Dear Colleague Letter
- Impact of 2016 Election



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U.S. Department of Education

- May 13, 2016 guidance from the U.S. Department of Education:
 - *“The Departments treat a student’s gender identity as the student’s sex...”*
 - *“A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.”*

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Texas v. U.S.


- 12 states challenged DOE 2016 guidance
 - Texas, Alabama, Georgia, Louisiana, Oklahoma, Tennessee, Utah, West Virginia, Wisconsin
- Sought to enjoin DOE’s interpretation that “sex” includes “gender identity” under Title IX



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Texas v. U.S.

- Nationwide Injunction:
 - No enforcement of DOE 2016 guidance while the case is being decided
 - Prohibition on investigating school districts based on an interpretation of sex that includes gender identity
- OCR acknowledgement of stay
- DOJ filed notice of appeal



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G.G. v. Gloucester C.S.B.



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G.G. v. Gloucester C.S.B.

District Court: Sex ≠ Gender Identity

Appellate Court: Sex = Gender Identity

U.S. Supreme Court ?

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District 211 Litigation

- **Transgender Student**
 - Preferred name and pronouns
 - Student records
 - Accommodated schedule
 - Sports participation
 - Bathroom of identified gender

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District 211 Litigation

- **Locker Room Access**
 - ACLU filed complaint on behalf of student
 - 2 year OCR investigation
 - Issue of restricted v. unrestricted access
 - Enforcement letter and threatened loss of funds
- **Resolution Agreement**
 - Restricted access based on representation will change in private

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Parents for Privacy v. District 211

- **Claims by Non-Transgender Students**
 - Hostile environment based on sex
 - Non-comparable facilities
 - Invasion of privacy
- **Magistrate Judge recommended denial of Plaintiffs' request for injunction denying bathroom and locker room access**

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Other Cases To Watch

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IHSA

- Policy and process to address the participation of transgendered students
- Privacy
- School Procedure
- IHSA Procedure

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IHSA Areas of Awareness

- Have a plan in place
- Use correct names/pronouns- according to student's self-identification
- Gender appropriate restroom accessibility
- Locker room accessibility
- Educational training for teachers, counselors, coaches, administrator and students on transgender sensitivity in relation to student
- Manner of dress according to gender identity
- Access to resources and accurate information

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ATTORNEYS AT LAW

Tips for Support

- Allow for self-identification
- Acknowledge mistakes
- Patience and flexibility
- Understand systemic barriers
- Affirm gender identity and resilience
- Provide resources for support
- Show that you are a safe person to talk to by having your practice reflect your knowledge

FRANCZEK RADELET
ATTORNEYS AT LAW

Q & A

FRANCZEK RADELET
ATTORNEYS AT LAW

Fwd: opinion regarding transgender student protections

email: "chruby@of90.net Carrie Hruby"

Thursday, February 9, 2017 at 9:49:31 AM Central Standard Time

To: email: "mlloyd@of90.net Matt Lloyd", email: "sspringer@of90.net Steve Springer", email: "Steve", email: "rhuller@of90.net Rebecca Huller"

Good morning,

After our last policy committee meeting, I forwarded the documents regarding proposed changes to Jeff, as requested by the committee, and asked for his counsel. His response is attached.

----- Forwarded message -----

From: Jeff Funk <jfunk@millertracy.com>

Date: Wed, Feb 8, 2017 at 3:49 PM

Subject: opinion regarding transgender student protections

To: Carrie Hruby <chruby@of90.net>

Carrie,

Attached please find a letter addressed to you and to the Board regarding the suggested changes to Board Policy 7:10, together with a section from a legal update I did for a group of school administrators last fall. Please feel free to forward both documents to your Board. If you have any questions or would like clarification or further information, please do not hesitate to contact me.

Jeff

--
S. Jeff Funk
Miller, Tracy, Braun, Funk & Miller, Ltd.
316 S. Charter, P.O. Box 80
Monticello, IL 61856
(217)762-9416 phone
(217)762-9713 fax
jfunk@millertracy.com

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--
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL

5/10/2018

Google Apps Vault - Fwd opinion regarding transgender student protections

chruby@of90.net



Attachments:

O'Fallon 90--letter to Board re transgender students.pdf 234k

O'Fallon 90--Outline of Legal Issues Concerning Gender Identity.docx 24k

5/10/2018

Google Apps Vault - Fwd: NSBA publication re transgender students

Fwd: NSBA publication re transgender students

email: "chrubv@of90.net Carrie Hruby" Wednesday, February 15, 2017 at 11:50:48 AM Central Standard Time
To: email: " .. Steve" , email: "rhuller@of90.net Rebecca Huller" , email: "mlloyd@of90.net Matt Lloyd"
, email: "sspringer@of90.net Steve Springer"

Begin forwarded message:

From: Jeff Funk <jfunk@millertracy.com>
Date: February 14, 2017 at 11:08:42 AM CST
To: Carrie Hruby <chruby@of90.net>
Subject: NSBA publication re transgender students

Carrie,

I saw this NSBA publication last November and recently had occasion to review it again. It attempts to set forth the state of the law concerning rights of transgender students. It may be of use to you and/or your Board; you may share it if you please. Let me know if you have any questions.

Jeff

[https://cdn-files.nsba.org/s3fs-public/reports/10711-4559%20 Transgender Guide V7 Final.pdf?8GJ3zXHkrCdjlhiOKH3PXC9uzAWOeWMY](https://cdn-files.nsba.org/s3fs-public/reports/10711-4559%20Transgender%20Guide%20V7%20Final.pdf?8GJ3zXHkrCdjlhiOKH3PXC9uzAWOeWMY)

--

S. Jeff Funk
Miller, Tracy, Braun, Funk & Miller, Ltd.
316 S. Charter, P.O. Box 80
Monticello, IL 61856
(217)762-9416 phone
(217)762-9713 fax
jfunk@millertracy.com

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5/10/2018

Google Apps Vault - Re: Fwd: NSBA publication re transgender students

Re: Fwd: NSBA publication re transgender students

email: "

Steve"

Wednesday, February 15, 2017 at 12:48:17 PM Central Standard Time

To: email: "chruby@of90.net Carrie Hruby"

I read this when it came out. It is
not legally definitive.

SS

On 02/15/2017 11:50 AM, Carrie Hruby wrote:

Begin forwarded message:

From: Jeff Funk <jfunk@millertracy.com>

Date: February 14, 2017 at 11:08:42 AM CST

To: Carrie Hruby <chruby@of90.net>

Subject: NSBA publication re transgender students

<https://ediscovery.google.com/discovery/u/0/DisplayMessage?hl=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&at=ACD7onqgM-FriQvQFyCqGyXsZ76j7dw>

5/10/2018

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https://cdn-files.nsba.org/s3fs-public/reports/10711-4559%20Transgender_Guide_V7_Final.pdf?8GJ3zXHkrCdjIhiOKH3PXC9uzAWOeWMY

Fwd: Alliance Legislative Report 100-09

email: "chruby@of90.net Carrie Hruby" Saturday, March 4, 2017 at 8:40:11 AM Central Standard Time
 To: email: "bdrury@of90.net Becky Drury" , email: "jwagnon@of90.net John Wagnon" , email: "troach@of90.net Todd Roach"
 , email: "mlloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: ' Steve' ,
 email: "sspringer@of90.net Steve Springer" , email: "i Mary Baskett" , email: "mbaskett@of90.net
 Mary Baskett" , email: ' Todd Roach"

Begin forwarded message:

From: IASA <iasa@iasaedu.org>
 Date: March 3, 2017 at 5:08:29 PM CST
 To: chruby@of90.net
 Subject: Alliance Legislative Report 100-09
 Reply-To: iasa@iasaedu.org

March 3, 2017



ALLIANCE LEGISLATIVE REPORT (100-09) SENATE BUDGET PACKAGE STALLS AGAIN

The Illinois State Senate Tuesday deliberated on the Senate floor on some of the components of the "grand bargain" comprehensive budget package. A number of votes were taken and several bills were approved, including making appropriations for State government for the remainder of Fiscal Year 2017 (SB 6), expanding gaming by adding six new casinos including one in the City of Chicago (SB 7), and providing an appropriation for Chicago Public Schools teacher pensions (SB 5). Bills regarding local government consolidation (SB 3) and procurement reform (SB 8) have also been approved by the Senate.

But like on February 8 when a vote was taken on the pension reform proposal, a pension bill (SB 16) was again defeated on the Senate floor. This brought some question to the future of the "grand bargain" package, but Senate leaders vowed to continue with votes on the rest of the package on Wednesday.

However, when the Senate reconvened for session Wednesday afternoon, a noticeably frustrated Senate President John Cullerton (D-Chicago) announced that no further votes would be taken as Governor Bruce Rauner had asked for further negotiations on bills left in the compromise package. Cullerton stated that "the ball is in his court now", referring to the Governor. Senate Republican Leader Christine Radogno (R-Lemont), who seemed

equally frustrated, spoke on the Senate floor and stated that she is still optimistic that a budget deal could be completed.

Items left on the budget list include school funding reform (SB 1), revenue enhancements (SB 9), new State borrowing authority (SB 4), Workers' Compensation Act reform (SB 12); a property tax freeze with some mandate relief for schools (SB 13); and a minimum wage increase (SB 2).

The property tax freeze proposal has yet to be called for a vote in the Senate. The latest version reportedly included a two-year freeze on the property tax extension with a referendum option to extend the freeze for three additional years. No language has ever been filed on SB 1 - the school funding reform proposal - so no one yet knows what that new formula will look like.

Both chambers of the General Assembly will return to the Capitol next Tuesday to resume session.

BILLS SCHEDULED FOR COMMITTEE NEXT WEEK

The following is a selection of bills of interest that are scheduled to be considered in committees next week. For a full listing of next week's Senate committees, click [here](#). For House committees, click [here](#).

SENATE EDUCATION COMMITTEE

Tuesday, March 7, 1:00 p.m., Room 212, State Capitol

SB 1692 (Raoul, D-Chicago) allows a school to appoint a physician assistant to serve on its concussion oversight team and allows an advanced practice nurse to evaluate a student-athlete removed for signs of a concussion in certain circumstances.

SB 1947 (Collins, D-Chicago) requires that every school district, charter school, or alternative school receiving public funds to collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students.

SB 1991 (Bennett, D-Champaign) allows the Illinois State Board of Education (ISBE) to adopt a proficiency test for applicants seeking a professional educator license in the area of career or technical education if they are applying in an identified shortage area.

SENATE PUBLIC HEALTH COMMITTEE

Tuesday, March 7, 1:00 p.m., Room 400, State Capitol

SB 2038 (Rose, R-Mahomet) allows epinephrine to be administered with a glass vial, auto-injector, ampule, or pre-filled syringe.

SB 2043 (Mulroe, D-Chicago) requires the Department of Public Health (DPH) to provide all 6th grade students (currently, only female students) written information about the human papillomavirus (HPV) and the Centers for Disease Control's recommendation for children to be vaccinated.

SENATE TRANSPORTATION COMMITTEE

Tuesday, March 7, 4:30 p.m., Room 212, State Capitol

SB 2028 (Cullerton, T., D-Villa Park) requires that each school bus transporting students enrolled in grade 12 or below be registered as a school bus, and comply with school bus driver permit requirements, minimum liability insurance requirements, and other special requirements.

HOUSE EDUCATION: LICENSING, ADMINISTRATION & OVERSIGHT COMMITTEE
Tuesday, March 8, 8:00 a.m., Room 115, State Capitol

HB 2461 (McAsey, D-Lockport) adds new requirements to be included on the school report card regarding gifted education and advanced academic programs.

HB 2470 (Walsh, D-Elwood) allows applicants for a career and technical educator (CTE) endorsement to count coursework from a technical institution and allows a test of work proficiency to satisfy endorsement application.

HB 2540 (Willis, D-Addison) provides an appeals process through intermediate service centers for a school district that loses a petition to withdraw from its special education joint agreement program.

HB 2612 (Pritchard, R-Hinkley) makes changes to permit greater flexibility and efficiency in the detachment and dissolution of school districts, including creation of a local hearing panel, and a process for petitioning for boundary changes.

HB 2614 (McDermed, R-Mokena) requires a principal to report to the superintendent all non-public sources of revenue for a school that exceed \$1,000, including revenue received through fundraisers, and that are transferred into the district's educational fund or operations and maintenance fund.

HB 2898 (Crespo, D-Hoffman Estates) removes the sunset date of June 30, 2021 to allow individuals with four years of experience as school support personnel to obtain a principal endorsement.

HB 3021 (Martwick, D-Chicago) requires ISBE to implement a program to allow temporary staffing firms to contract with school districts to provide substitute teachers.

HB 3022 (Welch, D-Hillside) changes the Performance Evaluation Reform Act (PERA) teacher rating categories to "effective" or "ineffective" and prohibits the use of student growth as a requirement of teacher evaluations.

HB 3371 (Sims, D-Chicago) provides that required training in suicide awareness and prevention techniques shall last at least two hours.

HB 3378 (Lang, D-Skokie), regarding a school board member's interest in district contracts, it reconciles the definitions in the School Code with those in the Local Government Act.

HB 3394 (Walsh) requires that if the Department of Children and Family Services (DCFS) Child Protective Service Unit has not conducted an investigation of sexual or physical abuse within three weeks of the initial report, a school administrator shall place a teacher or school employee on paid administrative leave.

HB 3427 (Harper, D-Chicago) requires school boards to give at least 60 days' notice of the closure of a school for at least one school year, to all affected parents, students, and legal guardians.

HB 3489 (Brady, R-Bloomington) allows a parent or guardian of a child with disabilities to enroll in a school district in which the child was previously enrolled under certain circumstances.

HB 3820 (Crespo) allows individuals with valid a CTE endorsement, but that do not hold a bachelor's degree, to substitute teach in CTE classes.

HB 3869 (Wallace, D-Rockford) requires in-service training for school personnel on civil rights and cultural diversity, including racial and ethnic sensitivity and implicit racial bias.

HOUSE ELEMENTARY & SECONDARY EDUCATION: SCHOOL CURRICULUM & POLICIES COMMITTEE

Wednesday, March 8, 10:00 a.m., Room D-1, Stratton Office Building

HB 2442 (Bennett, R-Pontiac) requires student assessments for application or admissions to colleges administered by ISBE to be given on a school day during regular attendance hours.

HB 2443 (Bennett), an Alliance Initiative, allows a school district to contract for drivers education, utilize simulators, and use proficiency examinations for practice driving.

HB 2545 (Davidsmeyer, R-Jacksonville) requires all school personnel to undergo annual training on the warning signs of mental illness and the school district's policy on suicide awareness.

HB 2569 (Harris, R-Mt. Prospect) extends to 9th & 10th grade students the exemptions for Physical Education (P.E.) currently allowed for 11th & 12th grade students.

HB 2618 (Gabel, D-Evanston), for parties who agree not to use mediation during a challenge in a special education hearing process, gives the parent 10 days after a party declines to use mediation to file a request for a due process hearing to allow the student to remain in their current placement.

HB 2663 (Stratton, D-Chicago) prohibits early childhood programs receiving ISBE grants to expel children.

HB 2949 (Conyears-Ervin, D-Chicago) requires school districts to provide at least 20 minutes of unstructured play during a recess for all students kindergarten-5th grade.

HB 2950 (Conyears-Ervin) requires schools to designate personnel and quarterly provide students information about what to do and resources available if the student is being bullied.

HB 2977 (Welch) requires schools to include a unit of instruction for writing cursive.

HB 2993 (Slaughter, D-Chicago) allows schools to serve produce grown by students in school or community gardens if the produce meets DPH requirements.

HB 3083 (Hernandez, D-Cicero) removes the requirement that public schools are required to provide instruction in the English language.

HB 3139 (Chapa LaVia, D-Aurora), facilitating the work of the Balanced Accountability Model, establishes a definition of chronic absenteeism and requires school districts to collect and review the data and determine needed resources to engage chronically absent students and their families.

HB 3215 (Wallace) requires schools to provide feminine hygiene products to students at no cost.

HB 3260 (Harris) requires school districts to adopt a policy regarding placement of students of the same grade, from the same family, on a case-by-case basis to involve teachers and parents in the determination. The policy shall make the parent's preference a determinative factor.

HB 3368 (Sims) requires ISBE to create a model curriculum for high schools for teaching entrepreneur skills.

HB 3369 (Sims) requires ISBE to establish guidelines for the creation of a high-skilled manufacturing curriculum to be used in vocational education programs.

HB 3372 (Sims) requires ISBE to establish or contract to establish a Safe2Tell program to allow anonymous reporting of information regarding threats to students.

HB 3507 (Greenwood, D-E. St. Louis) allows a student to accrue up to 10 days absence if his/her parent is active duty military and has been called to duty for, on leave from, or has immediately returned from deployment.

HB 3708 (Reick, R-Woodstock) moves the Reduction in Force (RIF) notice to 10 business days following the approval of the State budget and if no budget is approved by June 15 of the current fiscal year, the school board shall fulfill notification by June 30 of the current fiscal year.

HB 3745 (Conyears-Ervin) requires schools to post, in English and Spanish, information regarding local community after-school programs at each campus in a high-traffic public area.

HB 3776 (Harper) requires schools to adopt a trauma response protocol that includes long-term responses to a traumatic incident, long-term care and counseling, and community engagement.

HB 3784 (Sosnowski, R-Rockford) removes the ability of a school district to deny enrollment for 17 year old students for failure to meet minimum academic standards and provides that no child may be denied re-enrollment under sections referring to the Individuals with Disabilities Education Act (IDEA) and Americans with Disabilities Act (ADA).

HB 3792 (Lilly, D-Chicago) requires schools to provide 6th graders instruction regarding work ethics including reliability, professionalism and respect for authority.

HB 3810 (Wallace) requires schools to develop a trauma response protocol that shall be implemented in response to a traumatic event at a school including a shooting.

HB 3811 (Manley, D-Joliet) requires schools to report physician refusal to conduct a social-emotional developmental screening to the Department of Financial and Professional Regulation (DFPR).

HB 3907 (Moylan, D-Des Plaines) requires law enforcement drills to be conducted on days when students are present in the building with full-time school staff participation.

HOUSE TRANSPORTATION: VEHICLES & SAFETY COMMITTEE

Wednesday, March 8, 10:00 a.m., Room 122B, State Capitol

HB 3377 (Lang, D-Chicago) requires all new school buses to be equipped with 3-point seat belts.

SENATE EXECUTIVE COMMITTEE

Wednesday, March 8, 1:00 p.m., Room 212, State Capitol

SB 1904 (Silverstein, D-Chicago) requires the Department of Labor (DOL) to publish, by July 15 of each year on its official website, a prevailing wage schedule for each county based upon the prevailing rate of wages investigated and ascertained by the Department during the month of June.

5/10/2018

Google Apps Vault - Fwd: Alliance Legislative Report 100-09

SB 1977 (Haine, D-Alton) provides that all records of (instead of "in the custody or possession of") a public body are presumed to be open to inspection or copying.

HOUSE STATE GOVERNMENT ADMINISTRATION COMMITTEE
Wednesday, March 8, 1:30 p.m., Room 122B, State Capitol

HB 3829 (Crespo) clarifies that meetings formed under the education reform bill of 2011 (SB 7) are excluded from the Open Meetings Act as are any negotiating team strategy sessions on collective bargaining.

SENATE LABOR COMMITTEE
Wednesday, March 8, 3:00 p.m., Room 212, State Capitol

SB 1721 (Biss, D-Evanston) entitles employees up to 12 weeks of family leave within any 24-month period for the purpose child birth, adoption or serious health condition of a family member.

SB 1738 (Lightford, D-Maywood) increases the minimum wage in annual increments until it is \$15 per hour in 2021.

SB 1856 (Bivins, R-Dixon), regarding the prevailing wage, allows public bodies to satisfy the notice requirement by posting on its website the hyperlink to the DOL website.

SENATE GOVERNMENT REFORM COMMITTEE
Wednesday, March 8, 3:00 p.m., Room 409, State Capitol

SB 2059 (Rose) provides that, upon dissolution of an elementary district, each individual parcel of that elementary district must be annexed by the school district closest geographically to that parcel.

This legislative report was written and edited by the lobbyists of the Illinois Association of School Boards to provide information to the members of the organizations that comprise the Statewide School Management Alliance.

Illinois Association of School Administrators, 2648 Beechler Court, Springfield, IL 62703-7305

[SafeUnsubscribe™ chruby@of90.net](mailto:SafeUnsubscribe%20chruby@of90.net)

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Sent by iasa@iasaedu.org in collaboration with

Constant Contact 

Try it free today

Re: Policy Updates

email: "chruby@of90.net Carrie Hruby"

Wednesday, June 14, 2017 at 8:39:23 AM Central Daylight Time

To: email: "

'eve", email: "mlloyd@of90.net Matt Lloyd", email: "rhuller@of90.net Rebecca Huller"

, email: "jboone@of90.net Jason Boone", email: "sspringer@of90.net Steve Springer"

Policy Committee,

Below are the cross reference points Steve discussed at Policy Committee. I sent them to Jeff Funk for review and have attached his reply.

Perhaps we need to schedule a committee meeting to discuss?

Thank you,

Carrie

On Mon, Jun 5, 2017 at 8:00 AM, Steve <

> wrote:

A little late to you, but finally. 4:10 will arrive later today or tomorrow am.

5:10 The School District shall provide equal employment opportunities to all persons *as provided under the law*. No one will be penalized solely- - -

5:20 The School District expects the workplace environment to be productive, respectful, and free of unlawful harassment. District employees shall not engage in harassment or abusive conduct. Harassment of students, including, but not limited to, sexual harassment, is prohibited by Board policy 7:20, Harassment of Students Prohibited.

7:20 Bullying, Intimidation, and Harassment Prohibited. No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student. The District will not tolerate harassing, intimidating- - - - -

7:180 2nd paragraph Bullying is strictly prohibited in each of the following situations:

7:185 Sub paragraph #: 1. Fully implements and enforces each of the following Board policies: a. 7:20, Harassment of Students Prohibited. This policy prohibits any person from harassing intimidating, or bullying *any student at any time for any reason.*

More to come.

SS

—
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



5/10/2018

Google Apps Vault - Re: Policy Updates

Attachments:

O'Fallon 90—letter to Board re proposed policy changes.pdf 162k

O'Fallon 90—Statutory requirements for nondiscrimination policy (1).pdf 31k

Interim Report

email: "chruby@of90.net Carrie Hruby"

Friday, June 16, 2017 at 2:30:29 PM Central Daylight Time

To: email: "bdrury@of90.net Becky Drury" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "Mary Baskett" , email: "mbaskett@of90.net Mary Baskett" , email:

"mlloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "

Steve" , email:

"sspringer@of90.net Steve Springer"

Revisiting Change for Valedictorian/Salutatorian

The JH principals continue to discuss the issue of new students/military students and graduation achievements. After discussing it further, we see that it might not be best to eliminate the award completely, but to instead open it up to students who have moved in during JH years. (Currently only students who have been enrolled all three years are eligible).

The new students would have to present a transcript from their previous district that will then be calculated with their D90 GPA. The JH admin believe this will be better than completely eliminating Val/Sal, as we understand the importance of giving kids something to strive to achieve. They would then eliminate the Principals Renaissance Award, as that was the award that was offered to incoming students who had all A's during 8th grade year.

I recommended that they consider renaming this top achievement from "Valedictorian/Salutatorian" (which implies there is one student per category who then gives a speech at graduation) to "Summa Cum Laude/Magna Cum Laude." Both the JH and the Elementary Student Handbooks will be on Tuesday's agenda for a first reading so that we can gain Board input on those types of revisions.

D90 Flag

I was very pleasantly surprised his week when parent Tom Vorce stopped by to present us with a gift from the PTOs. They noticed we have three flag poles in front of Carriel and District Office that only have two flags displayed each. They thoughtfully had new flags made with our logos on them for those bare flagpoles! Attached is a picture of the District Office flag.

Policy Revisions

The Policy Committee met on May 25. During the meeting, the group discussed a recommendation to change Policy 4:10 to include a statement regarding the Finance Committee and Board's review and approval of the tax rate as shown on the extension in the Spring. Attached please find that revision (insertion of the two last paragraphs on Policy 4:10). The policy will be included on the agenda Tuesday, along with others from PRESS Services.

Attached please also find the revision to Policy 7:10 that has been discussed by the Policy Committee on several occasions. We had planned to present this for first reading at the 6/20 meeting, but we may want to discuss it in committee once more and place it on the July Board agenda.

Upcoming Meetings/Events

If you haven't already done so, please let [Lynn Biehl](#) know if you will be attending the [November School Board Conference](#). Lynn is on vacation this week but will confirm our reservations when she returns.

June 20--Regular Board meeting at 7:00 pm at District Office

June 29--Special meeting to amend FY17 Budget at 6:00 pm, District Office (This will likely be a 10 min meeting, as discussion/deliberation will be also held during 6/20 meeting).

July 19--5:00 pm BEST Committee meeting at Shiloh Middle School

--
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



Attachments:

IMG_7426.jpg 1.8M

O'Fallon 90--letter to Board re proposed policy changes.pdf 162k

O'Fallon 90--Statutory requirements for nondiscrimination policy (1).pdf 31k

Policy4.10Rev.pdf 629k

<https://ed.scovery.google.com/discovery/u/0/DisplayMessage?hl=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&ai=ACD7onrunXxd2HW49q8oRAUqO8cA1yF->

5/10/2018

Google Apps Vault - My Opinion

My Opinion

email: "Steve"
To: email: "chruby@of90.net Carrie Hruby", email: "m John Wagon", email: "rhuller@of90.net
Rebecca Huller", email: "mlloyd@of90.net Matt Lloyd", email: "Becky Drury", email:
"jboone@of90.net Jason Boone" Sunday, August 6, 2017 at 5:08:51 PM Central Daylight Time

I have provided a website for you to view should you care to hear a slightly different viewpoint on transgender students and their participation in sexually segregated sports events.

My opinion happens to agree with the speaker in the video.

Cheers and take care.

SS

email: "rhuller@of90.net Rebecca Huller"
To: email: "Steve" Sunday, August 6, 2017 at 11:17:00 PM Central Daylight Time

Haven't watched it yet but I will. ..always appreciate type opinions.

On Aug 6, 2017 5:08 PM, "Steve" wrote:

I have provided a website for you to view should you care to hear a slightly different viewpoint on transgender students and their participation in sexually segregated sports events.

My opinion happens to agree with the speaker in the video.

Cheers and take care.

SS

Another brief Interim

email: "chruby@of90.net Carrie Hruby" Friday, August 11, 2017 at 11:47:51 AM Central Daylight Time
 To: email: "bdrury@of90.net Beckv Drury", email: "jboone@of90.net Jason Boone", email: "jwagnon@of90.net John Wagnon", email: "Mary Baskett", email: "mbaskett@of90.net Mary Baskett", email: "mlloyd@of90.net Matt Lloyd", email: "rhuller@of90.net Rebecca Huller", email: "Steve", email: "sspringer@of90.net Steve Springer"

Policy 7:20 Follow Up

<http://www.sijhsaa.com/index.php/administrative/by-laws-1#A2>

It is my understanding that SIJHSAA would consider any requests to play for a different team. That decision is made by their governing board, of which we have a representative.

I have attached the IESA policy on transgender, just as an FYI. We do not participate in IESA even though our high schools participate in IHSA. SIJHSAA is our organization.

Communication to ILGA

I had placed the topic of "Communication to ILGA Leaders" on the agenda for you to discuss the attached on Tuesday. However, since the Senate now plans to convene on Sunday, I think we need to accelerate that statement and send it via email now. If anyone has last minute additions, please let me know.

--
Carrie E. Hruby
 Superintendent
 District 90
 O'Fallon, IL
chruby@of90.net



Attachments:

IESA-Handbook Transgender.pdf 47k

Letter to ILGA.pdf 159k

email: "mbaskett@of90.net Mary Baskett" Friday, August 11, 2017 at 3:03:43 PM Central Daylight Time
 To: email: "chruby@of90.net Carrie Hruby"
 Cc: email: "jwagnon@of90.net John Wagnon", email: "jboone@of90.net Jason Boone", email: "sspringer@of90.net Steve Springer", email: "Steve", email: "rhuller@of90.net Rebecca Huller", email: "bdrury@of90.net Becky Drury", email: "Mary Baskett", email: "mlloyd@of90.net Matt Lloyd"

Looks good to me. Mary

On Aug 11, 2017 11:47 AM, "Carrie Hruby" <chruby@of90.net> wrote:

Policy 7:20 Follow Up

<http://www.sijhsaa.com/index.php/administrative/by-laws-1#A2>

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5/10/2018

Google Apps Vault - Another brief Interim

Communication to ILGA

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—

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



email: " Steve"
To: email: "mbaskett@of90.net Mary Baskett"

Friday, August 11, 2017 at 4:07:02 PM Central Daylight Time

Send it.

On 8/11/2017 3:03 PM, Mary Baskett wrote:

Looks good to me. Mary

On Aug 11, 2017 11:47 AM, "Carrie Hruby" <chruby@of90.net> wrote:

Interim

email: "chruby@of90.net Carrie Hruby"

Friday, March 2, 2018 at 4:43:18 PM Central Standard Time

To: email: "bdrury@of90.net Beckv Drurv" . email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "

Mary Baskett" , email: "mbaskett@of90.net Mary Baskett" . email:

"mlloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "

Steve" , email:

"sspringer@of90.net Steve Springer"

S&Ps Rating Upgrade

The district's credit rating has been upgraded from Standards & Poors to A (from A-). Upward movement is good news, especially if we decide to sell bonds, as the credit rating will impact our interest rates.

March 14

There is a large amount of social media and news coverage, nationwide, calling for students to walk out of their schools at 10 am on March 14 for 17 minutes to honor the 17 students and staff killed in Florida, and to send a message about gun violence in schools. While schools are neutral on political topics, it is our responsibility to make sure any such walk out is safe and peaceful. I prepared the attached letter to be sent home to parents. We do not plan to discipline students for walking out unless they become unruly, violent or refuse to come back into class when the 17 min are up.

--
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



Attachments:

March 14 Parent Letter.docx 48k

QuadrantIncentiveModel.pdf 113k

5/10/2018

Google Apps Vault - Re: Interim

Re: Interim

email: "1

Steve"

Friday, March 2, 2018 at 5:17:08 PM Central Standard Time

To: email: "chruby@of90.net Carrie Hruby"

Cc: email: "

John Wagnon"

I cannot emphasize how strongly I

OPPOSE District 90 *allowing* our students to participate in the 'walk out' on March 14th. We have *many* parents in the community that do not agree with the 'protests' that are taking place. We have *many* parents that believe, as I do, that it is *adults not children* who need to be in charge of the care and upbringing of children. If these kids are so mature and knowledgeable then why do not allow them to vote? Answer? Cause they are *NOT* that mature OR knowledgeable!!

Allowing the walkout *is not* remaining neutral on the issue. There is nothing in our handbooks or policies that allow these kids to just decide to walk out of class if and when they see fit. These nationwide 'calls' to action are taken by folks with an absolute *political agenda!!* We should NOT be participating!

John, I believe that his needs to be a BOE decision!! I hope that you have not sent out this message to parents yet!!

SS

On 3/2/2018 4:43 PM, Carrie Hruby wrote:

S&Ps Rating Upgrade

The district's credit rating has been upgraded from Standards & Poors to A (from A-). Upward movement is good news, especially if we decide to sell bonds, as the credit rating will impact our interest rates.

March 14

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Highland

email: "chruby@of90.net Carrie Hruby" Wednesday, March 7, 2018 at 6:10:26 AM Central Standard Time
To: email: "sspringer@of90.net Steve Springer" , email: Steve" , email: "rhuller@of90.net Rebecca
Huller" , email: "mlloyd@of90.net Matt Lloyd" , email: "mbaskett@of90.net Mary Baskett" , email:
Mary Baskett" , email: "jwagnon@of90.net John Wagnon" , email: "jboone@of90.net Jason Boone" , email: "bdrury@of90.net
Becky Drury"

In the BND this morning Highland School District reports they will allow HS students to walk out but if elementary students want to participate their parents will need to come sign them out and take them outside.

That would be the case here as well. If parents want to sign them out they can do so.

email: "bdrury@of90.net Becky Drury" Wednesday, March 7, 2018 at 7:25:26 AM Central Standard Time
To: email: "chruby@of90.net Carrie Hruby"
Cc: email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email:
Mary Baskett" , email: "mbaskett@of90.net Mary Baskett" , email: "mlloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net
Rebecca Huller" , email: " , email: "sspringer@of90.net Steve Springer"

Thanks for the heads up.

On Wed, Mar 7, 2018 at 6:10 AM Carrie Hruby <chruby@of90.net> wrote:

In the BND this morning Highland School District reports they will allow HS students to walk out but if elementary students want to participate their parents will need to come sign them out and take them outside.

That would be the case here as well. If parents want to sign them out they can do so.

Revised letter per BOE discussion last evening

email: "chruby@of90.net Carrie Hruby"

Wednesday, March 7, 2018 at 10:13:05 AM Central Standard Time

To: email: "bdrury@of90.net Beckv Drurv" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "Mary Baskett" , email: "mbaskett@of90.net Mary Baskett" , email:

"milloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "sspringer@of90.net Steve Springer"

Steve" , email:

March 7, 2018

Dear District 90 Parents,

Schools should never be places of violence. National and local media reports of violence and/or threats to schools have been on all of our minds and most certainly weighed heavily on our hearts. The threat at Hinchcliffe this week reminds us all, even more, of the need for increased school security and protocols. It also illustrated the importance of a strong bond between public schools and local police departments. Being in regular communication with O'Fallon Public Safety is one of the most important actions our local school districts can take to ensure safe school environments. This week we recognized the importance once again as we communicated with the O'Fallon Police Department throughout their investigation and successful arrest of the suspect who was responsible for the threat at Hinchcliffe. The OPD offered guidance, increased police presence and communication to families all while thoroughly investigating the matter into the evening hours to ensure the individual was swiftly apprehended.

Parents, students and community members also play an important role in keeping our schools safe. Any threat must always be reported. Authorities are more equipped to determine a level of threat than someone who might see it online or in person. Illinois Attorney General Lisa Madigan established a School Violence Tipline 1-800-477-0024 that can be a valuable tool. While 911 should still be used for any immediate emergencies, the tipline was created as a reporting tool for anyone to anonymously report threats of violence.

Social media and news stories have recently called for students to walk out of class on March 14 to make a statement about violence and to honor the 17 students and staff killed at Marjory Stoneman Douglas High School. While schools remain neutral on political topics, we have a duty to help students remain safe while they are in our care. National media attention will most likely highlight these planned walk-outs; causing a vulnerability to the security of our schools. The district is concerned about security to students and feel we must keep students from exiting the school during the planned time for protesting, at 10:00 am. We will expect students to remain in their classrooms, engaged in lessons. If students and parents wish to express their voices on this topic we respectfully ask that they do so on the Saturday events that are planned nationwide.

The safety of our students and staff remains a top priority for District 90. We strongly encourage parents to have a conversation at home about this topic and the district's expectation that students remain in their classrooms and safely indoors. Leaving school carries consequences as identified in the student handbook: <https://www.of90.net/domain/547> If you have questions or concerns, please feel free to contact me (chruby@of90.net), Director of Security Mark Berry (mberry@of90.net), or your child's building principal.

--

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL

5/10/2018

Google Apps Vault - Revised letter per BOE discussion last evening

chruby@of90.net



Re: Revised letter per BOE discussion last evening

email: "jwagnon@of90.net John Wagnon"

Wednesday, March 7, 2018 at 11:15:34 AM Central Standard Time

To: email: "chruby@of90.net Carrie Hruby"

Cc: email: "bdrury@of90.net Becky Drury", email: "jboone@of90.net Jason Boone", email: "

Mary

Basket", email: "mbaskett@of90.net Mary Baskett", email: "mlloyd@of90.net Matt Lloyd", email: "rhuller@of90.net Rebecca Huller", email: "

Steve", email: "sspringer@of90.net Steve Springer"

very well written...right in line with what we discussed and approved last night. thanks for the update.

john

John Wagnon
President, District 90 Board of Education



On Wed, Mar 7, 2018 at 10:13 AM, Carrie Hruby <chruby@of90.net> wrote:

March 7, 2018

Dear District 90 Parents,

Schools should never be places of violence. National and local media reports of violence and/or threats to schools have been on all of our minds and most certainly weighed heavily on our hearts. The threat at Hinchcliffe this week reminds us all, even more, of the need for increased school security and protocols. It also illustrated the importance of a strong bond between public schools and local police departments. Being in regular communication with O'Fallon Public Safety is one of the most important actions our local school districts can take to ensure safe school environments. This week we recognized the importance once again as we communicated with the O'Fallon Police Department throughout their investigation and successful arrest of the suspect who was responsible for the threat at Hinchcliffe. The OPD offered guidance, increased police presence and communication to families all while thoroughly investigating the matter into the evening hours to ensure the individual was swiftly apprehended.

Parents, students and community members also play an important role in keeping our schools safe. Any threat must always be reported. Authorities are more equipped to determine a level of threat than someone who might see it online or in person. Illinois Attorney General Lisa Madigan established a School Violence Tipline 1-800-477-0024 that can be a valuable tool. While 911 should still be used for any immediate emergencies, the tipline was created as a reporting tool for anyone to anonymously report threats of violence.

Social media and news stories have recently called for students to walk out of class on March 14 to make a statement about violence and to honor the 17 students and staff killed at Marjory Stoneman Douglas High School. While schools remain neutral on political topics, we have a duty to help students remain safe while they are in our care. National media attention will most likely highlight these planned walk-outs; causing a vulnerability to the security of our schools. The district is concerned about security to students and feel we must keep students from exiting the school during the planned time for protesting, at 10:00 am. We will expect students to remain in their classrooms, engaged in lessons. If

5/10/2018

Google Apps Vault - Re: Revised letter per BOE discussion last evening

students and parents wish to express their voices on this topic we respectfully ask that they do so on the Saturday events that are planned nationwide.

The safety of our students and staff remains a top priority for District 90. We strongly encourage parents to have a conversation at home about this topic and the district's expectation that students remain in their classrooms and safely indoors. Leaving school carries consequences as identified in the student handbook: <https://www.of90.net/domain/547> If you have questions or concerns, please feel free to contact me (chruby@of90.net), Director of Security Mark Berry (mberry@of90.net), or your child's building principal.

—
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



Re: #enought March 14, 2018

email: ~
To: email: "sspringer@of90.net Steve Springer"

Thursday, March 8, 2018 at 3:08:26 PM Central Standard Time

Thank you for responding to my concerns. I am very relieved that this issue is not something that will be forced on the community.

Thank you,

Misty Hutchison

On Wed, Mar 7, 2018 at 10:20 AM, Steve Springer <sspringer@of90.net> wrote:

Good morning to you. Thank you for your letter. I could not agree with you more!! At least 2 other board members are of like mind, 2 others don't want a walk out for other reasons and one member would actually support a walkout but was overruled. Dist 90 will not participate or encourage participation. An absence in order to participate will be treated as an unexcused absence and punished accordingly.

I'm thrilled there are people in our community that have beliefs at least similar to mine. I love the fact you have spoken out to all the board members. Thank you for contacting me.

Steve Springer

On Tue, Mar 6, 2018 at 10:57 AM, _____ > wrote:

Good morning,

It has come to my attention that there is a PTA lead national student protest scheduled for March 14, 2018. This protest is referred to as #enought. If district 90, Fulton Junior High plans to participate, my child, _____ is NOT to participate in this event.

Where I think violence in our schools is completely unacceptable and our children should be safe in schools, I also believe in our second amendment right. I do not feel a school district, PTA, Women's March, or anyone else should utilize children as their advocates. My child will NOT be used as a pawn by a politician or some political issue.

According to everytownresearch.org <<http://everytownresearch.org>>, there have been 294 school shootings since 2013. According to the Chicago police, in 2013 alone, Chicago PD reported 415 murder shootings. If gun violence is the target, protest violence that is truly out of control.

If you want change and support, the parents must be contacted. The travesties occurring around the nation are the result of lack of involvement of adults. My _____ year old son is not able to vote or change legislation. He will not be involved in this event.

Thank you for your time.

--

5/10/2018

Google Apps Vault - Re: #enought March 14, 2018

Brief Interim Update

email: "chruby@of90.net Carrie Hruby"

Tuesday, March 13, 2018 at 4:27:29 PM Central Daylight Time

To: email: "bdrury@of90.net Becky Drury" . email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "

"mloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: " " Steve" , email:

"sspringer@of90.net Steve Springer"

BEST

The BEST Committee met yesterday at Central 104. The group discussed joint bidding, curriculum articulation, curriculum articulation, consolidation committee update and drug awareness/prevention. Cindy Doil shared that the consolidation committee met with each district's superintendent and board president recently. They have compiled and discussed the information that was gathered, and decided to study the following scenarios:

OTHS/D90/D85/D104,

D90/D85/D104

D90 and D104

D90 and D203

The committee will now interview and hire a feasibility study consultant who will be asked to gather data and report on the feasibility of the above four combinations.

OTHS shared data about the recent student survey they administered on the topic of drug abuse. The group discussed reaching out to the City to jointly pursue additional prevention initiatives. This will be a new initiative for BEST, and the superintendents will begin by talking to the O'Fallon and Shiloh mayors.

March 14

All of the schools (public and private) in O'Fallon have been communicating with the O'Fallon Police Department about the possibility of March 14 student walk outs. The OPD has assigned two officers to each school for extra security. They will remain on the perimeter unless requested otherwise by administration.

D90 Principals each met with their staff to provide a consistent message about how to handle possible walk outs. They were told that if a student starts to walk out of class, the staff member is to ask if a parent is there to sign the student out. If a student says yes, the teacher will remind the student to wait in the room until the office calls down to get them, as is regularly the procedure. If the student says no, the staff member will remind the student that the expectation is that they remain in the classroom, but if a child continues to walk out, we have staff stationed around the school that will direct any students to one door for safety reasons. The OPD has received information from each O'Fallon school district about where students may be if they are assembled so they can provide added security.

Parents are able to sign a child out, just as they are always able to do. We sometimes have parents sign a child out for appointments or even to go to McDonalds for a birthday lunch. We are following the same procedures as are followed in those cases. Parents may only sign out their own child, not their friends as well. Parents will be allowed to remain on the property as long as they are peaceful. Staff will only be outside if they are asked to help supervise. Otherwise they will continue in their daily duties, and have been reminded that they are to be neutral on any political topics.

--

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL

5/10/2018

Google Apps Vault - Brief Interim Update

chruby@of90.net



Update from this morning

email: "chruby@of90.net Carrie Hruby" Wednesday, March 14, 2018 at 11:05:31 AM Central Daylight Time
 To: email: "bdrury@of90.net Becky Drury" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagon" , email: "mloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "mbaskett@of90.net Mary Baskett" , email: "mloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "Steve" , email: "sspringer@of90.net Steve Springer" , email: "mberry@of90.net Mark Berry"

The administrative teams and the OPD were very well prepared for potential walk-outs this morning. We had 5 students walk out of Carriel (1 with a parent), and 1 student at Schaefer with a parent. All were quiet and returned to class after the 17 minutes.

--
Carrie E. Hruby
 Superintendent
 District 90
 O'Fallon, IL
chruby@of90.net



email: "rhuller@of90.net Rebecca Huller" Wednesday, March 14, 2018 at 11:06:10 AM Central Daylight Time
 To: email: "chruby@of90.net Carrie Hruby"
 Cc: email: "bdrury@of90.net Becky Drury" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagon" , email: "mberry@of90.net Mark Berry" , email: "mbaskett@of90.net Mary Baskett" , email: "mloyd@of90.net Matt Lloyd" , email: "Steve" , email: "sspringer@of90.net Steve Springer"

Thanks for the update!

On Wed, Mar 14, 2018 at 11:05 AM Carrie Hruby <chruby@of90.net> wrote:

The administrative teams and the OPD were very well prepared for potential walk-outs this morning. We had 5 students walk out of Carriel (1 with a parent), and 1 student at Schaefer with a parent. All were quiet and returned to class after the 17 minutes.

--
Carrie E. Hruby
 Superintendent
 District 90
 O'Fallon, IL
chruby@of90.net



5/10/2018

Google Apps Vault - Update from this morning

email: "chruby@of90.net Carrie Hruby"

Wednesday, March 14, 2018 at 11:44:29 AM Central Daylight Time

To: email: "bdrury@of90.net Becky Drury" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email:

"mloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "Steve" , email: "sspringer@of90.net Steve Springer"

The four students who walked out without permission will be given a lunch detention during which time they will write in response to the following prompts:

For questions 1 and 2, write a paragraph to share your thoughts.

1. Why did you leave class/school today?
2. What other ways can you express your concerns or beliefs in a school setting or community?
3. On a separate sheet of paper, write a letter to someone you feel should hear your message.

On Wed, Mar 14, 2018 at 11:18 AM, Jason Boone <jboone@of90.net> wrote:

Can you share what punishments are being handed out to those students?

On Mar 14, 2018 11:05 AM, "Carrie Hruby" <chruby@of90.net> wrote:

The administrative teams and the OPD were very well prepared for potential walk-outs this morning. We had 5 students walk out of Carriel (1 with a parent), and 1 student at Schaefer with a parent. All were quiet and returned to class after the 17 minutes.

—

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



—

Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



email: "bdrury@of90.net Becky Drury"

Wednesday, March 14, 2018 at 11:47:30 AM Central Daylight Time

To: email: "chruby@of90.net Carrie Hruby"

Cc: email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "

Mary Baskett" , email: "mbaskett@of90.net Mary Baskett" , email: "mloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: "Steve" , email: "sspringer@of90.net Steve Springer"

5/10/2018

Google Apps Vault - Re: Update from this morning

O'Fallon, IL
chruby@of90.net



Re: Update from this morning

email: "mary.baskett@gmail.com Mary Baskett" Wednesday, March 14, 2018 at 12:51:10 PM Central Daylight Time
To: email: "bdrury@of90.net Becky Drury"
Cc: email: "chruby@of90.net Carrie Hruby" , email: "jboone@of90.net Jason Boone" , email: "jwagnon@of90.net John Wagnon" , email: "mbaskett@of90.net Mary Baskett" , email: "mlloyd@of90.net Matt Lloyd" , email: "rhuller@of90.net Rebecca Huller" , email: " Steve" , email: "sspringer@of90.net Steve Springer"

Nice work being proactive. Please express my appreciation to our great administrators.

On Wed, Mar 14, 2018, 11:47 AM Becky Drury <bdrury@of90.net> wrote:
Thank you!

On Wed, Mar 14, 2018 at 11:44 AM Carrie Hruby <chruby@of90.net> wrote:
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Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



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Superintendent
District 90

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Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



—
Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



5/10/2018

Google Apps Vault - Update from this morning

Thank you!

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Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



Carrie E. Hruby
Superintendent
District 90
O'Fallon, IL
chruby@of90.net



email: " Mary Baskett" Wednesday, March 14, 2018 at 12:51:10 PM Central Daylight Time
To: email: "bdrury@of90.net Becky Drury"
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5/11/2018

Google Apps Vault - Re: BOE

Re: BOE

email: 'Steve'
To: email: "chruby@of90.net Carrie Hruby"

Friday, March 16, 2018 at 7:32:02 PM Central Daylight Time

OK. The class suspensions sound like actual 'class suspensions' to me. Not just lunch detentions. Please put this on the policy agenda for next policy meeting.

See you next week.

SS

On 3/16/2018 6:15 PM, Carrie Hruby wrote:

If you'd like to draft some changes to the minutes and pull them out of consent to be considered before approval, the board could either vote to include them as you present them or table them for another day.

D90 doesn't have class suspensions (penalty hours) like OTHS does. I believe she gave penalty hours which result in a call to parents and lunch detentions.

On Mar 16, 2018, at 5:57 PM, Steve <>
wrote:

Darcy's School Walkout interview in *The Weekly* was the correct response to walkout offenders. Ours was weak and watered down. I would like to see this addressed at a Policy meeting or BOE. Suspension is the correct response to blatantly violating school policy/handbook, especially when specific guidance was put out to all students, parents, teachers and the public. Lunch detention and answering a couple of questions is a silly slap on the wrist. I am truly amazed that I have ended up agreeing with Darcy on much of anything, especially this.

The type of incidents in the discipline report highlights the need for tough and real discipline that will make an impression. We are being soft on students that punch others, etc. Threats of violence, shooting etc must be dealt with harshly. Hitting someone outside of school is assault and punishable by prison time. Need to discuss Tues night.

5/10/2018

Google Apps Vault - Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

email:
To: email:

Steve"

Monday, April 9, 2018 at 1:34:24 PM Central Daylight Time

, email: "miloyd@of90.net Matt Lloyd"
John Wagnon"

Please read the information below. It is becoming more and more important each day that we make our voices heard. There are forces in Springfield pushing agendas of many different descriptions which will continue to erode our local principles and local control of not only of our schools but our entire community. It is a *minor* pain to use the link in the notice. It is pretty easy to call your State Senator and/or Rep and leave a message. If we don't, we will lose.

If anyone is interested, please ask and I will send you a copy of an email from the Illinois Statewide School Management Alliance which lists many new bills making their way through our state houses. They focus mainly on school issues, but highlight the incredible number of issues being discussed and the level and amount of minutia being generated.

Thanks for reading this.

5/10/2018

Google Apps Vault - Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward In Springfield

Steve Springer

----- Forwarded Message -----

Subject:Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

Date:Mon, 9 Apr 2018 12:17:24 -0400

From:

To:

Another whack-a-mole
item being hatched by the Democrats. These people must carry the
genetic codes of cockroaches and termites. They come out at
night and work behind the scenes. The witness slip tally shows
the proponents outnumber the opposition 10 to 1. Need to stop
this. Not only wrong for the kids, is very high tax dollars to
change all the books.

5/10/2018

Google Apps Vault - Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

On Monday, April 9, 2018 5:00 AM, IFI
E-Alert <takeaction@illinoisfamily.org>
wrote:



ILLINOIS
**Family
Institute**



It's time to take **Action**



Call to Action



Leftist Public School Indoctrination Bill Moving Forward in Springfield

Written By *Laurie Higgins*

The noxious Leftist "Inclusive Curriculum" bill ([SB 3249](#) and [HB 5596](#)) created by two Chicago-based homosexual/"trans" activist organizations (i.e., Equality Illinois and the Illinois Safe Schools Alliance)

is moving through the Illinois Senate. The central goal of this costly and ideologically driven mandate that robs schools of local control is to use curricula in government schools to transform the way children think and feel about homosexuality and biological-sex rejection (aka as "transgenderism"). If passed, this indoctrination bill will require that any "book or book substitute that will be used as a text or text substitute" in grades K-12 include the "role and contributions" of homosexuals and of men and women who adopt opposite-sex personas (also known deceptively as "transgender").



In other words, all materials used in schools will be required to address the roles and contributions of people who define themselves by their disordered sexual desires and sexual behaviors. In addition, this bill will require that "the teaching of history of the United States in public schools shall include a study of the role and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this State."

There's more:

This instruction shall be designed to teach that LGBT individuals have a rich history and have made substantial and valuable contributions to society, including government, arts, sciences, mathematics, sports, education, and in the economic, cultural, and political development of society. The instruction shall teach about the rich advocacy among the LGBT community and the LGBT community's allies.... Instruction shall reinforce that all people, regardless of sexual orientation, gender identity, or gender expression [i.e., cross-dressing], have a right to be treated with civil, legal and human rights....

When possible, adults, including school district employees who openly identify as LGBT and other openly LGBT adults in the community that the school district may decide to consult with, should be involved in the development and delivery of this instruction at the discretion of the LGBT individuals.

There are *no good reasons* for teachers or textbooks to mention or discuss the sexual interests of contemporary or historical figures who have contributed something noteworthy to society. Their exceptional accomplishments should be noted, but their sexual proclivities—especially controversial sexual proclivities that many view as both immoral and destructive—have no place in public schools. Homosexual and "trans" activists are not centrally concerned about ensuring that the accomplishments of Sally Ride, James Baldwin, and Oscar Wilde are included in curricula; they already are. Homosexual and "trans" activists from Equality Illinois and the Illinois Safe Schools Alliance are centrally concerned about ensuring that students know that Ride, Baldwin and Wilde were sexually and romantically attracted to persons of the same sex. Homosexual and "trans" activists seek to transfer the good feelings children and teens have about accomplishments to homosexuality and opposite-sex impersonation. It's a ploy to render disordered feelings and immoral actions innocent by association with accomplishment.

But the quasi-religious ontological and moral dogma of the homosexual and "trans" communities regarding biological sex, "gender," and "gender identity" are not facts and are not neutral. They are articles of faith—arguable beliefs—that government schools have no right to propagate either explicitly or implicitly. Taxpayers should no more be forced to subsidize material based on the quasi-religious beliefs of homosexual and "trans" activists than they should be forced to subsidize material based on the beliefs of, for example, the polyamorous community.

Would any lawmaker vote in favor of mandating that schools teach about the "roles and contributions" of polyamorists and poly-activists, or the roles and contributions of other communities whose identities are constituted by what many view as disordered desires and immoral volitional activities, like "amputee-wannabes," infantilists, zoophiles, sadomasochists, and sibling-lovers (i.e., "Genetic Sexual Attraction")?

"LGBTQ" activists take umbrage at such comparisons, declaiming that their sexual predilections constitute an authentic identity somehow set apart from those who identify as polyamorists, amputees, or babies, to which others may respond, "Who are you to judge?"

What if children or their parents experience such desires, engage in behaviors impelled by such feelings, or identify as poly, "amputee wannabes" or "infantilists"? What if they experience unwanted "minor attraction," "genetic sexual attraction" or zoophilia? If homosexuals and "trans"-identifying persons should be able to see their predilections represented in curricula, shouldn't other identity groups be able to see themselves represented in curricula? Should the accomplishments of people throughout history who experienced such feelings be excluded simply because they don't yet have a powerful lobbying group that invents language that cloaks their beliefs in the appearance of objective facts?

We all know that schools—at least for now—wouldn't teach about the accomplishments of polyamorists, "amputee-wannabes," sibling-lovers, zoophiles, infantilists, or sadomasochists. Even if

5/10/2018

Google Apps Vault - Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

school leaders believed the feelings of persons in these groups were powerful, persistent, and unchosen, and even if school leaders believed biochemistry influences the development of their feelings, school leaders would not allow k-12 students to be taught that an important historical figure was a polyamorist, "amputee-wannabe," sibling-lover, zoophile, infantlist, or sadomasochist. Why is that?

The reason is not merely that no one has yet demanded that they do so. The reason is that school administrators and board members—at least for now—believe the behaviors integral to those conditions are unhealthy, disordered, and immoral and that teaching about the role and contributions of those who engage in them would serve to normalize the phenomena.

Well, here's an inconvenient truth: many believe the same about homosexuality and the science-denying cult of biological sex-rejection. What right have arms of the government (i.e., public schools) to treat the beliefs of Leftists on those two issues—homosexuality and opposite-sex impersonation—as if they were objectively true?

"LGBTQ" activists are so invested in exploiting taxpayer-funded schools to indoctrinate other people's children that Equality Illinois is dedicating their annual "[LGBTQ Advocacy Day](#)" to pressuring lawmakers to pass the wildly inappropriate Inclusive Curriculum bill. This Wednesday, April 11, Equality Illinois is busing their supporters to Springfield for lobbying-training and lawmaker-goading. **Take ACTION:** [Click HERE](#) to send a message to both your state representative and state senator to ask them to reject this effort to politicize curricula in order to advance biased beliefs about sexuality to children in government schools.

[Take Action](#)

[IFI Worldview Conference May 5th](#)

We have rescheduled our annual Worldview Conference featuring well-know apologist **John Stonestreet** for Saturday, May 5th at Medinah Baptist Church. Mr. Stonestreet is s a dynamic speaker and the award-winning author of "*Making Sense of Your World*" and his newest offer: "*A Practical Guide to Culture.*"

Join us for a wonderful opportunity to take enhance your biblical worldview and equip you to more effectively engage the culture.

[Click HERE](#) to learn more or to register!



[Register Online](#)



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5/10/2018

Google Apps Vault - Fwd: Fwd: Leftist Public School Indoctrination Bill Moving Forward in Springfield

5/10/2018

Google Apps Vault - Fwd: Fwd: Devilish Details in School Sexuality-Indoctrination Bill

This takes
cake.....Really warped!! Obviously the Democrat sponsors of
this miscarriage have no decency and want to harm our
kids..... Please click "Take Action" below.

-----Original
Message-----

From: [IFI <takeaction@illinoisfamily.org>](mailto:takeaction@illinoisfamily.org)

To:

Sent: Mon, Apr 16, 2018 5:13 am

Subject: Devilish Details in School
Sexuality-Indoctrination Bill

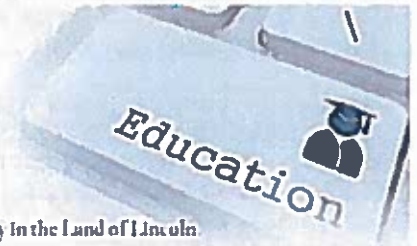
https://ediscovery.google.com/discovery/u/0/DisplayMessage?hl=en&m=3398f374-95bf-437b-95d0-2f9ea9d02669&at=ACD7onqDd_c4oR4cmGI4CRW0li6KUsgnt



ILLINOIS
Family
Institute

Education

Boldly bringing biblical principles to public policy in the Land of Lincoln.



Indoctrination Bill Sponsor, Sen. Heather Steans

Devilish Details in School Sexuality-Indoctrination Bill

Written By Laurie Higgins

Here's something many Illinoisans don't know about the school sexuality-indoctrination bill created by Illinois' premier homosexual and "trans" activist organizations: Equality Illinois and the Illinois Safe Schools Alliance (formerly part of the Gay, Lesbian and Straight Education Network).* This bill, which requires that the "*teaching of history shall include a study of the role and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this state,*" also mandates the following:



[N]o pupils shall be graduated from the eighth grade of any public school unless he has received such instruction in the history of the United States and gives evidence of having a comprehensive knowledge thereof.

Did you get that? Leftists in Springfield, controlled by outside organizations whose sole raison d'être is to transform the ontological, moral, and political beliefs of Americans, seek to require that children be inculcated with Leftist assumptions about deviant sexuality and be tested on them in order to move on to high school.

Exploiting taxpayer funds and captive audiences of children constitutes the most egregious form of propaganda imaginable. This outrageous effort to use children and public monies to advance a Leftist ideology must be opposed with the kind of fervor and tenacity usually demonstrated only by Leftists. The bill also has a troubling section on the state's textbook block grant program. This program, which historically provided textbooks to public and private schools—including Catholic schools—has not been funded for the past five years. If funding is restored and if the school sexuality-indoctrination bill passes, private religious schools would either have to forgo textbook-funding or use textbooks that include material that espouses positive views of disordered sexuality—views that violate both Catholic and Protestant doctrine.

If passed, the ideologically-driven school sexuality-indoctrination bill—also known deceptively as the "Inclusive Curriculum" bill (SB 3249 and HB 5596)—would require not only that k-12 teachers teach about the "roles and contributions" of homosexuals and those who reject their biological sex but also to tell students about the sexual predilections of those contributors. In other words, when teachers teach about the accomplishments of **Sally Ride** or the plays of **Oscar Wilde**, they would have to

discuss their disordered sexual feelings and life choices as well. I wonder if Leftists will require that students be taught that Wilde's first homosexual encounter was with a 17-year-old when Wilde was 32.

The goal of homosexual and "trans" activists is to use government school curricula to transfer the good feelings children and teens have about achievement to homosexuality and biological-sex rejection. That is decidedly *not* the role of public schools.

Teachers would also have to teach about the history of homosexual and "trans" activism. Because Leftists have been so effective at advancing their Ideology by falsely claiming that homosexuality and biological-sex rejection are analogous to race, they are continuing with that false (and insulting to blacks) analogy by falsely claiming that "LGBTQQAP" activism is analogous to the Civil Rights Movement and must be taught as such to children.

The only other state in the nation that has passed such a radical and destructive law is California, which exposes how radical and destructive Springfield is.

IFI is pleading with Illinoisans—including families that homeschool and private-school their children—to contact their state representatives and senators to urge them to oppose this bill. Until such time as every theologically orthodox church creates a school to educate their children or provides financial assistance to their families who want to pull their children out of government schools but cannot homeschool and lack the means to send their children to private schools, we must continue to fight the usurpation of government schools by Leftists.

Due to death, divorce, desertion, or disability, there are many families in which there is only one wage-earner who cannot afford private school tuition. Compassion for their plight and a commitment to stewarding how our taxes are used should lead Christians to actively oppose this bill with all its devilish details.

**(Note the dishonesty of these organizations' names: They are about neither equality nor safety. Equality demands that we treat like things alike. Homosexuality is not like heterosexuality, and it's not like race. And "safety," as virtually everyone knows by now, has been redefined by homosexuals and those who masquerade as the opposite sex to mean absence of the expression of beliefs with which they disagree.)*

Take ACTION: [Click HERE](#) to send a message to both your state representative and state senator, urging them to reject this effort to politicize curricula in order to advance biased beliefs about sexuality to children in government schools. Contact them repeatedly.

Take ACTION

Worldview Conference May 5th

Worldview has never been so important than it is today! The contemporary culture is shaping the next generation's understanding of faith far more than their faith is shaping their understanding of culture. The annual IFI Worldview Conference is a phenomenal opportunity to reverse that trend. This year we are featuring well-known apologist John Stonestreet on Saturday, May 5th at Medinah Baptist Church. Mr. Stonestreet is a dynamic speaker and the award-winning author of "Making Sense of Your World" and his newest offer: "A Practical Guide to Culture."

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