

## What can schools do to support LGBT students?

It is important for schools to establish a supportive and safe environment and to create awareness of the dangers of bullying. Educators can display LGBT-inclusive materials, incorporate LGBT-themed material into curriculum, support LGBT student groups, and be an ally to LGBT students. When a school becomes aware of harassment or bullying, it is obligated to take action to investigate any incident and ensure that it stops.

## What support services are available to assist LGBT youth?

Bullying causes a stressful environment and emotional strain, which can increase the risk of suicide. Gay Straight Alliances (GSAs) are a helpful resource for LGBT youth. GSAs provide a safe, supportive environment for LGBT students and work to make schools safer and more welcoming for all students.



# RESOURCES

## Skilled and trained counselors are available to offer support 24/7:

National Suicide Prevention  
Lifeline  
1-800-273-TALK(8255)

The Trevor Project Lifeline  
1-866-488-7386

GLBT National Youth Talkline  
1-800-246-PRIDE(7743)

It Gets Better Project  
itgetsbetter.org

You can also reach the Illinois Safe Schools Alliance at (312) 368-9070 if you need technical assistance with any safe schools-related topics.

Visit [www.eqil.org](http://www.eqil.org) or call us at 773.477.7173 if you have any questions not addressed in this brochure.

*Navigating different aspects of the law and how it affects us in our daily lives can be difficult for anyone, but knowing exactly how the law affects the rights of LGBT citizens can be even more confusing. Equality Illinois presents a series of informational brochures designed to educate the LGBT community about its rights and responsibilities under state and federal law. The contents of this brochure do not constitute legal advice. Please consult an attorney for legal advice.*



LGBT Equality in Illinois

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# SAFE SCHOOLS

## What protections do Illinois anti-bullying laws provide for LGBT youth?

The Illinois Prevent School Violence Act prohibits bullying in schools and explicitly includes bullying on the basis of actual or perceived sexual orientation and gender-related identity or expression. The Act defines bullying as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be predicted to have the effect of placing the student in fear of harm to themselves or their property, causing detrimental effects on their physical or mental health, interfering with their academic performance, or interfering with their ability to participate in or benefit from the services, activities or privileges provided by their school.

Examples of prohibited conduct constituting bullying includes, but is not limited to, harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, and destruction of property. Bullying is prohibited in school, on school property, in school vehicles, at designated school bus stops (at applicable times), during any school-sponsored or school sanctioned education program, event, or activity, and through the use of a school computer or computer network.



## What protections specifically exist for transgender students?

In July 2013, the U.S. Departments of Education and Justice underscored the federal government's position that school districts cannot discriminate against transgender students without violating federal law. According to the Departments, gender-based discrimination, including discrimination based on a student's gender identity, transgender status, and nonconformity with gender stereotypes, is a form of discrimination based on sex. Subsequently, in April 2014, the U.S. Department of Education clarified that transgendered students are protected under the federal statute that prohibits discrimination based on sex in schools that receive federal funding, stating: "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation."

## Can an Illinois public school legally prohibit a gay-straight alliance or similar group?

No. The federal Equal Access Act states "the restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited." This applies to all public secondary schools which receive federal funding. Though the Act provides narrow exceptions for the school to maintain "order, discipline, well-being, and attendance concerns," these are likely to fail as a reason for prohibiting a gay-straight alliance. Additionally, public schools are prohibited from imposing special requirements on some student groups but not others, such as requiring a gay-straight alliance to change its name or have a faculty advisor when other groups are not generally required to have one, or imposing different requirements for such group's promotional materials or announcements.

## What protections exist for students who choose to dress in a way that a school may consider non-conforming with traditional gender dress code?

Students are protected in schools that receive federal funding by both Title IX of the Educational Amendments of 1972 and Title IV of the Civil Rights Act of 1964. Both of these titles prohibit discrimination on the basis of sex. The Department of Justice and the Department of Education have both stated that discriminating against students who do not conform to sex stereotypes is a form of sex discrimination. This protects transgender students, students who do not conform to sex stereotypes, and students who are perceived to not conform to sex stereotypes.