

From: [Brian Charron](#)
To: [All Email Users](#)
Subject: Letter to Parents
Date: Friday, March 17, 2023 4:01:11 PM

This will send to parents at 4:30.

Dear Waterloo School District Families:

In partnership with the School District's legal counsel, I am sending this letter to the District community in response to the phone calls and emails received by both the District office and the High School office this week related to the accommodations provided to transgender students in our schools. The calls this week have been pertaining to the high school, but we have transgender students in several of our buildings, so I am sharing this information District-wide. I want to address parent and student complaints and concerns and share with you the beginning of the District's path forward.

Initially, I think it is important for all families to know that the District's actions in accommodating transgender students are not based on a choice made by any individual administrator in the School District. Instead, the District's actions are an effort to implement the legal requirements placed upon the school district while also ensuring that all students attend school in a safe and comfortable environment regardless of their gender. The School District's legal counsel is closely involved in the actions we are taking and has provided the following explanation of the legal issues in this regard:

Under the Illinois Human Rights Act, Illinois recognizes that transgender students (students who identify with a gender other than their biological sex) have the rights associated with the gender in which they identify. In [guidance published in 2021](#), the Illinois Human Rights Commission stated that a student's use of restrooms, locker rooms, and changing rooms may not be restricted based upon a student's physical anatomy or chromosomal sex. The Illinois State Board of Education [issued guidance in 2020](#) on the treatment of transgender students in schools as well, affirming student rights to access facilities of the gender in which they identify. ISBE takes the position that a School District's Equal Educational Opportunities policy guarantees these rights. Lastly, the Biden administration interprets Title IX as protecting transgender rights to use facilities. In 2021, President Biden issued [an executive order](#) that directed the Department of Education to take enforcement actions against school districts that do not comply with that policy. While there is case law that falls on either side of this issue nationally, and while other states are taking action to ban transgender students from using bathrooms other than the bathroom associated with the physical anatomy, Illinois is not one of those states. The Illinois Human Rights Act does not allow an Illinois School to follow schools in other states that ignore President Biden's executive order.

As an administration, we understand that our community is likely divided by these legal requirements. For that reason, we are working closely with our attorneys to develop policies and practices that are non-discriminatory and support all students. As requests for transgender student accommodations are growing, we continue to explore ways to both

comply with the law and ensure all students are safe, including being safe from harassment and discrimination.

When biologically male high school students came forward and stated they were uncomfortable with biological female students using male restrooms, we told those students they could use the nurse's office restroom. It was an effort to support those students' comfort, but unfortunately, it resulted in a disruption. The male students planned to use the nurse's office restroom at the same time, resulting in a line. This line grew dramatically throughout the day with male and female students, filling the hallway and causing students to be tardy to or miss classes. These actions were not the appropriate way to send a message to the School District. We are investigating this behavior as planned harassment of transgender students as well.

We want all parents and students to understand that we will not tolerate another significant disruption in school. Students who participated in this disruption today were marked tardy or absent from class. We understand that a similar plan is in place for Monday. Students who attempt to repeat today's actions will be disciplined for attempting to cause a disruption in school. To the extent we determine that the nurse's office bathroom line was a form of harassment, students will be disciplined for their participation in the harassment.

Additionally, a number of parents and students, including the students who stood in line to use the nurse's restroom, have made disparaging comments about transgender students throughout the week. The School District will not tolerate harassment of any student and will discipline students who harass others based on their gender, including their gender identity.

We understand that transgender issues in schools are controversial and divisive. Reading this letter may make you angry on behalf of the transgender students in our community or it may make you angry on behalf of all other students in our community. From the perspective of the District's administration, our actions are not driven by controversy, politics or public opinion. They are driven by our attempts to comply with the law and provide a school environment that is supportive to all students. We will continue to work with legal counsel to navigate this complex issue. We are working to schedule a meeting with building administrative staff to create a District wide approach to these issues and will seek parent and student feedback in the near future. All voices will be heard as we navigate these issues and try to find the appropriate approach for all of our students and families. We appreciate your patience while we work through this issue as a community.

Sincerely,

Brian Charron
Superintendent

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Brian Charron
Superintendent
Waterloo CUSD #5

From: [Brian Charron](#)
To: [All Email Users](#)
Subject: Letter to the Public from the BOE
Date: Friday, June 23, 2023 9:15:00 AM

This will go to parents at 9:30 AM.

Dear Members of the Waterloo CUSD #5 Community:

Since the May Board Meeting, the Waterloo CUSD #5 Board of Education has continued to further research, discuss, and debate the topic of a Gender Identity policy in our school district and would like to share more information with the community regarding the decision to adopt the recent Board policy, including Gender Identity and bathroom use.

After adopting the bathroom policy in May, we continued our due diligence to ensure the District was following the best advice. We sought and gathered legal input from a second independent law firm. While many in our community, including members of the Board, personally support segregated bathrooms, we have consulted extensively with two separate law firms regarding our legal obligations related to accommodating transgender students. Both law firms advised and agreed that current law requires the District to allow transgender students to use the bathroom of the gender in which they identify. Failure to do so would result in significant legal liability for the District. This could be extremely costly to the District and the taxpayers of this community.

We believe the Board policy follows current Federal and Illinois law. We will continue to monitor legal developments and will revisit adjusting Board policy if the law changes. We have asked our legal counsel to continually update us with any changes in the law that may impact this issue and could result in a change or modification of the existing policy.

Some individuals in our community have asked very specific questions regarding our Board policy and the legal precedence surrounding transgender students. We have developed a new [document](#) to address those questions. The document is a detailed summary of the status of the current law, which is the legal basis for the decisions made by the Board of Education. The Board takes this matter very seriously, has taken great time and consideration in all aspects of this topic, and would appreciate the public's understanding and patience as this is a complicated matter which the Board has not taken lightly.

Community members may contact the Board of Education through the District's website at www.wcusd5.net. In addition, the Board of Education's next regular meeting is at 7:00 PM, Monday, June 26th in the Waterloo High School Library.

Thank you for your time and consideration.

Sincerely,

Waterloo CUSD #5 Board of Education

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Brian Charron
Superintendent
Waterloo CUSD #5

From: [Brian Charron](#)
To: [Johnathan Schmieg](#); [Julie Bender](#); [Jessica Washausen](#)
Date: Wednesday, April 12, 2023 11:34:20 AM

thoughts?

Dear Waterloo Families,

We wanted to update you regarding the School District's work regarding the accommodations provided to transgender students in our schools.

The District has worked with legal counsel to draft a policy and procedures regarding facility use. The proposed policy establishes a presumption that restrooms and other private facilities are for the use of students based on biological sex. To the extent a student identifies as a gender other than their biological sex, the District will engage in a process and set some parameters for the student's use of facilities, changes in records, and other considerations. The policy would also prevent transgender students from choosing different gender identities on different days. Please feel free to review the [policy](#), [the gender identity planning document](#), and [provide feedback](#).

Additionally, this week, our architects visited the high school to determine if it is possible to alter the men's bathrooms to provide more privacy to our male students, regardless of the students' gender identity. Our architects will provide us more specific guidance and costs prior to the Board meeting, but we do think it will be possible to alter at least one of the restrooms to allow for more privacy. The estimated cost for these changes would be around \$15,000-\$20,000. Our architects are exploring any other changes that may be available to add privacy to restroom facilities and we hope to be able to discuss these ideas at the April 17th Board meeting.

We know these are difficult issues and we want to thank the community for their patience as we explore our options. We hope you had a wonderful spring break and we look forward to a strong finish to the school year.

Sincerely,

Lori Dillenberger
Board President
Brian Charron
Superintendent

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Brian Charron
Superintendent
Waterloo CUSD #5