

ILLINOIS
SAFE
SCHOOLS



THE ALLIANCE

presents:

**KNOW YOUR RIGHTS!
LAW & POLICY
CURRICULUM**





KNOW YOUR RIGHTS! LAW & POLICY CURRICULUM

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.

TABLE OF CONTENTS

ABOUT THE KNOW YOUR RIGHTS PROJECT	4
HOW TO USE THE KNOW YOUR RIGHTS CURRICULUM	6
GETTING SET UP FOR YOUR WORKSHOP	8
Establish Guidelines:	9
Presentation Basics:	10
Keeping Time:	10
Getting Feedback:	11
Making an Agenda	12
Activity #1 What is Law? What is Policy?	14
Activity #2 - Law & Policy Kahoot!	17
Activity #3: Understanding Title IX	25
Title IX Text:	28
Ash Whitaker and a History of Title IX	29
Actual Ruling for Ash Whitaker's Case	30
Activity #4: Let's Analyze and Change a Policy	32

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 curriculum was created by members of the Alliance Youth Committee. The ACLU of Illinois was consulted when developing our Know Your Rights comic materials, whose contents informed this curriculum.

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.

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.

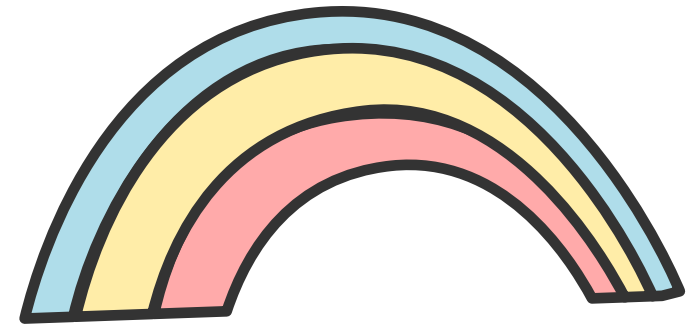
DISCLAIMER:

This curriculum is for informational purposes only and not for the purpose of providing legal advice.

HOW TO USE THE KNOW YOUR RIGHTS CURRICULUM



The Know Your Rights (KYR) project is designed for youth, by youth, to educate young people and youth-serving organizations about students' rights in regards to School Discipline, Law and Policy, LGBTQ+ Rights in School, Sexual Health, and Organizing and Advocacy. Due to the nature of our work, this is done through an LGBTQ+ lens. This project is informed by Illinois law, Federal law, and best practices, and the information is only applicable in the state of Illinois.



The KYR materials are made up of a comic booklet and a corresponding curriculum. The curriculum is meant to be used to create workshops that will have young people interact with the comic booklets. The activities in the curriculum are meant to engage and familiarize participants with the corresponding comic booklets, and allow them to practice exercising their rights in different scenarios. If the participants want a deeper understanding of the topic in the activity, they can find most of that information in the comic booklets.



Choose your own adventure!

In this curriculum, you will be able to choose the activities that best fit your needs, learning goals, and time. Each section consists of at least one activity and all activities can stand alone. Participants don't need prior knowledge to participate in any of the activities.

GETTING SET UP FOR YOUR WORKSHOP



Before you start your workshop, you should do the following things to ensure it goes as smoothly as possible.

First and foremost, remember to familiarize yourself with the material and the activities you plan to do beforehand.

Read through the comic booklets and the curriculum at least twice before presenting. If you know of anyone who has experience leading workshops, you can also ask them to help you lead one of these!

Establish Guidelines:

At the beginning of the workshop, it is helpful to establish group guidelines. These guidelines are informal rules that are established by the group to reflect expectations of how group members should behave and interact with each other. Some examples of guidelines you could establish within your group are:

One Mic: Only one person talks at a time, the person talking should have the floor and everyone else should be listening respectfully.

Take Space, Make Space: If someone has not participated a lot, encourage them to "take space" and be more involved in the activity. If someone is very involved in the activity and is not giving others a lot of time to participate, encourage them to "make space" and let others participate more.

Don't Yuck My Yum: If someone says that they like something, don't downplay their likes because we're all entitled to our own opinion.

Focus Goggles: This is a term to get back on track. If someone feels the group is getting distracted, they can say "focus goggles" and everyone becomes silent and uses their fingers to build goggles around their eyes. They can then focus on the activity again.

Presentation Basics:

When presenting, it is important to create a space where you can see all participants and engage with them. Be sure to project your voice so that you can be heard clearly in the room. Remember, a pause is better than a ‘like’ or an ‘Um’- if you are unsure or struggling to find the right words, take a pause and gather your thoughts.

Familiarizing yourself with the material and the activities you plan to do beforehand can help lower the number of times you need to pause throughout the workshop, and help you feel more comfortable while presenting.

And finally, **be honest about what you don’t know**, questions will come up in these workshops that you may not have answers to, and that’s OK. You do not need to be an expert on these topics to give these workshops or to participate in the workshops. If you do not know an answer to a question, you can say “I’m not sure” and offer to help that person research the answer. We do not want to come up with an answer on the spot and give people false information.

Keeping Time:

It is important to keep track of time and plan your activities according to the amount of time you have. It is helpful to have a timer/stopwatch on hand for activities and discussion time. For example, if you have an activity that is supposed to take 15 minutes, you should set your stopwatch and watch the time. If the activity goes over the time slotted you do not have to end the activity right away, but should consider wrapping it up and moving on.

Another way of managing your time is setting an agenda. This will not only help you keep time, but also organize the activities you will be facilitating during the workshop. We have provided model agendas on page 12 to help you set up your workshops.

Getting Feedback:

It is a good idea to get feedback on your workshops so you can improve them in the future. You can also use the feedback to improve your presentation and workshop facilitation skills in general.

When developing these workshops, we offered these questions to people via an anonymous survey:

- » Describe how you feel about the workshop in one word.
- » Can you say more about this word? What do you mean?
- » Were any parts of the workshop confusing? Which parts?
- » Do you feel like you could apply what you learned to your experiences in school?
- » What is one thing the facilitators did well? What is one thing they could practice more?
- » Do you have any suggestions for future workshops?

You can decide to give a similar anonymous survey for participants to fill out, or you can decide to lead a discussion verbally so people can give you feedback immediately. If you decide to do a discussion, we recommend taking notes so you can reference them later.

Making an Agenda

In this curriculum, you will be able to choose what activities best fit your needs, learning goals, and allotted time. Each section contains at least one activity that you can choose from and facilitate. Below you will find examples of 30, 45, and 55 minute workshops.

Agenda #1 (30 Minutes):

Law & Policy

- Intros & Overview of Workshop, 5 minutes
- Activity #2 – Law & Policy Kahoot!, 15 minutes
- Feedback and Closing, 10 minutes

Agenda #2 (45 Minutes):

Law & Policy

- Intros & Overview of Workshop, 5 Minutes
- Activity #1: What is Law? What is Policy?, 5 minutes
- Activity #2: Law & Policy Kahoot!, 15 minutes
- Activity #3: Understanding Title IX, 10 minutes
- Feedback and Closing, 10 Minutes

Agenda #3 (55 Minutes):

Law & Policy

- Intros & Overview of Workshop, 5 minutes
- Activity #1: What is Law? What is Policy?, 5 minutes
- Activity #2: Law & Policy Kahoot!, 15 minutes
- Activity #3: Understanding Title IX, 10 minutes
- Activity #4: Let's Analyze and Change a Policy, 10 minutes
- Feedback and Closing, 10 minutes

Based on the amount of time you have, you can use the suggested agendas or create a tailored agenda to fit your particular learning goals, time, and needs. There are four different activities to choose from and you can include as many or as few activities as you want, in any order.

ACTIVITY #1 WHAT IS LAW? WHAT IS POLICY?



5-10 minutes

A “popcorn style” discussion, where participants reflect on what they know about law, policy, and the differences and similarities between the two.

Activity Goals:

- Students will think critically about the definitions of law and policy.
- Students will be introduced to the idea that law and policy are different terms with different applications.

Materials:

- A copy of the guiding questions for the facilitator
- Poster paper or a chalk/white board
- Chalk/markers (to write out everyone’s responses)
- “Know Your Rights Law and Policy” Comic Book

Directions:

1. This is an information gathering activity. As a facilitator, your role is to pose questions and record the answers that participants give. It is an opportunity to gauge the level of understanding in the room.
2. You can begin by informing participants that this is a “popcorn style” activity, where everyone is invited to share what they know about each of the questions. Encourage participants to build off each other’s answers.
3. Before you start posing the guiding questions, tell everyone that you won’t be providing answers, but that school-related laws and policies will be discussed later in the workshop.
4. On a piece of poster paper or chalk/white board, write out the words ‘Law’, ‘Policy’, and ‘School’ in separate columns.
 - **Be sure all participants can see from where they are sitting.**

NOTE: for the sake of time, it is a good idea to have your space and materials set up before participants enter the space. That means having the words written out on a piece of poster paper or a board before the workshop starts and setting up the seating in the room so participants are facing the poster paper/board.

5. Pose the questions one at a time, and allow time for participants to respond and build off each other’s answers. Record their responses in the appropriate column on your board/paper, large enough so all participants can see. Guiding questions are on the next page.

Guiding Questions for Activity #1

1. **What comes to mind when you hear the word 'law'?**
 - Write responses in the 'law' section
2. **What comes to mind when you hear the word 'policy'?**
 - Write responses in the 'policy' section
3. **Do these words have the same meaning? How are they similar? How are they different?**
 - As participants are answering, put a plus sign next to ideas that are true for both law and policy
4. **Are the rules at your school laws or policies? Are they both, or neither?**
 - Write responses in the 'school' section
5. **Who makes up the rules at your school? Who enforces them?**
 - Write responses in the 'school' section



ACTIVITY #2 - LAW & POLICY KAHOOT!

15 minutes

Activity Goals:

- Identify the differences between criminal punishment and civil punishment.
- Help participants understand the role of the three branches of government in creating, interpreting, and enforcing law.
- Teach participants which state and federal laws can protect transgender students' rights.

Materials:

Depending on the resources available, you can choose to play Kahoot! live on participants phones/tablets/computers, project the quiz on a screen, or use the PDF slides and call on students in person. Based on what route you pick, you may need the following materials:

- Projector, laptop, and screen (for any of the setups)
- A strong internet connection for the presenter and the participants (to play the Kahoot! live)
- At least one smart phone tablet or laptop for every two people (to play the Kahoot! live)
- The Know Your Rights Law and Policy comic materials (for any of the setups)

Directions:

1. Have participants partner up in groups of two to take the quiz.
2. Access the Kahoot quiz and project it on to a screen:
 - The facilitator should go to this link if they plan on playing the Kahoot! live with their group: <http://tinyurl.com/y7far9cf>

(If you choose this route, a game code will display on the screen.)

- If you do not have strong internet access for the facilitator and participants, we recommend using the slides at this link: <http://tinyurl.com/yblmdwzq>

....Please keep in mind that you still need an internet connection for yourself to show the slides.

If you are playing it live on the Kahoot! website, have participants go to www.kahoot.it and enter the code on the screen.

- Kahoot! will assign scores based on correct answers and response time.
 - If you are using the PDF slides, we recommend having participants write their answer down and raise it upon completion. We do not recommend assigning points, as it is much more difficult to do so without the Kahoot! platform.
4. Start the game and go through each question and explain the answer after each question. You will find both the question and answer sheet on the next page with explanations for each answer.

NOTE: If you are running low on time, you can skip questions by hitting the "skip" button in the top right-hand corner of the screen, or by simply skipping to the next question in the PDF slides.

Activity #2 Kahoot! Quiz Q&A's:

1. Which shape is a square (only for those using the Kahoot app)
2. Which are types of law in the United States?
 - All of the above

There are two types of law in the U.S., criminal law and civil law. Criminal law is a rule that, if broken, will result in criminal punishment like community service, jail time, probation, a criminal record that could lead to other barriers, etc. Criminal laws are enforced by law enforcement and prosecutors, and breaking one can result in you having a criminal record.

Civil laws are enforced by citizens, business, and governments but not law enforcement or prosecutors and generally involve money (called "damages") or being ordered by the court to do something or stop doing something. Civil laws can end in one of the parties being "liable" for something, but not a criminal record. Liability tries to fix something that went wrong.

A is an example of criminal law, specifically criminal statutes. A statute is a written law passed by a legislature on the state or federal level. A statute may forbid a certain act, direct a certain act, make a declaration, or specifically direct a government body to carry out an act or a series of acts.

Both B & C are examples of civil law that may end with liability but not a criminal record. In the case of B, liability would be money paid from one party to the other. In the case of C, liability would be money paid from the person who got the ticket to the municipality who wrote it. Overall, law is a system of rules enforceable by government. We run into rules everywhere, but they're not always enforced by the government.

3. What is an example of criminal punishment?

- **Serving time in jail for theft. Retail theft is often considered breaking a criminal law and can end in criminal punishment, like serving jail time.**

The other answers are all examples of civil punishment that result in money damages or a Court ordering someone to do something or stop doing something.

4. The President of the United States oversees which branch of government?

- **Executive - the President, Vice President, and their Cabinet are responsible for enforcing laws at the federal level.**

5. Which branch of government is responsible for making statutes?

- **Legislative - The U.S Congress and U.S Senate draft bills to vote on. Once legislation has been approved by the House and Senate, it can be passed on to the President, who can either veto the legislation or sign it into law. Once signed into law, it becomes a statute.**

The role of the Judicial branch is to interpret laws, and can determine the constitutionality of laws. Decisions made by Courts are binding and can become law (also known as “precedent”).

The executive branch is responsible for enforcing laws. This enforcement includes creating administrative rules which are another form of law.

An example of administrative rules are directives police departments have. Local, state, and federal police departments have rules for many things including stops, searches, seizures, and arrests. These procedures aren't always clearly defined by statutes passed by the legislative branch of government, so the executive branch (in this case, police departments) create rules to show how they will enforce the law.

6. T/F: If the President vetoes a proposed bill, Congress can override the veto by a 2/3 majority.

- **True! The House and Senate can override a presidential veto with 2/3rd majority. As a part of our system of checks and balances, Congress has the option and ability to override a presidential veto.**

7. Which branch of government can interpret legislation and declare it unconstitutional?

- **Judicial - Federal courts are broken into different circuits and interpret laws passed by the federal legislative branch. State courts can serve a similar function with interpreting state laws.**

The main role of the legislative branch is to create statutes, but they do not get to decide if they are constitutional.

The main role of the executive branch is to enforce statutes made by the legislature. Their actions can be interpreted as unconstitutional, but they cannot declare pieces of legislation as unconstitutional.

8. Which Illinois law protects people based on sexual orientation and gender identity?

- **Illinois Human Rights Act**

Both the Illinois Human Rights Act (IHRA) and Title IX protect LGBTQ+ students, but the IHRA is an Illinois anti-discrimination law that protects people on the basis of sexual orientation and gender identity.

Title IX is a federal law that applies to all 50 states and is not exclusive to Illinois. Title IX protects people from discrimination on a basis of “sex,” which is a broad term that has been legally interpreted by courts in different ways; including sex assigned at birth, sexual orientation, and gender identity.

9. Which court’s interpretation of the constitution must be followed by all other courts?

- **The U.S. Supreme Court – the U.S. Supreme Court is the federal court that has power over all federal and state courts. If they decide to, the U.S. Supreme Court can overturn a ruling from a lower state or federal court. The U.S. Supreme Court’s rulings are considered final and all other U.S. courts must follow them.**

The Illinois Supreme Court is a state supreme court, meaning it is the highest court in a state, but not in the U.S.

An appeals court is a court that reviews decisions made by other courts or some government agencies.

A circuit court is a subsection of a larger court system. An individual state can decide to have circuit courts to better organize their court system (this is often done by county). The federal court system does this as well.

10. Where can students file sexual orientation discrimination complaints against their school in IL?

- **Illinois Department of Human Rights- This is a state agency responsible for enforcing the Illinois Human Rights Act, and protecting people against discrimination, including discrimination based on sex, gender identity, and sexual orientation.**

The Illinois Department of Corrections enforces our Illinois state law on criminal punishment including prison sentences, standards of prison conditions, and parole for felony convictions.

The Illinois Department of Revenue collects state taxes, operates the state lottery, and regulates the distribution of alcohol.

The Illinois State Board of Education governs public schools in Illinois and has a code that public schools in Illinois must follow. BUT the Illinois Human Rights Act is not in that code and is thus enforced by the Illinois Department of Human Rights.

11. If a school is violating protections required under Title IX, how can one seek legal remedies?

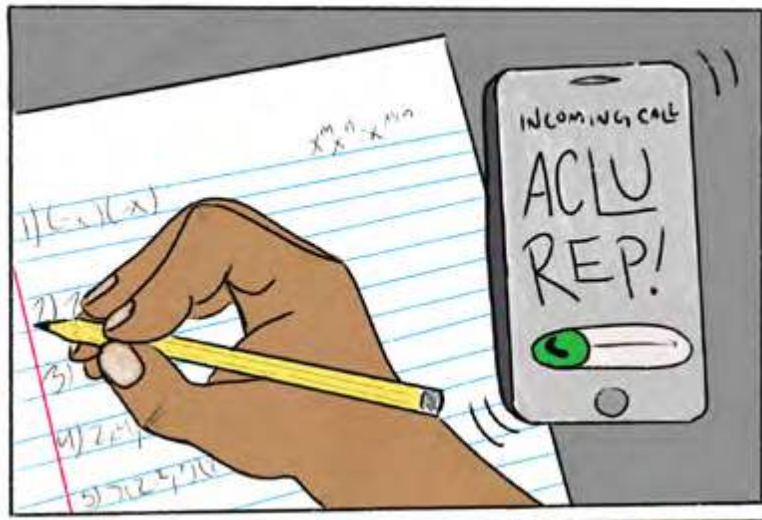
- **A & B**

Since Title IX is a federal statute, that means the Federal executive branch is in charge of enforcing it. Thus, the Department of Education has set up systems by which students can file complaints against their school district. They have an Office for Civil Rights that investigates and enforces complaints filed by students, including complaints of Title IX violations.

BUT, because the federal judicial branch can interpret federal statutes, students can also file a complaint directly in federal court and ask the court to order the district to stop the discrimination taking place. Because Title IX is not a criminal law, students cannot ask the police to directly enforce the law.

12. T/F: School district policies are created by the federal government.

- **False, school district policies are created at the local level, often with guidance from larger organizations like the Illinois Association of School Boards (IASB). District policies are informed by state and federal laws, and are meant to serve as a guide for how school districts will carry out their legal obligations based on current laws.**



ACTIVITY #3: UNDERSTANDING TITLE IX



10-15 minutes

Activity Goals:

- Participants will explore the concept of courts interpreting statutes.
- Participants will be introduced to a federal law named Title IX and understand how it applies to transgender students in schools.

Materials:

Depending on your resources, you can choose one of these options for the handouts:

1. Print one copy for each participant
2. Transcribe them on a board that is visible to everyone
3. Project them from a computer

Based on which route you pick, you may need the following materials:

- Printed copies of
 - » “Title IX Text”
 - » “Ash Whitaker and a History of Title IX”
 - » “Actual Ruling of Ash Whitaker’s Case”
- Chalk/markers
- Projector, laptop, and screen
- The Know Your Rights comic materials (for any of the set-ups)

Directions:

1. Break participants up into small groups; based on the size of the whole group. If you have less than 5 people, then there is no need to break up into groups, everyone can work on the activity together as one group.
2. Present the handouts “Title IX Text,” “Ash Whitaker and A History of Title IX,” and “Actual Ruling of Ash Whitaker’s Case” to each group. If they are projected or written on the board, ask for volunteers to read them aloud.
3. Give groups about 5-7 minutes to review and discuss the materials and to respond to the questions after the ruling. Have groups assign one or two people to report back to the larger group.
4. Have each group share their answers to the questions with the larger group, taking no more than 1 minute per group.
5. Facilitate a 2-3 minute discussion where you share the following information:

The ruling in Ash Whitaker’s case is considered binding precedent. This means that courts in the 7th Circuit will have to interpret the meaning of the word “sex” in the statute the same way as the court did in this case. But this does not mean that all school districts have to immediately change their policies to comply with the ruling. If a school district that receives federal funding continues to deny a transgender student use of facilities in line with their gender identity, how can the student use this ruling to gain use of restrooms in line with their gender identity?

6. If you want to give feedback on people’s responses, here are some ways we’ve used this case to support transgender students’ rights to use facilities in line with their gender identity:

- a. **Meet with an administrator to educate them about the case (this web page explains it really well – <https://transgenderlawcenter.org/archives/13892>. You can ask your parents/guardians, teachers, or any school staff to be there if they are supportive.**
- b. **You can ask the Illinois Safe Schools Alliance or another supportive organization to write a letter explaining the Whitaker decision to the school district.**
- c. **You can file a complaint in federal court, just like Ash did.**
- d. **Do any sort of community organizing! Check out our Organizing & Advocacy materials for more information.**

(Please note that although students can still file an administrative complaint with the Department of Education, it has rescinded its previous guidance stating that it is enforcing Title IX in a way that affirms transgender students’ right to use facilities in line with their gender identity.)

Title IX Text:

Title IX of the Education Amendments Act of 1972 is a statute passed by Congress (the U.S. Federal Legislature). The statute gives enforcement power to the Department of Education (DOE) and the Department of Justice (DOJ). Part of the statute explicitly states:

“No person in the United States 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 DOE and DOJ have issued different forms of guidance around Title IX in the past. Because the statute is not clear on certain topics, the DOE and DOJ have issued guidance in the past on how they will enforce Title IX, because they are part of the Executive Branch of government that enforces law. Under the Obama administration, the Department of Education and the Department of Justice issued guidance stating that they interpreted the word ‘sex’ in Title IX to include gender identity. They did this using previous court cases that have interpreted the word “sex.” This guidance clarified how they would enforce Title IX. In this guidance, they stated that they believed Title IX protects transgender students’ right to use restrooms and locker rooms in line with their gender identity.

In February of 2017, the Trump Administration rescinded the Obama Administration’s guidance and stated that their opinion is that courts have not yet clearly interpreted whether the term “sex” in Title IX includes transgender students. They have signaled that is up to federal courts to interpret Title IX and school districts to have their own policies.

Ash Whitaker and a History of Title IX

In the 1970s, the Federal Legislative Branch, Congress passed Title IX as an amendment to the Civil Rights Act – a Federal statute.

Since then, courts all over the United States (including the U.S. Supreme Court) have been applying and interpreting the word “sex” in the Civil Rights Act and trying to clarify what Congress meant by that word. Did they mean sex assigned at birth? Being discriminated against on the basis of being male or female? Did Congress mean gender-based stereotypes like assigned males need to be masculine and assigned females need to be feminine? Did they mean being discriminated against on the basis of gender identity?

In 2016, **Ash Whitaker**, a transgender boy (assigned female at birth, and identifies as a boy), filed an administrative complaint with the U.S. Department of Education (DOE), stating that the Kenosha Unified School District (his school district) violated his rights under Title IX. Ash had used the boys’ restrooms at his school for seven months. But after a teacher complained, the school district banned him from the boys’ restrooms and instructed him to use the girls’ restrooms or single-user restrooms that no other student was required to use.

The day after he filed his complaint, the DOE issued guidance confirming that they interpreted federal law to protect transgender students from the discrimination Ash endured. Following the issuance of the federal guidance on May 13, 2016, Kenosha Unified School District (KUSD) officials publicly acknowledged the guidance but stated that they did not believe they were required to comply with it. KUSD issued a statement declaring, “[t]he Department of Education’s . . . letter is not law; it is the Department’s interpretation of the law,” suggesting that it would not change its policy without a court order.

Ash then filed a complaint directly in Federal Court for the civil remedy of the Court Ordering the District to comply with Title IX since the KUSD refused to follow the Department of Education’s Guidance.

Actual Ruling for Ash Whitaker’s Case

On May 30, 2017, the Federal Court of Appeals for the Seventh Circuit ruled that the Kenosha Unified School District is required to grant Ash use of the boys’ restroom facilities. The court decided that transgender students are protected by the federal statute Title IX of the Education Amendments of 1972.

First, the court decided that Ash is protected by Title IX of the Education Amendments of 1972, which prohibits all schools that receive federal funding from discriminating against or excluding students “on the basis of sex.” In this case, “on the basis of sex” was interpreted to include gender identity, which is an important ruling for cases about transgender students’ rights in schools. This affirmed other court rulings in other states to apply in the Seventh Circuit.

Second, the Seventh Circuit ruled that Ash is protected by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, which prohibits governments, including schools, from treating people differently based on sex without appropriate justification.

This ruling applies to schools in the Seventh Circuit, which includes: Illinois, Indiana, and Wisconsin.

Questions:

- » What does this ruling mean for other transgender students in Illinois, Indiana, and Wisconsin?
- » If a transgender student in your school is being denied access to the bathrooms that align with their gender identity, is this in line with the Ash Whitaker ruling?
- » What role did all the branches of government (Legislative, Executive, Judicial) play in this case?

ACTIVITY #4: LET'S ANALYZE AND CHANGE A POLICY



10-15 minutes

Activity Goals:

- Participants will think critically about policy and how policies apply to them in school.
- Participants will analyze a student dress code and think critically about how dress codes can impact LGBTQ+ students.

Materials:

Depending on your resources, you can choose one of these options for the handouts:

1. Print one copy for each participant
2. Transcribe them on a board that is visible to everyone
3. Project them from a computer

Based on what route you pick, you may need the following materials:

- Printed copies of
 - » “Policy Info”
 - » “Background for Activity #4”
 - » “Student Dress Code”
- Chalk/markers
- Projector, laptop, and screen
- The Know Your Rights comic materials (for any of the set-ups)

Directions:

1. Break participants up into small groups based on the size of the whole group. If you have less than 5 people, then there is no need to break up into groups, everyone can work on the activity together as one group.
2. Present the handouts “Policy Info”, “Background for Activity #4”, and “Student Dress Code” to each group. If they are projected or written on the board, ask for volunteers to read them aloud.
3. Give groups about 3-5 minutes to review and discuss how the dress code might be enforced against LGBTQ+ students. Have groups assign one or two people to report back to the larger group.
4. Have each group report back to the full group, no more than 1 minute per group.
5. If you want to give feedback to people’s responses, feel free to read through the “Possible Answers to Dress Code Activity” section at the end of the activity.
 - a. **If students are interested in learning how to change their school district’s policies, refer them to the Law & Policy or Organizing & Advocacy comic materials!**

Policy Info for Activity #4

What is policy?

Policies are principles, rules, and guidelines formulated or adopted by an organization to reach its goals. Policies are typically published in a booklet, online, and/or a form that is widely accessible.

The rules in your school are dictated by policies that the school district (mainly the school board) comes up with. Every school district has policies that lay out rules for students, parents, teachers, administration, school board members, and basically anyone that uses school property in any way. These policies are different than laws, but policies are often informed by law.

What is the difference between law and policy?

Policies don't have the power of a law, meaning the federal and state government don't enforce them. But they often explain how an organization will carry out its obligations based on current law. For example, Title IX protects students based on sex, but it is up to the school districts to create policies for transgender and gender expansive students and what restrooms and locker rooms they can use in school.

Background for Activity #4

Section 10-22.25b of the Illinois School Code (the school code is a code of statutes that govern public education in Illinois) states that school boards may adopt school uniform or dress code policies to “maintain the orderly process of a school function or prevent endangerment of student health or safety.” While the section of the code has some requirements about how the policy can be enforced, it does not actually speak to what sorts of clothes students can or can't wear.

The school code leaves that part up to individual school district and often, school districts let individual school buildings decide their own dress code policy.

Analyze the student dress code in the next section. Think about how the policy could be enforced against LGBTQ+ students.

NOT PERMITTED ARE:

- » Head coverings (including but not limited to caps, du-rags, scarves, hoods- including hooded sweatshirts, and headbands). This rule applies to both male and female students. Head coverings are to be kept in the student's locker throughout the entire school day.
- » Tank tops, tube tops, tops with spaghetti straps, tops that show any midriff, are off-the-shoulder, or have plunging necklines, open shirts showing bare skin, and excessively tight clothing.
- » Abbreviated shorts or skirts that are shorter than mid-thigh. Short or skirt material must extend past the student's fingertips when standing. Pants that are sagging and show underwear are not permitted.
- » Spandex clothing of any type (leggings or tights worn with a covering that does not meet the skirt length requirement are not permitted).
- » Clothing with obscene material or profanity.
- » Signs, symbols, jewelry (including earrings), colors and the manner in which the clothing is worn signifying gang affiliations (e.g. caps worn outside the building on school grounds must have the bill pointing forward; emblems on headbands may not be to one side).
- » Outerwear, such as jackets, and sunglasses may not be worn in the classroom.

Possible Answers to Dress Code Activity

The dress code has vague language open to interpretation like “good judgment by dressing appropriately.”

- » What may feel appropriate for a student may not feel appropriate for a security guard.
- » What if another student (or parents) say that someone’s clothing is inappropriate because it is gender fluid?

The policy also states that “[students] should dress in a manner that is not disruptive to the learning environment and that does not endanger their safety or that of others.”

- » What does “disruptive to the learning environment” mean?
- » What does “endangers their safety” mean? If a transgender student is bullied for wearing gender-affirming clothes – are they endangering themselves?

It also states that “Students who refuse to modify their attire will be sent to the discipline office and parents will be contacted to bring appropriate clothing.”

- » What if a student is not “out” to their family or their family is not on board with the student’s gender expression? Does this policy risk “outing” someone?

And there are parts of this policy that might be enforced more strictly on LGBTQ+ students than other students. Such as:

- » “Tank tops, tube tops, tops with spaghetti straps, tops that show any midriff, are off-the-shoulder, or have plunging necklines, open shirts showing bare skin, and excessively tight clothing.”
- » “Abbreviated shorts or skirts that are shorter than mid-thigh. Short or skirt material must extend past the student’s fingertips when standing. Pants that are sagging and show underwear are not permitted. “
- » “Spandex clothing of any type (leggings or tights worn with a covering that does not meet the skirt length requirement are not permitted).”

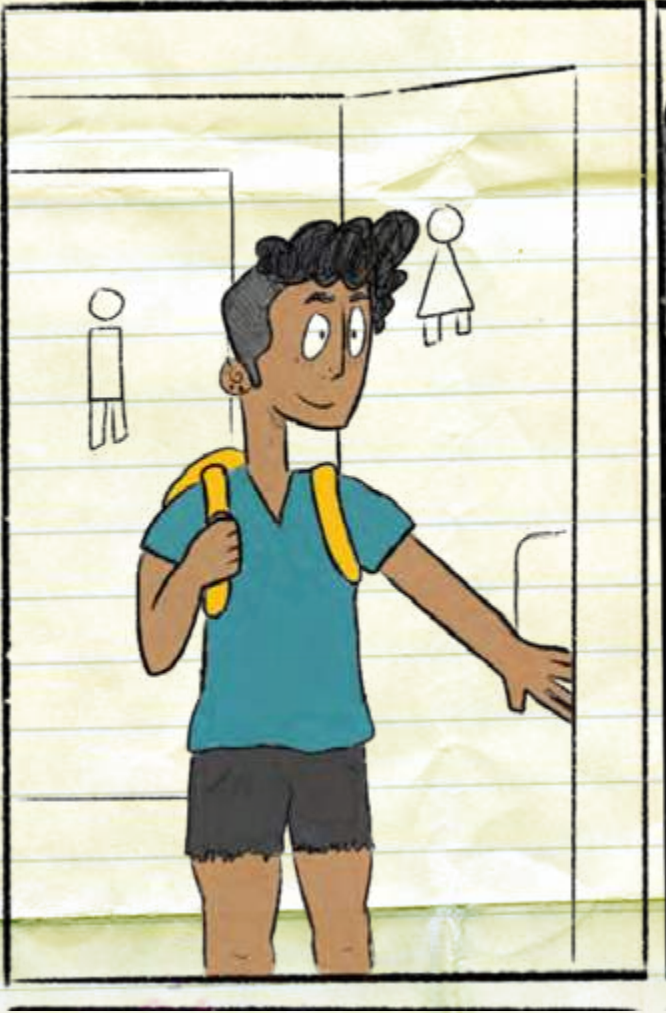


KNOW YOUR RIGHTS!
**LAW & POLICY
CURRICULUM**



THANKS FOR READING!

NOTES:



THANK YOU TO OUR CONTENT PARTNER!

ACLU

Illinois

THANK YOU TO OUR FUNDERS!



THE LGBT COMMUNITY FUND
AN INITIATIVE OF



THE CHICAGO
COMMUNITY TRUST
AND AFFILIATES



Proud To Run
Chicago