

DALLAS ELEMENTARY SCHOOL DISTRICT #327
BOARD OF EDUCATION
MINUTES OF REGULAR MEETING
MAY 18, 2016

Mr. Sparrow, President called the meeting to order at 7:00 p.m.

Mr. Sparrow asked Mrs. Blaesing, Secretary to call the roll.

Members answering roll were:

Castillo	Present	Webster	Present
Lionberger	Present	Heidbreder	Present
Sparrow	Present	Blaesing	Present
Greenhalge	Present		

Also attending the meeting was: Dr. Ryan Olson, Superintendent, Mrs. Alissa Tucker, Principal, Carl Schaefer, Sarah Schaefer and Mrs. Amy Ryner.

The Board observed a moment of silence.

Mrs. Heidbreder spoke on behalf of PTO and discussed the Back to School BBQ and afternoon concerts.

Carl and Sarah Schaefer asked the board about class size and whether there will be two first grade class rooms next year.

The consent agenda was presented to the board for review.

A motion was made by Heidbreder, seconded by Lionberger to approve the items on the Consent Agenda as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carries. 7 Ayes

The Bills were presented to the Board for payment.

A motion was made by Castillo, seconded by Webster to approve payment of all bills.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

The FY2017 calendar was presented to the board for review.

A motion was made by Greenhalge, seconded by Lionberger to approve the preliminary 2016-2017 school calendar as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

The final calendar for the 2015-2016 school year was presented to the board. Final adoption by the board of education is required before it is sent to the ROE and ISBE.

A motion was made by Castillo, seconded by Greenhalge to approve the final 2015-2016 school calendar as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

The board was presented a resolution to recognize the junior high musical participants for a job well done. Mr. Sparrow read the resolution aloud.

A motion was made by Castillo, seconded by Heidbreder to approve the junior high musical resolution as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye

Greenhalge Aye

Motion carried. 7 Ayes

Discussion for the solicitation of bids was discussed. This year there is no reason to let a bid for tires as all buses are leased and tires are not purchased on a regular basis.

A motion was made by Greenhalge, seconded by Castillo to solicit bids for dairy, fuel and snow removal for FY2017.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

The Committee of the Whole met at 6:15 and discussed policy updates of PRESS Issue #91.

A motion was made by Webster, seconded by Castillo to adopt the policy updates as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

Dr. Olson submitted a written Superintendent's Report which was presented to the Board. Questions from the Board were answered.

Mrs. Tucker submitted a written Principal's Report which was presented to the Board. Questions from the Board were answered.

A motion was made by Greenhalge, seconded by Castillo, to enter closed session at 8:17 p.m. to discuss items per 5ILCS 120/2(c)(1)(10) as presented. Roll Call

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

A motion was made by Castillo, seconded by Lionberger, to come out of closed session at 9:12 p.m. Roll Call

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Voice vote, motion carried. 7 Ayes

A motion was made by Heidbreder, seconded by Greenhalge, to approve the personnel report as presented.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

A motion was made by Webster, seconded by Greenhalge to adjourn at 9:15 p.m.

Castillo	Aye	Webster	Aye
Lionberger	Aye	Heidbreder	Aye
Sparrow	Aye	Blaesing	Aye
Greenhalge	Aye		

Motion carried. 7 Ayes

The next regular Board of Education meeting will be held Thursday, June 16, 2016 at 7 p.m.

Superintendent Report

- As you've probably heard, the Departments of Education and Justice have issued a "joint guidance" document about how districts should treat transgender students. I have included their letter to public school districts below.
- As a reminder, Dallas City's 8th grade promotion ceremony is tomorrow, May 19 @ 7PM.
- I will be taking vacation days on May 23 and 24, and the week following Memorial Day (May 30-June 3). I will be available by phone and email periodically.
- There is an IASB Western Division Governing Meeting in Macomb at 6PM. Let Chris know if you're interested in attending.
- This year, the Triple I conference will be highlighting school safety. I was invited to participate on a panel of "experts" regarding school safety in rural schools. After sharing that I think Lori Bilbrey, Deputy Josh Smith, and Chief Wes Woolson should also be involved, we were given our own time slot for Saturday, November 19 @ 3PM.
- Below is the most recent Alliance Legislative Report:

ALLIANCE LEGISLATIVE REPORT (99-45) TWO WEEKS LEFT BEFORE ADJOURNMENT

With 13 days left before the scheduled adjournment of the Illinois General Assembly session, there is still no State budget for the current fiscal year, not to mention Fiscal Year 2017. A group of lawmakers have been discussing ways to solve the current State budget impasse and have reportedly sent what is being labeled a "first step" to the Governor and legislative leaders.

The legislature adjourned for the week on Thursday and return to the Capitol on Tuesday.

SCHOOL FUNDING FORMULA ON FRONT BURNER

Revisions to the school funding formula were the topic of conversation in the Capitol this week. On Tuesday, the Senate approved **SB 231 (Manar, D-Bunker Hill)** on a vote of 31-21-3 and sent it to the House of Representatives. Thirty votes were necessary for passage. This is the school funding reform bill that revises how General State Aid (GSA) money is distributed to school districts. The fate of SB 231 is unknown in the House as **Speaker of the House Michael Madigan** has established a task force that is studying various school funding reform plans. The

bill is currently still in the House Rules Committee and has not been assigned to a committee for hearing.

The sponsor has been working on this concept for approximately three years and introduced Senate Bill 16 two years ago. The basic premise of the funding formula change is to drive state funding to those school districts in the most need. This would be done, according to proponents, by replacing the current General State Aid formula and collapsing it into a single, simpler formula. It uses weighted measures in the foundation level so certain characteristics and students would generate increased funding. Additional weighting, for instance, would be added for low-income students, English language learners, and special education students.

The estimated amounts each school district would receive under the plan, calculated by the Illinois State Board of Education (ISBE), can be found by [clicking here](#)

Also this week, discussion of the proposed Evidenced-Based Funding Formula, as outlined in the Vision 20/20 plan, took place in two different venues. This funding approach is now being vetted by a much larger coalition of educational organizations than just the original Vision 20/20 associations.

On Tuesday afternoon, Dr. Mike Jacoby, Executive Director of the Illinois Association of School Business Officials, and Brian Battle, a school board member from Barrington CUSD 220, testified before the House Education Task Force regarding the Evidenced-Based Funding model. This hearing was for discussion only and no votes were taken. On Wednesday, Jacoby and Dr. Brent Clark, Executive Director of the Illinois Association of School Administrators, testified before the ISBE. Again, this hearing was for informational purposes only and no substantive action was taken by the Board. Senator Manar also presented testimony on SB 231 to ISBE Wednesday.

NO FURTHER ACTION TAKEN ON PROPERTY TAX FREEZE

As was reported in Alliance Legislative Report (99-43), the House of Representatives approved a bill on April 21, that would place all school districts under the Property Tax Extension Limitation Law (PTELL) and limit the increase of property tax extensions to 0%. Since then, **HB 696 (Franks, D-Woodstock)** was sent to the Senate but has had no significant action taken on it. The bill was assigned to the Senate Executive Committee which promptly remanded the bill to the Subcommittee on Special Issues. The bill has not yet been scheduled for a hearing.

The property tax freeze has been a component of Governor Bruce Rauner's reform agenda for the past year. One set of lawmakers has been meeting regularly on a budget compromise, discussing possible budget cuts and revenue enhancements which could be agreed upon to break the current budget stalemate. Another set of legislators reportedly have been meeting to find some common ground on the Governor's reform proposals. As these meetings have been in private and few details have emerged from the meetings, it is unclear whether a property tax freeze is still in the mix.

BILL ACTION THIS WEEK

The following bills were approved by the Senate Education Committee and sent to the Senate floor for further consideration:

HB 4432 (Moffitt, R-Galesburg) allows a child in grades 6-12 to be absent from a public school on a particular day for the purpose of sounding "Taps" at a military honors.

HB 4606 (Davis, W., D-East Hazel Crest) makes burdensome changes to the requirements and processes for establishing residency of pupils for access to school. The Alliance was the only school management organization to oppose this bill.

HB 4996 (Welch, D-Westchester) allows schools to appoint a person to act as liaison with DCFS. The original bill required this action but an Alliance amendment in the House made the bill permissive.

HB 5710 (Sosnowski, R-Rockford) allows the school board of Rockford School District 205 to award a diploma to any person who has not received a high school diploma but has received a high school equivalency certificate from the alternative higher learning institution, with conditions.

HB 5720 (Andrade, D-Chicago) establishes a task force on Computer Science Education.

HB 5918 (Thapedi, D-Chicago) provides that a charter shall be granted for a period of five school years and may be renewed in incremental periods not to exceed ten (instead of five) school years.

HB 6044 (Chapa LaVia, D-Aurora) contains the ISBE's "clean-up" language to delete obsolete and duplicative language from the School Code.

HB 6136 (Wallace, D-Rockford) creates the Advisory Council on At-Risk Students within the State Board of Education.

HB 6181 (Willis, D-Northlake) provides that the ISBE shall allow educators to earn professional development hours during the final three months of the school year and enter those hours into the Educator Licensure Information System.

HB 6252 (Willis) allows a certain school district to withdraw from a special education joint agreement.

HB 6299 (Andrade) provides that if Educational Support Personnel (ESP) are dismissed as a result of a Reduction in Force (RIF), and the employee accepts re-employment with the same district, the employee maintains any rights accrued during the previous service with the school district. The bill is **opposed by the Alliance**.

HB 6333 (Gabel, D-Chicago) requires the ISBE to create a model asthma episode emergency response protocol to be adopted by school districts.

Other bills:

HB 306 (Guzzardi, D-Chicago) prohibits the ISBE, regional superintendents of schools, and school boards, to take negative action against a student, school district, or district employee, through grades or evaluations, due to a student being excused from taking a State assessment. **The bill was held** in the Senate Education Committee as it failed to acquire the requisite number of votes.

HB 2262 (Mitchell, R-Decatur) provides that the minimum amount of \$2,000,000 of liability insurance required for a vehicle with a school bus driver permit may be satisfied by either a \$2 million combined single limit primary commercial automobile policy, or a \$1 million primary commercial automobile policy and a minimum \$5 million excess or umbrella liability policy. **The bill was approved** by the Senate Insurance Committee and was sent to the Senate floor.

HB 3760 (Franks, D-Woodstock) requires units of local government to report the annual value of any tax incentive granted by the local government. **The bill was approved** by the Senate Local Government Committee and was sent to the Senate floor for further consideration.

HB 4036 (Lilly, D-Chicago) extends the Family Medical Leave Act to all employers for employee leave related to domestic violence. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor for further consideration.

HB 4360 (Cassidy, D-Chicago) provides that no one may be licensed to teach or supervise in public schools who has been convicted of certain drug offenses until seven years following the end of the sentence for the offense. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor for further consideration.

HB 4715 (Bryant, R-Mt. Vernon) allows the court to fine a public body \$1,000 each day the public body fails to comply with a court's order regarding a FOIA compliance violation. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor.

HB 4999 (Guzzardi) prohibits an employer or prospective employer from requiring an employee to access a personal online account in an employer's presence, invite the employer to join an online group affiliated with a personal online account, or join an online account established by an employer. The bill also prohibits an employer from requiring username and passwords for personal online accounts. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor for further consideration.

HB 5683 (Breen, R-Lombard) expands reasons people can sue for presumed Open Meetings Act violations. **The bill was approved** by the Senate Executive Committee and was sent to the Senate floor for further consideration.

HB 5684 (Breen) provides that employers under Illinois Municipal Retirement Fund (IMRF) may not pay a disclosable payment to a retiring employee before the expected date of retirement without first disclosing certain information about the payment at a public meeting of the

governing body of the employer. **The bill was approved** by the Senate Local Government Committee and was sent to the Senate floor for further consideration.

HB 5729 (K. Burke, D-Oak Lawn) sets forth provisions concerning postsecondary career expectations; a competency-based, high school graduation requirements pilot program; transitional mathematics courses; reading and communication transitional competencies; College and Career Pathway Endorsements and State Distinction programs; and administrative rules. **The bill was approved** by the Senate Higher Education Committee and was sent to the Senate floor.

HB 5902 (Guzzardi) provides that a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school facilities or produced in conjunction with a class in which the student is enrolled. **The bill was approved** by the Senate Judiciary Committee and was sent to the Senate floor for further consideration.

HB 6086 (Kifowit, D-Aurora) provides that children and adolescents who are registered in the Prioritization of Urgency of Need for Services database before their 17th birthday shall be placed higher on the waiting list than adolescents who are registered on or after their 17th birthday within the same level of priority. **The bill was approved** by the Senate Human Services Committee and was sent to the Senate floor for further consideration.

SB 2505 (Steans, D-Chicago) provides that scores of four or higher on International Baccalaureate Diploma Programme examinations shall be accepted for credit to satisfy degree requirements by all public institutions of higher education. **The bill was approved** by the House Higher Education Committee and was sent to the House floor for further consideration.

SB 2823 (Koehler, D-Peoria), an Alliance initiative, allows a school board, by a resolution adopted by at least two-thirds of the board members, to engage the services of a licensed real estate broker to sell property constructed or renovated by students as part of a curricular program, for a commission not to exceed 7%, contingent on the sale of the property within 120 days. **The bill passed the House** and now heads back to the Senate for concurrence.

SB 2889 (McGuire, D-Crest Hill) in a Section requiring the board of review to serve a copy of the petition on all taxing districts when a change in assessed valuation of \$100,000 or more is sought, provides that the service may be by electronic means if the taxing district consents to electronic service and provides the board of review with a valid e-mail address for the purpose of receiving service. **The bill was approved by the House** Revenue & Finance Committee and was sent to the House floor.

SB 2908 (Stadelman, D-Rockford) provides that a license registration fee does not need to be paid if the licensee is returning to work as a substitute teacher for less than 50% of full-time equivalency for any particular school year. **The bill was approved** by the House Elementary & Secondary Education: Licensing Oversight Committee and was sent to the House floor for further consideration.

SB 2912 (Luechtefeld, R-Okawville) makes changes to teacher licensure laws in line with those suggested by Vision 20/20. It addresses provisional in-state educator endorsements, provisional career and technical educator endorsements, substitute teacher licenses (by removing the provision that requires a test of basic skills for renewal), teacher leader endorsements, and minimum requirements for educators trained in other states. **The bill was approved** by the House Elementary & Secondary Education: Licensing Oversight Committee and was sent to the House floor for further consideration.

SB 2964 (Harmon, D-Oak Park) sets Prevailing Wage levels throughout the State in statute based on bargaining agreements in the locality. **The bill was approved** by the House Labor Committee and was sent to the House floor for further consideration.

SB 2970 (Lightford, D-Maywood) would create a program mandating, universal screening for second and fifth graders to identify gifted and talented children, if certain conditions are met. **The bill was approved** by the House Elementary & Secondary Education: School Curriculum & Policies Committee and was sent to the House floor for further consideration.

SB 2975 (Cunningham, D-Chicago) creates an agriculture education teacher grant program to fund personal service costs for agriculture education teachers, subject to appropriation. **The bill was approved** by the House Appropriations-Elementary & Secondary Education Committee and was sent to the House floor for further consideration.

SB 3181 (Oberweis, R-N.Aurora) provides that a school district or unit of local government may publish any notice, agenda, record, or other information or material required by law electronically instead of in a newspaper. **The bill was approved** by the Senate Local Government Committee and was sent to the Senate floor for further consideration.

BILLS SCHEDULED FOR HEARING NEXT WEEK

APPROPRIATIONS-ELEMENTARY & SECONDARY EDUCATION COMMITTEE

Tuesday, May 17, 1:00 p.m., Room C-1, Stratton Building

SB 238 (Lightford) provides that not less than 14% of the Early Childhood Education Block Grant allocation of funds shall be used to fund programs for children ages 0-3.

SENATE EDUCATION COMMITTEE

Tuesday, May 17, 2:30 p.m., Room 212, State Capitol

HB 4362 (Unes, R-Pekin) requires ISBE to contract with two vendors to administer college entrance exams and requires ISBE to pay school districts to administer at least one exam, of the district's choice to students.

SB 3304 (Rose, R-Champaign) allows a medical doctor to teach one high school class per school year without regular teacher licensure if the class has been approved by the ISBE as having academic value, in which case the student may be awarded course credit for the class.

HOUSE ELEMENTARY & SECONDARY EDUCATION: SCHOOL CURRICULUM & POLICIES COMMITTEE

Wednesday, May 18, 9:00 a.m., Room 114, State Capitol

HB 2736 (Arroyo, D-Chicago) moves the cut-off date for five year olds enrolling in Kindergarten from September 1st to December 1st.

SB 2393 (Harmon, D-Oak Park) would require school districts to provide breakfast to students if 70% or more are eligible for free or reduced-price lunches, are classified as low-income, or can be claimed for free or reduced-price meals.

SB 565 (Lightford) requires an age-appropriate developmental and social and emotional screening to be included as part of the examinations and procedures that constitute a health examination.

SB 2186 (Althoff, R-McHenry) provides that a school district is subject to and its school board must comply with any valid local government zoning ordinance or resolution that applies where the pertinent part of the school district is located.

SB 2840 (Silverstein, D-Chicago) requires a regional superintendent of schools to waive required fees for GED testing for an applicant who qualifies as a homeless person, child, or youth as defined in the Education for Homeless Children Act, has not attained 25 years of age as of the date of the scheduled test, and can verify his or her status as a homeless person, child, or youth.

HOUSE ELEMENTARY & SECONDARY EDUCATION: LICENSING OVERSIGHT COMMITTEE

Thursday, May 19, 9:00 a.m., Room 115, State Capitol

SB 240 (Lightford) extends the work of the Performance Evaluation Advisory Council to June 30, 2021.

HOUSE ENERGY COMMITTEE

Wednesday, May 18, 10:00 a.m., Room 122B, State Capitol

SB 241 (Haine, D-Alton) provides for changes made under guaranteed energy savings contracts to be subject to performance reviews and changes the period of time in which guaranteed energy savings contracts begin becoming cost effective from 20 years to 10 years.

HOUSE COUNTIES AND TOWNSHIPS COMMITTEE

Wednesday, May 18, 12:00 p.m., Room 122B, State Capitol

SB 2270 (Stadelman) provides that units of local government (including school districts and public colleges and universities) shall limit contracts or appointments with auditors to five years and shall competitively bid auditor contracts or appointments.



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

Dear Colleague Letter on Transgender Students
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U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 13, 2016

Dear Colleague:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance.¹ This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status. This letter summarizes a school's Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school's compliance with these obligations.

ED and DOJ (the Departments) have determined that this letter is *significant guidance*.² This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you have questions or are interested in commenting on this guidance, please contact ED at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Accompanying this letter is a separate document from ED's Office of Elementary and Secondary Education, *Examples of Policies and Emerging Practices for Supporting Transgender Students*. The examples in that document are taken from policies that school districts, state education agencies, and high school athletics associations around the country have adopted to help ensure that transgender students enjoy a supportive and nondiscriminatory school environment. Schools are encouraged to consult that document for practical ways to meet Title IX's requirements.³

Terminology

- Gender identity* refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- Sex assigned at birth* refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
- Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.

- *Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations.⁴ The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.⁵

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.⁶ Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.⁸

1. *Safe and Nondiscriminatory Environment*

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and the Departments enforce Title IX accordingly.⁹ If sex-based harassment creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. A school's failure to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. For a more detailed discussion of Title IX

requirements related to sex-based harassment, see guidance documents from ED's Office for Civil Rights (OCR) that are specific to this topic.¹⁰

2. Identification Documents, Names, and Pronouns

Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.¹¹

3. Sex-Segregated Activities and Facilities

Title IX's implementing regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances.¹² When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.¹³

- Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.¹⁴ A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.¹⁵
- Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport.¹⁶ A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (*i.e.*, the same gender identity) or others' discomfort with transgender students.¹⁷ Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students' participation on the competitive fairness or physical safety of the sport.¹⁸
- Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, nonvocational elementary and secondary schools may offer nonvocational single-sex classes and extracurricular activities under certain circumstances.¹⁹ When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.
- Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including nonvocational elementary and secondary schools, and private undergraduate colleges.²⁰ Those schools are therefore permitted under Title IX to set their own

sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women's college from admitting transgender women if it so chooses.

- **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities.²¹ Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.
- **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex.²² But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student's voluntary request for single-occupancy accommodations if it so chooses.²³
- **Other Sex-Specific Activities and Rules.** Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (*e.g.*, in yearbook photographs, at school dances, or at graduation ceremonies).²⁴

4. Privacy and Education Records

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students' educational rights or opportunities by failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth.²⁵ Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA).²⁶ A school may maintain records with this information, but such records should be kept confidential.

- **Disclosure of Personally Identifiable Information from Education Records.** FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information.²⁷ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may

violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity.

- **Disclosure of Directory Information.** Under FERPA's implementing regulations, a school may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy.²⁸ Directory information may include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.²⁹ School officials may not designate students' sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy.³⁰ A school also must allow eligible students (*i.e.*, students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student's directory information.³¹
- **Amendment or Correction of Education Records.** A school may receive requests to correct a student's education records to make them consistent with the student's gender identity. Updating a transgender student's education records to reflect the student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.
 - Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student's education records that is inaccurate, misleading, or in violation of the student's privacy rights.³² If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.³³
 - Under Title IX, a school must respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records.³⁴ If a student or parent complains about the school's handling of such a request, the school must promptly and equitably resolve the complaint under the school's Title IX grievance procedures.³⁵

* * *

We appreciate the work that many schools, state agencies, and other organizations have undertaken to make educational programs and activities welcoming, safe, and inclusive for all students.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

Vanita Gupta
Principal Deputy Assistant Attorney General for Civil Rights
U.S. Department of Justice

¹ 20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54. In this letter, the term *schools* refers to recipients of Federal financial assistance at all educational levels, including school districts, colleges, and universities. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that compliance would not be consistent with the religious tenets of such organization. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a).

² Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf.

³ ED, *Examples of Policies and Emerging Practices for Supporting Transgender Students* (May 13, 2016), www.ed.gov/oese/oshs/emergingpractices.pdf. OCR also posts many of its resolution agreements in cases involving transgender students online at www.ed.gov/ocr/lgbt.html. While these agreements address fact-specific cases, and therefore do not state general policy, they identify examples of ways OCR and recipients have resolved some issues addressed in this guidance.

⁴ 34 C.F.R. §§ 106.4, 106.31(a). For simplicity, this letter cites only to ED’s Title IX regulations. DOJ has also promulgated Title IX regulations. See 28 C.F.R. Pt. 54. For purposes of how the Title IX regulations at issue in this guidance apply to transgender individuals, DOJ interprets its regulations similarly to ED. State and local rules cannot limit or override the requirements of Federal laws. See 34 C.F.R. § 106.6(b).

⁵ See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Oncale v. Sundowner Offshore Servs. Inc.*, 523 U.S. 75, 79 (1998); *G.G. v. Gloucester Cnty. Sch. Bd.*, No. 15-2056, 2016 WL 1567467, at *8 (4th Cir. Apr. 19, 2016); *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011); *Smith v. City of Salem*, 378 F.3d 566, 572-75 (6th Cir. 2004); *Rosa v. Park W. Bank & Trust Co.*, 214 F.3d 213, 215–16 (1st Cir. 2000); *Schwenk v. Hartford*, 204 F.3d 1187, 1201–02 (9th Cir. 2000); *Schroer v. Billington*, 577 F. Supp. 2d 293, 306-08 (D.D.C. 2008); *Macy v. Dep’t of Justice*, Appeal No. 012012082 (U.S. Equal Emp’t Opportunity Comm’n Apr. 20, 2012). See also U.S. Dep’t of Labor (USDOL), Training and Employment Guidance Letter No. 37-14, *Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System* (2015), wdr.doleta.gov/directives/attach/TEGL/TEGL_37-14.pdf; USDOL, Job Corps, Directive: Job Corps Program Instruction Notice No. 14-31, *Ensuring Equal Access for Transgender Applicants and Students to the Job Corps Program* (May 1, 2015), https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf; DOJ, Memorandum from the Attorney General, *Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964* (2014), www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf; USDOL, Office of Federal Contract Compliance Programs, Directive 2014-02, *Gender Identity and Sex Discrimination* (2014), www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.

⁶ See *Lusardi v. Dep’t of the Army*, Appeal No. 0120133395 at 9 (U.S. Equal Emp’t Opportunity Comm’n Apr. 1, 2015) (“An agency may not condition access to facilities—or to other terms, conditions, or privileges of employment—on the completion of certain medical steps that the agency itself has unilaterally determined will somehow prove the bona fides of the individual’s gender identity.”).

⁷ See *G.G.*, 2016 WL 1567467, at *1 n.1 (noting that medical authorities “do not permit sex reassignment surgery for persons who are under the legal age of majority”).

⁸ 34 C.F.R. § 106.31(b)(4); see *G.G.*, 2016 WL 1567467, at *8 & n.10 (affirming that individuals have legitimate and important privacy interests and noting that these interests do not inherently conflict with nondiscrimination principles); *Cruzan v. Special Sch. Dist. No. 1*, 294 F.3d 981, 984 (8th Cir. 2002) (rejecting claim that allowing a transgender woman “merely [to be] present in the women’s faculty restroom” created a hostile environment); *Glenn*, 663 F.3d at 1321 (defendant’s proffered justification that “other women might object to [the plaintiff]’s restroom use” was “wholly irrelevant”). See also *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984) (“Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.”); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985) (recognizing that “mere negative attitudes, or fear . . . are not permissible bases for” government action).

⁹ See, e.g., Resolution Agreement, *In re Downey Unified Sch. Dist., CA*, OCR Case No. 09-12-1095, (Oct. 8, 2014), www.ed.gov/documents/press-releases/downey-school-district-agreement.pdf (agreement to address harassment of transgender student, including allegations that peers continued to call her by her former name, shared pictures of her prior to her transition, and frequently asked questions about her anatomy and sexuality); Consent Decree, *Doe v. Anoka-Hennepin Sch. Dist. No. 11, MN* (D. Minn. Mar. 1, 2012), www.ed.gov/ocr/docs/investigations/05115901-d.pdf (consent decree to address sex-based harassment, including based on nonconformity with gender stereotypes); Resolution Agreement, *In re Tehachapi Unified Sch. Dist., CA*, OCR Case No. 09-11-1031 (June 30, 2011), www.ed.gov/ocr/docs/investigations/09111031-b.pdf (agreement to address sexual and gender-based harassment, including harassment based on nonconformity with gender stereotypes). See also *Lusardi*, Appeal No. 0120133395, at *15 (“Persistent failure to use the employee’s correct name and pronoun may constitute unlawful, sex-based harassment if such conduct is either severe or pervasive enough to create a hostile work environment”).

¹⁰ See, e.g., OCR, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001), www.ed.gov/ocr/docs/shguide.pdf; OCR, *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf; OCR, *Dear Colleague Letter: Sexual Violence* (Apr. 4, 2011), www.ed.gov/ocr/letters/colleague-201104.pdf; OCR, *Questions and Answers on Title IX and Sexual Violence* (Apr. 29, 2014), www.ed.gov/ocr/docs/qa-201404-title-ix.pdf.

¹¹ See, e.g., Resolution Agreement, *In re Cent. Piedmont Cmty. Coll., NC*, OCR Case No. 11-14-2265 (Aug. 13, 2015), www.ed.gov/ocr/docs/investigations/more/11142265-b.pdf (agreement to use a transgender student’s preferred name and gender and change the student’s official record to reflect a name change).

¹² 34 C.F.R. §§ 106.32, 106.33, 106.34, 106.41(b).

¹³ See 34 C.F.R. § 106.31.

¹⁴ 34 C.F.R. § 106.33.

¹⁵ See, e.g., Resolution Agreement, *In re Township High Sch. Dist. 211, IL*, OCR Case No. 05-14-1055 (Dec. 2, 2015), www.ed.gov/ocr/docs/investigations/more/05141055-b.pdf (agreement to provide any student who requests additional privacy “access to a reasonable alternative, such as assignment of a student locker in near proximity to the office of a teacher or coach; use of another private area (such as a restroom stall) within the public area; use of a nearby private area (such as a single-use facility); or a separate schedule of use.”).

¹⁶ 34 C.F.R. § 106.41(b). Nothing in Title IX prohibits schools from offering coeducational athletic opportunities.

¹⁷ 34 C.F.R. § 106.6(b), (c). An interscholastic athletic association is subject to Title IX if (1) the association receives Federal financial assistance or (2) its members are recipients of Federal financial assistance and have ceded controlling authority over portions of their athletic program to the association. Where an athletic association is covered by Title IX, a school’s obligations regarding transgender athletes apply with equal force to the association.

¹⁸ The National Collegiate Athletic Association (NCAA), for example, reported that in developing its policy for participation by transgender students in college athletics, it consulted with medical experts, athletics officials, affected students, and a consensus report entitled *On the Team: Equal Opportunity for Transgender Student Athletes* (2010) by Dr. Pat Griffin & Helen J. Carroll (*On the Team*), [https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B\(2\).pdf](https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%2B(2).pdf). See NCAA Office of Inclusion, *NCAA Inclusion of Transgender Student-Athletes 2*, 30-31 (2011), https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf (citing *On the Team*). The *On the Team* report noted that policies that may be appropriate at the college level may “be unfair and too complicated for [the high school] level of competition.” *On the Team* at 26. After engaging in similar processes, some state interscholastic athletics associations have adopted policies for participation by transgender students in high school athletics that they determined were age-appropriate.

¹⁹ 34 C.F.R. § 106.34(a), (b). Schools may also separate students by sex in physical education classes during participation in contact sports. *Id.* § 106.34(a)(1).

²⁰ 20 U.S.C. § 1681(a)(1); 34 C.F.R. § 106.15(d); 34 C.F.R. § 106.34(c) (a recipient may offer a single-sex public nonvocational elementary and secondary school so long as it provides students of the excluded sex a “substantially

equal single-sex school or coeducational school”).

²¹ 20 U.S.C. § 1681(a)(6)(A); 34 C.F.R. § 106.14(a).

²² 20 U.S.C. § 1686; 34 C.F.R. § 106.32.

²³ See, e.g., Resolution Agreement, *In re Arcadia Unified Sch. Dist., CA*, OCR Case No. 09-12-1020, DOJ Case No. 169-12C-70, (July 24, 2013), www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf (agreement to provide access to single-sex overnight events consistent with students’ gender identity, but allowing students to request access to private facilities).

²⁴ See 34 C.F.R. §§ 106.31(a), 106.31(b)(4). See also, *In re Downey Unified Sch. Dist., CA*, *supra* n. 9; *In re Cent. Piedmont Cmty. Coll., NC*, *supra* n. 11.

²⁵ 34 C.F.R. § 106.31(b)(7).

²⁶ 20 U.S.C. § 1232g; 34 C.F.R. Part 99. FERPA is administered by ED’s Family Policy Compliance Office (FPCO). Additional information about FERPA and FPCO is available at www.ed.gov/fpc.

²⁷ 20 U.S.C. § 1232g(b)(1)(A); 34 C.F.R. § 99.31(a)(1).

²⁸ 34 C.F.R. §§ 99.3, 99.31(a)(11), 99.37.

²⁹ 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

³⁰ Letter from FPCO to Institutions of Postsecondary Education 3 (Sept. 2009), www.ed.gov/policy/gen/guid/fpc/doc/censuslettertohighered091609.pdf.

³¹ 20 U.S.C. § 1232g(a)(5)(B); 34 C.F.R. §§ 99.3, 99.37(a)(3).

³² 34 C.F.R. § 99.20.

³³ 34 C.F.R. §§ 99.20-99.22.

³⁴ See 34 C.F.R. § 106.31(b)(4).

³⁵ 34 C.F.R. § 106.8(b).

Principal's Board Report
May 2016

As the school year wraps up, many exciting activities and events are taking place including field trips, spring concerts, special activities, theme days, Honor Roll Breakfast and, of course, the State Track Meet. I am honored to report three of our Dallas City Elementary Students qualified for the State Track Meet. A Pep Assembly was held on Thursday, May 12 to honor them and get them excited for their State Track experience.

Dallas City Elementary Qualifiers include:
Mattt McDowell: Long Jump and 4 x 100,
Eli Newton: 4 x 100
Katherine Charles: Shot Put

LaHarpe Elementary Qualifiers include:
Kylie Mendes: Hurdles
Wyattt Link: 4 x 100
Colter Fry: 4 x 100
Aiden Shoemaker: 4 x 100 alternate

During our last School Improvement Day the teachers decided to make writing instruction and improvement a focus for next year. With that focus the idea to tie it all together with a "Superhero" theme. We are all looking forward to next school year.

Congratulations to Carter Willdrick and Haylee Walker for being nominated to attend the IPA Student Recognition Breakfast for their positive character traits.

You will notice office referrals exploded in April. During the month of April, it seems as though disciplinary concerns took up a majority of my time. We all have worked hard on student discipline this year, therefore April was rather disappointing.

April Discipline Numbers:
20 Student Attendance Days
78 Office Referrals in March

Hands on	7
Disrespect	13
Poor Attitude	1
Lie	1
Inappropriate Talk	18
Disruption	14
Bus	5
Bullying	2
Threat	3
Refusal	11
Inappropriate Tech. Usage	3

Total	78
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April Student Enrollment: 185 April Student Attendance %: 94%

<u>March Staff Absences</u>	<u>Certified</u>	<u>Non-Certified</u>
Professional Leave:	4	0
Sick:	41.5*	5
Personal:	9.5	5
Bereavement:	3	5
Vacation:	N/A	4.5
Contract Days:	N/A	1
Comp:	N/A	0
Dock Day:	N/A	0
Unpaid Leave(Election Judge)	N/A	0
Jury Duty:	N/A	0

*includes 20 sick days for Carrie Scheetz and 9 sick days for Deanna Hartrick