



PARENTS

Parental Action and Rights Enforcement
to ensure Notice, Transparency, and Safety

— A Liberty Justice Center initiative —



Via mail & e-mail

October 14, 2026

Marc Schaffer
Superintendent, Community High School District 128
50 Lakeview Parkway, Ste. 101
Vernon Hills, IL 60061
marc.schaffer@d128.org

Re: District 128's gender support guidelines and procedures for assigning rooms for student overnight trips

Dear Mr. Schaffer,

Liberty Justice Center's PARENTS Initiative has been contacted by parents of students enrolled in District 128 who are concerned with D128's (1) [*Procedures for Assigning Rooms for Overnight Student Trips*](#) (the Overnight Trip Policy)¹ and (2) [*Gender Support Guidelines*](#).² As explained below, these policies infringe upon parent, teacher, and student rights implicating the First and Fourteenth Amendments and conflicting with other federal statutory protections.

1. Parental exclusion and concealment policies violate constitutionally protected parental rights.

D128's Overnight Trip Policy dictates that school-related overnight trip sponsors assign lodging based on gender identity rather than biological sex, while barring disclosure of roommates' biological sex to parents without student consent. Overnight Trip Policy at 1. Consequently, parents receive only participating students' chosen names, concealing whether their minor child will share quarters or beds with opposite-sex peers. The withholding of this

¹ <https://libertyjusticecenter.org/wp-content/uploads/D128-Procedures-for-Assigning-Rooms-for-Overnight-Student-Trips.pdf>.

² <https://www.d128.org/departments/student-services/gender-support-guidelines>.

information directly compromises parents' fundamental right and responsibility to make informed decisions regarding their children's safety, welfare, and physical privacy.³

Similarly, the District's *Gender Support Guidelines* mandate that school libraries and curricula incorporate "gender diversity as well as gender-affirming literature," without parental notice or opt-out provisions as the First and Fourteenth Amendments require.⁴ As the Supreme Court has held, burdening free exercise and parental rights by introducing ideologically fraught materials to students without advance parental notification infringes upon established constitutional protections. Guidelines at 2.

The Guidelines further explicitly state that staff "should not disclose information that reveals a student's transgender status to others unless authorized by the student and documented in the Gender Support Plan." Guidelines at 3. Again, as the Supreme Court has made clear, facilitating a child's social transition while actively concealing that transition from parents infringes on parents' Fourteenth Amendment fundamental liberty interest with respect to "the upbringing and education of children."⁵

2. The policies violate educators' First Amendment rights to free speech and free exercise.

The Guideline's *Curriculum and Pedagogy* policy mandates that all personnel "use a gender-affirming approach" and requires active affirmation of student transitions. Guidelines at 4. Furthermore, the *Names and Pronouns* directive treats an employee's refusal to affirm a student's self-asserted gender identity as an actionable disciplinary violation.⁶ Compelling teachers to use pronouns contrary to biological reality or requiring affirmation of specific ideological frameworks forces them to endorse views contrary to their sincerely held religious beliefs and conscience, violating their free speech and free exercise rights.⁷

3. Denial of equal access and privacy for female students in sex-segregated facilities violates Title IX.

Finally, the Guidelines permit biological males to utilize female locker rooms and restrooms based on their expressed gender identity. Guidelines at 3–4. When female students raise privacy and safety objections, they are relegated to alternate facilities, while biological males maintain unrestricted access to designated female spaces. Title IX of the Education Amendments of 1972, codified at 20 U.S.C. §§ 1681–1688, expressly authorizes separate

³ See e.g., *Mirabelli v. Bonta*, 607 U.S. 492 (2026); *Parham v. J.R.*, 442 U.S. 584, 602 (1979); *Troxel v. Granville*, 530 U.S. 57, 68–69 (2000).

⁴ *Mahmoud v. Taylor*, 606 U.S. 522, 528–531 (2025).

⁵ See *Mirabelli v. Bonta*, 607 U.S. 492, 496–97 (2026) (recognizing that public school districts cannot usurp parental authority or mandate secrecy around critical psychological and developmental matters).

⁶ See Board Policies [7:10](#) and [7:20](#).

⁷ See e.g., *Wooley v. Maynard*, 430 U.S. 705 (1977); *Meriwether v. Hartop*, 992 F.3d 492 (6th Cir. 2021).

facilities based on biological sex. Forcing female students out of their designated facilities to accommodate gender-identity claims undermines equal access and compromises bodily privacy.⁸

D128's policies conflict with federal law and fail to heed the numerous warnings it no doubt is aware of regarding school districts obligations.⁹ Accordingly, and to resolve this matter, I request the District take the following corrective measures in a timely manner:

- (1) Provide written assurance that the District will begin the process of amending its written policies concerning the above-discussed constitutional and statutory rights.
- (2) Provide written assurance that once these policy revisions are complete, the District will ensure all staff are informed of the changes and sufficiently trained.

Failure to address these issues could result in legal action against the District, up to and including an action for the violation of federal civil rights pursuant to 42 U.S.C. § 1983 and Title IX. If you have any questions, please contact me at kcosgrove@ljc.org.

Sincerely,

Kathryn Cosgrove, Esq.
Counsel

PARENTS Initiative
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⁸ *West Virginia v. B.P.J.*, 146 S. Ct. 2356, 2371 (2026) ("The term 'sex' in the 1972 Title IX statute. . . cannot plausibly be interpreted to refer to anything other than biological sex. The ordinary meaning of the term 'sex' at the time of enactment in the early 1970s was biological sex and not gender identity . . .").

⁹ See <https://www.justice.gov/opa/pr/justice-department-launches-investigations-concerning-gender-ideology-pre-k-12-schools-36>.