

Post-Board of Education Vote Statement

by Township High School District 211 Superintendent of Schools Daniel Cates

Our position throughout this ongoing matter has always centered on safeguarding student privacy and upholding dignity for all students in our district.

We received many messages urging us to stay true to our position protecting student privacy. This resolution we have reached with the Office for Civil Rights protects student privacy.

On November 2, 2015, the federal Office for Civil Rights alleged that District 211 was not providing a transgender student with an equal opportunity to benefit from its educational program because the District failed to provide full, unrestricted locker room access. OCR threatened to pursue enforcement action against the District including withholding federal funding unless a resolution was reached within 30 days. We disagreed with OCR's allegation because gender is not the same as anatomy.

After many weeks of intense discussions and negotiations, we have now reached a resolution with OCR that stands in stark contrast from their letter of findings. The agreement protects student privacy and will best serve our total school community.

It is essential for everyone to understand the most critical and substantive components of the final agreement between District 211 and OCR:

- Based on the representation of the individual student who filed the OCR complaint that the student will change in private changing stations, the District agrees to provide the student with access to locker room facilities designated for the student's identified gender;
- Any student will have access to privacy accommodations in the locker room through a variety of individual options;
- This agreement pertains **solely** to this individual student and does not require a District-wide policy;
- The agreement makes no reference to the District violating any regulation or law, and reiterates that the District categorically refutes the notion of any violation of law or form of discrimination.

Let me emphasize – consistent with our stated position throughout this matter, if the transgender student seeks access to the locker room, the student will not be granted unrestricted access and will utilize a private changing station whenever changing clothes or showering.

The measures we have proposed for our locker rooms protect student privacy. Every school district with whom we consulted that has supported access to locker rooms by transgender students has also effectively utilized similar individual privacy measures. And, all of these districts have reported that their students participate fully in both sports and educational programs without any disruption. Full student participation is our goal and expectation with these measures in place.

Our District 211 students are supportive, accepting, open-minded and solution-focused. We are confident that our students will demonstrate the same exemplary character surrounding this matter that they consistently display in accepting and celebrating differences.

By reaching this mutual agreement with OCR, the threat of further litigation specific to the initial complaint has ended, and the District will retain full access to its federal funds used primarily to serve at-risk students.

From the outset, our public statements have consistently conveyed the District's position that unrestricted access by transgender students in our open locker rooms is unacceptable, because gender is not the same as anatomy. We have been clear in our public statements that access to gender identified locker rooms must safeguard and protect student privacy whenever students are changing clothes or showering.

We have implemented practices surrounding transgender student access to restrooms for two-and-a-half years, without incident. We are confident that this principle of ensuring privacy will again serve our students in a positive manner.

District 211 personnel have long been leaders in providing supportive, sensitive and responsive services to all our teenage students. We believe that the successful resolution of this OCR matter continues a longstanding tradition of care and service, while respecting the rights of all students.

A message informing the District community of the successful resolution of the OCR matter will be sent this evening, and the complete agreement is accessible via a link provided in the message, along with answers to questions that we have received. The same letter and link will be accessible on the District 211 website this evening.

I want to thank the School Board for the enormous amount of time, effort and thoughtful debate they have put forth in this matter, and for standing on principles that respect our entire school community.