

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**STUDENTS AND PARENTS FOR PRIVACY**, a )  
voluntary unincorporated association; **C.A.**, a minor, )  
by and through her parent and guardian, **N.A.**; **A.M.**, )  
a minor, by and through her parents and guardians, )  
**S.M.** and **R.M.**; **N.G.**, a minor, by and through her )  
parent and guardian, **R.G.**; **A.V.**, a minor, by and )  
through her parents and guardians, **T.V.** and **A.T.V.**; )  
and **B.W.**, a minor, by and through his parents and )  
guardians, **D.W.** and **V.W.**, )

Plaintiffs, )

v. )

**UNITED STATES DEPARTMENT OF )  
EDUCATION**; **JOHN B. KING, JR.**, in his official )  
capacity as United States Secretary of Education; )  
**UNITED STATES DEPARTMENT OF JUSTICE**; )  
**LORETTA E. LYNCH**, in her official capacity as )  
United States Attorney General, and **SCHOOL )  
DIRECTORS OF TOWNSHIP HIGH SCHOOL )  
DISTRICT 211, COUNTY OF COOK AND )  
STATE OF ILLINOIS**, )

Defendants. )

Case No. 16-cv-4945

Judge Jorge L. Alonso

Magistrate Judge  
Jeffrey T. Gilbert

**DEFENDANT BOARD OF EDUCATION’S RESPONSE TO  
MOTION TO INTERVENE**

The Board of Education of Township High School District 211 (the District) files this Response to the motions to intervene filed by Students A, B, and C, through their parents and legal guardians Parents A, B, and C, and the Illinois Safe Schools Alliance (together, Movants). The District does not oppose the motion for intervention, but does dispute the accuracy of certain factual representations made in support of the motion. Specifically, in support of their motion Movants provide an affidavit by Parent A, the parent of Student A. The District contests certain facts in that affidavit regarding locker room accommodations provided to Student A prior to the

entry of the Resolution Agreement with the Office of Civil Rights (Parent A Declaration, Exhibit 1, pp. 3-4) and characterizations of the terms of the Resolution Agreement with OCR. However, because these contested facts are not relevant to the resolution of the intervention motion, the District does not oppose the motion to intervene.

Respectfully submitted,

**BOARD OF EDUCATION OF TOWNSHIP  
HIGH SCHOOL DISTRICT 211**

By:                     /s/Jennifer A. Smith                      
                                One of Its Attorneys

Sally J. Scott  
Michael A. Warner, Jr.  
Jennifer A. Smith  
Patrick M. DePoy  
Erin Fowler  
FRANCZEK RADELET P.C.  
300 South Wacker Drive, Suite 3400  
Chicago, IL 60606-6785  
(312) 986-0300

Dated: June 7, 2016

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she caused a true and correct copy of the foregoing **DEFENDANT BOARD OF EDUCATION'S RESPONSE TO MOTION TO INTERVENE** to be filed with the Clerk of the Court using the CM/ECF system which will send notification to the following counsel of record this 7<sup>th</sup> day of June, 2016:

Thomas L. Brejcha  
Peter Breen  
Jocelyn Floyd  
THOMAS MORE SOCIETY  
19 S. LaSalle St., Suite 603  
Chicago, IL 60603  
*Attorneys for Plaintiffs*

Jeremy D. Tedesco  
Joseph E. LaRue  
ALLIANCE DEFENDING FREEDOM  
15100 N. 90<sup>th</sup> St.  
Scottsdale, AZ  
*Attorneys for Plaintiffs*

J. Matthew Sharp  
ALLIANCE DEFENDING FREEDOM  
1000 Hurricane Shoals Rd., NE  
Suite D-1100  
Lawrenceville, GA 30043  
*Attorneys for Plaintiffs*

Britt M. Miller  
Laura R. Hammargren  
Linda X. Shi  
Timothy S. Bishop  
MAYER BROWN LLP  
71 S. Wacker Dr.  
Chicago, IL 60606  
*Attorneys for Students A, B, and C, by and through  
their parents and legal guardians, and the Illinois  
Safe Schools Alliance*

Catherine A. Bernard  
MAYER BROWN LLP  
1999 K St., N.W.  
Washington, DC 20006-1101  
*Attorneys for Students A, B, and C, by and through  
their parents and legal guardians, and the Illinois  
Safe Schools Alliance*

Megan A. Crowley  
U.S. DEPARTMENT OF JUSTICE,  
CIVIL DIVISION, FEDERAL PROGRAMS BRANCH  
20 Massachusetts Ave., N.W.  
Washington, DC 20001  
*Attorneys for U.S. Department of Education; John B. King, Jr.,  
United States Department of Justice and Loretta E. Lynch*

John A. Knight  
ROGER BALDWIN FOUNDATION AT ACLU, INC.  
180 N. Michigan Ave., Suite 2300  
Chicago, IL 60601  
*Attorney for Intervenor Illinois Safe Schools Alliance*

\_\_\_\_\_  
/s/Jennifer A. Smith

Jennifer A. Smith