

**TOWNSHIP HIGH SCHOOL DISTRICT 211
Palatine, Illinois**

**BOARD OF EDUCATION
SPECIAL MEETING
December 7, 2015
7:30 p.m.
(Official)**

A special meeting of the Board of Education, Township High School District 211, Cook County, Illinois was held on December 7, 2015 at 7:30 p.m. at James B. Conant High School at 700 East Cougar Trail, Hoffman Estates, Illinois.

ROLL CALL

On a roll call, the following officers and members were:

Physically Present:	Peter R. Dombrowski, Member Will Hinshaw, Member Anna Klimkowicz, Secretary and Member Robert LeFevre, Vice President and Member Lauanna Recker, Member Mike Scharringhausen, Member Mucia A. Burke, President and Member
Present By Other Means:	None
Absent:	None

Also present were: Superintendent Daniel E. Cates; members of the District administrative staff; interested citizens; and members of the press.

Pledge of Allegiance

President Burke led the Board of Education and the audience in the Pledge of Allegiance.

Statement from Superintendent Daniel Cates

Superintendent Daniel Cate made the following comments:

“Good evening and welcome to all of you.

Through various forms of media, you’ve seen accounts about this important matter facing District 211 and many other public school districts. We thought we had resolved it with a very thoughtful and reasonable compromise – far removed from the original mandate from the Office for Civil Rights for unfettered locker room access, but also more inclusive for the student, while protecting the privacy rights of all of our students.

Through hundreds of messages and conversations, we repeatedly hear common themes, such as agenda, rights, discrimination, privacy, and government. But one principle unites all of us in this room:

our teenage students and their experiences. This must be at the center of our mind, so that all exchanges tonight will be respectful and productive.

This matter can simultaneously be ideological, political, religious, and financial. But above all, this matter is human and impacts real people – young people and their families.

Regardless of your perspective, your children – our students – and their experiences in this District have been – and will always be – at the center of our priorities, decisions, and actions as a Board of Education and as leaders of District 211. This has been true throughout the entirety of this particular matter – and, in fact, all matters at the District. So, when people reference an agenda, I want to be clear that the wellbeing of all of our students has been and remains our only agenda.

Tonight, the Board of Education will consider whether to rescind and nullify a negotiated plan that we hoped would resolve a set of findings issued by the Office for Civil Rights alleging that the District's practices are discriminatory toward a transgender student.

Their finding stated that we had discriminated against a transgender student by not providing equal – unfettered and unrestricted – access to the locker room designated for students born of the opposite sex. Under OCR's findings, their directive was full, unrestricted access to the locker room of the opposite sex where we have open changing and shower facilities. Regardless of a student's gender identity, locker rooms are based on anatomy. The District has refused from the beginning to allow open access to students of the opposite anatomy. To us, this is simply a matter of common sense, especially when our students are teenagers.

Throughout this matter, the District and the Board of Education have held that access to the locker room of their identity by transgender students would only be considered on the condition of ensuring privacy for all students.

I want to clarify what it actually means and looks like to safeguard and ensure privacy for all students, as delineated in our proposed resolution with OCR. The non-negotiable elements of ensuring privacy include two aspects. First, the use of privacy changing areas by this transgender student would ensure no locker room exposure to a student with anatomy of a different sex; and second, any student in a locker room could utilize a privacy changing area whenever changing clothes.

A privacy area can be located mere steps from PE lockers. During the two to three minutes that a student would be changing in a privacy changing area, other students would also be changing. Because any student may use a privacy area, the anatomy of all students would be protected.

We have long recognized and supported transgender students and transgender identity. Our attempted resolution with OCR was negotiated to provide an individual transgender student with access to the locker room by employing the privacy measures just described – privacy which is understandably and consistently preferred in a locker room by all students.

Recent comments in the media from an OCR official are not consistent with the resolution that was negotiated. Rather, the OCR official's reported comments suggest that OCR interprets the agreement as requiring totally unrestricted access to the locker room by transgender students – meaning no requirement that transgender students change in private. At first, it seemed clear that OCR's comments were not made in error. In an official letter to the District dated December 3, 2015, they disavowed the understanding that access to the locker room would be specifically conditioned on the student changing in private. Because the OCR had publicly and officially changed its position from the one articulated by them in our negotiations, and which was central to the agreement we reached, we called this Board meeting for tonight, feeling compelled to determine the course of action we will pursue moving forward.

However, earlier today, our lawyers received a letter dated December 7, 2015 from OCR’s public spokesperson Catherine Llamon, Assistant Secretary for Civil Rights, in which OCR has issued an official clarification – stating ‘...the agreement provisions specific to locker room access apply only to Student A and the District’s agreement to provide Student A access to locker rooms is based on the student’s representation that (the student) will change in private changing stations.’ The letter goes on to state that the agreement explicitly recognizes that the District does not admit any violation of federal law or regulation.

We are disappointed that the OCR has made an already very difficult, passionate, and emotional issue very confusing with their apparent misstatements and lack of clarity in describing the agreement. We are gratified, however, to receive the letter today that provides official clarity and removes any confusion surrounding the plan our Board approved early on December 3.

As a result of all of the confusion, we are reopening discussion on this issue and will determine tonight our position relative to the agreement we had entered into, in good faith, with the OCR.

With the eyes of many upon us tonight, we will listen to your voices and your perspective. We have heard from hundreds about this matter, and your thoughts tonight are just one aspect of the many factors and considerations that go in to our decision-making.

Independent of the decision and direction tonight, we will be providing transgender information and awareness sessions throughout our schools and to our communities, as this is clearly is an important topic.

We must not let this matter divide us. We must work beyond existing preconceptions and use both understanding and sensitivity as we work with all of our young people going forward.

As superintendent, I call upon all of us to heed the importance of this moment by making a commitment to acknowledge all perspectives – and to work together to identify solutions that accomplish our shared mission of genuine care and support for all students and their experiences in Township High School District 211. We can and we must accomplish this respectfully if we want to set the right example for our young people. Thank you.”

Citizens’ Petitions and Appearances

President Burke made the following remarks:

“As a large number of people wish to speak, we have used a random system to determine those who will address the Board prior to 9:30 p.m. We will allow a period of three minutes for each person to address the Board.

We are pleased to listen to your comments this evening.

It is important to know this is a public Board meeting and not a dialogue, so Board members will not be answering questions or responding to your comments.

We ask that you value the procedures and decorum of our meeting and be respectful of anyone speaking so they can be heard.

As we do have some items of business that need to be addressed this evening, we will take public comments until 9:30 p.m.

I will call two numbers from the list each time. I ask the first person to come to the podium and the second to stand near the podium ready to speak. As each person approaches the podium, I will call the next number to be ready to speak. As you approach the podium, please give your number to the staff member near the podium.

The numbers may not be consecutive as we had more numbers available than individuals who signed up to address the Board.

Speakers will be limited to three minutes. We will provide you with a reminder when you have one minute remaining. Unused minutes may not be deferred to another individual.

Please state your name for the record and please limit your comments to three minutes. Thank you.”

The following citizens addressed the Board of Education:

Owen Daniel-McCarter, Chicago resident and policy director for the Illinois Safe Schools Alliance, addressed the Board regarding his support for Student A and for District 211 for affirming Student A, and he read a letter to the Board members from Berwyn South School District 100 Board of Education Vice President Deanna Durica informing them of District 100’s new policy allowing transgender students access to the bathrooms and locker rooms of the gender for which they identify, urging them to implement a policy at District 211 that would allow for all students to be treated equally and for their safety to be protected, and asking them to affirm the agreement of the Office for Civil Rights (OCR).

Jacquelyn Singl, Wilmette resident and psychotherapist who works with the LGBT group, addressed the Board regarding the difference supportive environments can have on transgender youth academically and emotionally, long-term implications transgender youth face – such as anxiety and depression - in a culture that does not support them, suicide rate for transgender adolescents, and safety concerns involving transgender students and all students at schools.

Karen McReady, Lake in the Hills resident, addressed the Board as she read a letter to the Board and the Superintendent from a Chicago parent who described the problems - such as harassment and being assaulted - that transgender students face; she asked the Board to protect the transgender student and all transgender students’ safety and to not isolate them; she urged District 211 to put a policy in place to increase tolerance, understanding, and safety for transgender students; and she asked them to affirm the OCR agreement.

Corbin Coombs, Schaumburg resident, addressed the Board regarding the OCR agreement being precedent-setting for all students and it not being for just the one transgender student, and asking the Board members to rescind the OCR agreement and to promote the family as a basic unit in society.

Desiree Galeski, Chicago resident, addressed the Board regarding not isolating transgender student, not characterizing the transgender students by their anatomy, having privacy curtains installed for each shower, and the importance of sports for transgender students.

Jill Finis, a William Fremd High School student, addressed the Board regarding the need for them, the District, and the attorneys to serve as examples of leadership for everyone involved in the transgender matter debate and to allow people to come together over it, the need for students to become more balanced in their opinions and more supportive over the debate, respecting that a peer who wants dignity is at the heart of this debate, the need to show compassion for all involved in it, keeping the OCR agreement in place, and the support for the transgender student by many students.

Denise Logan, Palatine resident, addressed the Board regarding their upholding the OCR agreement to allow the transgender student access to the locker room of the gender for which the student identifies, a person's gender being that which the person identifies for themselves even before they transition, her transgender son's struggles with his identity until he transitioned as a transgender, struggles transgender people face, and having the Board use their position to advance understanding and acceptance for transgender students.

Roger Fraser, Rolling Meadows resident, addressed the Board regarding his alarm that the OCR ruling and agreement polarized the community and the need for the Board and faculty to build up the transgender student so the student does not face harassment or fear.

Recess

The Board took a brief recess from 8:05 p.m. to 8:10 p.m. while a citizen who was disruptive during the meeting and who refused to stop being disruptive or to leave the meeting on his own was escorted from the meeting by the Hoffman Estates Police Department. President Burke reminded those present that if a disruption occurs again, the time for citizens' appearances will end.

Resumption of Citizens' Petitions and Appearances

Dan Harrington, Hoffman Estates resident, addressed the Board regarding having the transgender student change clothes in a changing area that is separate from where female students change clothes and having a different changing area for any transgender students.

Gayle Stanford, James B. Conant High School student, addressed the Board regarding her concern about the OCR agreement that allows an anatomically male student to undress in a girls' locker room, the need for privacy for girls in the locker room, not feeling bigotry toward transgender students, and privacy for all students being a protective right to allow for students' modesty.

Leslie Ritter Jenkins, Arlington Heights resident and pastor at United Church of Christ, addressed the Board regarding understanding gender identity, the need for inclusion for transgender students, the Board's upholding the OCR agreement, and protecting all transgender people.

Kim Cavill, Palatine resident, addressed the Board regarding her support and a majority of students' support for the transgender student's use of the girls' locker room, transgender students and male genitalia not being dangerous, and the need to protect the transgender student's dignity.

Kristin Harkin, Palatine resident, addressed the Board regarding her concern over the treatment of the transgender student and people who are different, and the big fuss over something that is outdated.

Dr. Robyn Walsh, Palatine resident, who identified herself as being transgender, addressed the Board regarding her concern about the Board members' and the Superintendent's position on the OCR agreement, segregation of the transgender student, the need for dignity for everyone, there being a base of support for transgender people in the Palatine community, the need for the transgender student to use the girls' locker room without restrictions, and for curtains to be available for students who do not feel safe.

Paul Dombrowski, Palatine resident, who identified himself as being LGBT, addressed the Board regarding the transgender student's braveness in coming forward, urging District 211 to stand up for the transgender student, the need to be kind and respectful toward transgender students, divisiveness in District 211 as a result of the OCR ruling, Superintendent Cates' interviews in the media, the suicide rates for transgender students, Title IX being a federal law and not being political and religious, the need

for District 211 to create a welcoming environment for the transgender student, and having equality for all students.

A William Fremd High School student who identified herself as being LGBT, addressed the Board regarding the respectful environment at William Fremd High School and the school not living up to the safe environment created for the school, her support for the transgender student, the need for District 211 to create a safe environment for the transgender student and to teach students about transgender issues, and her request that the Board not revoke the OCR agreement.

A student who identified herself as Alexandria, a William Fremd High School student, addressed the Board regarding her and other students' opposition to the OCR agreement, her concern that Student A remains anonymous while students who oppose the OCR agreement who are in the majority being the ones who are being bullied and labeled as insensitive and inhumane, the students treating Student A with respect and dignity, students having no choice involving the agreement, and the need to respect all of the students' rights for privacy.

Katie Dewitt, Palatine resident, addressed the Board regarding her concern that students who do not want the transgender student to be allowed to use the girls' locker room are being labeled as bullies and are being considered insensitive, and her desire that the rights of naturally born girls should be protected.

Henry Bosworth, a Metea Valley High School student in School District 204 who identified himself as a transgender man, addressed the Board regarding people speaking at the meeting taking away the rights of individuals, transgender people being average people who do not harm people, and his request that the Board do what is humane.

Meggan Sommerville, Oswego resident, addressed the Board regarding her being a transgender woman who faces discrimination in her workplace, high schools not being a place for discrimination, suicide rates of transgender people due to unsupportive family and school environments, and Board members' roles as leaders who can treat transgender students equally without conditions.

Chris Molinda, Palatine resident, addressed the Board regarding his pride in them over their decision involving the OCR agreement and in Superintendent Cates for his poignant statement at the meeting.

Lauren Hall, Palatine resident and mental health counselor, addressed the Board and read a letter on behalf of Joelle Spiegel providing her support of the agreement between the OCR and District 211, the basic right to fair treatment being denied to one student, the isolation and stigmatization of the transgender student by District 211 by not allowing the student access to the girls' locker room, challenges transgender students face, a policy District 211 could implement that would affirm transgender student and could teach students about the powers of tolerance, understanding, and inclusivity.

James Beckert, Rolling Meadows resident, addressed the Board regarding one person's rights over everyone else's rights, not allowing transgender students to share the girls' locker room with them, the number of people who came to the meeting from outside of the district, the 80 percent of people who were not in favor of the OCR agreement at the December 2 meeting, and the federal involvement with the OCR agreement.

Jessica Miller, District 211 resident, addressed the Board regarding her opposition to the OCR agreement, having the Board represent the rights of all students, the OCR's position over the schools, having pro bono attorneys represent District 211 against the OCR ruling, adopting a policy for rights of all students, all students' privacy, five Board members betraying trust because they voted for the

agreement, and having neutral bathrooms and locker rooms for transgender students to protect their privacy.

Sue Sowle, Evanston resident, addressed the Board regarding the hope that transgender students can live in a world that is kind and caring, tolerance for transgender students at School District 115 and how all students are helped there, transgender students being at great risk, and the availability of help for transgender students by the Illinois Safe Schools Alliance and other organizations.

A female citizen who identified herself as a mom, addressed the Board regarding not backing out of the OCR agreement and checking with other school districts that have implemented other measures for transgender students that respect the students' individual privacy rights.

Dr. Deane Rabe, Palatine resident, addressed the Board regarding honoring the OCR agreement, allowing people from outside the District to speak at the meeting, fairness and inclusion to transgender students, a person's gender as being internal, and his request to support our students.

An anonymous citizen addressed the Board regarding the citizen's question as to where the Board was when she had been profiled and later raped when leaving a bathroom, the risk for the transgender student to be raped when the student leaves the bathroom once students figure out who the student is, and protecting the rights and safety of all students.

Jake Lytle, William Fremd High School student, addressed the Board regarding keeping the OCR agreement in place and how a reversal of the agreement would affect District 211 graduates and the entire country, and District 211's reputation for discriminating against the transgender across the country.

Tracey Salvatore, Schaumburg resident, addressed the Board regarding her sadness by the lack of compassion for transgender people, the comments at the last meeting about equals being entitled to all rights and people being terrified by a transgender student, District 211's policy segregating transgender students, transgender students being entitled to acceptance and protection, valuing transgender students equally without discrimination, and District 211 standing to lose its national recognition.

Tracey Coleman, Palatine resident, addressed the Board regarding letting the OCR agreement stand so that District 211 is not back at square one where both sides would seek an absolute win, the importance of compromise that settled the transgender student matter, the private curtain area being the best solution, and the negotiated agreement showing that District 211 protected the rights of all students.

Carly Lehwald, Chicago resident, addressed the Board regarding her invitation to come to the meeting by Student A's mother, her own experiences of discomfort as a transgender, her support for Student A, and the need to support people who are different.

John Hickey, Naperville resident, addressed the Board regarding all people being different, having feelings for all students, uncertainty creating fear, and his encouragement to the Board to try to understand the perspectives of others who are different.

Arlene Collins, Elmhurst resident, addressed the Board regarding the Parents of Transgender Individuals (PTI) organization she founded and how it helps transgender children learn their identity, how things have changed for the better for transgender people, and her hope that the Board will uphold the OCR agreement.

Art Ellingsen, Arlington Heights resident, addressed the Board regarding students who are uncomfortable with the transgender student using the girls' locker room, the best thing that can be done

for transgender students is to raise them in the way God made them, Board members answering to God on how they vote on nullifying the OCR agreement, and protecting the majority from the minority.

Sarah Harrington, a junior high school student and Hoffman Estates resident, addressed the Board regarding her disagreement with the OCR agreement, the Board's responsibility to keep Student A and all students safe and to be respectful to them, and the Board members being responsible for the school.

Andrew Dumovich, Hanover Park resident, addressed the Board regarding no smart decision being made in the OCR agreement and it being ridiculous, not one person is equal to another person, the girls who spoke up against the OCR agreement at the meeting having courage, and urging the Board members to vote on nullification of the OCR agreement based on common sense and emotion.

A citizen who identified himself as Isaac addressed the Board regarding his being a 15-year-old transgender youth who was able to use the locker room for the gender with which he identified himself as his school and how holding the transgender student back can hurt the student for the rest of the student's life.

Ed Yohnka, an American Civil Liberties Union (ACLU) of Illinois representative, addressed the Board regarding his speaking for the parents of Student A who want privacy; their wanting to participate at the meeting and hoping that District 211 would be supportive of their student; the parents' hope that the District would do right by their student; District 211 playing out the OCR ruling matter in the media and defying the OCR ruling; inaccurate statements about the student's body by the media; insults to the family being relentless; mischaracterizing the identity of the transgender student who is an intelligent, caring girl; and the family being willing to work with the Board to implement the OCR agreement.

Nate Chang, Hoffman Estates resident, addressed the Board regarding the Board being in an untenable, no-win situation over the OCR agreement that involves the minority over the majority and the local school district against the federal government, his question about what specific accommodation was negotiated by the Board's vote on the OCR agreement, not having the citizens be able to read the agreement before the Board vote, having accommodations for one student being discriminatory, revoking the OCR agreement, and adopting a Thomas Moore Society policy for all students' rights.

Closed Session

Mrs. Klimkowicz made a motion, seconded by Mr. Scharringhausen, that the Board of Education enter closed session to discuss probable or imminent litigation against, affecting or on behalf of the public body 5 ILCS 120/2 (c) (11).

After discussion, a roll call vote was held with the following results:

Aye:	Will Hinshaw Anna Klimkowicz Robert LeFevre Lauanna Recker Mike Scharringhausen Mucia Burke
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Nay:	Peter Dombrowski
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The motion carried 6-1.

The Board of Education entered executive session at 9:37 p.m. and resumed its meeting at 11:38 p.m.

Consider Nullification of Prior Vote Approving Draft Resolution Agreement with Office for Civil Rights

Board President Mucia Burke read the following statement:

“We never expected to be back here tonight, mere days after hundreds of hours invested in listening, discussing, and debating an important issue for our District and its students.

Very early Thursday morning, December 3, District 211’s Board approved what we thought was an appropriate and balanced approach to the enormous challenge facing us because of the federal Office for Civil Rights’ (OCR’s) directive that transgender student must have totally unrestricted access to locker rooms of opposite anatomy. Their directive came based on a single case filed by a student and this student’s parents.

We proposed a common sense compromise with which the OCR agreed. It was based on the fact that gender is not the same as anatomy – and that we are dealing with teenagers. The negotiated agreement stipulated that access to this student’s gender-identified locker room would be provided contingent upon the student’s assurance that privacy curtains would be used for changing. If the student didn’t comply, access would be rescinded. The agreement applied to this student only and did not establish policy for our District or any other district.

It was both shocking and disappointing when, virtually minutes after our vote, senior representatives from OCR seemed confused about the terms of the agreement to media – and then subsequently in a letter to us. It caused a lot of concern and questions in our community.

Late in the morning, District 211 lawyers received a letter dated December 7, 2015 from OCR’s public spokesperson Catherine Lhamon, Assistant Secretary for Civil Rights, in which OCR has issued an official clarification – stating ...’the agreement provisions specific to locker room access apply only to Student A and the District’s agreement to provide Student A access to locker rooms is based on the student’s representation that (the student) will change in private changing stations.’ The letter goes on to state that the agreement explicitly recognizes that the District does not admit any violation of federal law or regulation.

We are disappointed that the OCR made an already very difficult, passionate, and emotional issue very confusing with their apparent misstatements and lack of clarity in describing the agreement. We are gratified, however, to receive the letter today that provides official clarity and removes any confusion surrounding the plan our Board approved on December 3.

As a result of all of the confusion, the District 211 Board met in a special meeting this evening, and, after listening to our constituents and deliberating in executive session, we declined to take any action to alter our approval of the resolution agreement between District 211 and the OCR relative to this matter.

We believe this is the best course of action for this student while balancing the needs of all the teenage students in our District. The District will accommodate gender-identified locker room access for this student predicated on agreement to use the privacy measures provided. We are installing privacy curtains in our locker rooms, with the assurance that this student will use them. Any student currently using the locker room may also choose to change in the privacy curtains. The agreement applies to this student only, and it recognizes that in doing so, the District does not admit any violation of federal law regulations.

The privacy and comfort of all of our students is paramount. We are pleased to proceed with the plan as agreed that is in the best interest of all of the students that we serve, and we anticipate respect and clarity in any issues with the OCR going forward.”

Adjournment

There being no further business to come before the Board of Education, President Burke thereupon declared the meeting adjourned at 11:42 p.m.

Respectfully submitted,

Secretary, District 211

President, District 211