

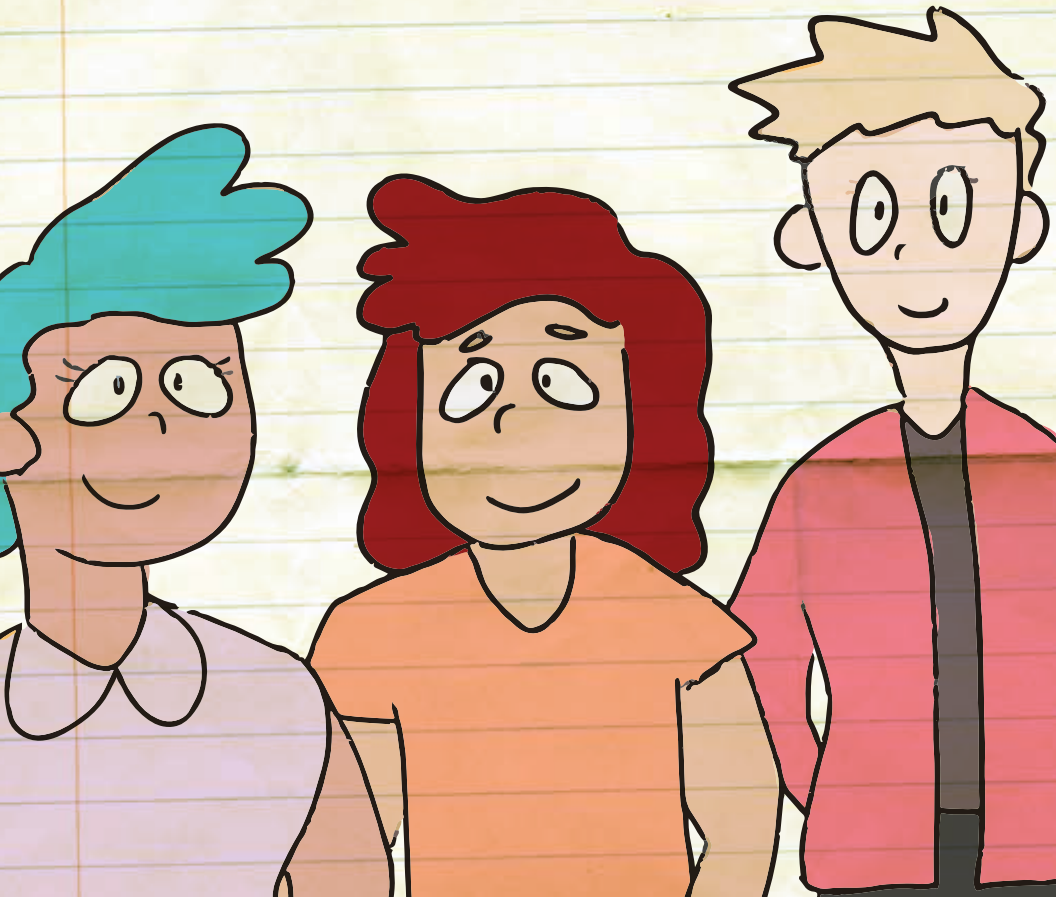
ILLINOIS
SAFE
SCHOOLS



THE ALLIANCE

presents:

KNOW YOUR RIGHTS! LGBTQ+ RIGHTS IN SCHOOL



KNOW YOUR RIGHTS! LGBTQ+ RIGHTS IN SCHOOLS

These materials are also available in Spanish, if you are interested in receiving the Spanish materials, please contact the Illinois Safe Schools Alliance. Translation was provided by the ¡Comunicaté! Translation & Interpretation Collective.

¡Comunicaté! Translation & Interpretation Collective

We are a collective who seeks to bridge accessibility between Spanish and English, in spoken and written form, in order to promote and enable community members to be their full selves in spaces where language would otherwise be a barrier. Our professional expertise are reflective of our lived experiences as bilingual, immigrant, queer, and/or femmes of color. Our aim is grow alongside our community and ultimately create a more language inclusive world.

DISCLAIMER:

THIS BOOKLET IS FOR INFORMATIONAL PURPOSES ONLY AND NOT FOR THE PURPOSE OF PROVIDING LEGAL ADVICE.

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Please Note: The information provided in this booklet is mostly focused on traditional public schools, but we do include a section on private, charter, and religious schools.

ABOUT THE KNOW YOUR RIGHTS PROJECT



The mission of the Illinois Safe Schools Alliance (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.

This booklet was created by members of the Alliance Youth Committee. The ACLU of Illinois and Lambda Legal were consulted when developing our Know Your Rights comic materials, whose contents informed this booklet.

The ACLU of Illinois (ACLU), and its affiliated Roger Baldwin Foundation (RBF), are non-partisan, non-profit organizations dedicated to protecting the liberties guaranteed by the U.S. Constitution, the state Constitution, and state/federal human rights laws.

The ACLU accomplishes its goals through litigating, lobbying and educating the public on a broad array of civil liberties issues.

Founded in 1973, Lambda Legal is the oldest and largest national legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and everyone living with HIV through impact litigation, education and public policy work.

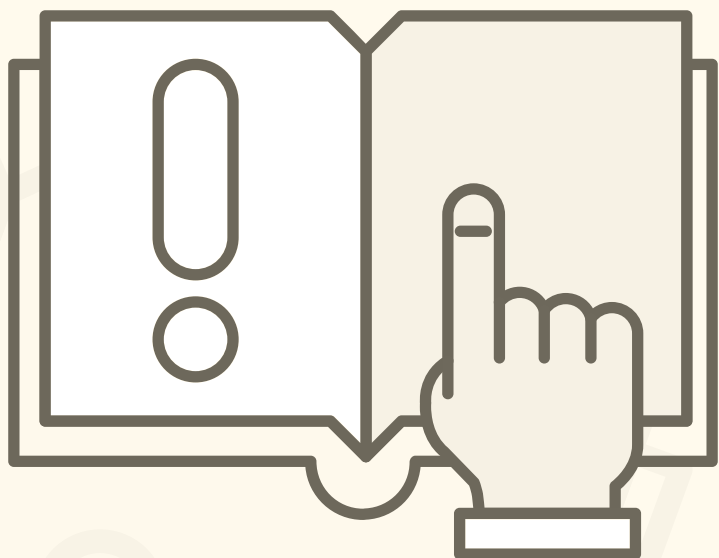
Goals for this Project

The goal of the Illinois Safe Schools Alliance is to support young people's success in their school environments by providing essential information about their rights, and the responsibility their schools have to honor and accept them. When students know their rights, they are more likely to get the support they need to address the root causes of the problems at hand and demand remedies that allow them to thrive in their academic setting. When doing so, they develop key leadership and advocacy skills. Our goal is to meet the needs of youth and respond to requests for more legal resources, opportunities for peer-to-peer mentoring, legal and medical rights awareness, and support around discriminatory discipline practices in school.

Why this Project?

As a youth-advocacy organization, we see grossly disproportionate access to education depending on race, economic resources, family support and geographic location. Lack of access to safe and supportive education can impact achievement later in life & limit opportunity for mobility, employment, and health. At the Illinois Safe Schools Alliance, we believe that all students, not just LGBTQ students, flourish in environments where diversity is valued.

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GSA's

CAN WE START A GSA EVEN IF WE DON'T HAVE A TEACHER WHO WILL SPONSOR US?

High school GSAs have to follow the same rules as all other clubs. So, if there are other clubs in your high school who do not have a teacher sponsoring them, then you do not need a teacher. The school cannot make it harder to start a GSA than any other club.

If there's a counselor/social worker/psychologist who sponsor your GSA that may be another route you can take, so long as the school's rules allow other clubs to use such staff as a sponsor. The American School Counselor Association states that all students have the right to a safe school environment free from abuse, bullying, harassment, and other forms of violence. You can approach your school counselor with this information and discuss the benefits of having safe spaces for LGBTQ+ youth in schools.

If there are several students interested in starting a GSA, you all can ask to meet with the counselor/social worker/psychologist together. You can speak to them about why you want a GSA at your school, whether it's to:

- Have a safe space where you can relax and truly be yourself
- Talk to other LGBTQ+ peers about anything you're going through
- Begin organizing for changes you want to happen in school

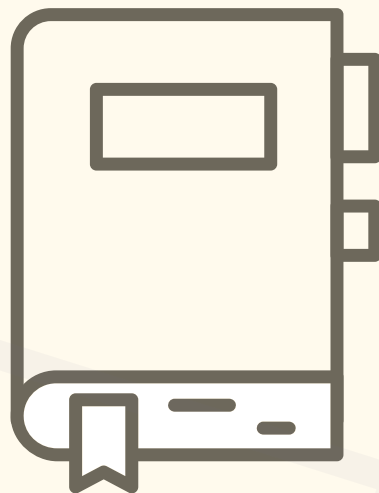
Source: <https://www.glsen.org/sites/default/files/GLSEN%202015%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Executive%20Summary.pdf>

and

<https://www.schoolcounselor.org/asca/media/asca/Ethics/EthicalStandards2016.pdf>

If your school isn't letting you start a GSA even though you've meet all the school's requirements to start a club, the Alliance can talk to your school about this issue and can talk with a teacher who is thinking about sponsoring but not sure.

Source: http://beyourself.aclu-il.org/?page_id=91



LGBTQ+ HARASSMENT AND BULLYING

ARE TEACHERS REQUIRED TO INTERVENE WHEN STUDENTS ARE SAYING HOMOPHOBIC/ TRANSPHOBIC/THREATENING THINGS TO OR IN FRONT OF LGBTQ+ STUDENTS?

YES! This is considered bullying and harassment, and school staff are required to intervene.

The Prevent School Violence Act protects Illinois students from being bullied or harassed based on their sexual orientation, gender identity, and gender expression. This law also applies to LGBTQ+ students, their allies, and students who are perceived as LGBTQ+ even if they're not.

Source: <http://www.iasb.com/law/ISBEBullyingPolicyRequirements.pdf>

ARE TEACHERS ALLOWED TO SAY HOMOPHOBIC/ TRANSPHOBIC/THREATENING THINGS IN CLASS, AND IF NOT, WHAT ARE WE SUPPOSED TO DO ABOUT IT?

NO! They are not allowed to. You can report them to your principal, social worker/counselor/psychologist, another teacher, a parent, the Alliance, or anyone in the school you feel comfortable reporting it to.

If you are reporting a teacher, it can be a good idea to put it in writing through a letter and keep copies of the letter.

Please keep in mind that writing a letter does not start a legal or formal process, but you, your parents, your friends, and your community can try to pressure the school into doing something.

When writing your letter, ...

it can be a good idea to include this information:

- The name of the person you are complaining about
- The dates and times they discriminated against you (or the other student(s))
- Any people who saw what was going on
- What happened, with as much detail as possible
- How this made you feel
- Any problems this is causing you

If you can't focus in class

If other students have started picking on you

- What you want to happen now that you've written a complaint (please keep in mind, the school may not legally have to follow your suggestions, but you can ask for them)

"I want this person to apologize to me".

"I want this person to get training on LGBTQ+ issues and identities"

"I want all detentions and suspensions this person gave me taken off my record"

"I don't want this person to interact with me anymore"

"I want this teacher suspended"

If your principal doesn't do anything about it...

you can also report this to your superintendent and school board.

Your district most likely has...

complaint managers who take anonymous complaints. You can ask for a copy of the complaint procedure at any time. It can be a good idea to ask for it in a letter or email (and keep a copy of it!).

- Your school district should have policies on equal educational opportunities, harassment, bullying, and uniform grievance procedures, these should be publicly available and should contain the information of the complaint managers.



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Source: example of Illinois Association of School Boards model policy - http://www.eastland308.com/UserFiles/Servers/Server_3095463/File/Board%20Policies/Section%202/2.260.pdf

If you have a supportive guardian/parent/caregiver, ...
ask them to step in, ask for meetings with your principal, and write letters.

You can also seek legal help, ...
specifically through Lambda Legal or the ACLU of Illinois. Lambda Legal has a help desk you can call at 312-663-4413. The ACLU of Illinois can be reached at 312-201-9740 or by filling out an online intake form at [Request for Legal Assistance Form](#).

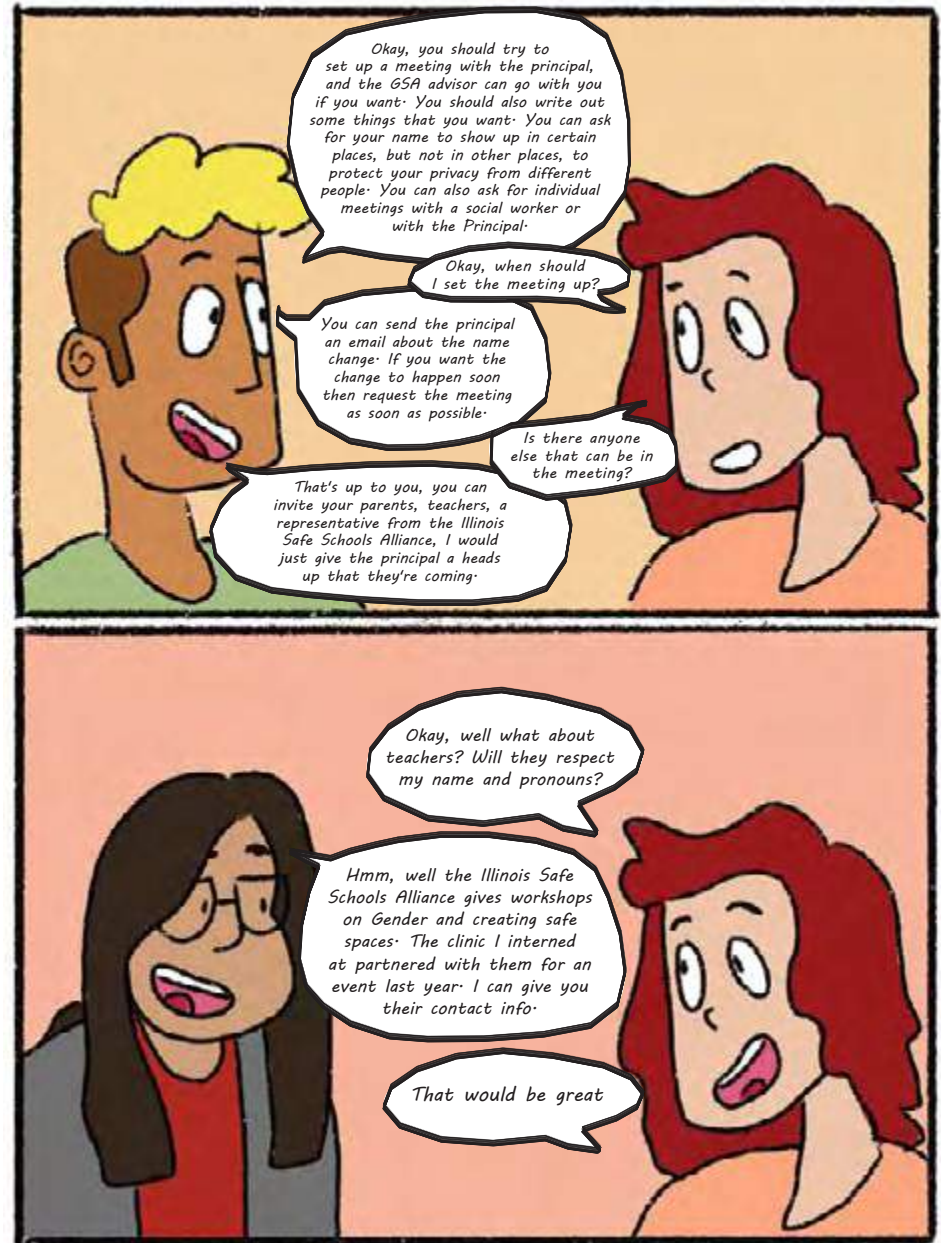
Homophobic, transphobic, and threatening jokes ...
should not be allowed either and you can file complaints using the same process.

A MAJOR CONCERN THAT WE'VE HEARD IS PROTECTION OF **TRANSGENDER STUDENTS** IN THE SCHOOL.

Even though districts have taken measures to provide for transgender students, many transgender students still won't take advantage of them because they believe they will suffer at the hands of other students who don't appreciate their presence.

The Prevent School Violence Act protects students from being bullied or harassed based on their gender identity and gender expression. Your schools have a responsibility to protect all students. If you are being targeted because you are transgender or because people think you might be transgender, you can report this and your school is required to address it.

Source:
<http://www.ilga.gov/legislation/fulltext>.



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THE STUDENTS BELIEVE THAT SEPARATE PLACES FOR TRANSGENDER STUDENTS UNWANTED DRAW ATTENTION TO THEM.

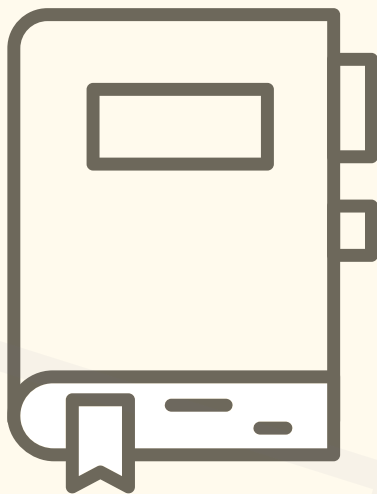
For example: dressing behind a curtain in a locker room, using single stall bathrooms, or using a separate locker room.

Your school cannot force you to use separate places if you do not want to. The law prohibits schools from requiring you to dress behind a curtain in the locker room, use a single stall bathroom, or use a private locker room because you are trans. Being forced to do this means you are not being given equal access to the same facilities as everyone else. If you are being forced to do this against your will, please contact the Alliance.

lgbtq+
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in school



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RESTROOMS AND LOCKER ROOMS

IS MY SCHOOL ALLOWED TO TELL TRANS STUDENTS THEY HAVE TO USE THE RESTROOM OR LOCKER ROOM THEY USED BEFORE THEY TRANSITIONED?

NO! Our state law, The Illinois Human Rights Act, and our federal law, Title IX of the Education Amendments Act of 1972, protect the rights of trans students to use restrooms and locker rooms of the gender with which they identify. That means trans boys can use the boys' bathrooms and locker rooms and trans girls can use the girls' bathrooms and locker rooms. This right is protected by state and federal law.

The wonderful Ash Whitaker sued his school district for violating his Title IX rights by discriminating against him on the basis of sex. He specifically sued the school district because they weren't giving him use of the boys' locker rooms and restrooms, and **he won his case!** So, this interpretation of Title IX that includes gender identity now applies to us in Illinois and protects against discrimination based on gender identity!

WHAT IF I'M BULLIED IN THE LOCKER ROOM/RESTROOM?

You can report the bullies in a written complaint to your school using the format provided above.

You can pursue legal action, referencing the protections provided by the Illinois Human Rights Act and Title IX of the Education Amendments Act of 1972 which allow trans students to use the bathrooms of the gender they identify with.

WHAT IF I'M UNCOMFORTABLE SHARING A LOCKER ROOM/RESTROOM WITH OTHER STUDENTS?

No problem! Most school districts will provide you separate accommodations if you ask for them, regardless of your gender identity. All students should access to these facilities, should they them.

Source: <https://sexetc.org/states/illinois>

DO YOU HAVE TO 'PROVE' YOU HAVE THE RIGHT?

Do you need to provide documentation that says you have the right to use the bathroom? Are there requirements for me to use the locker room that matches my gender identity? Do you have to have top surgery?

NO! You do not have to provide legal or medical 'proof' that you are trans in order to use restrooms or locker rooms in line with your gender identity. If you are requesting to use a gendered restroom or locker room, your school cannot require legal or medical proof that you are trans. This has been upheld in several lawsuits and complaints in the State of Illinois and in federal courts.

If you are a trans student looking for support from your school district, please reach out to the Alliance for support.



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WHAT EXACTLY ARE MY RIGHTS AS A NON-BINARY PERSON WHEN IT COMES TO BATHROOMS, LOCKER ROOMS, OR OVERNIGHT TRIP ACCOMMODATIONS?

All students have a right to use facilities of the gender they identify with.

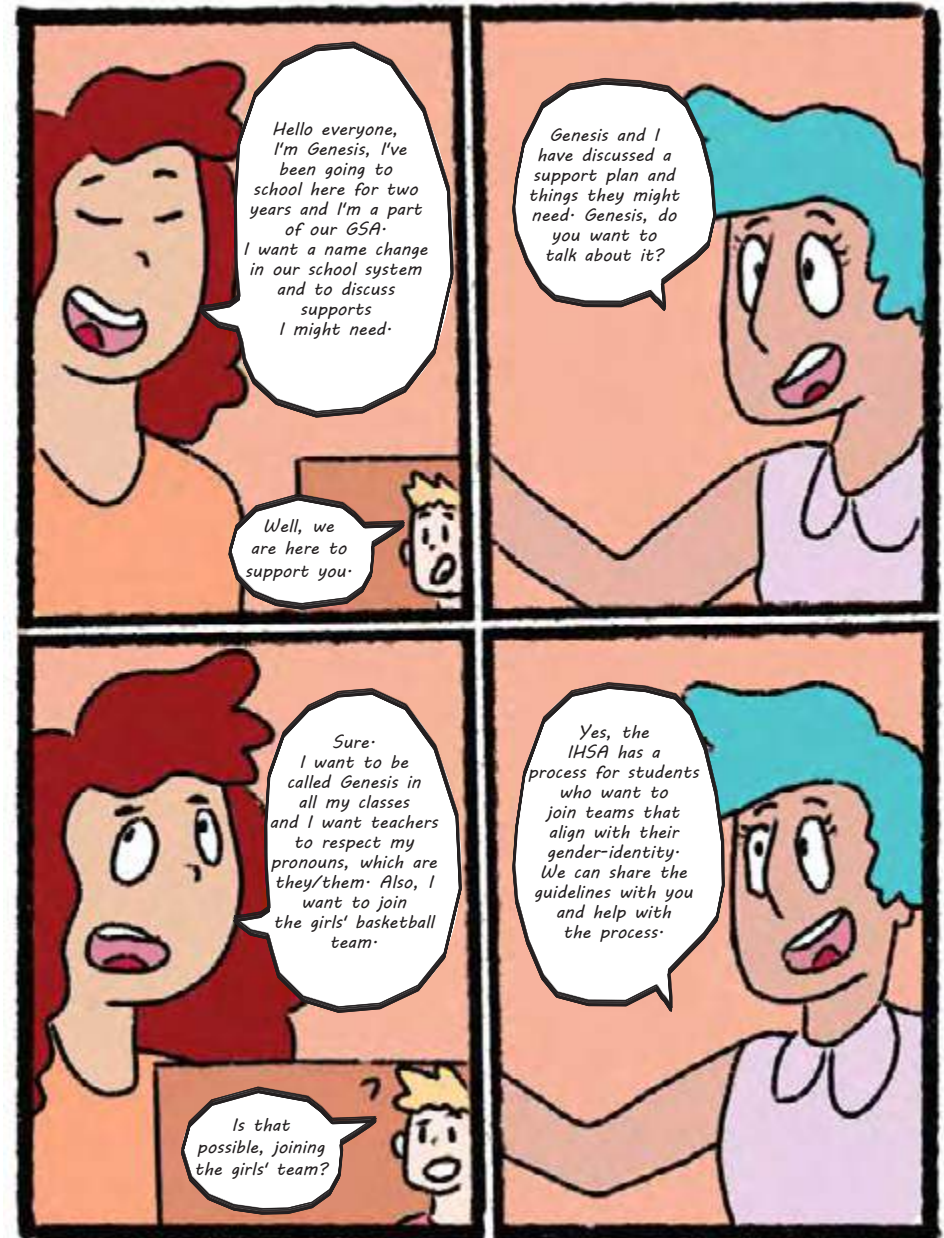
The Illinois Human Rights Act protects all students from discrimination based on their gender identity or expression. Since non-binary gender is a gender identity, your rights as a non-binary person should be respected the same way a transgender person's are. Unfortunately, our school system and legal system is very binary, and largely only recognizes female and male genders.

Some schools are getting away from this, and actually have multi-stall, all-gender bathrooms.

If you are a non-binary student looking for support from your school district, please reach out to the Alliance for support. We can help your school develop multi-stall all-gender restrooms and locker rooms.



If you want to test your understanding of all these rights, check out Activity #2 of our LGBTQ+ Rights in School Curriculum!



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NAMES

&

PRONOUNS

DO YOU HAVE TO HAVE PARENT CONSENT TO CHANGE YOUR NAME AND PRONOUNS IN SCHOOL?

The Illinois State Board of Education does not require parental consent for a student to change their name and gender marker in the ISBE system. Even if a student does not want to change their name and gender marker in the school system, schools still have to use the name and pronouns that student requests.

However, some school districts require parents to sign off on name and gender marker changes in school systems (this is different from the ISBE system). Each school district has its own rules, and it's important to find out what the rules are in your school district.

You can find most policies...

on your school district's website, or by requesting it from your school.

HOW DOES HAVING MY AFFIRMED NAME AND GENDER MARKER IN THE COMPUTER SYSTEM COMPLICATE STATE REPORTING AND LEGAL DOCUMENTS?

Unfortunately, complications happen even in the best cases. Especially with standardized tests, and anything that might be going to a college or university. Best practice is to change info in the Illinois School Board of Education system and in your school's systems.

It's important for you and your school to think through everywhere your name and gender might come up, and what the process is to change it.

If you are applying to college or taking several standardized tests, this process varies a lot from school to school and test to test. If you need help figuring out who to talk to about this in your school, please contact the Alliance.

CAN YOU ASSERT THE RIGHT TO BE ADDRESSED BY YOUR AFFIRMED NAME?

YES! Even if you cannot change your name and pronouns in the school system, your school must respect the name and pronouns you tell them to use.

Not using your name and pronouns can be considered “outing” ...

and violates your rights to confidentiality. If done repeatedly, it can also be a form of bullying.

CAN MY NAME BE CHANGED ON A SCHOOL ROSTER?

Yes, but some schools are having trouble doing this. School systems are not really set up to do this smoothly, so it is important that your school work as hard as possible to do it right.

If your birth name keeps showing up on the class roster, you can write a complaint to the school. If they do not fix it, please reach out to the Alliance.

An example of an inclusive policy is the Harlem District Administrative Procedure: <https://boardpolicyonline.com/?b=harlem&s=86492>



If you want to think through how to change your name and gender marker in a school system, check out Activity #3 of our LGBTQ+ Rights in School Curriculum!



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PRIVATE, CHARTER, & RELIGIOUS SCHOOLS

WHAT ARE MY RIGHTS IN A CHARTER SCHOOL? IN A PRIVATE SCHOOL? IN A RELIGIOUS SCHOOL?

The Illinois Human Rights Act applies to all “non-sectarian” (non-religious) places of education. Students at private schools and charter schools may still have rights under the Illinois Human Rights Act, which provides many protections to students, some of which we’ve already named in this booklet.

YOU CAN WRITE A LETTER REPORTING DISCRIMINATION **NO MATTER WHAT SCHOOL YOU GO TO**

Write your letters the same way described on page 10.

Even if you write a letter ...

this doesn’t mean that the school is legally required to listen to you, but you, your parents, your friends, and your community can try to pressure the school into doing something.

If you want support with this, please reach out to the Alliance.

All non-religious schools are required to have ...

a bullying policy that protects LGBTQ+ students and are prohibited from discriminating against you and allowing you to be bullied because you are LGBTQ+. You can ask for a copy of the policy through a letter or email and read it to find out the complaint process for your school. If you write a letter, it can be a helpful later to keep a copy for later.

Source:

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K27-23.7>

If a non-religious school is getting federal funding, there are certain federal laws they have to follow.

If you don't know if your school is getting federal funding, please reach out to the Alliance and we will help you figure it out.

If they get federal funding, it is possible to file a lawsuit under Title IX of the Education Amendments Act of 1972.

Sadly, neither of these are quick processes. If you are interested in filing a complaint or lawsuit, please contact Lambda Legal or the ACLU of Illinois. Lambda Legal has a help desk you can call at 312-663-4413. The ACLU of Illinois can be reached at 312-201-9740 or by filling out an online intake form at [Request for Legal Assistance Form](#)

lgbt+ rights in school



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CONFIDENTIALITY

YOUR SCHOOL SHOULD COMPLETELY AND TOTALLY RESPECT WHATEVER LEVEL OF CONFIDENTIALITY YOU REQUEST.

Your teachers cannot share information about your sexual orientation or gender identity with people you do not want them to, nor are they required to.

YOUR PARENTS CAN ACCESS YOUR SCHOOL RECORDS, THOUGH.

You should be aware of what is being put in your record if there are things you don't want your parents to know or if you're not out to your parents. You can always request a copy of your school record; it can be a good idea to do it in writing.

- FERPA:
<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>
- IL Student Records Act:
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1006&ChapterID=17>



ATHLETICS

ILLINOIS ELEMENTARY SCHOOL ASSOCIATION/ILLINOIS HIGH SCHOOL ASSOCIATION GUIDELINES

WHAT ARE MY RIGHTS AS A TRANS STUDENT ON A SPORTS TEAM?

**YOUR DOCUMENTS/CONVERSATIONS WILL BE
CONFIDENTIAL**

**YOU CAN PARTICIPATE ON A SPORTS TEAM
CONSISTENT WITH YOUR GENDER IDENTITY!**

The process to do this is:

You or your parents/guardian should contact ...
a school official or the athletic director and notify them of your trans
identity.

They will collect:

- Gender identity used on school records
- Medical procedure information

If you do not have any medical records related to a medical transition, that is okay. You only need to turn these sorts of documents over if you already have them.

Then they will send the information to the IHSA office ...

and advocate for your right to participate on the team.

- If you are approved, this lasts throughout junior, middle, and high school!

• What if I'm not approved?

You can appeal! You would need to give the IESA/IHSA:

- A transcript
- Your school records
- Documentation of gender identification (notes from parents, doctor confirming you consistently identify with a certain gender identity)
- Any other relevant information

IHSA ASKS COACHES/PLAYERS/STAFF TO CONSIDER:

Calling you by the names/pronouns you ask people to call you by;

Allowing you to use the restroom/locker room you prefer;

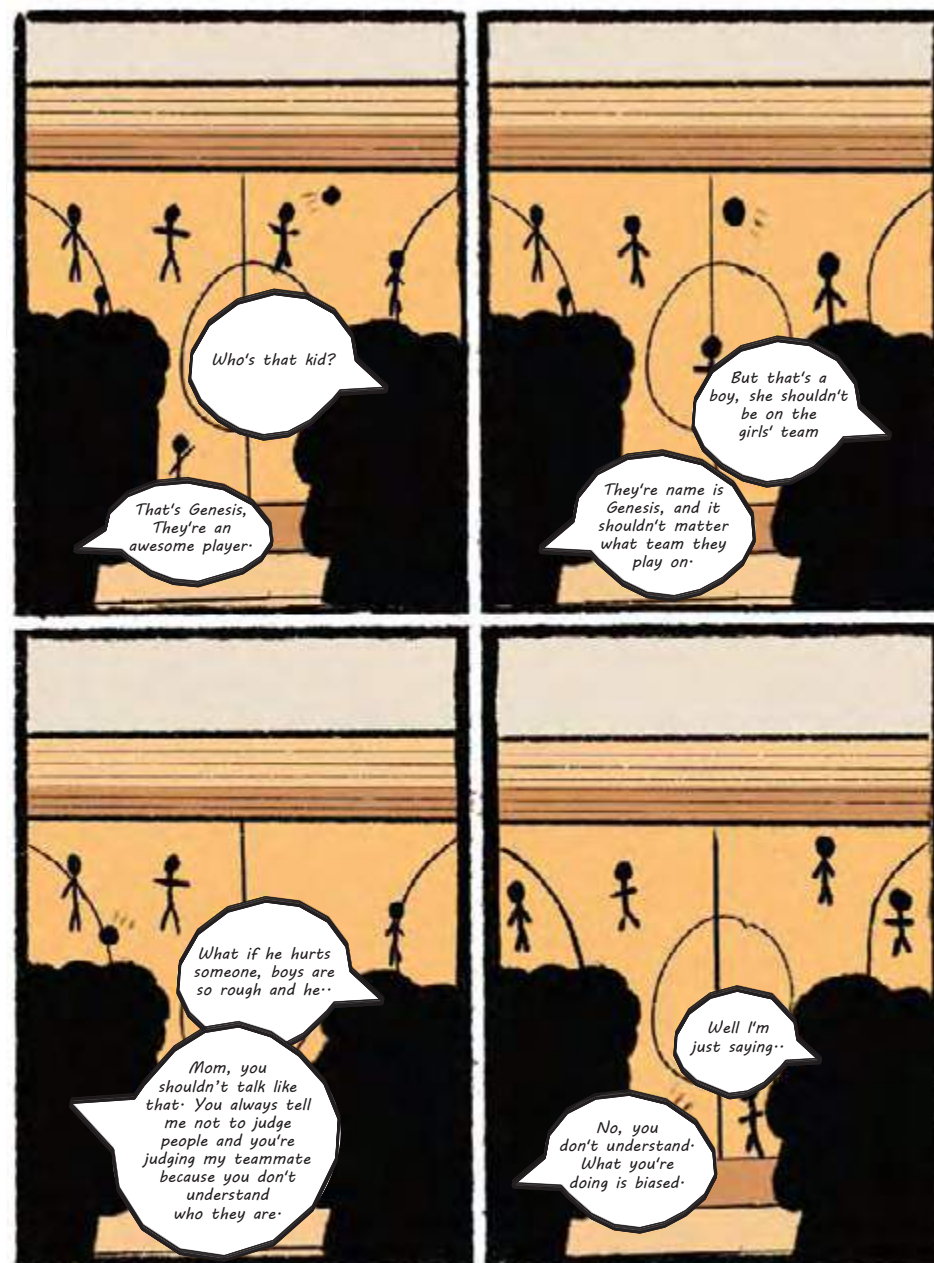
Allowing you to follow the dress code that matches your gender identity;

Having a plan set for your participation; and

Receiving training/resources about LGBTQ+ Rights.

Note, these suggestions are not enforced by the IHSA, so if you would like to assert your rights, you can:

- File a complaint with your school using the format provided above
- Pursue legal action, referencing the protections provided by the Illinois Human Rights Act and Title IX of the Education Amendments Act of 1972 which allow trans students to use the bathrooms of the gender with which they identify



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Please note:

If you are approved in Junior High/Middle School to play in the IESA, that does not mean you are automatically approved to play in the IHSA. When you enter the 9th grade, you will need to submit documentation through a school administrator for approval by the IHSA.

Source:

IHSA Guideline #34

https://www.ihsa.org/documents/forms/current/IHSA_Policies.pdf

IESA pg 84 seems like the same as IHSA:

<http://www.iesa.org/documents/handbook/IESA-Handbook.pdf>

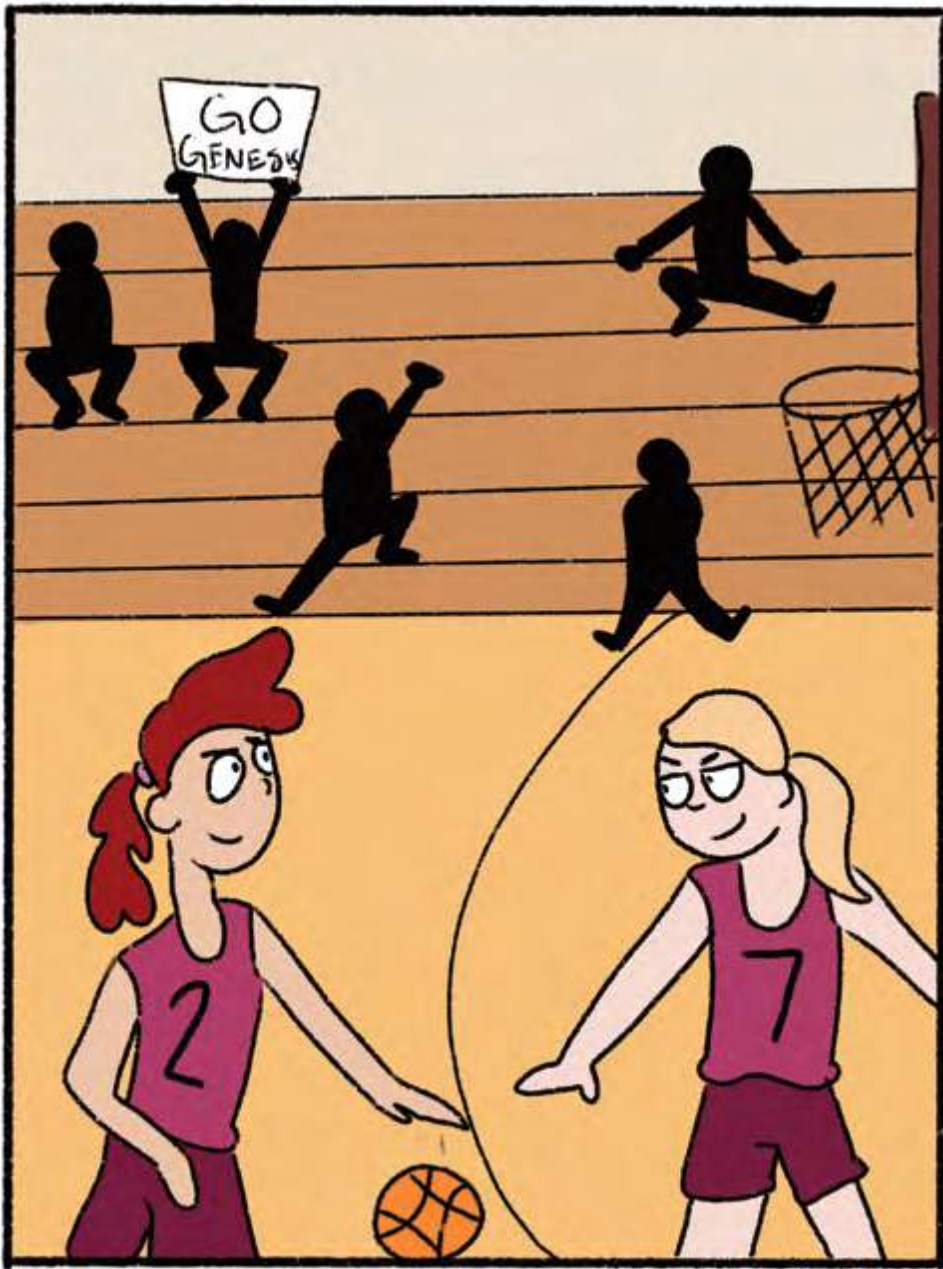


If you want to learn more about the IHSA athletics process, check out Activity #4 of our LGBTQ+ Rights in School Curriculum!

lgbtq+ rights in school



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the end

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**LGBTQ+ RIGHTS
IN SCHOOLS**



THANKS FOR READING!



THANK YOU TO OUR CONTENT PARTNERS!



THANK YOU TO OUR FUNDERS!

