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Glenbrook District 225 approves transgender student policy; 'These kids have rights too'

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The Glenbrook High Schools District 225 Board of Education approved the district's first transgender student policy Monday after residents expressed both support and apprehension.

The board was first presented with a draft of the transgender student policy at its December 2017 meeting. The policy is meant to provide teachers and staff with a framework for working with transgender students and to protect the district from possible lawsuits, said Superintendent Michael Riggle.

Riggle said at the December meeting that what is stated in the policy has already been common practice at both high schools. The administration decided to create an official transgender student policy after Northbrook School District 27 created one over the summer, he said.

The policy states that its purpose "is to ensure that all individuals who identify their gender differently from their sex assigned at birth do not encounter discrimination based on that identification."

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The board was scheduled to vote on the policy at the Jan. 8 meeting, but Riggle said community members requested the vote be delayed so that residents could share their views. Three residents made statements of support to the board at that meeting.

At the Jan. 22 meeting, 12 residents addressed the board regarding the transgender policy with the majority speaking out against it. They highlighted concerns with the section of the policy that addresses bathroom and locker room use. The residents who do not support the policy asked the district to wait to approve it until courts rule on pending lawsuits in other districts.

Resident Brendan Appel said the policy doesn't take into account students like his daughters "who don't want to dress in the locker room with boys."

“It seems like there is a rush to implement a policy that really is premature,” Appel said. “It just needs more work with parents on both sides coming together . . . and coming up with a solution that everyone can agree on.”

Resident Glenn Farkas said that the locker room and bathroom use sections of the policy are “extremely vague and unenforceable.” In the restroom portion of the policy, it states that students can use the bathroom with their “consistently expressed gender identity,” which Farkas said requires the district to set up rules and parameters to decide who is “consistently transgender.”

In the locker room portion of the policy, it says that locker room use by a transgender student will be determined on a case-by-case basis, Farkas said, and he raised questions about who will make the decisions in each case.

Farkas said he believes that the policy leaves the district exposed to lawsuits.

“What I really see happening here is that the lawsuit fearing district will end up watering down any set of rules or restrictions set up for transgender (students) to the point where they are virtually meaningless so that any student, on any given day, is going to be able to walk through the school and proclaim they feel like the opposite sex and get to use any bathroom or locker room of their choice,” Farkas said. “That’s a very likely, but unacceptable, outcome of the flawed policy.”

In response to resident claims that there are pending court cases related to transgender student rights, John Fester, the school district’s attorney, said the U.S. Supreme Court is not hearing any cases pertaining to transgender students.

In state court, Fester referenced the Palatine-based Township High School District 211 case that was recently filed, and told the board it should not expect a decision in the near future.

The district can “avoid a lot of liability” by having a transgender student policy because “a lot of cases result from some early missteps that are hard to come back from,” Fester said.

“I think the policy is pretty clear that it’s not student choice on a day-to-day basis,” Fester said. “What this policy does from a legal perspective is provides your employees guidance on what to do and at least lets them know if they don’t know what to do to ask.”

Resident Krista Frick-Jewett said the district should not be concerned with money spent on litigation when voting on the policy. The district has to consider the students and their rights first, she said.

“I can’t imagine something more important than the well-being of teenagers, our children,” Frick-Jewett said. “It’s not about the money, and it’s not about the time in court ... it’s about our kids. It’s about being kind.”

Glenview Park District Commissioner Jennifer Roberts said she supports the policy because it considers the well-being of all students in the district. Roberts said she does not agree with the claims that the policy will bring about expensive litigation fees.

“Is it too expensive to be on the right side of fairness and dignity?” Roberts said. “I am asking you to be on the right side of fairness and dignity.”

Two middle school students addressed the board briefly stating that they support the policy because it will reduce bullying.

Five board members voted in favor of the policy, and board member Sonia Kim abstained from the vote. Board member Peter Glowacki was absent.

Kim said she is in favor of a policy but she didn’t feel comfortable voting because she would like to see the policy “incorporate some of the concerns that have been expressed.”

Board member Karen Stang Hanley said that the district’s main focus is protecting student rights. She said the district is on the right side of the law, and if the law changes revisions can be made.

Board member Marcelo Sztainberg said he does not agree with comments that “one day (people) wake up and say ‘I’m going to become this or I’m going to become that.’”

Sztainberg said transgender students want to go to the bathroom and locker room of the gender they identify with to use the bathroom and change their clothes, nothing else.

“These human beings are not going to stop being human beings like you or I,” Sztainberg said. “These kids have rights too.”

<http://www.chicagotribune.com/suburbs/glenview/news/ct-gla-transgender-student-policy-tl-0125-story.html>