

Oct. 19, 2012

East Aurora School Board  
417 Fifth Street  
Aurora, IL 60505

**RE: Nondiscrimination policy**

Dear Members of the East Aurora School Board:

The Southern Poverty Law Center writes to commend the School Board on its unanimous decision to extend protection to transgender and gender nonconforming staff, faculty, and students. The SPLC is all too frequently contacted by students who experience harassment on the basis of their gender variance and we are encouraged to see a school board take proactive steps to protect young people and its employees from discrimination.

We are concerned about reports that the School Board is holding an emergency meeting to consider rescinding the inclusive policy. By bowing to the pressure of the Illinois Family Institute (IFI), the School Board allows itself to be guided by a group that has a long history of spewing bigotry and hate against the lesbian, gay, bisexual, and transgender (LGBT) community. For example, in 2009, the IFI's director of school advocacy compared homosexuality to Nazism. The IFI's argument that your policy does not address the needs of gender variant individuals is simply not true. By painting your important work as "a decision to accommodate, not the needs of gender-confused teens, but their disordered desires and the desires of gender/sexuality anarchists who exploit public education for their perverse ends," the IFI makes clear its ignorance as to the importance of inclusive policies in protecting the learning environment, and the lives, of all students. The School Board should not allow the IFI's vitriol to impact its legal and moral duty to ensure that all students have a learning environment free from harassment and abuse. The spread of hate must end at the schoolhouse doors.

As you may be aware, federal courts, the Department of Justice, and the Department of Education have all recognized that discrimination based on gender nonconformity is a form of prohibited sex discrimination under Title IX. Along with the Department of Justice, we recently settled a Title IX lawsuit on behalf of gender nonconforming students in the Anoka-Hennepin School District in Minnesota. The student plaintiffs in that case suffered merciless bullying due to their gender expression, in no small part because the District did not have adequate policies in place to prevent this harassment. As part of the settlement, the District was required to pay \$270,000 to the students and their attorneys in addition to implementing a comprehensive five-year consent decree overseen by the Department of Justice. This consent decree included extensive policies to address the safety and protection of gender nonconforming people. By instituting an inclusive policy, the East Aurora School District will help protect students, avoid costly litigation, and help provide a safe learning environment for all students.

Rescinding the policy at the urging of the IFI would display anti-LGBT animus that could expose the School Board to liability. Rescinding the policy would serve as strong evidence in any future lawsuit on behalf of students who experience harassment or discrimination within the School District. The SPLC strongly urges the School Board to hold firm in its commitment to all students and staff, including those who are gender nonconforming. Improved educational outcomes result for all students when policies are in place to ensure a supportive environment.

Again, we commend you on instituting an inclusive policy and hope you will make the correct decision in this matter – keeping in place a policy to ensure that all people, including those who are transgender or gender variant, may learn, work, and participate in creating a better future for the youth of East Aurora. Please do not hesitate to contact us if we can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alesdair H. Ittelson', with a long horizontal flourish extending to the right.

Alesdair H. Ittelson  
Skadden Fellow/Staff Attorney  
Southern Poverty Law Center