

ILLINOIS
SAFE
SCHOOLS 
THE ALLIANCE

presents:

KNOW YOUR RIGHTS! LAW & POLICY



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KNOW YOUR RIGHTS! LAW & POLICY

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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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 was consulted when developing the contents 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.

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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WHAT IS LAW?

WHAT IS LAW?

In the U.S., there are two types of law:

There's criminal law, and there's civil law.

A criminal law is a rule that, if broken, subjects a party to **criminal punishment**. If someone is found guilty of breaking a criminal law, they are found guilty of a crime.

WHAT'S CRIMINAL PUNISHMENT?

Criminal punishment happens when the government takes you to court. In court, when you're punished for committing a crime, that is criminal punishment. This can be a ticket, jail time, or anything else a criminal court makes you do.

A civil law is a rule that, if broken, subject a **party** to **civil liability**.

WHAT'S A PARTY?

Criminal punishment happens when the government takes you to court. In court, when you're punished for committing a crime, that is criminal punishment. This can be a ticket, jail time, or anything else a criminal court makes you do.



If you want to facilitate an icebreaker discussion on law and policy in school, check out Activity #1 in our Law & Policy Curriculum!

WHAT'S CIVIL LIABILITY?

Civil liability happens when a party feels they are wronged and takes you to court. In court, you may be found responsible for something, but this doesn't make it a crime. If you're found responsible, you could end up paying someone money, not having contact with someone anymore, or anything else a civil court makes you do.

WHO MAKES LAW?

Our three branches of government:



The **Legislative Branch** is responsible for making laws.

At the federal level, this is the U.S. Congress and the U.S. Senate

In Illinois, this is the Illinois House of Representatives and the Illinois Senate, sometimes called the "Illinois General Assembly"



The **Executive Branch** is responsible for enforcing the law.



At the federal level, this is the President, Vice President, and their cabinet. In Illinois, this is the Governor and their cabinet.



The **Judicial Branch** is responsible for applying and interpreting the law.



At the federal level, we have federal courts that are broken up into different circuits (areas) and apply and interpret laws passed by the federal legislative branch. In Illinois, we are in the 7th circuit. We share a circuit with Illinois, Wisconsin, and Indiana.

- The highest court in the U.S. is the U.S. Supreme Court
- At the state level, we have the Judiciary of Illinois that is broken up into different districts (areas) and applies and interprets the Illinois Constitution, Illinois law, as well as federal and the U.S. Constitution.
- The highest court in Illinois is the Illinois Supreme Court



BUT WHO SETS THE RULES FOR ALL THESE PEOPLE?

The Constitution! The U.S. Constitution is supreme over all of them, that's why so many court cases have to do with whether or not something is unconstitutional. If it's unconstitutional, that means it goes against the constitution, and no branch of government is allowed to do that.

Illinois also has its own constitution that all branches of government have to follow.

WHO DECIDES WHAT'S UNCONSTITUTIONAL?

Only the judicial branch can say what's constitutional and unconstitutional.

CAN WE CHANGE THE CONSTITUTION?

Yes! It's just really, really hard.

Basically, 2/3rds of the U.S. Congress and the U.S. Senate have to agree on a specific change to the Constitution or 2/3rds of the states have to request a convention.

And then, 3/4ths of the States have to approve that change. This is called amending the constitution. One of the only ways to reverse marriage equality is by amending the constitution, and obviously this isn't easy.



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DO YOU HAVE EXAMPLE OF LAWS?

Yes! On the federal level, we have the Education Amendments Act of 1972. This law has a specific section called Title IX that says that “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.”

This basically means...

that if a school gets money from the federal government, they can't discriminate against someone from the school based on their sex. If they do, they can lose the money the federal government gives them.

In 2014 and 2016,

the U.S. Department of Education and U.S. Department of Justice published letters saying that transgender students are protected from sex-based discrimination under Title IX.

• <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

These letters weren't laws,

but they showed how the U.S. government was interpreting the law (Title IX) and how they were enforcing it.



In February 2017,

the DOE and the DOJ, took back the letters they published. They said that there were too many cases going on for the Departments to be taking such a strong stance. So now, it's kind of up to the courts to decide whether or not trans students are protected under Title IX.

• <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>

And in May 2017,

one amazing, resilient, wonderful boy named Ash Whitaker sued the Kenosha Unified School District in Kenosha, Wisconsin, saying the school district was violating his Title IX and Constitutional rights by discriminating against him on the basis of sex because he is transgender and because of his transgender identity.

• Thus, he argued that sex in Title IX contains gender identity

Ash Whitaker won the case,

which now means that, in Illinois, Wisconsin, and Indiana, Title IX contains gender identity!



If you want to learn more about Title IX and Ash's case, check out Activity #3 of our Law & Policy Curriculum!

STATE LEGISLATURE

In 2005,

the Illinois House of Representatives and the Illinois Senate changed the Illinois Human Rights Act so that people would be protected from discrimination based on their sexual orientation and their gender identity

• <http://www.jacksonlewis.com/resources-publication/illinois-bans-discrimination-based-sexual-orientation?NewsID=719>

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

The Illinois Department of Human Rights...

Alex McCray, a young man living in Williamsville, filed a complaint with the Illinois Department of Human Rights saying he was being discriminated against by his school by denying him the ability to use the boys' restroom because he is transgender.

In October of 2015,

The Department of Human Rights is part of the executive branch in Illinois and is responsible for enforcing the Illinois Human Rights Act

His school district,

Williamsville-Sherman Community Unit School District #15 was not letting him use the boys' bathrooms in his high school.

The ACLU...

helped him file his complaint with the Illinois Department of Human Rights and his school agreed to let him use the boys' restroom!

The agreement he came to...

with his school district require it to write a policy that affirms trans students in a number of ways. One of them is by allowing students to use restrooms & locker rooms in line with their gender identity.



WHAT IS POLICY?

WHAT IS POLICY?

A set of 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 other form that is widely accessible. Policies don't have the power of a law, but often explain how an organization will carry out its obligations based on current law.

DO YOU HAVE AN EXAMPLE?

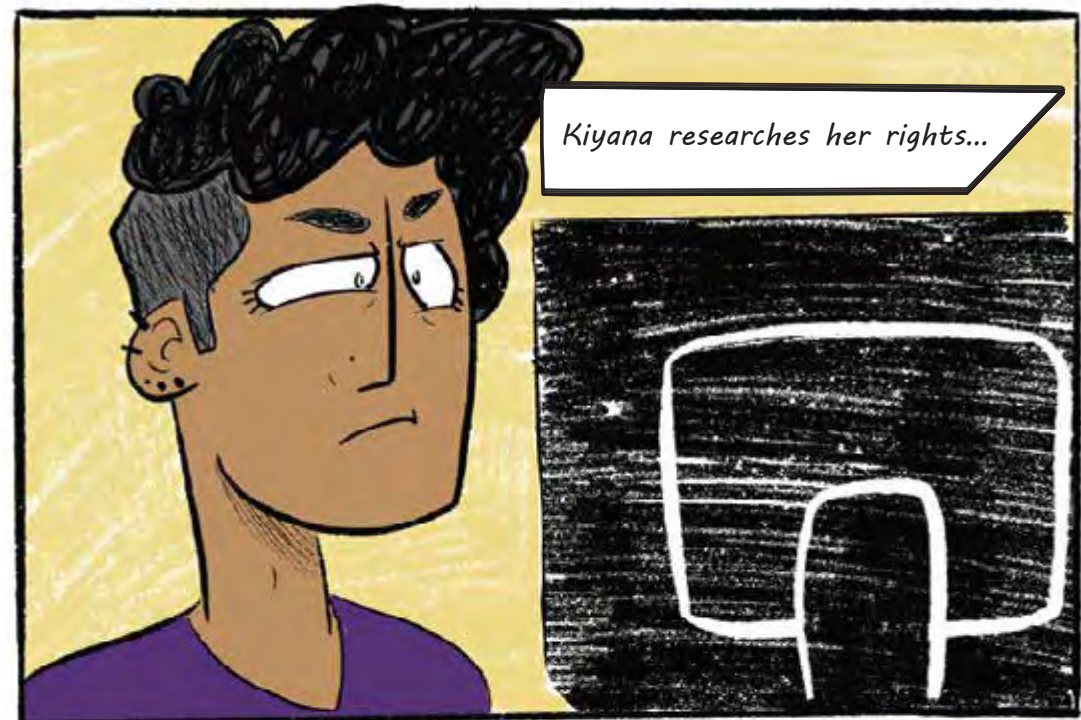
Of course! Every school district in Illinois has policies that all the schools in the district have to follow.

Sometimes, school districts have policies that are really unfair to their students

So, when we talked about...

Ash Whitaker, he was actually suing his school district over a policy they had.

- The policy wasn't actually written down anywhere, but it is still considered a policy, because the school district informed people of it when they ask about trans-identified students using restrooms and locker rooms, and they threatened to punish students who didn't comply with it.



BUT I THOUGHT THE TRUMP ADMINISTRATION MADE THIS IMPOSSIBLE?

The administration didn't change Title IX, but only Congress can do that.

And the federal court for Illinois had decided!
Ash won his case against his school district.

This is really important because...

Illinois is in the same federal circuit as Wisconsin.

This means that...

rulings on federal cases in Wisconsin apply in Illinois & Indiana, and vice-versa.

Thanks to Ash,

Title IX now protects us in Illinois. If a school district in Illinois has a similar policy, they would be violating a federal law.

If you are interested in filing a complaint, you can contact Lambda Legal or the ACLU of Illinois. Lambda Legal has a help desk you can call at [312-663-4413](tel:312-663-4413). The ACLU of Illinois can be reached at [312-201-9740](tel:312-201-9740) or by filling out an online intake form at [Request for Legal Assistance Form](#). You can also decide to contact the Illinois Department of Human Rights directly at [312-814-6200](tel:312-814-6200) to learn more about the process on how to file a complaint.



In Illinois, you can also file a federal complaint in court using a federal law known as Title IX. In Illinois, Indiana, and Wisconsin, this law also protects trans students' right to use restrooms in line with their gender identity.



WHAT ARE WAYS I CAN GET INVOLVED?

DRAFT POLICIES

Don't wait for the Board Members to adopt policy! If you want to change policy, try drafting it yourself.

Examples of model policies are:

[Berwyn SD100](#)

[Williamsville-Sherman CUSD#15](#)

- Click the school districts names to see the policies!
- If you want something more specific to your school district, you can reach out to the Alliance for support!



If you want to practice editing and analyzing policies, check out Activity #4 of our Law & Policy Curriculum!

COMMUNITY SUPPORT AND EDUCATION

Educate your community (including adults) about the issues you are working on so they can be your allies.

Give them a Gender 101 training...

so they can learn how to support trans students through names, pronouns, dress codes, policies, and affirming practices.

- The Alliance offers these trainings to all sorts of groups. Please contact us if you want to schedule one.

Bring up an issue...

that you and your peers really care about, and teach them about it

STUDENT ORGANIZING

Develop a campaign to change policy at your school.

Get students...

to sign petitions

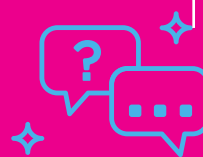
- The Alliance offers these trainings to all sorts of groups. Please contact us if you want to schedule one.

Have teachers...

sign onto a letter

Have everyone...

call and email the school board.



Filing a complaint with the Illinois Department of Human Rights is different than going to court. The IDHR may try to get the parties to come to an agreement before anything goes to court.

TALK WITH ADMINISTRATION, TEACHERS, AND ALLIES ON STAFF AT THE SCHOOL

Try to figure out which of them are supportive and which of them will help you out

ATTEND AND/OR TESTIFY

AT SCHOOL BOARD MEETINGS

The Illinois Legislature and the School Board have to publish when and where their meetings are, and they have to do this online. Usually school board hearings and Illinois legislative meetings have a public hearing component. If they're considering a policy you really support or really don't want passed, testify!

Write a statement...

talking about the policy.

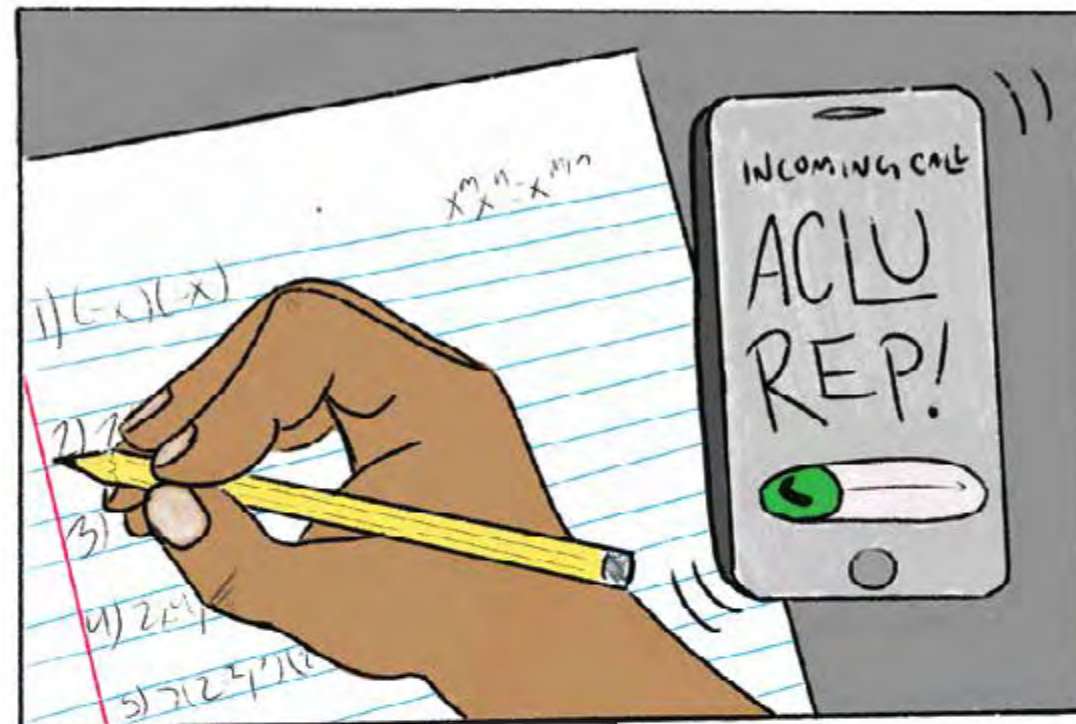
- Mention why this is really important to you and important for all students
- If you don't like the policy or bill, mention why this is really harmful to you and how this doesn't support all students
- If there's one part you really want changed, talk about that
- If you live in the district or go to school in the district, tell them that

Read your statement at the board meeting.

Have as many people who agree with you testify if possible.

Show up with signs showing your in support

- The Alliance can send you stickers if you reach out to us :)



MEET WITH LOCAL ELECTED OFFICIALS, STATE ASSEMBLY MEMBERS, AND/OR CONGRESSIONAL REPRESENTATIVES

Look up who your representatives are online. You can do this at Common Cause.

Call and email your...

Congressperson, Senator, State Representative, State Senator, Alderman, County Commissioner, Board Trustee, etc.

- In the State of Illinois, you can file a witness slip saying you are in support, against, or neutral towards a bill in the Illinois House or Illinois Senate.
- If you don't like the policy or bill, mention why this is really harmful to you and how this doesn't support all students
- You can do this online, at any age, regardless of where you live, and regardless of whether or not you plan on being there to testify in person.
- State Representatives and State Senators see the number of witness slips filed in support, against, or neutral towards a bill they're voting on.

Ask them for a meeting ..

to talk about a bill that you really want passed or a bill you think they should vote against

- Ask them if you can bring your neighbors and other people in the district
- Come with a plan about who will talk, what you're going to ask for, and ways you all can work together
- Ask them for really specific things



Spend some time explaining ...

the key parts of the bill, and why it is important to you. Bring a fact sheet if you have one.

Look up your representative's voting history,

see what kinds of bills they've supported or opposed in the past. If they seem like they would support your bill, ask if:

- They can introduce it or sponsor it
- They can talk to other legislators/board members about how important it is
- They will vote in favor
- They can talk about their support on social media or a press conference

If they are more likely to oppose the bill:

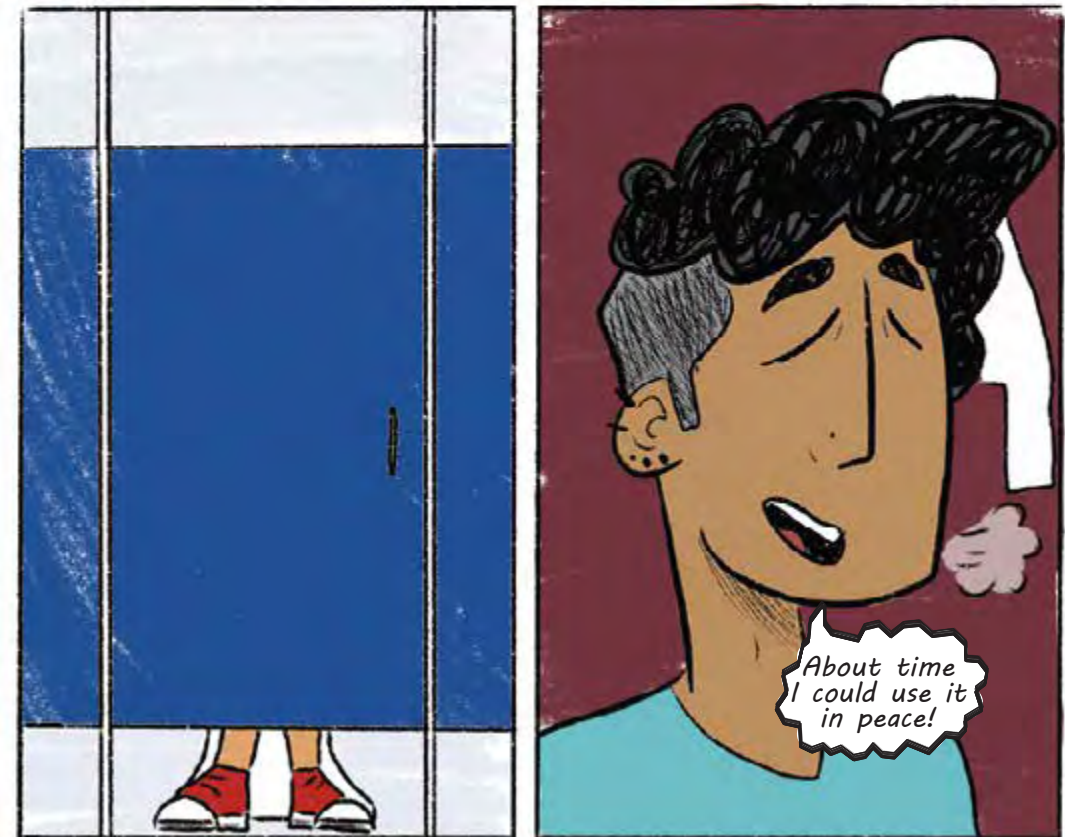
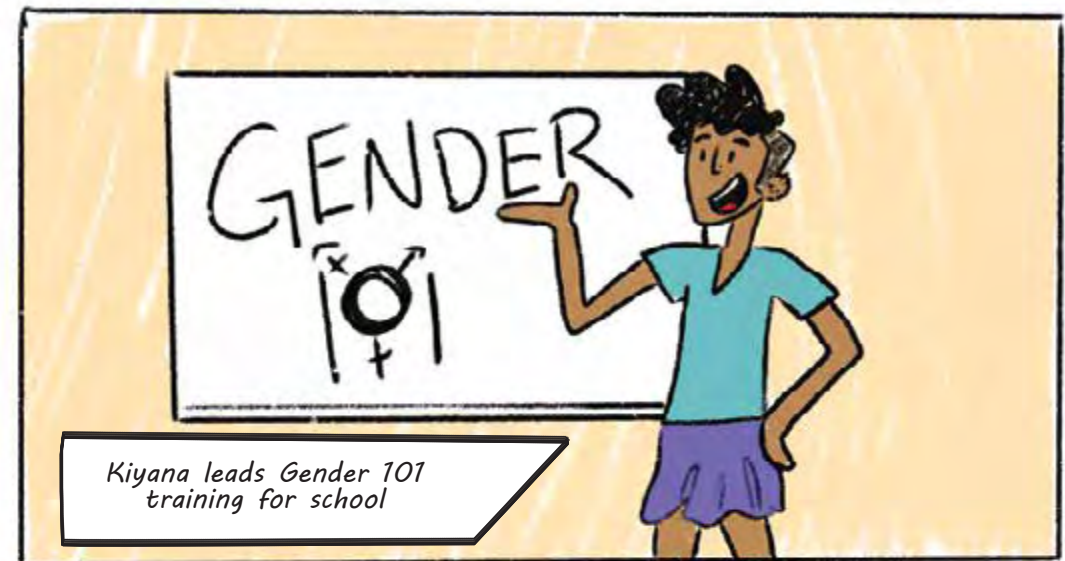
Spend your time explaining why this bill is important to you and why you hope they would support it, but if not, to abstain or not publicly speak against it

Offer to provide...

them more information about the bill, and be sure to follow up with the person you met with

Make sure you can get through everything in the time you have.

- Sometimes your meeting will be as short as 15 minutes.



**KNOW YOUR RIGHTS!
LAW & POLICY**



THANKS FOR READING!

NOTES:



THANK YOU TO OUR CONTENT PARTNER!



THANK YOU TO OUR FUNDERS!

