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Broward County Public Schools LGBTQ Critical Support Guide
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FACT:
Nationwide, LGBTQ students are four times
more likely to attempt suicide than their
heterosexual counterparts.¹

¹ U.S. Government study: “Report of the Secretary’s Task Force on Youth Suicide”
<http://www.eric.ed.gov/PDFS/ED334503.pdf>

ACKNOWLEDGMENTS

This Guide would not have been possible without the unwavering support of the following organizations and individuals:

The School Board of Broward County, which boldly manifested its devotion to the safety of LGBTQ youth by assigning a district "point person" for LGBTQ youth in the Diversity, Prevention & Intervention Department;

The Safe to Be Me Coalition, and the Stonewall National Education Project, formally, Broward Stonewall Education Project, for their commitment and tenacity toward ensuring that lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth are heard and supported in Broward County schools;

The San Francisco Unified School District's Student Support Services Department, from whose website some parts of this Guide have been adapted; and

Broward County LGBTQ youth and their allies, many of whom have bravely shared their experiences as an often-targeted minority population within the school system.

This publication was made possible through funding from: Centers for Disease Control and Prevention Division of Adolescent School Health (CDC DASH).

DEDICATION

This Guide is dedicated to those who bravely take a stand against injustice
and give a voice to those who have been silenced.

Your courage is an act of heroism.

SUPERINTENDENT’S REMARKS

Broward County Public Schools is committed to educating *all* students to reach their highest potential. We are guided, in part, by these core principles: All students will learn when their individual needs are met. Every student has a right to high quality educational opportunities. Respect and dignity are critical, both in and out of the classroom. The diversity of our community is valuable and must be embraced.

Accordingly, Broward County Public Schools recognizes the need to promote safer schools and create more welcoming and affirming learning environments for our gay, lesbian, bisexual, transgender and questioning (LGBTQ) youth, their allies, and students who are perceived to be LGBTQ. Statistics show that LGBTQ youth are four times more likely to attempt suicide than their heterosexual counterparts.² And while Broward County’s current anti-bullying programs are increasing safety in our schools, there is still much to be done with regard to promoting understanding and respect of LGBTQ students. Findings from a recent Gay, Lesbian, and Straight Education Network (GLSEN) Florida School Climate Survey indicate that nearly all LGBTQ students overhear homophobic and negative remarks at school; most LGBTQ students have been either verbally or physically harassed; and most LGBTQ students feel they have inadequate access to support and resources.³ Furthermore, research tells us that students who feel safe expressing their true gender identity and/or sexual orientation at school have higher grade-point averages, and better attendance records, than those who do not.⁴ The significance of this data cannot be underscored enough; it is a call to action.

To this end, the Diversity, Cultural Outreach & Prevention Department is unveiling this LGBTQ Critical Support Guide, which includes detailed information for administrators regarding LGBTQ issues. The Guide covers topics such as laws, safety, and social guidelines. It will help to enhance our school culture, which will, in turn, enhance our student achievement.

The fundamental purpose of Broward County Public Schools is to educate today’s students to succeed in tomorrow’s world. I believe this Guide will assist us in developing an informed, engaged, and responsible citizenry; and advance our entire community along the path of excellence.



Robert W. Runcie
Superintendent of Broward County Public Schools

² U.S. Government study: “Report of the Secretary’s Task Force on Youth Suicide”
<http://www.eric.ed.gov/PDFS/ED334503.pdf>

³ http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1806-2.pdf

⁴ <http://www.glsen.org/cgi-bin/iowa/all/news/record/2624.html>

INTRODUCTION

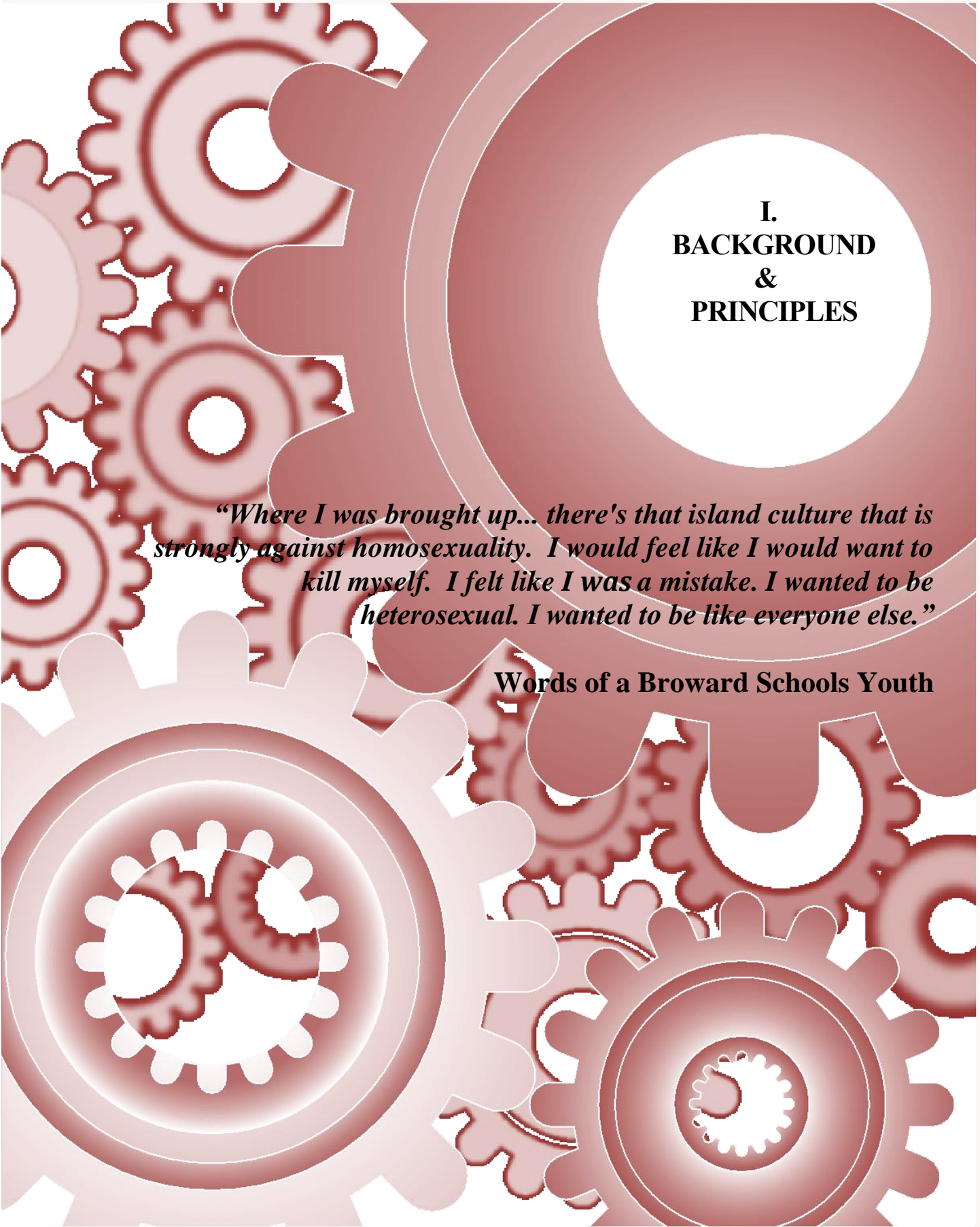
Schools are places where all young people should feel safe and secure. Students who experience acceptance at school are more highly motivated, engaged in learning, and committed to achieving the best possible education.

Currently, many schools are not safe places for lesbian, gay, bisexual, transgender, and questioning (hereafter, LGBTQ) and gender-expansive youth. Local and nationwide statistics detailed in the following sections paint a sobering picture of LGBTQ harassment, threats, assaults, and absenteeism due to pervasive safety concerns. Additionally, research suggests minority and marginalized youth from all backgrounds can be impacted positively *or* negatively by the well-being of the LGBTQ community in their schools.

We are pleased that recent safety and prevention efforts have earned the Broward County Public Schools great praise on a national stage. Yet there are still many improvements to be made.

To this end, and in the hopes of assisting school administrators who are in need of both information and support, the members of the Safe to Be Me Coalition, in partnership with Diversity, Prevention & Intervention and the Stonewall National Education Project; with funding granted through Project Bridge – Safe Schools, Healthy Students; and the Centers for Disease Control and Prevention (Division of Adolescent School Health), have drafted this guide.

We are proud to present you with Broward County Public School’s Lesbian, Gay, Bisexual, Transgender, and Questioning Critical Support Guide (hereafter, “the Guide”).



**I.
BACKGROUND
&
PRINCIPLES**

“Where I was brought up... there's that island culture that is strongly against homosexuality. I would feel like I would want to kill myself. I felt like I was a mistake. I wanted to be heterosexual. I wanted to be like everyone else.”

Words of a Broward Schools Youth

A. EXECUTIVE SUMMARY

This Guide will enhance ongoing efforts to make each Broward K-12 public school a safer place for *all* students—with particular emphasis on the often-targeted community of lesbian, gay, bisexual, transgender or questioning (LGBTQ) students and staff. It further intends to improve the manner in which administrators go about implementing existing federal, state, local laws and policies concerning harassment and discrimination.

We feel this guide is a critical tool at a critical time. All young people—including those who are LGBTQ—have the right to feel safe and secure in the schools they attend. Students who feel accepted at school are more highly motivated, engaged in learning, and committed to achieving the best possible education.

Safety and prevention efforts already established by the State of Florida and the School Board of Broward County have received praise in the broader educational community. Unfortunately, national statistics and even Broward area data suggest the continued harassment, threats, assaults and absenteeism of students who identify or are identified as LGBTQ.

The members of the Safe to Be Me Coalition, the Diversity, Prevention & Intervention Department and their community partners, have created this Guide. We believe it has the power to literally save lives. Highlights of the Guide include:

Statistics and Terminology

A 2013 survey conducted by the Gay Lesbian Straight Education Network (GLSEN) indicates that 7 out of 10 LGBTQ students experienced school harassment in the past year. Moreover, 90% of LGBTQ students reported they felt distressed because of anti-gay language. Nationally, rates of attempted suicide for gay and lesbian youth are consistently greater (up to four times as great) than the general youth population. In our own backyard, based on the findings of the 2013 Broward County Public Schools Youth Risk Behavior Survey (YRBS), 11% of sexually active high school students report same sex/both sex sexual contact. With great concern, 49% of students who identify as same sex/both sex reported feeling sad or hopeless and in addition, 21% attempted suicide. Also in our schools, 60% of local Broward County students at a recent Gay-Straight Alliance Summit responded they “frequently” or “often” heard homophobic remarks, most often in classrooms. Forty-five percent of local Broward County youth group attendees stated that teachers or staff members “rarely” or “never” intervened in such conduct.

Definitions are provided for LGBTQ terminology; such as “transgender,” “queer,” and “gender-expansive.”

Review of Federal, State and Local Laws & Policies Prohibiting Discrimination and Harassment

The 14th Amendment guarantees all people equal protection under the law. Public school officials may be held liable for violating LGBTQ students' constitutional rights, or not intervening in anti-LGBTQ harassment.

Title IX of the Education Amendment Acts of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, in May of 2014 the U.S. Department of Education released historic guidelines reaffirming Federal civil rights protections to transgender students. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Also, In May of 2016 the Department of Justice and the Department of Education released guidance for transgender protections in the form a "Dear Colleague Letter on Transgender Students."

Several local Broward County policies and ordinances specifically prohibit harassment and discrimination based on sexual orientation, gender identity, and gender expression, such as: the Broward County Human Rights Act; the School Board of Broward County's Non-Discrimination Policy 4001.1; and the School Board of Broward County's Anti-Bullying Policy 5.9.

The School Board of Broward County's Policy 1.5 (Diversity Committee) urges that diversity be promoted. Furthermore, it defines "diversity" as being inclusive of sexual orientation, gender identity, and gender expression.

The Florida Department of Education's Code of Ethics and Principles of Professional Conduct stresses the worth and dignity of every person. In addition, it prohibits discrimination based on sexual orientation, among other characteristics.

Creating a Safe Environment for LGBTQ Students

The need for a united front on student safety issues cannot be overstated. Ways in which administrators can create a safer learning environment for LGBTQ students include:

- Intercepting anti-LGBTQ slurs
- Displaying Safe Space stickers and posters
- Supporting students/staff who are navigating the delicate process of "coming out," while at the same time keeping information strictly confidential (in order not to violate students/staff legally-protected privacy rights)
- Helping students establish and promote a Gay-Straight Alliance (GSA), as permitted by the Federal Equal Access Act

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- Ensuring dress codes and social events (i.e., proms, dances, graduations, and yearbooks) are accommodating of the needs of the LGBTQ community.

In short, to the extent certain privileges are available to the “straight” community of students (for example, being able to take a significant other to the prom, or wearing a t-shirt with a non-disruptive political message), those same privileges must be extended to LGBTQ students. To do otherwise could constitute violation of a LGBTQ student’s First Amendment right to freedom of expression. Recent court cases have held non-compliant public schools accountable for such infractions at an exorbitant cost.

Guidelines for the Accommodation of Transgender Students

Transgender students (meaning, students who feel their innate, core sense of self and gender does not match their biological anatomy; i.e., “a boy trapped in a girl’s body” and vice-versa), have a set of unique challenges requiring unique accommodations. Among other considerations, these students must be permitted to:

- Be addressed by the name/gender pronoun with which they are comfortable
- Be permitted to wear clothing that expresses their consistently asserted gender identity; a student has a free speech right to express his/her gender identity through clothes and accessories, as long as they are not a significant disruption to the educational environment
- Use a restroom and/or locker room corresponding to their consistently asserted gender identity (at a minimum, not be forced to use the restroom and/or locker room that corresponds with their biological sex)
- Play on the sports team corresponding with their consistently asserted gender identity

Transgender students are disproportionately targeted for harassment and violence both at home and at school. Accordingly, more than 50% of transgender students report attempting suicide. Transgender individuals must be treated with compassion and sensitivity at every turn.

Guidelines for an Inclusive Curriculum

Broward County School Board Policy 1.5 mandates that “diversity” be promoted in the classroom. Diversity is expressly defined as being inclusive of the LGBTQ community. An inclusive curriculum could include, but is not limited to:

- Literature written by LGBTQ authors
- History including LGBTQ public figures

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- Discussions of families including same-sex parents and relevant topics encompassing the diversity of LGB and T young people
- Recognition of national LGBTQ events, such as the Day of Silence and LGBT History Month.

Suggested Responses to Parental Concerns

Concerned parents need to be reassured discussions of LGBTQ issues are not about sex; rather they are about respecting the diverse people who make up our community. Teaching tolerance and an awareness of diverse families is always age-appropriate and not in conflict with any religious beliefs.

This Executive Summary is only a partial view. Please read the Guide in its entirety.

B. MISSION STATEMENT

The mission of the Broward County Public Schools LGBTQ Critical Support Guide is to promote cultural competency by addressing the unique needs of the LGBTQ school community.

Our vision is a safer and more productive learning environment for *all* students, with an emphasis on LGBTQ youth.

In accordance with state, federal, local policies and laws, Broward County Public Schools will continue to provide students, teachers, administrators, and community members the resources needed to make our schools as safe and inclusive as possible.¹

C. BACKGROUND

In 2008, Florida Statute 1006.147 was passed. This law prohibits bullying or harassment of any student or employee of a Florida public K-12 educational institution; further, it requires each school district to draft a local anti-bullying policy enumerating specific procedures and protected classes.

Broward County's Diversity, Prevention & Intervention Department collaborated with a

¹**IMPORTANT NOTE:** While this Guide has been drafted with an eye towards the specific needs of LGBTQ and gender-expansive youth in Broward public schools, LGBTQ adults (i.e., staff, teachers, volunteers, etc.) have legitimate safety concerns as well. The Broward policies cited herein are express in their requirement that Broward employees be similarly protected from harassment and discrimination. To the extent applicable, then, all of the best practices enumerated in this Guide should be modified as needed to address the needs of LGBTQ adults within the Broward County school system. Note that in spring of 2014, GLASEN (Gay, Lesbian and Ally School Employee Network) was created to help ensure safety, support and community to Broward County Public Schools lesbian, gay, bisexual, transgender and questioning employees and allies.)

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team of community members, agencies and parents to draft one of Florida's first and most inclusive anti-bullying policies. In early 2009, the Broward County School Board approved Anti-Bullying Policy 5.9, which has proven to be groundbreaking in its inclusion of sexual orientation, gender identity, and gender expression as classes protected against bullying. Additionally, Broward County School Board Policy 4001.1 prohibits discrimination and harassment in our schools against students based on sexual orientation, gender identity, and gender expression.

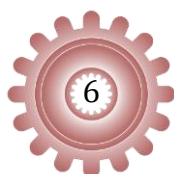
This Guide is an extension of the principles upon which these policies are based.

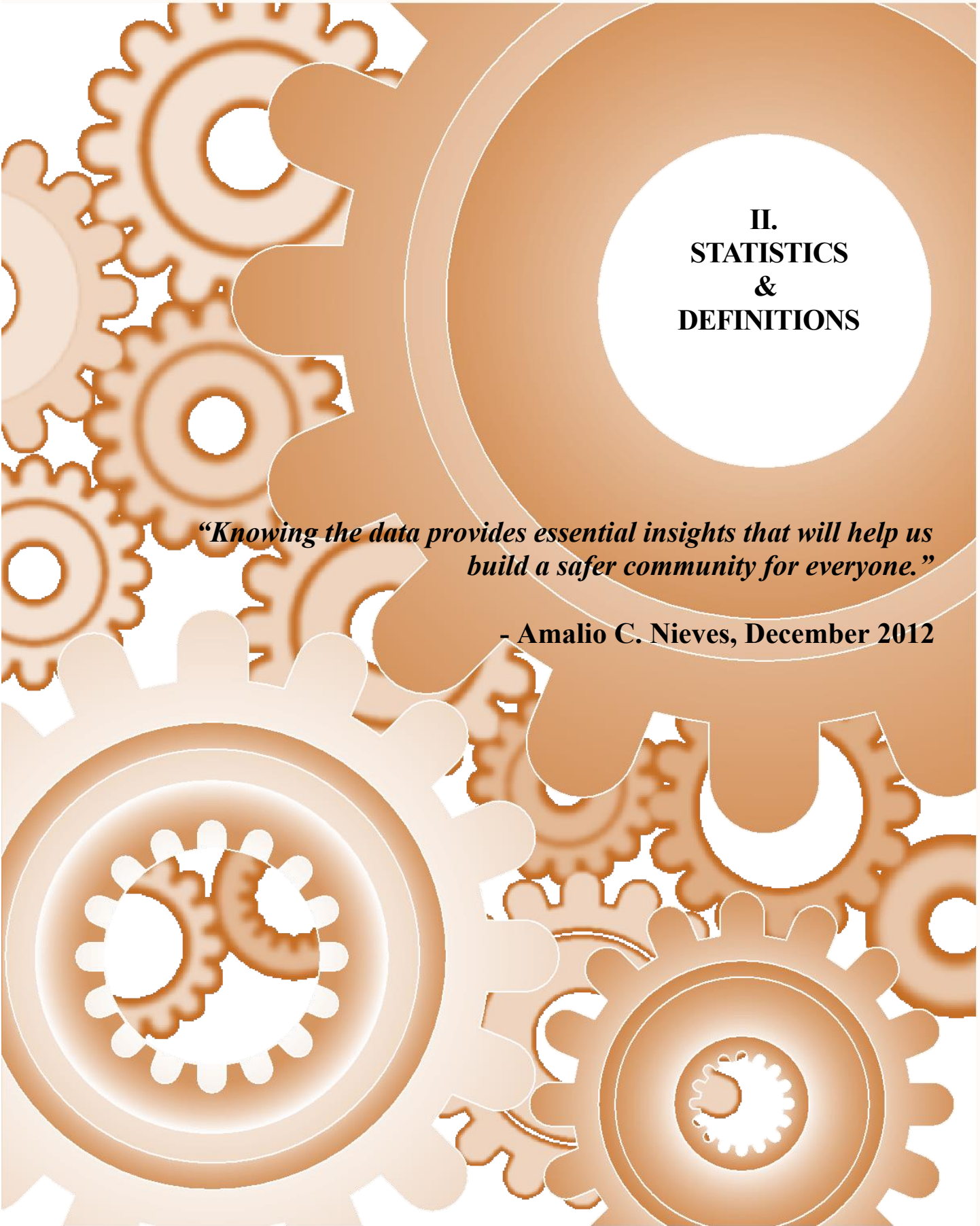
Safe to Be Me Coalition

The Safe to Be Me Coalition was formed in the aftermath of the 2008 Dillard High School tragedy, in which one female student shot and killed another female student due to what was believed to be an unrequited same-sex crush. Leadership from Broward County Public Schools (BCPS) and several community members met to discuss and develop possible solutions to make our schools safer and respectful for all youth, including youth of varying sexual identities. Local and national data further illuminated the critical challenges facing youth who do not identify as straight/heterosexual in our schools and communities.

At subsequent meetings, it was decided that the central focus of the group would be the issues, needs, and protection of LGBTQ students. In 2010 the committee created a mission statement, enumerated goals, and objectives. They named themselves The Safe to Be Me Coalition. Student perspective has always been integral to the Coalition and in 2014 students became regular and active members of the Safe to Be Me Coalition.

At the time of this publication, there are approximately 25 organizations that comprise this Coalition of advocacy and support for the at-risk population of LGBTQ youth, and those perceived as such, in Broward County schools.





**II.
STATISTICS
&
DEFINITIONS**

“Knowing the data provides essential insights that will help us build a safer community for everyone.”

- Amalio C. Nieves, December 2012

A. THE NECESSITY OF THE GUIDE

One cannot appreciate the critical need for this Guide without first reviewing the very sobering facts and statistics concerning the LGBTQ community in our schools.

Some key figures include the following, which come to us courtesy of the Gay and Lesbian Student Education Network (GLSEN):

- In a 2013 survey of 7,898 middle and high school students, 7 out of 10 LGBTQ students experienced harassment at school in the past year. Over 50% felt “unsafe” because of their sexual orientation and 38% because of their gender expression. Nearly one-third of them, “skipped school at least one day in the past month because of safety concerns”
- Approximately 74% of LGBTQ students reported being “verbally harassed” and 55.2% because of their gender expression, 36% reported being “physically harassed”, and almost 17% reported being “physically assaulted at school in the past year because of your [their] sexual orientation”
- Approximately 12% reported being, “physically assaulted at school in the past year” because of their gender expression
- Approximately 72% heard homophobic remarks, such as "faggot" or "dyke," “frequently” or “often” at school
- Over 50% of students reported they felt unsafe in school because of their sexual orientation, and more than a third felt unsafe because of their gender expression
- 30% of LGBTQ students missed a class at least once and also missed at least one day of school in the past month because of safety concerns, compared to only 8.3% and 6.7% respectively, of a national sample of secondary school students
- Reported grade point average of students who were frequently harassed because of their sexual orientation or gender expression were almost half a grade lower than students who were less often harassed
- Increased levels of victimization corresponded with increased levels of depression, anxiety, and decreased levels of self-esteem
- Being “out” in school had both positive and negative repercussions for LGBTQ students. 96% said being “out” led to higher levels of victimization. However, the majority also reported higher levels of psychological well-being.

Locally, in Broward County, 80 students were recently polled at the 2012 Gay-Straight Alliance Student Leadership Summit. 92% stated, their “greatest support system was from friends”, with teachers ranking second at 38%. 60% of youth said they “frequently or often heard homophobic remarks at school.” These youth further reported homophobic remarks

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were heard most often in their classrooms, with negative hallway remarks ranking a close second.

Perhaps most disturbing, the rates of attempted suicide for gay and lesbian youth, ranging from 20% to 42% depending on the survey, are consistently found to be greater than among the general population of youth. Slightly more than 50% of transgender youth report “having attempted suicide.”¹ In our own local Broward youth groups, data gathered in March 2012 indicates 60% of respondents admitted to engaging in self-harm. Almost one-third did not seek help after attempting suicide.

These statistics validate the need for the Guide. Let there be no doubt – education can save lives when it comes to LGBTQ youth. Many face unique challenges based on social stigma and environmental stressors.

B. DEFINING “LGBTQ”

In order to understand this Guide and most effectively support the LGBTQ community in our schools, it is necessary to become familiar with the correct terminology. The definitions below may be referred to when answering classroom questions that may arise, so long as the definitions are modified for age-appropriateness.

Ally: An ally in this context is a straight-identifying person who chooses to align him- or herself with the LGBTQ community. This is the “A” sometimes included in the broader umbrella acronym LGBTQIA.

Androgynous: Having both female and male characteristics – neither distinguishably masculine nor feminine, as in dress, appearance, or behavior.

Biological sex: A person’s physical anatomy/genitalia.

Bisexual: The sexual orientation of a person who is physically and emotionally attracted to both males and females.

Cisgender: A person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Gay (for grades K-2): A woman who has romantic feelings for another woman; or a man who has romantic feelings for another man.

Gay (for grades 3-12): A term that can apply to either men or women who are physically and emotionally attracted to persons of the same sex. Although “gay” can refer to both men and women, an alternative term for gay women is “lesbian”.

¹ The National Transgender Discrimination Survey, http://transequality.org/PDFs/Executive_Summary.pdf.

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Gender: Unlike a person's "biological sex", which is an anatomical term, "gender" is a social construct specifying the behaviorally and culturally prescribed characteristics men and women are traditionally expected to embody. Gender is now understood to have several components, including gender identity, gender expression, and gender role.

Gender Binary: The notions that there exists only two genders, each solidly fixed, biologically-based and attached to various expectations for behavior, appearance and feelings. The gender system, while predominant in most cultures, is not the only model of gender that exists; more nuanced, non-binary understandings of gender have existed throughout history and across cultures.

Gender Nonconforming/Gender Expansive/Gender Fluid: Conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. A person who has gender characteristics and/or behaviors that do not conform to traditional or societal gender expectations. Educators have recently reported seeing an increase in gender-nonconforming and non-binary expression at the elementary and middle school levels.

Gender Identity: Refers to a person's internal, deeply felt sense of being male or female, boy or girl, or other (for example, a blending of the two). Everyone has a gender identity, even if it does not always correspond with the person's biological sex.

Genderqueer: Blurring the lines around gender identity and sexual orientation, genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation.

Gender Role: The social expectations of how a person should act, think, and/or feel based upon one's biological sex. This definition includes traditional and stereotypical roles, characteristics, mannerisms and behaviors associated with societal norms of what is male and what is female. These expectations are often stereotypical, such as "Boys like blue and Girls like pink."

Gender Expression: A person's physical characteristics, behaviors, and presentation traditionally linked to either masculinity or femininity, such as: appearance, dress, mannerisms, speech patterns and social interactions.

Heterosexism: An overt or tacit bias against homosexuality, rooted in the belief that heterosexuality is superior or the norm.

Heteronormative: The belief system that heterosexuality is the norm; the assumption that heterosexuality is universal and anything other than heterosexuality is unnatural.

Heterosexual: The sexual orientation of a person who is emotionally and sexually attracted to members of the opposite sex. Often referred to as "straight".

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Homophobia: A fear of or aversion to lesbian, gay or bisexual people. May also refer to a fear of or aversion to transgendered people, as an alternative to the lesser-used “transphobia” (see “transphobia” below).

Homosexual: The sexual orientation of a person who is emotionally and sexually attracted to members of their own gender. This is a rather outdated term originating in the medical and psychological communities. Currently, many LGBTQ people prefer the term “lesbian” or “gay”.

Intersex: An intersex person has reproductive or sexual anatomy that doesn’t correspond to the typical notions of “male” or “female”. Previous generations might have referred to an intersex person as a “hermaphrodite”. This is the “I” that is sometimes included in the broader umbrella acronym “LGBTQIA”.

Lesbian (for grades K-2): A woman who has romantic feelings for another woman.

Lesbian (for grades 3-12): A term used to describe a woman who is emotionally and physically attracted to another woman.

LGBTQ: A frequently used acronym that stands for Lesbian, Gay, Bisexual, Transgender, and Questioning (or Queer).

“Out” or “Out of the closet”: A term used to refer to a person whose LGBTQ status is, to some degree, public. Note: It is not always the LGBTQ person who makes this information public. Sometimes it is made public without the LGBTQ person’s knowledge and/or consent. This is called “outing” someone. The act of “outing” an individual can create an at-risk situation.

Queer: An umbrella term used to describe a sexual orientation, gender identity or gender expression that does not conform to dominant societal norms. While “queer” is used as a neutral or even a positive term among many LGBTQ people today, some consider it derogatory as historically it had been used negatively.

Questioning: A person who is uncertain of his/her sexual orientation and/or gender orientation/identity.

Transphobia: A fear or aversion to transgender people.

Transgender (Grades K-5): When a person feels as if he or she has been born into the wrong body. For example, a boy who feels like he is a boy inside but has a girl’s body or a girl who feels like she is a girl inside but has a boy’s body.

Transgender (Grades 6-12): This term describes a person whose gender identity does not match his or her physical anatomy/is different from their sex assigned at birth. Some transgender people hormonally and/or surgically change their bodies to more fully match

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their gender identity. Note: There are other meanings for transgender. For more information, please visit <http://www.apa.org/topics/sexuality/transgender.aspx>.

Transition-Social Transition: The process by which a transgender student begins to outwardly express him- or herself as the gender with which he or she identifies. This could mean beginning to wear clothes typically associated with the other gender, asking to be called by a different name or gender pronoun, aligning behaviors and expression with one's authentic gender identity and possibly letting friends, school personnel or family know.





**III.
KNOW THE LAW**

“If every person, especially teachers, would not allow me or my friends to get harassed because of who I am, school would be a decent place. Unfortunately, that’s not the case.”

Broward Lesbian Youth

A. ANTI-DISCRIMINATION LAWS/ POLICIES

1. FEDERAL LAW

The 14th Amendment of the U.S. Constitution (Equal Protection)

The United States Constitution guarantees *all* people equal protection under the law. This means public school officials and employees (who, for purposes of the Guide, should be considered extensions of the state government) may not single out a student for negative treatment based on prejudices against LGBTQ students. Nor may they discriminate against students just because they (or members of the community) disapprove of being gay or because they feel uncomfortable around those who do not conform to traditional gender stereotypes.

The Constitution's equality guarantee also means that public school officials may not turn a blind eye to anti-LGBTQ harassment or treat it less seriously than other forms of harassment. If a public school official deliberately ignores anti-gay or anti-transgender peer abuse, or refuses to apply anti-bullying protections on a nondiscriminatory basis, the official, and even the school district itself, may be held liable for violating students' constitutional rights. *Flores v. Morgan Hill Unified School Dis't.*, 324 F.3d 1130, 1134-5 (9th Cir. 2003);¹ *Nabozny v. Podlesny*, 92 F.3d 446, 458 (7th Cir. 1996) (\$962,000 in damages after a school failed to intervene in verbal and physical attacks on a student suspected to be gay).

Title IX of the Education Amendment Acts of 1972

Federal civil rights statutes reinforce anti-discrimination principles as well. Title IX of the Education Amendment Acts of 1972 (Title IX), 20 U.S.C §§ 1681-1688, prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Although, Title IX does not expressly apply to discrimination based on sexual orientation, it does prohibit gender-based harassment, such as harassment on the basis of student's failure to conform to stereotyped notions of masculinity and femininity.

¹ The case of *Flores v. Morgan Hill Unified School Dis't.* is particularly noteworthy because the plaintiffs endured a terrible litany of abuses: one boy was repeatedly beaten up by other male students and subjected to violent anti-gay slurs; a girl was subjected to repeated verbal attacks and had pornographic pictures of lesbians taped to her locker; another girl suspected to be gay was taunted with a penis-shaped balloon in the presence of an adult monitor. When these incidents were reported to administrators, the students were either advised not to make a big deal out of them or, worse, the administrators participated in the harassment themselves ("Well if you're not gay, then why are you crying?"). It was ultimately held by the 9th Circuit Court of Appeals that if a school knows that anti-LGBTQ harassment is taking place, the school is obligated to take meaningful steps to end it and to protect the students. The case concluded in a \$1.1 million settlement to the plaintiffs.

The Student Non-Discrimination Act *Proposed Legislation*

On March 10, 2011, the Federal Student Non-Discrimination Act (H.R. 998/S. 555) was introduced to prohibit bullying and harassment in public elementary and secondary schools based on a student’s actual or perceived LGBTQ status. The measure would provide victims with meaningful and effective judicial remedies, modeled after Title IX.

2. STATE LAW / POLICY

Florida Statute 1000.05

Florida Statute 1000.05 prohibits discrimination against students and employees in the Florida K-20 public education system on the basis of race, ethnicity, national origin, gender, disability, or marital status.

Note: Florida state law does not currently prohibit discrimination on the basis of sexual orientation, gender identity, or gender expression. This means that currently, Florida is one of the states in which a person can be “fired for being gay”. Counties within Florida, however, are permitted to implement more inclusive ordinances—as Broward County has. See the Broward County Human Rights Act below.

Florida Department of Education Code of Ethics 6B-1.001 / 6B-1.006

According to Section 6B-1.001 of the Code of Ethics of the Education Profession in Florida:

The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

Section 6B-1.006 of the Principles for Professional Conduct for the Education Profession in Florida goes on to state:

Obligation to the student requires that the individual... [s]hall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

3. LOCAL POLICY

Broward County Human Rights Act

The Broward County Code and Ordinance Chapter 16 ½ (The Broward County Human Rights Act), prohibits, in part, discrimination in employment on the basis of race, color, sex, religion, national origin, disability, age, marital status, political affiliation, sexual orientation, pregnancy, and gender expression/identity.

Policy 4001.1

The School Board of Broward County's Non-Discrimination Policy Statement 4001.1 states, in part:

The School Board of Broward County, Florida... shall not discriminate against students, parents or guardians of students, employees, applicants, contractors, or individuals participating in School Board sponsored activities. The School Board is committed to the provision of equal access... This policy is established to provide an environment free from discrimination and harassment based upon age, race, color, disability, gender identity, gender expression, marital status, national origin, religion, sex or sexual orientation.

Policy 1.5

The School Board of Broward County's Policy 1.5 (Diversity Committee) states:

We believe that diversity should be promoted... so that education is enhanced in a diverse, inclusive setting... Diversity shall be defined as a broad concept that includes gender, race, ethnicity, socioeconomic background, linguistic differences, exceptional abilities, sexual orientation, gender identity and expression, variations of talents and abilities, and special needs.

The School Board of Broward County, Florida prohibits any policy or procedure, which results in discrimination on the basis of age, color, disability, gender, national origin, marital status, race, religion or sexual orientation.

Broward County School Board policies specifically identify gender identity, gender expression, and sexual orientation as being protected from discrimination. In other words, LGBTQ students cannot be treated differently from non-LGBTQ students. To do so would constitute blatant discrimination in violation of the policies.

B. ANTI-BULLYING LAWS / POLICIES

1. FEDERAL LAW

The Safe Schools Improvement Act *Proposed Legislation*

On March 8, 2013, the Federal Safe Schools Improvement Act was reintroduced in the Senate as a proposed amendment to the Elementary and Secondary Education Act. This legislation would require public schools to implement a comprehensive anti-bullying policy that enumerates sexual orientation and gender identity as protected categories, among others. It would further require schools to include LGBTQ bullying and harassment data in their statewide needs assessment reporting.

2. STATE LAW

Jeffrey Johnston was a 15-year-old Cape Coral, FL, student who committed suicide after enduring more than two years of bullying. It began in seventh grade, when he and his girlfriend broke up. Some kids called him a stalker. Others made fun of his chapped lips and said he had herpes.

His mother was a teacher in the same school Jeffrey attended.

When Jeffrey started 8th grade, students at his school hacked into an online video game he'd spent the summer creating. They filled it with hateful messages. One of the students started an online journal where humiliating messages about Jeffrey were posted. One read: "Jeff is a faggot." Followed by, "He needs to die."

After the video game incident, Jeffrey threatened to kill himself. His mother kept him out of school for two weeks.

Jeffrey reported the bullying to the school. The principal warned the aggressors. He indicated he was powerless to do more because no school policy covered conduct in cyberspace.

By Jeffrey's freshman year in high school, the aggressors were at another school. However, the taunts continued online. When he could not take it anymore, Jeffrey hanged himself in his closet using his book bag strap.

His suicide note read, "I'll never get over 8th grade."

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“A bully doesn’t have to be eye-to-eye to bully someone. Sometimes he or she gets into cyberspace, and then there’s no place to hide from their torment. With the keyboard as his weapon, the bully violated the sanctity of my home and murdered my child just as surely as if he had crawled through a broken window and choked the life from Jeff with his bare hands. It was not a death that was quick and merciful. It was carried out with lies, rumors and calculated cruelty portioned out day by day.”

– Debbie Johnston, mother of Jeffrey Johnston

In large part due to the tireless efforts of Debbie Johnston following her son’s suicide, Florida Statute 1006.147 (The Jeffrey Johnston Stand Up for All Students Act) was passed.

Florida Statute 1006.147

Florida Statute 1006.147, enacted in May 2008, created a statewide prohibition of the bullying or harassment of any student or employee of a public K-12 educational institution; whether at a school, on a school bus, or via electronic device.

The law requires each individual school district to implement a policy outlining the consequences of harassment; the consequences for a wrongful accusation of harassment; and the procedure for immediately notifying the parents of both the victim and the perpetrator of the alleged bullying or harassment. The statute leaves it up to the individual school districts to enumerate specific categories (i.e., race, disability, sexual orientation, etc.) for which bullying is specifically prohibited.

Critically, the law provides that “...distribution of safe schools funds to a school district... is contingent upon... the Department of Education’s approval of the school district’s bullying and harassment policy.” This means there is actual funding at stake for a non-compliant school.

In July 2008, Broward County was the first school district in Florida to approve an anti-bullying policy in compliance with the Jeffrey Johnston Stand Up For All Students Act.

3. LOCAL POLICY

Policy 5.9

The School Board of Broward County’s Policy 5.9 (Anti-Bullying) prohibits the bullying, harassment, cyberstalking, and cyberbullying of any student or employee on the basis of any one of the following protected categories: sex, race, color, religion, national origin, age, disability, marital status, socio-economic background, ancestry/ethnicity, linguistic preference, political beliefs, social/family background, gender, gender identity, gender expression and sexual orientation.

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The policy characterizes “bullying” as:

... systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees.

[Bullying] is further defined as: unwanted purposeful written, verbal, nonverbal or physical behavior, including but not limited to any threatening, insulting or dehumanizing gestures, by an adult or student, that has the potential to create an intimidating, hostile or offensive educational environment or cause long-term damage, cause discomfort or humiliation; or reasonably interfere with the individual’s school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Broward County Public Schools’ policy is intentionally broad; it goes on to state that “...though an incident... may occur off-campus and may not entail threats of acts to occur during school hours, if a student’s ability to receive an education or a school’s ability to provide an education is significantly impaired... disciplinary sanctions may be issued.”

Once a report of bullying is received by the school administration, the school must initiate an investigation within two (2) days, and complete the investigation within ten (10) days of its initiation. An appeal can be filed within five (5) days of the decision.

Additional information regarding bullying and harassment can be found at www.BrowardPrevention.org and in the Broward County Public Schools Student Code of Conduct.

* * * *

This overview demonstrates that the legal landscape already exists. School administrators do not have to feel they are “reinventing the wheel”. Courageous teachers do not have to wonder if they are putting their jobs in jeopardy by standing up for targeted students. Rather, our founding fathers, state legislators and The School Board of Broward County members have given us the tools and the resources to empower the entire school community.



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**IV.
CREATING A
SAFE SPACE
FOR
LGBTQ STUDENTS**

“One thing that changed the game for me was when a teacher said she would not allow any sort of negative language about race, gender, status, or orientation in her classroom.”

Broward Gay Youth

A. ANTI-LGBTQ LANGUAGE

Statistics tell us that anti-LGBTQ slurs and bias toward gender-expansive youth abound in our schools, regardless of whether the target of the slur is actually gay, or just perceived to be gay. Here are some guidelines for intervening in anti-LGBTQ language (i.e., “dyke,” “faggot,” “no homo,” etc.), the most common of which is the intended insult, “That’s so gay!”

Stop It

Keep it simple with quick responses. You could say:

“We don’t use *gay* as a put-down in this class”

“It’s not OK to say *that’s so gay*”

“It’s not OK to use that phrase”

“What did you mean by that?”

“You may not have meant to be hurtful, but when you use the word *gay* to mean something is bad or stupid, it is hurtful”

“Do you know why that comment is hurtful?”

If you have the time and opportunity to educate on the spot, do it. If you don’t, be sure to make time later.

Educate

Whether explained at the moment of the incident or shortly after, be absolutely clear with students that when they use the word “gay” as an insult, they are being disrespectful. Calling something or someone “gay” is hurtful not only to the target (who may or may not be gay) but also to others who may have parents, neighbors, friends or other family members who are gay.

Be Proactive

Create an environment of respect and caring for all students in your class and school. Establish clear school-wide and classroom policies against name-calling and hurtful teasing. If you have been hearing the phrase, “That’s so gay!” at school, be explicit that rules against name-calling include this phrase and other anti-gay put-downs.

Don’t Ignore It

Ignoring name-calling and hurtful teasing allows it to continue and possibly get worse. If other students do not see action, they get the message there is nothing wrong with it. Harassment does not go away on its own.

Don't Be Afraid of Making the Situation Worse

Almost any response is better than ignoring the situation. You may not know exactly what to say. However, you must stop the harassment. Taking action reaffirms limits. Interrupting name-calling is not always easy. Experience will help you to become more comfortable handling future situations. In addition, you can always go back to the student and say or do something else if you feel you did not respond effectively.

Don't Excuse the Behavior

Saying, "Josh doesn't really know what it means," or "Sarah was only joking," excuses hurtful behavior.

Don't Try to Judge How Upset the Target Is

We have no way of knowing how a student is really feeling. Often, targets are embarrassed and pretend they were not offended or hurt. Saying "Michael didn't seem upset by Laura's remark" trivializes the child's feelings. It tells the harasser it is OK to make hurtful comments. It teaches both the child targeted and also anyone within hearing range they will not be protected from harassment.

Don't Worry About the Tables Being Turned

If you are worried a student will respond to your correction by saying something like, "What do you care... are YOU gay?" prepare a response in advance. An example of your response may be, "My own personal life is completely irrelevant here; bullying is forbidden at this school" or "Actually, I am – which has absolutely nothing to do with the fact that your comment is inappropriate." Note: Use your professional judgment and be in touch with what you personally are comfortable disclosing to your students.

B. SAFE SPACE POSTERS / STICKERS

It only takes one person to make a potentially life-changing difference for a youth who is suffering. While there are many ways in which teachers and administrators can facilitate a safe environment for vulnerable LGBTQ students, one of the most widely recognized methods is by displaying a Safe Space poster or sticker. Samples of BCPS Safe Zone posters and sticker can be viewed in Appendix J of this Guide; and are also available online or by mail from BCPS – Department of Diversity, Prevention & Intervention at www.BrowardPrevention.org. For additional resources, please also visit GLSEN at www.SafeSpace.glsen.org and www.GSANetwork.org.

By displaying a Safe Space sticker or poster in a hallway, in a classroom, or on a door, a teacher or administrator creates a visible and easily identifiable network of LGBTQ community members and allies. In other words, a teacher or administrator does not need

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to be LGBTQ in order to display the symbol. When a student sees this poster/sticker in someone's classroom or office, he or she can presume that teacher or administrator:

- a) is accepting of LGBTQ individuals
- b) has basic knowledge about issues of sexual orientation and gender identity
- c) is willing to provide resources and support

Broward County Public Schools supports teachers/staff who choose to display a Safe Space sticker or poster. A teacher should not let fear of parent reaction dissuade him or her from going public with LGBTQ support. **Remember, our utmost responsibility is to ensure the safety and security of all students.**

C. "COMING OUT"

Some schools may try to silence students who are open about their sexual orientation or gender identity. Federal courts have found students have a Constitutional right to be "out" at school if they want to be. See, e.g., *Sterling v. Borough of Minersville*, 232 F.3d. 190, 196 n.4 (3d Cir. 2000) (holding that information about one's sexual orientation is "intrinsically private"); *C.N. v. Wolf*, 410 F.Supp. 2d 894, 903 (C.D. Cal. 2005) (even a student who is out at school has the right to control who in their family knows about their LGBTQ status: "[t]he fact that [the student's sexual orientation] is not wholly private does not mean that an individual has no interest in limiting disclosure or dissemination of information").

In the seminal case, *Tinker v. Des Moines*, the U.S. Supreme Court ruled that students don't "shed their constitutional rights to freedom of speech at the schoolhouse gate." The only time a school can restrict an individual student's free speech is when it causes significant disruption in the classroom. (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)). For example, a student disruptively standing up and yelling, "I'm gay!" in the middle of class would not be protected speech. On the other hand, a student talking with a friend at school about being gay between classes or at lunch is permitted.

1. TALKING TO STUDENTS

In our society most people are presumed to be heterosexual. There is no need for a heterosexual person to make a statement to others that discloses his or her sexual orientation. Similarly, most people feel their gender is aligned with their biological sex. They typically have no need to disclose their gender identity.

However, LGBTQ people have the right to decide when, and how to reveal to others their sexual orientation or gender identity (or even the fact that they are questioning their orientation or identity). This is often a delicate and emotional process.

It is an unfortunate reality – LGBTQ youth commonly experience parental rejection because of their sexual orientation or gender identity. Indeed, studies have shown

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approximately one-third of LGBTQ youth are victims of physical violence by a family member after the teen “comes out” or their sexual orientation is disclosed. A 2006 Child Welfare League of America study found a high proportion of LGBTQ youth in state-run foster care facilities leave home or are banished from their homes as a result of conflict related to their sexual orientation or gender identity.¹ Even more recently, data generated by The Family Acceptance Project in 2009 indicates gay and transgender teens rejected by their parents and caregivers are:

- More than eight times more likely to have attempted suicide
- Nearly six times as likely to report high levels of depression
- More than three times as likely to use illegal drugs
- More than three times as likely to be at high risk for HIV and other STDs.²

The degree to which teachers and administrators need to be sensitive about this issue, cannot be overstated.

If a Student Comes Out to You:

- Offer support
- Be a role model of acceptance
- Appreciate the student’s courage
- Listen, listen, listen
- Assure and respect confidentiality
- Demonstrate understanding, acceptance and compassion
- Be prepared to give a referral for resources and/or for emotional support
- Remember the student has not changed.³

¹ CWLA Best Practices Guidelines for Serving LGBT Youth in Out-of-Home Care
<http://www.lsc-sf.org/wp-content/uploads/bestpracticeslgbtyouth.pdf>

² http://familyproject.sfsu.edu/files/FAP_English%20Booklet_pst.pdf.

³ Please note: These guidelines similarly apply to a teacher or staff member who “comes out” to a principal, administrator, or peer. Broward County anti-discrimination policies are clear that adults also have the right to be treated equally, regardless of actual or perceived LGBTQ status. Being a safe school means that all members of the school community—teachers and staff included—feel protected against bias and harassment.

What Not to Say:

- “I knew it!”
- “Are you sure? Are you confused?”
- “This is just a phase”
- “You just haven’t found the right woman/man”
- “Shhhh, don’t tell anyone”
- “You’re too young to know”
- “You should come out to everyone and be honest”
- “You can’t be gay, you’ve had relationships with people of the opposite sex.”

In short, it is a compliment when a student trusts you enough to come out to you. It is up to you to prove yourself worthy of that trust. Barring extenuating circumstances in which you fear for the student’s safety, value confidentiality above all else.

2. TALKING TO PARENTS/GUARDIANS

As stated above, federal courts have repeatedly held the Constitution prohibits government officials from disclosing information about a person’s gay, lesbian or bisexual orientation, except under limited circumstances. The expression of sexual orientation is an innately personal choice [*Sterling v. Borough of Minersville*, 232 F.3d. 190, 196 n.4 (3d Cir. 2000); *C.N. v. Wolf*, 410 F. Supp. 2d 894, 903 (C.D. Cal. 2005)]. Therefore, just as teachers and school administrators cannot discourage a student from being “out” at school, they also cannot encourage (or even force) a student to be “out” at home. It is up to the student, and the student alone, to decide where and when to be open about his or her LGBTQ status.

Occasionally, a parent may contact teachers, guidance counselors, or administrators to ask if their child has confided in them about his/her sexual orientation, or if it is suspected their child may be gay. With the very limited exception involving the imminent fear of physical harm, it is never appropriate to divulge the sexual orientation of a student to a parent.

If a teacher, guidance counselor, or administrator is asked these questions, an appropriate response to the parent may be:

“Based on policy and federal guidelines, I cannot divulge whether your child and I have had any such confidential conversations, as even students are legally afforded rights of privacy. If you suspect your child may be gay, I suggest that you speak directly to your child. Furthermore, I recommend that you contact your local PFLAG (Parents, Families and Friends of Lesbians and Gays) chapter. You don’t have to be certain of your child’s sexual orientation to ask questions or attend a meeting.”

IMPORTANT: It is imperative that these guidelines regarding confidentiality be kept clearly in mind when communicating with parents or guardians about bullying or other misconduct. To the extent that administrators must relay the exact wording of an altercation due to reporting requirements, care should be used to neutralize potentially

incriminating language that was used. For example, if a student suspected to be gay is called a “faggot” by an aggressor, the parent might be told, “Mrs. Smith, your son was involved in an altercation today as the result of being bullied by another student who called him a ‘faggot.’ Unfortunately, this term is frequently used by students as a generalized put-down.” Failure to practice discretion regarding language could place a student in a hostile, dangerous, or even life-threatening, environment. Please contact the Diversity, Prevention & Intervention Department at (754) 321-1655 before contacting parents or guardians if you have any questions or concerns about this issue.

D. INCLUSIVE LANGUAGE

Become Aware of the Language You Use

It is only natural that our own experiences shape the language we use. However, sometimes without even realizing it, our words convey messages about the world that may not always be fair or accurate. For example, it is common parlance to refer to a student’s parents as “Your mom and dad.” The fact is, not every student is being raised by a mother and a father. Some students are being raised by a single parent; by a grandparent; and still others by two moms or two dads. By perpetuating the stereotype of a traditional nuclear family—or taking it as a given that all boys will grow up to marry girls (and vice versa)—we inadvertently alienate our students who have non-traditional families, or are themselves LGBTQ. Simply becoming aware of the presumptions that affect our word choices is the first step in cultivating a more inclusive classroom experience.¹

E. GAY-STRAIGHT ALLIANCES

“Just the mere presence of the GSA at my school helped me feel like I was not alone. I gotta say, it helped me to survive in school and made being at home and closeted more tolerable. Please let teachers and principals know how much my GSA helped save me.”

- Broward County student

Gay-Straight Alliances (GSAs) are student clubs, just like the Drama Club or Key Club, allowing students with a common interest to get together and have events or discussions about that interest. GSAs are made up of students of any sexual orientation; in fact, many GSA members are straight-identifying youth. GSAs can be support groups, or educational or civic clubs dedicated to making the school and community a safer space for all individuals.

Under the Federal Equal Access Act (20 U.S.C. §§ 4071-74), a public school permitting any non-curricular club (meaning, a club that does not directly relate to a class taught at

¹ Keep these suggestions in mind when teaching existing curriculum; materials may be out-of-date or completely void of LGBT issues.

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school) must also allow students to form a GSA. In addition, according to the Equal Access Act, the school must treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.

The 2007, 2009, 2011 and 2013 National School Climate Surveys conducted by GLSEN found that students who had a GSA at their school reported hearing fewer homophobic remarks. The students surveyed experienced less harassment and assault because of their orientation and gender expression. In addition, they were more likely to report incidents of harassment and assault, and were less likely to feel unsafe because of their orientation or gender expression. This was true regardless of whether the respondent actually joined the GSA club.

Parents may have questions about a GSA. Answer parents' questions as honestly as possible, but be exceedingly careful not to accidentally "out" a student. * Remember a student could be out at school, but NOT out at home. Furthermore, students have a legal right to privacy and confidentiality when it comes to their sexual orientation. Remind parents the club is a gay and straight alliance. Therefore, a student is not making any statement about his or her orientation or identity simply by participating in the club.

For additional information about how to start, or supervise a GSA, contact the Diversity, Cultural Outreach & Prevention Department.

* Note: Not all GSA members identify as gay, lesbian, bisexual, transgender and questioning; many members are often "straight" allies.

F. PROMS / DANCES

Federal court cases have held that any policy or action excluding same-sex couples from proms and dances, as well as any policy adopted as a pretext for such discrimination, violates students' rights to free expression and association as guaranteed by the First Amendment to the United States Constitution [*See, i.e., Fricke v. Lynch*, 491 F. Supp. 381, 382 (D.R.I. 1980)].

The Itawamba County School District in Mississippi was sued because a young woman's school would not allow her to bring a same-sex date to the prom. Ultimately, the school cancelled the prom entirely rather than allow the student bring her partner as a date. The court determined the student's First Amendment rights were violated when her school cancelled the prom [*McMillen v. Itawamba County School Districts*, 702 F. Supp. 2d 699 (N.D. Miss. 2010)].

Schools may set general dress standards for prom, such as the requirement of formal attire. A school must not dictate that only biological males may wear tuxedos, and only biological females may wear dresses [*See, i.e., Logan v. Gary Cmty. Sch. Corp.*, 2008 U.S. Dist. LEXIS 79390, **10-11 (N.D. Ind. Sept. 25, 2008)].

G. DRESS CODE

Some students may want to wear gender-nonconforming attire to school, to the prom, to graduation ceremonies, or in yearbook photographs. Schools are permitted to have a dress code, but it must be enforced equally among all students, irrespective of sexual orientation, gender expression, or gender identity. [*Doe v. Yunits*, No. 00-1060-A, 2000 Mass. Super. LEXIS 491 Mass. Super. Ct. Oct. 11, 2000: A student has a free speech right to express their gender identity through clothing as long as it is not significantly disruptive].

Remember, in order for clothes to meet this standard, the disruption must be significant and objectively provable to other people. Clothing cannot be qualified as “significantly disruptive” simply because a teacher or administrator personally considers the message to be offensive.

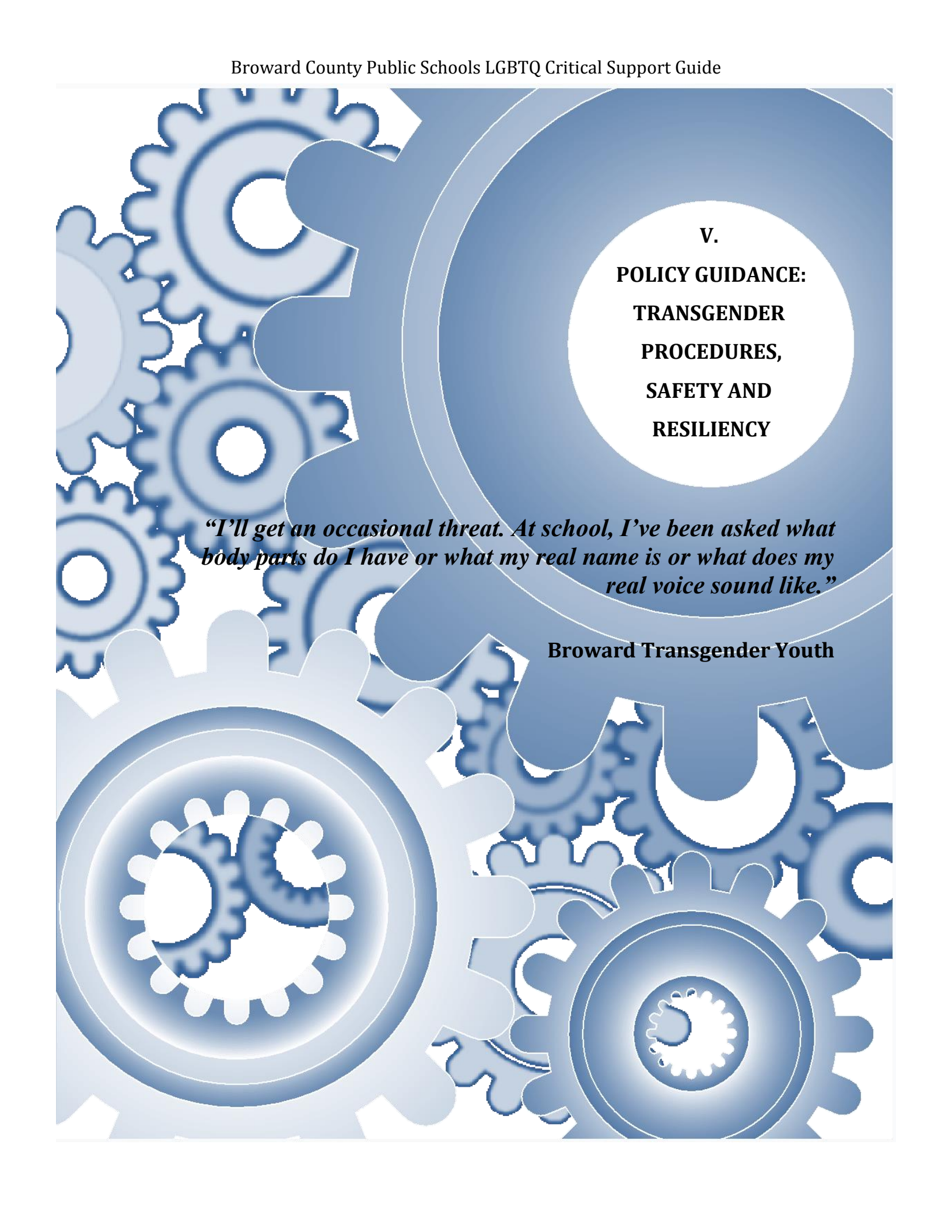
Other students may want to wear T-shirts and accessories expressing a pro-LGBTQ message. Again, restrictions on political messages are permissible as long as they are enforced uniformly among all students and viewpoints. Recently, in Holmes County, Florida, the school board banned students from wearing pro-gay slogans such as “I Support My Gay Friends” and “Gay? Fine by Me.” A student sued the school and won; the school board was ordered to pay \$325,000 for the student’s legal fees and expenses [*Gillman v. School Board for Holmes County, Florida*, 567 F. Supp. 2d 1359 (N.D. Fla. 2008): The messages on the clothing was not vulgar or obscene, but rather an expression of tolerance and fairness. The school board acted in violation of the student’s free speech rights].

* * * *

The overarching theme in the creation of a safe environment for LGBTQ students is equal protection. For example, if you do not allow insults based on racial minority groups, then do not allow insults based on sexual minority groups. If you do allow after-school clubs, then do allow GSAs. If straight students can take their significant others to the prom, then gay students can take their significant others to the prom. The list goes on and on.

When faced with a potentially thorny question from an LGBTQ student, always ask yourself if your answer would be the same if it were a straight student. Be careful not to allow your personal views about orientation, gender identity, and gender expression to unfairly influence the result.

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**V.
POLICY GUIDANCE:
TRANSGENDER
PROCEDURES,
SAFETY AND
RESILIENCY**

“I’ll get an occasional threat. At school, I’ve been asked what body parts do I have or what my real name is or what does my real voice sound like.”

Broward Transgender Youth

INTRODUCTION

Broward County Public Schools (BCPS) recognizes that every child deserves an opportunity to thrive in school. We know that every student has the right to learn in a safe and accepting school environment. Supporting transgender students and families of transgender youth gives young people in our schools the equal opportunity that all students need. As visibility and awareness of transgender people increases, more parents, school administrators, support staff, teachers and healthcare providers are learning about the importance of supporting transgender students.

The expression of transgender identity, or any other form of gender-expansive behavior, is a healthy, appropriate and typical aspect of human development. When students are harassed or bullied based on their gender, or others' perceptions of it, learning often takes a backseat. Instead, students may worry about such things as bullying in the hallway, mistreatment on the school bus or which restroom to safely use. Every student who transitions at school is entitled to a safe and supportive environment in which to follow their unique path to being their authentic selves.

According to the Human Rights Campaign's resources on transgender violence (www.hrc.org/resources/addressing-anti-transgender-violence) bullying, mistreatment or harassment toward students that are transgender or gender nonconforming is pervasive in schools across the United States. For example:

- 75% of transgender students feel unsafe at school and those who are able to persevere have significantly lower GPA's, were more likely to miss school out of concern for their safety and were less likely to plan on continuing their education
 - 59% have been denied access to restrooms consistent with their affirmed gender identity
 - 9 out of 10 transgender students report being "verbally harassed due to their gender expression" and more than half have also been "physical assaulted"
 - More than one third of transgender students report they have "heard school staff make homophobic statements, sexist remarks or negative remarks about someone's gender expression"
- 42 % of transgender people have attempted suicide

We know that there is a social system that constructs gender according to two discrete and opposite categories – male and female. Yet, this gender binary is being challenged by the population in general and our students whose innate sense of core identity is different from their assigned sex at birth. It is also being challenged by our students who are gender nonconforming and not fitting neatly into the gender binary of female or male.

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Children typically begin expressing their gender identity between the ages of two and four years old. Around this age, transgender children often express their cross-gender identification to their family members or caregivers. However, not all youth who identify as transgender begin the process at an early age; for some, gender identity is a slower, more nuanced process for a variety of personal, social, developmental and societal reasons. Creating a more welcoming environment for students' gender diversity is a more effective and lasting strategy. Broward County Public Schools is working to develop more gender-inclusive environments for all students, knowing that we are also creating more affirming spaces for transgender young people in the process.

Students and families have all kinds of needs, whether they are gifted, speak a first language other than English or are transgender. All educators have a professional, ethical and legal obligation to provide for these unique needs. Dispelling harmful stereotypes and prejudices of all kinds create spaces where every student has the opportunity to both learn and thrive. So is the case for our students who identify as transgender and gender nonconforming.

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- Washington District of Columbia Public Schools
- Los Angeles Unified School District
- San Francisco Unified School District
- Massachusetts Department of Elementary and Secondary Education
- State of California Transgender Guidelines
- “Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools”
- GLSEN’s Model District Policy on Transgender and Gender Nonconforming Students
- Broward County Public Schools – Principals and Assistant Principals

FEDERAL STATE AND LOCAL NONDISCRIMINATION AND ANTI-BULLYING POLICIES AND GUIDELINES

The 14th Amendment guarantees all people equal protection under the law. Public school officials may be held liable for violating LGBTQ students’ constitutional rights or not intervening in anti-LGBTQ harassment.

Title IX of the Education Amendment Acts of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, in May of 2014, the U.S. Department of Education released historic guidelines reaffirming federal civil rights protections to transgender students. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. In May of 2016, the Department of Education and the Department of Justice issued a “Dear Colleague Letter on Transgender Students.” This letter summarizes a school’s Title IX obligations regarding transgender students and the Department of Education and the Department of Justice determined that this letter is significant guidance. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

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The Florida Department of Education’s Code of Ethics and Principles of Professional Conduct stresses the worth and dignity of every person. In addition, it prohibits discrimination based on sexual orientation, among other characteristics. As well, The School Board of Broward County’s Policy 1.5 (Diversity Committee) urges that diversity be promoted. Furthermore, it defines “diversity” as being inclusive of sexual orientation, gender identity and gender expression.

Several local Broward County policies and ordinances specifically prohibit harassment and discrimination based on sexual orientation, gender identity and gender expression, such as: the Broward County Human Rights Act, the School Board of Broward County’s Non-Discrimination Policy 4001.1 and the School Board of Broward County’s Anti-Bullying Policy 5.9.

NAMES AND PRONOUNS

The appropriate use of names and pronouns with transgender students is vital in creating a safe and supportive environment in the school community. Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity as expressed by the individual student.

The parent(s) or guardian with legal custody of a child may also request that their child be addressed by the student’s affirmed name and affirmed gender pronoun that corresponds to the student’s gender identity. A court-ordered name or court-ordered gender change is not required to call the child by their affirmed name or gender pronoun. If or when there is receipt of documentation that a student has legally changed the name or gender (per Florida’s requirements), the student’s education records should be updated to reflect the legal change.

School personnel should privately ask a transgender student how they want to be addressed in communications to the home or at conferences with the student’s parent(s)/ guardian. In addition, prior to notification of any parent(s)/guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent(s)/guardian will be involved in the process and must consider the health, well-being and safety of the transitioning student.

School personnel should use the student’s affirmed name and pronoun appropriate to a student’s gender identity, regardless of the student’s birth sex or birth name. **It is strongly advised that the transgender student and one designated “trusted adult” review the “Gender Support and Transition Planning Guide” together for initiating use of the**

affirmed name and pronoun consistent with the student’s gender identity, as well as ensuring other safety components are in place at school. The guiding questions in the planning guide act as a resource to schools. As a privacy safeguard, any documentation, notes or responses to these questions should remain in the sole possession of the trusted adult and/or school district leadership coordinator. The documentation should not be disseminated or be placed in any education records with identifiable information.

The “Gender Support and Transition Planning Guide” is located in the appendix of the “LGBTQ Critical Support Guide.” If needed, contact the Diversity, Prevention & Intervention Department at 754.321.1655 for consultation regarding the guiding questions.

As with other related issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student and the parent(s)/guardian (especially in the case of a younger student), with respect to name and pronoun use and agree on a plan to initiate that name and pronoun use within the school. The “Gender Support and Transition Planning Guide” also could include when and how this is communicated to students and their parent(s)/guardian.

In order to prevent alienating a student, teachers and schools should respect and work with students on a case-by-case and customized basis to ensure that their individual needs are met and respected. Keeping in mind that there may be difficulties with making changes to names and pronouns, it is empowering and meaningful to the student who has made, or is in the process of making, the transition.

PRIVACY, CONFIDENTIALITY, EDUCATION RECORDS

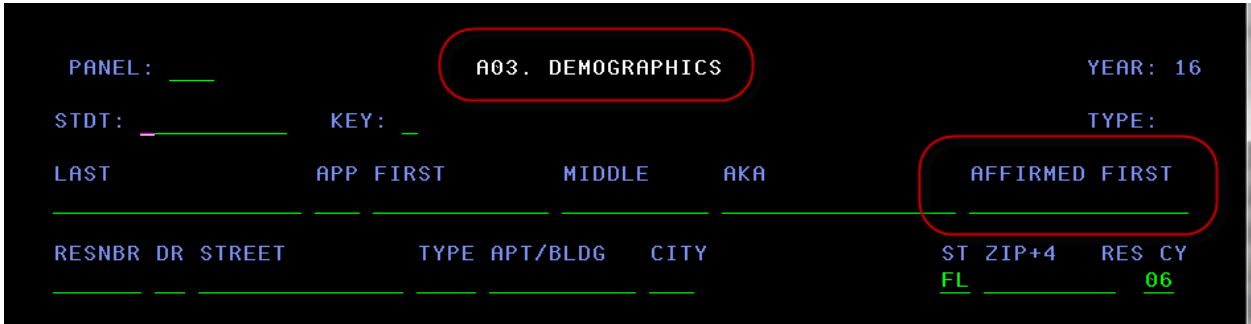
Generally, if a student wishes for their name to be changed at school, despite whether or not they have brought in a legal name change, selected nonacademic records should reflect their preferred name. Examples include but are not limited to: yearbook, lunch line rosters, general rosters, substitute plans, and newspapers/newsletters. Furthermore, care should be taken so that the student’s affirmed name is used in instances such as but not limited to calls for early dismissal, reporting to the clinic, etc. so potentially uncomfortable situations where the student could be misnamed or mis-gendered do not take place.

The parent or guardian with legal custody of a child may also request that their child be addressed by the student’s affirmed name and pronoun that corresponds to the student’s gender identity. As stated previously, a court-ordered name or court-ordered gender change is not required and no change is required to the student’s education records.

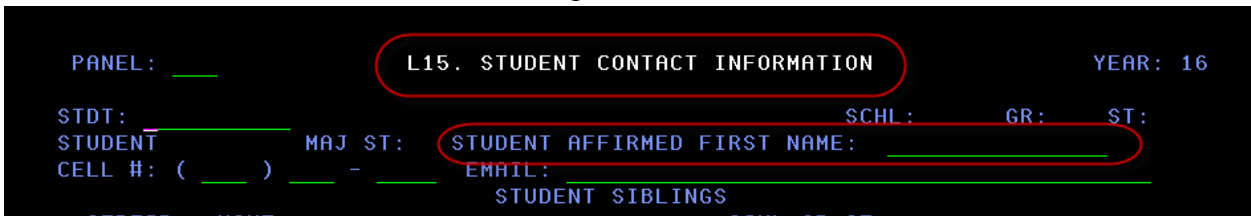
Privacy and Electronic Databases

A. TERMS (Total Educational Resource Management System)

If the student requests, and in the case of an elementary-aged student, the student and parent(s)/guardian requests, the affirmed name shall be entered into the District’s Student Information System to inform staff of the name to use when addressing the student. This addition to the Student Information System is facilitated by the Assistant Principal, along with a trusted adult (see Gender Support and Transition Planning Guide) and communicated to the Data Entry Clerk/IMT at the student’s school. The A-03 panel in TERMS will have a field entitled “Affirmed First,” denoting the student’s affirmed first name. See screenshot below.



The same field can also be found on the L-15 panel entitled “Student Affirmed First Name”.



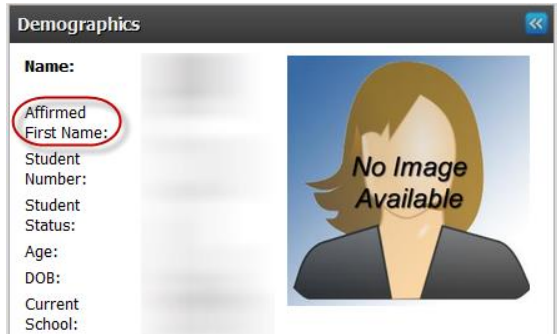
Schools should enter the affirmed name on both the A-03 panel and the L-15 panel.

B. BASIS (Behavioral and Academic Support Information System)

In the student detail grids of BASIS the affirmed first name will be denoted with an asterisk (*). The asterisk will indicate that the student’s official name is different from the student’s affirmed name. From any student grid, double click on the student’s row to bring up the student’s individual profile screen in BASIS. The Individual Student Profile Screen has a demographic section in the upper left-hand corner. In this section you will find the student’s official/birth name as well as a

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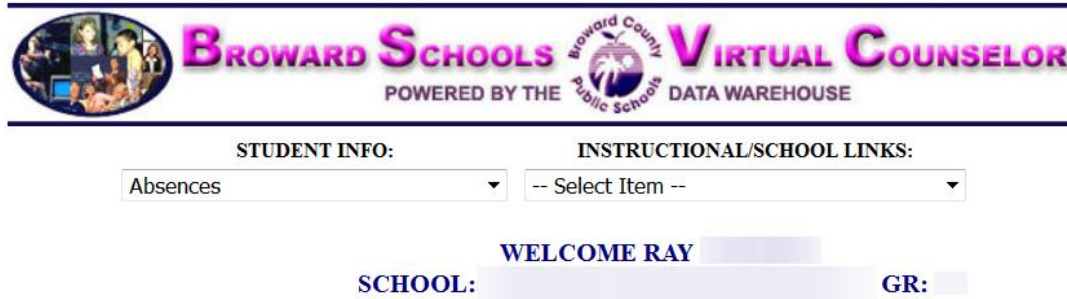
field entitled “Affirmed First Name”, which has been added for this purpose as well. See screenshot below.



The screenshot shows a 'Demographics' form with a list of fields on the left: Name, Affirmed First Name (circled in red), Student Number, Student Status, Age, DOB, Current School, and a placeholder for a student photo. The photo area contains the text 'No Image Available' over a blurred image of a person's head and shoulders.

C. Virtual Counselor

Virtual Counselor, a portal for students and/or parent(s)/guardian to view student information, will also list the student’s affirmed first name. See screenshot below.



The screenshot shows the 'Broward Schools Virtual Counselor' portal. The header includes the logo and text 'POWERED BY THE Broward County Public Schools DATA WAREHOUSE'. Below the header are two dropdown menus: 'STUDENT INFO:' with 'Absences' selected, and 'INSTRUCTIONAL/SCHOOL LINKS:' with '-- Select Item --' selected. At the bottom, there is a 'WELCOME RAY' message and fields for 'SCHOOL:' and 'GR:'.

D. Pinnacle

Finally, Pinnacle, an attendance and teacher gradebook tool, has not changed. Pinnacle produces Substitute Teacher Reports for attendance purposes. In order to ensure the affirmed name is a part of any substitute teacher report, the following steps should be followed by the attendance manager producing a substitute teacher report for a substitute: Go to the BCPS Data Warehouse “School Reports Menu.” Click on the “Attendance Folder.” Select the report “ATTI008 – Attendance for Substitute Teacher w/Affirmed Name”. This roster will contain the affirmed first name of the student who identifies as transgender.

Please inform students who request their affirmed names be added to electronic databases that the parent(s)/guardian may request copies of information found on TERMS, BASIS, Virtual Counselor and Pinnacle, as these are education records.

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Transgender students have the right to discuss and express their gender identity and expression openly and to decide when, with whom and how much to share private information, including with parent(s)/guardian. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. Broward County Public Schools follow federal laws, including The Family Educational Rights and Privacy Act (FERPA). School leadership and/or staff shall not “out” a child (*Sterling v. Borough of Minersville*, 232 F.3d. 190,196 n.4 3d Cir. 2000 and *C.N. v. Wolf*, 410 F. Supp. 2d 894, 903 C.D. Cal. 2005), even to their own parent(s)/guardian. This could endanger both the psychological and physical safety of a child. When contacting the parent(s)/guardian, school staff should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth unless the student has specified otherwise.

Remember, the name in the databases (TERMS, BASIS, Pinnacle and Virtual Counselor) are part of the education record and is therefore covered by FERPA. This means if parents/guardian requests access to their child’s records, they will have access to the child’s preferred name. **If a student transitioning at school is not ready to share their transgender status with their family, this should be respected. School staff should make a change socially, meaning calling the student by the affirmed name and pronoun.**

All persons, including students, have a right to privacy and this includes the right to keep one’s gender identity private at school. Information about a student’s transgender status, transition process, legal name or gender assigned at birth also constitute confidential medical information. Disclosing this information to other students and/or other students’ parent(s)/guardian or other third parties without consent of the student may violate privacy laws, such as FERPA.

Transferring to a New School

In the case of a transgender student enrolling at a new school, the school must respect the student’s privacy. Information about a student’s assigned birth sex, name change for gender identity purposes and gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, is part of the education record, is confidential, and must be kept private and secure, except in limited circumstances. One circumstance is when authorized school personnel require the information to provide administrative, teaching, counseling or other services to the student in the performance of their official duties. Reminder: Please inform the parent(s)/guardian of a transgender student who is transferring to another school within or outside of the District to request the

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affirmed name be either included or deleted from the education record prior to the record being disclosed to the next school.

General Knowledge

Transgender students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom and how much to share. When contacting the parent or guardian of a transgender student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. **It is strongly suggested that school personnel privately ask transgender and gender nonconforming students how they want to be addressed in communications to the home or at conferences with the student's parents/legal guardians.**

Dress Codes and School Uniforms

All students shall be allowed to dress in accordance with their gender identity and gender expression, as stated in BCPS Code of Student Conduct Handbook, Section 3, and Dress Code. School dress code and uniform policies shall be gender-neutral (as example, special events, graduation ceremonies, prom, etc.) and should not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear. All students, regardless of gender identity, shall dress within the constraints of the school's dress code as it relates to health and safety issues (e.g., prohibitions on wearing gang symbols, regalia, drugs, etc.) or the school uniform policy.

Dress code guidelines apply to regular school days as well as any special events, such as graduation ceremonies and prom. For example, schools may require formal attire for all students at a ceremony, but may not specify that girls must wear dresses and boys must wear ties.

Restrooms

Students who identify as transgender shall have access to the restroom that corresponds to their gender identity asserted at school. This means that transgender students are entitled to use the restroom that matches their gender identity. When meeting with the transgender student (or student and parent(s)/guardian if a young student) to discuss transgender safety and care, it is essential the principal and student address student's access to the restroom, locker room and changing facility. Each situation needs to be reviewed, addressed and customized based on the particular circumstances of the student and the school facilities.

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In all cases, the principal should be clear with the student (and parent(s)/guardian, if appropriate) that the student may access the restroom, locker room and changing facility that corresponds to the student's affirmed gender identity.

Some transgender students may not be comfortable using sex-segregated restrooms. If so, using a safe and adequate alternative, such as a single stall, gender-neutral restroom (i.e. the office restroom, staff restroom, health office, etc.) As a proactive action, administrators should take steps to identify gender-neutral restrooms on campus. Note that a gender-neutral restroom may be used by any student at a school, transgender or otherwise, who desires increased privacy, regardless of the underlying reason, however, the single-user bathroom may not be given as the *only* option for transgender students.

Locker Rooms, Changing Facilities

Transgender students can have access to the locker room that corresponds to the gender identity the student asserts at school, considering the available accommodation and the needs and privacy concerns of all students involved.

If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, upon request, the student may be provided access to a reasonable alternative changing area or locker room such as:

- Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room.)
- A separate changing schedule (either utilizing the locker room before or after other students)
- Use of a nearby private area (i.e., a nearby restroom, office restroom or health office restroom)

School staff as well as students and/or families may find the use of restrooms and changing facilities to be among the more challenging issues presented by gender identity law and policy guidelines. **As emphasized in other sections of this guidance, these issues should be resolved on a customized case-by-case basis, through dialogue with students and/or parent (if needed), and through leadership in creating safe and supportive learning environments via the Broward County Public Schools Gender Support and Transition Planning Guide.**

Day and Overnight Field Trips

Day field trips and overnight field trips are opportunities for educational endeavors and social engagements and it is important to make sure that transgender students have both components. This can require some planning to ensure affirmed name, gender pronouns, room assignments, chaperones and showers are accurate and aligned with the student's core gender identity.

A transgender student's comfort level with sleeping arrangements will largely dictate the manner in which related issues are addressed. If students are to be separated based on gender, the transgender student should be allowed to room with peers that match their gender identity. As with other students, it is important to pair the student with peers with whom the student feels comfortable, as well as with a rooming student(s) who feels comfortable. A school should honor transgender students' requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Schools have an obligation to maintain the student's privacy and shall not disclose the student's transgender status to other students or parents if the student is not already out and/or did not give permission. In the case of younger-aged students (elementary), discussion should take place with the student's parent(s)/guardian (for more information see "Privacy, Confidentiality, and Education Records.")

Single stall or private shower facilities are appropriate. If there are communal shower facilities, the school should consider creating a schedule to allow the student to use the communal facilities.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities or programs (i.e., class discussions, field trips, etc.), students shall be permitted to participate in accordance with their gender identity as expressed by the student and asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based rules, practices and traditions, and maintain only those that have a clear and sound pedagogical purpose. Gender-based policies, rules and practices can have the effect of marginalizing, stigmatizing and

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excluding students, whether they are gender nonconforming or not. In some circumstances, these policies, rules and practices may violate federal and state law. For these reasons, schools should consider alternatives to them. Examples include graduation gowns in different colors for males and females, lining students up by girls and boys for recess, lunch, restroom use, etc. and gender based dress for events at school, to name a few. Simple things such as calling students “students” or “scholars” instead of “boys and girls” may seem insignificant but actually make a notable difference to students who feel alienated because they many not identify as being part of either of the two binaries. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy or practice consistent with their gender identity.

Physical Education, Intramural Sports, Interscholastic Athletics

Transgender students are to be provided the same opportunities to participate in physical education and sports as are all other students. Transgender students shall be permitted to participate in gender-segregated recreational physical education activities, athletic teams and competition in accordance with the student’s gender identity as expressed by the student and asserted at school.

Title IX of the Education Amendment Acts of 1971 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, in April of 2014, the U.S. Department of Education released historic guidelines reaffirming federal civil rights protections to transgender students. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. This law reminds schools of the obligation to protect transgender students from sexual harassment, and informs schools that they have an obligation to train staff on appropriate interactions with transgender students. In addition, the Department of Education and the Department of Justice conjointly released a “Dear Colleague Letter on Transgender Students” in May of 2016.

Broward County Public Schools athletics are under the auspices of the Florida High School Athletics Association (FHSAA.) The FHSAA supports the participation of transgender and gender nonconforming students in all athletic activities in alignment with the Florida Department of Education’s Code of Ethics and Principles of Professional Conduct related to the worth and dignity of every person.

The FHSAA Handbook year 2012-2013 forward includes specification entitled “Gender Identity Participation” including the eligibility to participate in interscholastic athletics in a manner that is consistent with a student’s gender identity and expression, irrespective of

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the gender listed on a student's birth certificate and/or records. Review procedures are outlined in the FHSAA Handbook (<http://www.fhsaa.org/rules/fhsaa-handbook>.)

Student Transitions

Not all gender-nonconforming students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome.

In most cases, transitioning is a very private matter. Students may choose to have their parent(s)/guardian participate in this process; however, parental/guardian participation is not required. Sometimes older students (high school or middle school) are navigating familial challenges with acceptance of a child's gender affirmation. As well, young students (typically elementary-aged, but not always) navigate the transition process with their parent/guardian.

When appropriate, schools, in particular one "trusted adult," should work closely with the student or the student and parent(s)/guardian in reviewing the "Gender Support and Transition Planning Guide" regarding the confidentiality of the student's transgender status and other safety components. The Planning Guide's guiding questions are a comprehensive tool that can assist this process. These questions provide a list of topics for a transitioning student to review with a trusted adult in the school and/or with a school administrator. Privacy considerations also may vary with the age of the student. Please see below for additional guidance specific to elementary-aged students. The responses generated from the "Gender Support and Transition Planning Guide" should be discussed only with the persons who are responsible for implementing the plan. As one example, the PE teacher should be notified that a student who had previously used a boy's locker room would move into the girl's area. The "Gender Support and Transition Planning Guide" can be found in the appendix of the "LGBTQ Critical Support Guide." **As a privacy safeguard, any generated documentation, notes or responses to the questions within the planning guide should remain in the sole possession of the trusted adult and/or school leadership team coordinator. The documentation should not be disseminated or placed in any education records with identifiable information.**

Developmentally Appropriate Protocols

In order to maintain privacy and confidentiality regarding transition and gender identity, transgender students may wish—but are not required—to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act

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in accordance with the following developmentally appropriate protocols. **These protocols are guidelines, but each student situation should be handled according to the maturity of each individual student and the contextual situation, while still respecting that student's rights.**

Grades PK-5

Generally, the parent or guardian will inform the school of an impending transition. However, it would be appropriate to approach the family of an elementary school student if school staff believes that a gender identity or expression issue is presenting itself at school and creating difficulty for the student. Together, the family and school can then identify appropriate steps to support the student. A guide of community as well as District resources can be found in the resources section of the BCPS "LGBTQ Critical Support Guide," <http://www.browardprevention.org/diversity/lgbtq>.

Grades 6-12

Notifying parent(s)/guardians who are unaware or not on board carries risks for the student. For example, some parents who are not accepting may force the child to leave home. **Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent(s) or guardian will be involved in the process and must carefully consider the health, well-being and safety of the transitioning student.**

When a student transitions during the school year, the school shall hold a meeting with the student and parent(s)/guardian, if they are involved in the process, to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, it is recommended that the school sensitize and train school administrators and any educators that interact directly with the student on the transition plan, timelines for transition and any relevant legal requirements.

Education and Training

In order to further facilitate a safe and supportive school environment for all students, the BCPS Diversity, Prevention & Intervention Department will incorporate education and training about transgender and gender nonconforming students into their anti-bullying curriculum, student leadership trainings and staff professional development.

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As with other efforts to promote positive school culture, professional development for school staff could include topics on gender identity and gender nonconformity such as the detailed information in BCPS “ Policy Guidelines: Transgender Procedures, Safety and Resiliency” located in the “LGBTQ Critical Support Guide,” key terms related to gender identity and expression and the development of gender identity. As well, professional development could include experiences of transgender and other gender nonconforming students, risk and resilience data regarding transgender and gender nonconforming students, ways to support transgender students and to improve the school climate for gender nonconforming students and gender-neutral language and practices.

An exemplary guide for understanding and supporting students who identify as transgender is “Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools” and can be found at http://www.nea.org/assets/docs/Schools_in_Transition_2015.pdf. Also, www.genderspectrum.org has information about transgender and gender nonconforming children. These sites may offer you more knowledge about transgender and gender variant children, both in school and in general.

A Note about Adults (Staff, Parent/Guardians and Caretakers) Who May Be Transgender

As with young people, there may be adults who identify as transgender and transition may look very different for each staff member, parent(s)/guardian or school visitor. Not all people who undergo a transition desire the same outcome. Staff members, parents, guardians or caretakers in our schools also have the right to keep their transgender identity private and confidential, be addressed by the name and pronoun that correspond to their gender identity and dress in accordance with their gender identity. They also have the right to use the bathrooms and locker rooms that match their gender identity.

Outside Media and Community Communication

Media inquiries about issues related to gender identity should be referred to the BCPS Public Information Office. Rather than directly commenting on the issue, BCPS staff should direct inquiries from families or the immediate school community to the principal.

Conclusion

One cannot anticipate every situation in which questions may come up in the implementation of transgender procedures. The needs of each transgender or gender nonconforming student should be assessed and addressed on a case-by-case basis. Broward County Public Schools Diversity, Prevention & Intervention Department will continue to provide assistance, support and resources as we work together to create a safe and supportive school environment for all students.

- For further information or questions about the content of this guidance, contact the BCPS Diversity, Prevention & Intervention Department, 754.321.1655.
- For questions regarding privacy of education records, contact the Privacy Officer, BCPS Risk Management Department, 754.321.1900
- For questions that a school-based Data Entry Clerk/IMT may have about entering information in BCPS Student Information System, contact your school's Assistant Principal.
- For questions regarding consultation about LGBTQ and transgender needs, contact the LGBTQ Coordinator, BCPS Diversity, Prevention & Intervention Department at 754.321.1655.

The School Board of Broward County's Non Discrimination Policy Statement 4001.1 states, in part: The School Board of Broward County, Florida...shall not discriminate against students, parents or guardians of students, employees, applicants, contractors, or individuals participating in School Board sponsored activities. The School Board is committed to the provision of equal access...This policy is established to provide an environment free from discrimination and harassment based upon age, race, color, disability, gender identity, gender expression, marital status, national origin, religion, sex or sexual orientation.

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GENDER SUPPORT AND TRANSITION PLANNING GUIDE

Introduction

Our district is committed to honoring the rights of transgender students. Indeed, our own Nondiscrimination Policy Statement (Policy 4001.1) includes gender identity, gender expression, sex and sexual orientation in the list of categories for which discrimination and harassment are prohibited.

These questions, a resource to schools, can be used as a planning guide for school leadership teams or a trusted adult to create shared understanding about the ways in which a student's authentic gender will be supported at school. As a privacy safeguard, any documentation, notes or responses to these questions should remain in the sole possession of the trusted adult and/or school leadership team coordinator. These guiding questions should not be disseminated or placed in any education record (hard copy or electronic) unless the student gives consent.

This is our first version of the "Gender Support and Transition Planning Guide" As the needs and safety of transgender individuals evolve and future versions of these guiding questions are written, we ask that you share your feedback and any other information you might find helpful to include in this document. For further questions or comments, contact Diversity, Prevention & Intervention Department, LGBTQ Coordinator, 754.321.1655.

U.S. Department of Justice and U.S. Department of Education "Dear Colleague Letter on Transgender Students" May 13, 2016

Parent/Guardian Involvement

Does the student or has the student:

- Have a parent/guardian who is aware and supportive of the student's gender transition?
- Discussed how communication will take place with parent/guardian when using student's name and gender?
- Have siblings at the school?

Confidentiality, Privacy, Disclosure

Does the student or has the student:

- Agreed to disclose her/his transgender identity?
- With whom? (Parent/guardian, school site level leadership, support staff, direct contact teachers, teachers and staff, some students, all students, other)

Student Safety

Does the student or has the student:

- Have a “trusted adult” on campus?
- Have a person to go to if the “trusted adult” is not available?
- Have a support group on campus (e.g. Gay-Straight Student Alliance, Counseling Support Group, etc.)?
- Have a process for periodically checking in with an adult?

Names, Pronouns, Student Records

Does the student or has the student:

- Asked for affirmed name to be used when addressing the student?
- Asked for affirmed gender pronoun be used when addressing the student?
- Verbally agreed to allow her/his “Affirmed Student First Name” be a part of TERMS, BASIS, Pinnacle and Virtual Counselor. Note: Please inform the student that parent(s)/guardian have the right under The Family Educational Rights and Privacy Act (FERPA) to review education records, including information stored on electronic databases
- Have a “trusted adult” who will ensure these adjustments are made and communicated as needed?

As a reminder, the District maintains birth name on education records, including:

- Registration
- Report cards
- Diploma
- Standardized tests
- Student cumulative file
- IEPs
- Before and after school program forms

Schools post or distribute other types of information as communication tools. These documents are allowed to contain the student’s affirmed name. They include:

- Substitute teacher’s roster
- School photos
- Lunch line
- Taking attendance
- Yearbook
- Student ID and library cards
- Posted lists
- Newspapers and newsletters

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- Calling student to office
- PA announcements
- Announcements at assemblies

Have the student and you spoke about:

- Whether or not the parent(s) guardian is aware of the student's gender status?
- Whether or not the student's gender status is supported by the parent(s)/guardian?

Use of Restrooms

Does the student or has the student:

- Spoken with you about the restroom(s) s/he will use on campus?
- Know who to go to if there are questions or concerns about the restrooms?

Extracurricular Activities

Does the student or has the student:

- Spoken with you about activities or programs such as after school, theatre, sports, clubs, etc.?
- Know the steps for gaining support, if needed?

Overnight Field Trips

Does the student or has the student:

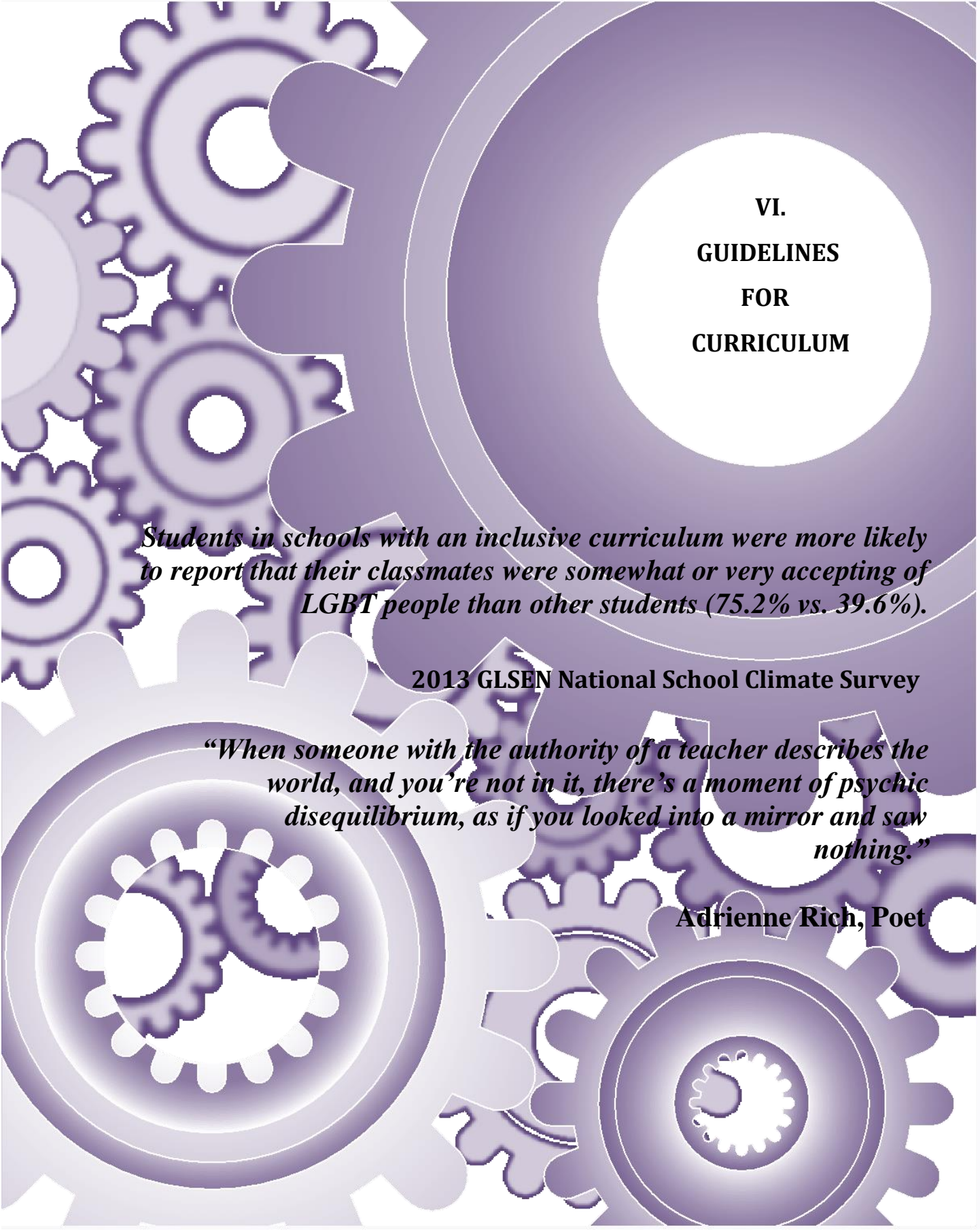
- Spoken with you about if the student is out at school, out with particular students only, or out with parent(s)/guardian?
- Spoken with you about which roommates are being requested for field trips, if any?

Information in this document was adapted from:
"Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools"
by *Gender Spectrum*

The School Board of Broward County's Non Discrimination Policy Statement 4001.1 states, in part: The School Board of Broward County, Florida...shall not discriminate against students, parents or guardians of students, employees, applicants, contractors, or individuals participating in School Board sponsored activities. The School Board is committed to the provision of equal access...This policy is established to provide an environment free from discrimination and harassment based upon age, race, color, disability, gender identity, gender expression, marital status, national origin, religion, sex or sexual orientation.



Broward County Public Schools LGBTQ Critical Support Guide



**VI.
GUIDELINES
FOR
CURRICULUM**

Students in schools with an inclusive curriculum were more likely to report that their classmates were somewhat or very accepting of LGBT people than other students (75.2% vs. 39.6%).

2013 GLSEN National School Climate Survey

“When someone with the authority of a teacher describes the world, and you’re not in it, there’s a moment of psychic disequilibrium, as if you looked into a mirror and saw nothing.”

Adrienne Rich, Poet

OVERVIEW

Numerous leading professional organizations support incorporation of LGBTQ-inclusive materials in school curricula, including the American Academy of Pediatrics, the American Association of School Administrators, the American School Health Association, and the National Association of School Social Workers.

In fact, LGBTQ-inclusiveness is expressly advocated by the School Board of Broward County Policy 1.5 (Diversity Committee):

We believe that diversity should be promoted so that... education is enhanced in a diverse, inclusive setting.

Diversity shall be defined as a broad concept that includes gender, race, ethnicity, socioeconomic background, linguistic differences, exceptional abilities, sexual orientation, gender identity and expression, variations of talents and abilities, and special needs.

This means teachers can, and should, include affirmative topics about LGBTQ persons in curriculum and classroom discussions. No parental notification is needed for these classroom discussions, as LGBTQ-inclusiveness does not constitute a discussion about human sexuality or family life as described by Policy 6000.1 of BCPS's Family Life and Human Sexuality component.

Some ways to promote LGBTQ-inclusiveness in curriculum are:

- History, social studies and civics: discuss LGBTQ rights, activists, political figures, and key events
- English, literature, and humanities: discuss LGBTQ authors and artists as well as plays, novels or films with LGBTQ characters
- Family Diversity (especially at the elementary school level): provide examples of diverse families, including LGBTQ parents and same-sex couples when discussing families in the classroom. This allows LGBTQ students, and students with LGBTQ family members, to feel normalized and included in the classroom experience
- Celebrate LGBTQ Events: for example, LGBTQ History Month in October, Pride Month in June, and the National Day of Silence in April.

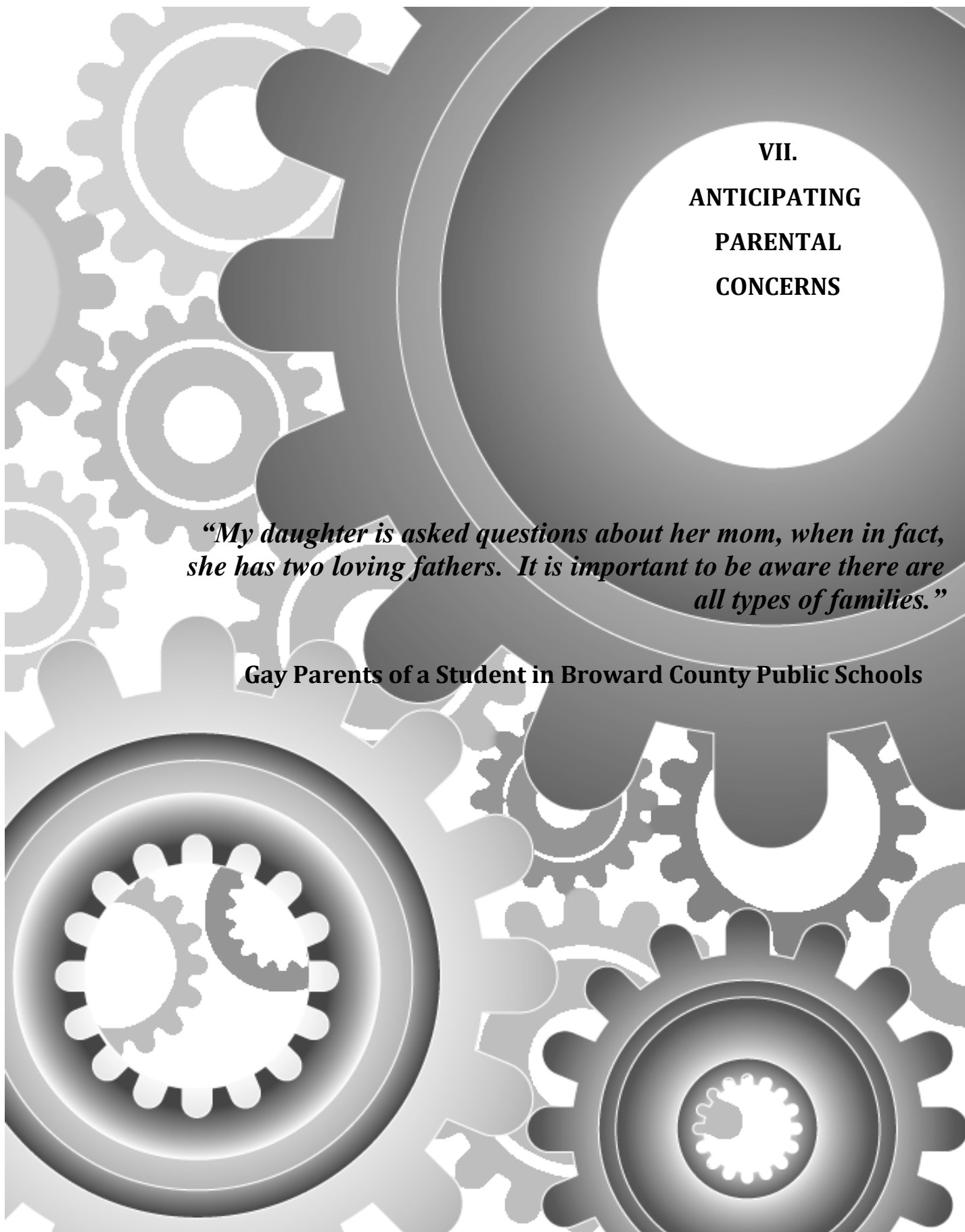
For more information on resources and support, go to www.BrowardPrevention.org.



**VII.
ANTICIPATING
PARENTAL
CONCERNS**

“My daughter is asked questions about her mom, when in fact, she has two loving fathers. It is important to be aware there are all types of families.”

Gay Parents of a Student in Broward County Public Schools



QUESTION & ANSWERS

Parents in your community may have concerns about the discussion of sexual orientation and/or gender identity in a school setting. Below are some common questions and suggested answers.

Q: Why are we spending time on LGBTQ topics? What does this have to do with school?

A: One of the most common forms of verbal harassment heard at schools targets staff or students who are perceived to be LGBTQ. This harassment can lead to physical violence, which can cause permanent bodily damage; and/or social exclusion, which can cause permanent emotional damage. By preemptively addressing anti-gay bias, we create safer schools for all students, and teach respect for the remarkable diversity of the community at large.

Q: How does this apply to us? There are no openly gay kids at our school.

A: Just because parents and staff may not know of any LGBTQ students, it does not mean they are not in the classrooms, or that students do not have LGBTQ caregivers or relatives at home. School sites must be safe for all students, as well as LGBTQ parents, caregivers, family members, and staff.

Q: Aren't our children too young to begin a discussion of LGBTQ issues?

A: By addressing LGBTQ issues in school, we are NOT talking about SEX with your children – we are talking about family, identity, and respect for others.

In today's world, our children are being regularly exposed to LGBTQ issues. Children see marriage equality being discussed on national news broadcasts, and they watch TV and movies that discuss, satirize, and possibly even ridicule LGBTQ people. Our obligation as educators is to confront stereotypes and address inappropriate language to make schools safe for all students and families. Again, these discussions are not about sex or sexual activity or body parts, but are about respect for differences.

Q: What if the parents at our school aren't ready to be confronted with LGBTQ topics?

A: The School Board of Broward County's Non-Discrimination Policy 4001.1 and Anti-Bullying Policy 5.9, expressly prohibit the discrimination and harassment of students and staff on the basis of sexual orientation, gender identity, and gender expression. Accordingly, we have an obligation to address LGBTQ issues in our ongoing efforts to create safe environments for all students and staff.

Q: What about the religious beliefs of our families?

A: Our students and their families are entitled to their personal religious beliefs. Because the U.S. government was founded upon the separation of church and state, religious beliefs cannot be permitted to shape the climate of a public school. The focus of the Guide is directed toward the outward conduct of our students and staff, fostering mutual respect in order to make our schools a safe place for all who enter.

In other words, mutual respect between people does not infringe upon any religious beliefs; and it is a critical component of a thriving society. Every member of the community must feel safe and valued in order for the community as a whole to succeed.

Q: Aren't our students too young to know about their sexual orientation?

A: Children come to an awareness of their sexual orientation at different stages. By giving students the opportunity to ask questions and seek answers, we affirm them in every step of their journey towards maturation. Moreover, we encourage our school community to display compassion towards the unique trials and tribulations of LGBTQ family members and friends.

Q: There are so few LGBTQ students. Other student issues are more pressing – why not focus on them?

A: Insults and slurs about LGBTQ persons – or those who are perceived to be – are far more common than any other verbal attacks on school sites. Harassment cannot be tolerated on any level.

Furthermore, LGBTQ students come from all cultural, racial, and socio-economic backgrounds. These young people are 3-4 times more likely to attempt suicide than their straight-identifying counterparts, and are nearly seven times more likely to be threatened or injured at school.

Finally, this issue concerns not only LGBTQ youth: straight-identifying youth are also impacted by anti-LGBTQ aggression because it is so pervasive. When one subgroup of the school community feels threatened, the entire school culture is adversely affected. We owe it to all of our students to make Broward County Public Schools a model of mutual respect and celebrated diversity.

LGBTQ students may be a minority within our schools, but the challenges they face are anything but minor.



Broward County Public Schools LGBTQ Critical Support Guide

APPENDICES

APPENDIX A

LGBTQ Resources

It is beneficial for individuals facing LGBTQ challenges to be provided with additional information and support outside of school. Please make your guidance office and school staff aware of the following list of resources.

Resources for Lesbian, Gay, Bisexual, Transgender & Questioning Students

Crisis Hotlines

Broward 2-1-1

2-1-1 or 954.537.0211

Provides 24-hour comprehensive Helpline and support services for individuals in our community seeking crisis intervention assistance and/or information and referrals to health and human services in Broward County

<http://www.211-broward.org>

The Trevor Project

24/7 crisis intervention and suicide prevention for LGBTQ youth

1.866-4-U-TREVOR

<http://www.TrevorProject.org>

Youth Runaway Hotline

Keeps runaway, homeless and at risk youth safe and off the streets

1-800-RUNAWAY

<http://www.1800runaway.org>

Other Resources

- **Broward County Public Schools, Student Support Initiatives**

The mission of the Office of Student Support Initiatives is to enhance student success and achievement. The Office supports school communities to improve school climate, safety, attendance, behavior, student health and well-being through high-quality professional development, technical assistance, targeted services, and the dissemination of current and relevant research-based prevention, intervention, and corrective resources. Three of the primary departments in the Office dedicated to assisting the needs of students, teachers, parents, and community are:

 - ✓ **Diversity, Prevention & Intervention Department**

Employs culturally competent family counselors and prevention specialists to implement anti-drug and anti-violence education services. Fosters an appreciation for diversity, including those who identify as LGBTQ.
754.321.1655
<http://www.BrowardPrevention.org>
 - ✓ **Exceptional Student and Support Services Department**

Provides a wide array of support services for students, staff, and families in the Broward County Schools. The department is comprised of several services delivery areas, including: child abuse and neglect, dependency and delinquency, family counseling, homeless education, high school graduation initiatives, school social work and attendance services.
754. 321.3436
<http://www.Broward.k12.fl.us/StudentSupport/ssd/index.html>
 - ✓ **Coordinated Student Health Services**

Represents an expansion of the traditional elements of school health – education, services and environment – to embrace a broader mission, one in which collaboration with community resources are fostered and everyone in the school shares the responsibility for promoting good health. Realizing this mission requires the mobilization of social, intellectual, physical and mental health needs of students. This contributes to the well-being of the school staff, and creates a healthful school environment for everyone.
754. 321.1575
<http://www.browardhealthservices.com>
 - ✓ **EEO Compliance**

The Equal Educational Opportunities Department (EEO) is charged with the responsibility of monitoring, coordinating, and recommending action aimed toward the Board's policy of equal opportunity in education and employment. The department also assures the district's compliance with Federal, State and Board regulations pertaining to equal opportunity and equal access.
754. 321.2150
<http://www.Broward.k12.fl.us/EEO/index.htm>

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- **American Civil Liberties Union of Florida (ACLU)**
Investigates and/or litigates civil liberties matters concerning individual freedom and constitutional rights. Division devoted specifically to LGBT issues.
786.363.2700
<http://www.aclufll.org>
- **Aqua Foundation for Women**
Serves as the funding catalyst for lesbian, bisexual and transgender wellness and equality in South Florida through scholarships, grants and initiatives for LBT women.
305.576.2782
<http://www.aquafoundation.org>
- **Equality Florida**
Statewide agency dedicated to securing full equality for Florida's lesbian, gay, bisexual, and transgender (LGBT) residents.
<http://www.Equalityflorida.org>
- **Gay Lesbian Straight Education Network (GLSEN)**
The leading national education organization focused on ensuring safety for all students. Provides resources, research, and model policies.
<http://www.GLSEN.org>
- **GLASEN**
Gay, Lesbian Ally School Education Network of Broward Schools
Established in 2014, the mission of GLASEN is to promote safety, support, and community for Broward County Public School's lesbian, gay, bisexual, transgender and questioning (LGBTQ) employees. This goal is to be accomplished through advocacy, education, partnerships and community building so a healthy and safe environment will be instituted for a collective acceptance of diversity among our staff, students and community.
Email: Steve.Frazier@browardschools.com
- **GSA Network**
A youth leadership organization linking GSAs to one another and community resources through peer support, leadership development, and training.
<http://www.Gsanetwork.org>

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- **Legal Aid Service of Broward County, Inc. (LAS)**
Since 1973, LAS has provided high quality free civil legal assistance to the economically disadvantaged in Broward County to improve the living conditions of low-income persons and to encourage self-sufficiency. A variety of legal issues are addressed, including those benefiting the LGBT community through projects such as the Broward Human Rights Initiative (BHRI) which protects the civil rights of those discriminated against based on sexual orientation or gender identity.
954.765.8950
<http://www.legalaid.org/broward>
- **Office for Civil Rights, U.S. Department of Education**
Regional office serving Florida; can be contacted in the event of a violation.
404. 974.9406
<http://www.2.ed.gov/about/offices/list/ocr/index.html>
- **Parents and Friends of Lesbians and Gays (PFLAG)**
Promotes the health and well-being of lesbian and gay individuals, as well as their family and friends, through support, education, and advocacy. Broward PFLAG support groups meet in Fort Lauderdale, Coral Springs and Cooper City.
954.665.7002
<http://www.pflagbroward.com>
- **Planned Parenthood**
The mission of Planned Parenthood of South Florida and the Treasure Coast, Inc. is to provide comprehensive sexual health care through the provision of clinical services, education and advocacy. Planned Parenthood does so by responding to the needs of those seeking services, and by protecting and respecting the essential privacy rights, dignity and culture of each individual.
561.848.6402
<http://www.plannedparenthood.org>
- **Police Department LGBTQ School Liaisons**
Captain Al Xiques and Detective Mike Silver
954.435.6537
954.431.2200

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- **Pride Center at Equality Park**
Provides information, education, advocacy, support, human services, cultural experiences and social opportunities www.glccsf.org. For over 20 years, The Pride Center has provided a warm, welcoming and safe space for the LGBTQ community. They offer services essential to people's well-being. The campus also serves as a community's gathering space, with over 25,000 people of all ages attending the groups, events and functions hosted each year.
954.463.9005
<http://www.Pridecenterflorida.org>
- **Safe Schools South Florida**
Provides support, education and advocacy for LGBT, questioning youth and their straight allies, especially through the network of school Gay-Straight Alliances and educator training programs.
305.576.2126
<http://www.SafeSchoolsSouthFlorida.org>
- **Stonewall National Museum & Archives (SNMA)**
SNMA one of the country's largest LGBTQ circulating book, film, programs, exhibitions, and special event. Stonewall is a publicly accessible cultural and educational resource that preserves, interprets and shares the remarkable heritage of the LGBT community. The museum is one of the largest circulating book and film programs in the U.S., holding thousands of books, DVDs and historical fact archives. Stonewall also manages Stonewall National Education Project (SNEP) which creates safe and affirming school environments through LGBTQ education and history.
954.763.8565
<http://www.StonewallNationalMuseum.org>
- **SunServe**
Professional psycho-social mental health services and social events for LGBTQ youth ages 13-21 and their families, including specified services for transgender youth and families (NOTE: two counseling sessions can be provided before parental notification is required.)
954.764.5150
<http://www.SunServeYouth.org>
- **TeenSpace211**
A confidential and interactive website for teens looking for information, support, and resources to help cope with today's tough teen issues.
<http://www.TeenSpace211.org>

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- **The Humanity Project**
The Humanity Project creates innovative collaborations that solve social problems such as bullying. The project's Anti-bullying Through the Arts program teaches bystanders to aid bullying victims. The group also offers a cutting-edge website for disengaged LGBT teens and 'tweens, created by GSA and other students, called www.thp4kids.com.
954.205.2722
<http://www.thehumanityproject.com>
- **Welcoming Schools**
A Project of the Human Rights Campaign Foundation
Offers tools, lessons and resources on embracing family diversity, avoiding gender stereotyping and ending bullying and name-calling in elementary schools.
<http://www.elcomingSchools.org>
- **The Yes Institute**
Yes Institute provides powerful, action-oriented dialogue and quality research-based education on gender and orientation topics. Their mission is to prevent suicide and ensure the healthy development of all youth through powerful communication and education. Includes parent and student LGB and T speakers, parent to parent conversation for those in need and connections to gender-focused social and medical services.
305.663.7195
<http://www.YesInstitute.org>

Miami-based Services

- **The Alliance for GLBTQ Youth**
The Alliance for GLBTQ Youth coordinates a full range of quality services through partnerships with many Miami-Dade County service organizations, serving youth, families and their communities while advocating for equal rights and status of all youth regardless of their real or perceived sexual orientation or gender identity/expression.
305.899.8087
<http://www.glbtqalliance.org>

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- **Pridelines**

Pridelines provides safe space, psychosocial support, skills-building, leadership development and referrals for South Florida's LGBTQ youth ages 14-24. It provides nightly support, skills-building or leadership development/mentoring groups; weekend youth enrichment activities; referral to health, mental health and support services.

305.571.9601

<http://www.pridelines.org>

Palm Beach-based Services

- **Compass Gay & Lesbian Community Center of the Palm Beaches**

Compass aims to diminish stereotypes by challenging long-standing misconceptions about the character of the lesbian, gay, bisexual and transgender community. Compass accomplishes this by emboldening our youth, promoting pride in our community, and acting as an educator, advocate, health service provider, and focal point for community organizing.

561.533.9699

<http://www.compassglcc.com>

Health and Wellness

- **AIDS Healthcare Foundation (AHF)**

AHF offers complete HIV medical care and provides clients with access to additional specialists, medications and services.

1.888.aids care

<http://www.hivcare.org>

- **Broward County Health Department**

The mission of Broward County Health Department is to protect, prevent and improve the health of all people in Florida through integrated state, county and community efforts.

954.467.4723

<http://Browardchd.org>

Broward County Health Department: Countywide HIV Testing Sites

<http://www.browardgreaterthan.org/hiv-test-locations/>

- **Center for Disease Control and Prevention (CDC)**
These pages provide information and resources on some of the health issues and inequities affecting LGBT communities. Links to other information sources and resources are also provided. Some of this information is designed for members of the general public. Other information has been developed for health care providers, public health professionals, and public health students.
<http://www.CDC.gov/LGBThealth/>
- **Care Resource**
Care Resource provides comprehensive primary medical and preventative care, including health, oral and mental health/substance abuse services to all individuals in our community. Through education, prevention, research, care, treatment and support services. Care Resource's mission is to improve the health and overall quality of life for our diverse South Florida communities in need with demonstrated excellence in the multicultural field of HIV/AIDS.
305.576.1234
<http://www.Careresource.org>
- **Children's Diagnostic and Treatment Center (CDTC)**
The mission of the CDTC is to provide medical care, case management and social services to children and adolescents, as well as to provide support for their families.
954.728.8080
<http://www.Childrensdiagnostic.org>
- **Latinos Salud**
Latinos Salud is a safe space for Latino gay young men and their partners to find friends, support and resources. Thirteen staff members hail from Brazil, Colombia, Costa Rica, Chile, Cuba, the Dominican Republic, Ecuador, Haiti, Mexico, Puerto Rico and Venezuela. Staff members work to make a stronger community.
954.765.6239
<http://www.latinosalud.org>

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- **The Poverello Center**
The Poverello Center is a Bridge of Hope and Life Support for people living with HIV/AIDS providing clients with food and nutritional supplies through its Food Bank as well as clothing, housewares and medical supplies through its Thrift Store. It operates a Health Annex that provides a Full Service Gym complete with holistic therapies and a “Safe Place” with meeting rooms and games for its clients to gather at no charge.
954-561-3663
<http://www.poverello.org>
- **The South Florida Lesbian, Bisexual and Transgender Health Directory**
Established in 2013, The South Florida Lesbian, Bisexual and Transgender Health Directory is made possible by a grant from Aqua Foundation for Women. The directory contains medical provider listings gathered directly from providers, local search platforms, and patient recommendations regarding lesbian, bisexual and transgender friendly physicians. All listings have been verified. Listing in the LBThealth.org directory does not imply endorsement or recommendation.
<http://www.lbthealth.org/>
- **World AIDS Museum**
The mission of the World AIDS Museum is to increase awareness and decrease stigma of HIV/AIDS by documenting the history of HIV/AIDS, remembering the people, educating people about HIV/AIDS, enlightening the world about the continuing tragedy and empowering the survivors.
954.815.2550
<http://www.worldaidsmuseum.com>

Recreational and Social

Listing does not imply endorsement or recommendation by Broward County Public Schools.

- **ArtsUnited Inc.**
ArtsUnited’s mission is to present a positive message about the LGBT community through the fine arts. The mission is accomplished by organizing art exhibits and performances by LGBT artists and performers in public venues throughout the community. ArtsUnited presents over 25 programs throughout the year.
954.462.8190
<http://www.artsunitedflorida.com>

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- **Island City Stage**

Island City Stage is a professional, non-profit (501c3) theatre that produces plays and musicals that explore the values, history, issues and humor that impact the LGBT and Progressive communities. Founded by artists with years of Broadway, film, television and regional theatre experience, ICS promises an evening that will entertain and engage you.

954.678.1496
<http://www.islandcitystage.org>
- **Fort Lauderdale/Miami Gay & Lesbian Film Festival**

The film festival's mission is to entertain, educate and inspire the LGBTQ community and the general public to encourage a sense of community through the presentation of international and culturally diverse film, video and other media that offer historical and/or contemporary perspectives on the LGBT experience.

305.751.6305
<http://www.mglff.com>
- **South Florida Pride Wind Ensemble: Youth Pride Band Program**

The South Florida Pride Wind Ensemble has been entertaining audiences for 27 years. SFPWE performs three concerts per year at the Broward Center for the Performing Arts. Their component organizations include a jazz ensemble, marching band, and steel drum band. These groups can be seen at many events throughout South Florida.

Email: info@pridewindensemble.org
<http://www.pridewindensemble.org>
- **Women in Network**

Women in Network (WIN) is a South Florida community organization dedicated to the development, leadership, and empowerment of LBT women, their friends and supporters. WIN is a non-profit group providing professional and business networking opportunities, social and recreational events, advocacy efforts, health and educational programs, and philanthropic and scholarship support.

954.463.9005
<http://www.womeninnetwork.com>
- **LGBT Visitor Center**

The LGBT Visitor Center in Miami Beach is supported by the MDGLCC Foundation Inc. and exists to support the education, travel and tourism outreach efforts for the Miami-Dade Gay & Lesbian Chamber of Commerce. The LGBT Visitor Center provides a space that highlights valuable resources and information for all.

305.397.8914
<http://www.gogaymiami.com>

APPENDIX B

Youth with LGBTQ Parents – Helpful Facts

In the United States alone, there are millions of people with one or more lesbian, gay, bisexual, transgender, and/or queer (LGBTQ) parent(s). While research shows there are no significant developmental differences or negative effects on children of LGBTQ parents, these youth do report facing significantly more prejudice and discrimination due to societal homophobia and transphobia (see p.9 for definitions). Youth report schools are key places where they face intolerance – from peers, teachers, school administration, and school systems affected by the homophobia in our society.

According to a 2001 study, students who have LGBTQ parents experience harassment at the same rate as students who themselves are gay. In addition:

- Six million to 14 million children in the United States have one or more lesbian, gay, bisexual, transgender, and/or queer parent (Johnson & O'Connor, 2002).
- The 2000 Census was the first time the US Government captured info regarding same-sex households and found that same-sex couples live in 99.3% of US counties.
- A growing body of scientific literature demonstrates that children who grow up with one or more LGBTQ parents fare as well in emotional, cognitive, social and sexual functioning as do children whose parents are heterosexual (American Academy of Pediatrics, 2002).
- People with LGBTQ parents have the same incidence of homosexuality as the general population. Research studies have found that growing up with LGBTQ parents does not have an effect on the sexual orientation of their children (Anderssen, Amlie, & Ytteroy, 2002).
- Studies have shown people with LGBTQ parents may be more open-minded about a wide variety of things than people with straight parents (Stacy & Biblarz, 2001).
- African-American lesbians are the group within the LGBTQ community that is most likely to be raising children (US Census, 2000)
- On measures of psychosocial well-being, school functioning, romantic relationships and behaviors, teens with same-sex parents are as well-adjusted as their peers with opposite-sex parents. A more important predictor of teens' psychological and social adjustment is the quality of the relationships they have with their parents (Wainright, Russell, & Patterson, 2004, based on data from the National Longitudinal Study of Adolescent Health, 2004).

Almost half of the participants in Ray and Gregory's (2001) study of children ages seven to eleven years old with lesbian and gay parents had experienced teasing in relation to their

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parent's sexuality, and a large number of the children heard anti-gay sentiments and gay jokes, often on a daily basis.

References

C.O.L.A.G.E.

Children of Lesbians and Gays Everywhere - for people with a lesbian, gay, bisexual, transgender or queer parent (<http://www.colage.org/>). In My Shoes: Stories of Youth with LGBTQ Parents (Discussion and Action Guide) a Youth-Produced Documentary Film By and About Youth with LGBTQ Parents.

APPENDIX C

Tips To Create Safer, More Inclusive School Communities for LGTBO Families

- a. Be aware that some children have LGBTQ parents.
Some LGBTQ parents do not attend school functions (they do not share their status - e.g., only one parent may be registered with the school).
- b. Ensure school forms include place for same-sex couples (e.g., rather than forms with "mother and father" - use "Parent or Guardian 1, Parent or Guardian 2..." which is also inclusive of children living with grandparents, etc.).
- c. Encourage teachers to check with LGBTQ parents about how they want to handle class activities and projects around Mother's Day, Father's Day, etc.
- d. Ensure LGBTQ issues are part of anti-bullying training for teachers, staff, and students.
- e. Provide teachers with guidance and support on how to handle both overt and covert insults and anti-gay comments (e.g., "That's so gay," "You can't have two Dads; you have to have a Mom. Everyone has a Mom.>").
- f. When teaching about LGBTQ parenting, be inclusive of a broad range of family structures (same-sex parenting is not so different from other family structures – such as families headed by one parent, or by a grandparent, or by other extended family members).
- g. Let all parents know that the principal, assistant principal and others are open and respectful about LGBTQ issues (e.g., in newsletters to parents, orientations, etc.) – so they know they can trust administration is inclusive.
- h. Have books in the library inclusive of LGBTQ experiences and different family structures.
- i. Acknowledge children of same-sex couples have two equally important parents (the biological parent is not more important).
- j. For the younger grades, use the term “room Moms” but “room parents”.
- k. Inform PTA, school staff, and other organizations associated with schools about LGBTQ families, including but not limited to bus drivers, cafeteria workers, after care workers, providers, agencies, etc.
- l. Many resources, messages, support, and strategies for dealing with other forms of diversity apply similarly to families headed by one or two LGBTQ parents.
- m. Principals and teachers must recognize the journey of the child – he/she is subject to

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all the externalized homophobic attitudes in the environment – societal, governmental, peer group etc. Children of LGBTQ parent(s) want to be considered as mainstream children – no different from their peer groups. They will experience the same feelings as LGBTQ youth – denial, repression, etc. They need an adult in the school environment to help them feel that their difference as a child of lesbian, gay, bisexual or transgender parent(s) is as respected, as any other minority would expect to be respected.

- n. Children of LGBTQ parents(s) may feel embarrassed by their difference. They may not want others to know their parents are two moms or two dads and may fabricate a more “normalized” home environment. When their home environment is exposed to others, they may experience the same feelings LGBTQ kids do when they are “outed” – bullying, isolation, etc. Also and conversely, some children will feel comfortable and proud of their family and will talk freely about their two dads or two moms.
- o. School administrators should first become aware and sensitized about the journey of the LGBTQ individual because this will help them to more effectively understand the child of an LGBTQ headed household.

APPENDIX D

Tips for Teachers: Understanding and Supporting Students Whose Parents or Guardians are LGBTQ

1. Don't make assumptions

- a. About the sexual orientation of students or their family members.
- b. About the structure of their family and who they consider family (kids might be raised by a sibling, a grandparent, in foster care).
- c. That students and their families do *or do not* want their sexual orientation and family structure disclosed (ask, tell me about your family and who you would like included in discussions about your family; what are the names your child uses to refer to your family members; how open are you about your relationship with people outside of your family; what do you share about how your children came to be with you).

2. Choice of language matters

Be inclusive, rather than unintentionally or intentionally excluding some students through your choice of words.

- a. Change forms and community documents to use neutral and inclusive language e.g. list parent/guardian (not mother and father) and provide multiple lines to accommodate blended families.
- b. Address letters to parents/guardians.
- c. On Mother's and Father's day, give options to create more than one card/gift.
- d. List all parent/guardian names in school directory (with permission).
- e. Incorporate different types of families into discussions and examples, and use the words "lesbian" and "gay" (*not* "homosexual") in your classroom and in the school so all become familiar with and acknowledge the existence all families.
- f. Include all family announcements (with permission) in class newsletters that announce family celebration (e.g. births, weddings/unions, adoptions, second-parent adoptions).
- g. Find out from students whom they consider their family and what names the student uses for them (e.g. Mommy and Mama, Papa and Daddy). Become comfortable and natural in conversations with and about students in using their choice of terms (e.g. "ask your moms" or "Heather's dads had a celebration for her...").
- h. Be non-judgmental in answering student questions.

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- i. Encourage students to *be secure in who they are*. Work to build strong, resilient students and have *real* conversations with them, supporting them to be strong enough to be proud of who's in their family.

3. Use an Anti-Bias Curriculum that Incorporates and Addresses the Issues of LGBTQ-Headed Families

- a. Seek out anti-bias curricula and resources that model inclusiveness, making sure all types of families are incorporated into your curriculum and into your classroom discussions and conversation (ask families if they have suggestions of books and resources).
- b. In school and classroom libraries, on reading lists, and in stories that you read to your class, include books and resources reflecting different family structures, including LGBTQ-headed families.

4. Create a School and Classroom Environment Inclusive of All

- a. In classroom displays, showcasing of books in the school library, in posters, community and family news displayed on walls and hallways, make sure all kinds of families and individuals are reflected.
- b. Actions of teachers and administrators model inclusiveness and non-discrimination. When school administrators and teachers use terms like “lesbian” and “gay” as a natural and normal part of discussions, this sends a powerful message to students and their families.

Helen Mongan-Rallis & Annie Rees, UMD Professional Day, January 27, 2012.

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APPENDIX E

Some Tips to Create Safer, More Inclusive School Communities for LGBTQ Staff

- a. LGBTQ educators share the same values of teaching and caring for children as other teachers. They are committed to the well-being of their students. They have chosen to be educators to help children thrive.
- b. Knowing an educator is lesbian or gay is not going to make a child lesbian or gay. Most LGBT individuals were raised by and surrounded by non-LGBTQ people. Being LGBTQ is about how someone feels inside.
- c. Knowing someone is LGBTQ may help to dispel hurtful stereotypes youth may have heard. Knowing someone who is gay may help young people stop using “gay” as an insult. Knowing someone who is gay may stop those insults from building up into physical and emotional harassment.
- d. When an educator mentions his or her partner – whether it is a boyfriend/girlfriend or husband/wife, and whether or not the partner is of the same sex or the other sex, that educator is talking about one aspect of her or himself. When educators mention their partners, they are talking about people in their lives who are important to them. This is an aspect having little impact on the educator’s quality as a teacher.
- e. Most teachers share something about their lives with students. Students may know Mrs. Jones is married to Mr. Jones, Ms. Washington has two children, Mr. Garcia took a vacation to the Grand Canyon with his family over the summer or Ms. Reilly is single. When a teacher is openly LGBT, they are sharing this type of information with students – not information about intimate details of their lives.
- f. If an educator is transgender, many more discussions may be necessary to help people understand what this means. For more information contact the Gender Education Center at <http://www.DebraDavis.org>.
- g. Discrimination based on sexual orientation is unfair and in many states it is illegal. Over half of the U.S. population lives in states or cities prohibiting discrimination based on sexual orientation, and almost 40 per cent live in places protecting transgender people from discrimination.

References

Adapted from <http://www.welcomingSchools.org>

APPENDIX F

Critical Support Guide Summary

- **The Numbers**
Statistics concerning LGBTQ students suggest a problem we can no longer ignore: 9 of 10 LGBTQ youth have been harassed at school; 2 of 3 feel unsafe there; 1 of 3 skip school as a result. Harassment results in lower grade-point averages, and LGBTQ kids are at a dramatically increased risk for self-harm and attempted suicide (especially those with unsupportive families).
- **The Vocabulary**
Relevant terminology: **Gender Identity** (the gender a person identifies with psychologically, even if in conflict with biological gender). **Gender Expression** (masculine or feminine conduct or dress). **Transgender** (someone who feels trapped in the wrong body and may or may not seek medical intervention). **Gender-nonconforming** (someone whose gender expression is not traditionally associated with his/her biological sex, i.e., a tomboy). **Heterosexism** (pervasive presumptions that everyone is straight). **Questioning** (an in-flux state of exploring one's sexual orientation or gender identity, not uncommon in youth).
- **Discrimination is Illegal**
LGBTQ harassment/discrimination is forbidden under federal law (Constitutional Equal Protection) as well as local Broward County policies (Non-Discrimination Policy 4001.1 and Anti-Bullying Policy 5.9). In a public school environment, a person can't be treated differently just because he/she is, or is perceived to be, LGBTQ.
- **LGBTQ Students Have Legal Rights**
Students have the right to be "out" at school, even if they are NOT "out" at home. Schools may NOT violate student confidentiality by "outing" a student to parents/guardians. LGBTQ students are permitted to bring same-sex dates to prom. Transgender students may wear gender-nonconforming clothes to school, proms, yearbook pictures, graduation.
- **Intervention is Required**
Under Broward County Public School Board Policy 4000.1 (Anti-Discrimination) and Policy 5.9 (Anti-Bullying) our schools must intervene when witnessing or having been informed of anti-LGBTQ harassment and/or bullying.
- **Many Ways to Help**
Create a safer environment:
 - Intervene in "That's so gay"
 - Display Safe Space stickers/posters
 - Express compassion to students who "come out" to you
 - Keep such information strictly confidential, even from parents

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- Use inclusive language and diverse family examples
 - Support your GSA
 - Embrace more inclusive curriculum/books/historical figures (as required by SBBC Policy 1.5 on Diversity)
 - Accommodate an openly transgender student's requests re: name, gender pronoun, bathrooms, locker rooms, and sports teams
- **We Have your Back**
Do not fear parental backlash. Response examples:
 - LGBTQ students are disproportionately at-risk
 - The District has an obligation to keep all students and staff safe
 - We are not teaching about sex when discussing identity and family diversity
 - We are focusing on outward demonstrations of mutual respect and not challenging any personal religious beliefs
 - We cannot have a great school without a great school culture in which every student feels welcome and valuable.

APPENDIX G

Federal Support Letter

June 14, 2011

Dear Colleagues:

Harassment and bullying are serious problems in our schools, and lesbian, gay, bisexual, and transgender (LGBT) students are the targets of disproportionate shares of these problems. Thirty-two percent of students aged 12-18 experienced verbal or physical bullying during the 2007-2008 school year;¹ and, according to a recent survey, more than 90 percent of LGBT students in grades 6 through 12 reported being verbally harassed — and almost half reported being physically harassed — during the 2008-2009 school year.² High levels of harassment and bullying correlate with poorer educational outcomes, lower future aspirations, frequent school absenteeism, and lower grade-point averages.³ Recent tragedies involving LGBT students and students perceived to be LGBT only underscore the need for safer schools.

Gay-straight alliances (GSAs) and similar student-initiated groups addressing LGBT issues can play an important role in promoting safer schools and creating more welcoming learning environments. Nationwide, students are forming these groups in part to combat bullying and harassment of LGBT students and to promote understanding and respect in the school community. Although the efforts of these groups focus primarily on the needs of LGBT students, students who have LGBT family members and friends, and students who are perceived to be LGBT, messages of respect, tolerance, and inclusion benefit all our students. By encouraging dialogue and providing supportive resources, these groups can help make schools safe and affirming environments for everyone.

But in spite of the positive effect these groups can have in schools, some such groups have been unlawfully excluded from school grounds, prevented from forming, or denied access to school resources. These same barriers have sometimes been used to target religious and other student groups, leading Congress to pass the Equal Access Act.

In 1984, Congress passed and President Ronald Reagan signed into law the Equal Access Act, requiring public secondary schools to provide equal access for extracurricular clubs. Rooted in principles of equal treatment and freedom of expression, the Act protects

¹ Dinkes, R., Kemp, J., and Baum, K. (2010). Indicators of School Crime and Safety: 2010. (NCES 2010-012/NCJ 228478). 42 National Center for Education Statistics: Washington, DC.

² Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools, 26, New York: GLSEN.

³ GLSEN, at 46-8.

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student-initiated groups of all types. As one of my predecessors, Secretary Richard W. Riley, pointed out in guidance concerning the Equal Access Act and religious clubs more than a decade ago, we “protect our own freedoms by respecting the freedom of others who differ from us.”⁴ By allowing students to discuss difficult issues openly and honestly, in a civil manner, our schools become forums for combating ignorance, bigotry, hatred, and discrimination.

The Act requires public secondary schools to treat all student-initiated groups equally, regardless of the religious, political, philosophical, or other subject matters discussed at their meetings. Its protections apply to groups that address issues relating to LGBT students and matters involving sexual orientation and gender identity, just as they apply to religious and other student groups.

Today, the U.S. Department of Education’s General Counsel, Charles P. Rose, is issuing a set of legal guidelines affirming the principles that prevent unlawful discrimination against any student-initiated groups. We intend for these guidelines to provide schools with the information and resources they need to help ensure that all students, including LGBT and gender nonconforming students, have a safe place to learn, meet, share experiences, and discuss matters that are important to them.

Although specific implementation of the Equal Access Act depends upon contextual circumstances, these guidelines reflect basic obligations imposed on public school officials by the Act and the First Amendment to the U.S. Constitution. The general rule, approved by the U.S. Supreme Court, is that a public high school that allows at least one noncurricular student group to meet on school grounds during no-instructional time (e.g., lunch, recess, or before or after school) may not deny similar access to other noncurricular student groups, regardless of the religious, political, philosophical, or other subject matters that the groups address.

I encourage every school district to make sure that its administrators, faculty members, staff, students, and parents are familiar with these principles in order to protect the rights of all students — regardless of religion, political or philosophical views, sexual orientation, or gender identity. I also urge school districts to use the guidelines to develop or improve district policies. In doing so, school officials may find it helpful to explain to the school community that the Equal Access Act requires public schools to afford equal treatment to all noncurricular student organizations, including GSAs and other groups that focus on issues related to LGBT students, sexual orientation, or gender identity. Officials need not endorse any particular student organization, but federal law requires that they afford all student groups the same opportunities to form, to convene on school grounds, and to have access to the same resources available to other student groups.

The process of revising or developing an equal-access policy offers an opportunity for school officials to engage their community in an open dialogue on the equal treatment of

⁴ U.S. Department of Education, “Secretary’s Guidelines on Religious Expression in Public Schools,” August 1995, <http://www2.ed.gov/Speeches/08-1995/religion.html>.

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all noncurricular student organizations. It is important to remember, therefore, that the Equal Access Act's requirements are a bare legal minimum. I invite and encourage you to go beyond what the law requires in order to increase students' sense of belonging in the school and to help students, teachers, and parents recognize the core values behind our principles of free speech. As noted in our October 2010 Dear Colleague Letter and December 2010 guidance regarding anti-bullying policies, I applaud such policies as positive steps toward ensuring equal access to education for all students.

Thank you for your work on behalf of our nation's children.

Sincerely,
Arne Duncan

APPENDIX H

Federal Support Letter

May 13, 2016

Dear Colleague:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance.¹ This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status. This letter summarizes a school's Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school's compliance with these obligations.

ED and DOJ (the Departments) have determined that this letter is significant guidance.² This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you have questions or are interested in commenting on this guidance, please contact ED at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Accompanying this letter is a separate document from ED's Office of Elementary and Secondary Education, *Examples of Policies and Emerging Practices for Supporting Transgender Students*. The examples in that document are taken from policies that school districts, state education agencies, and high school athletics associations around the country have adopted to help ensure that transgender students enjoy a supportive and nondiscriminatory school environment. Schools are encouraged to consult that document for practical ways to meet Title IX's requirements.³

Terminology

- ❖ *Gender identity* refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- ❖ *Sex assigned at birth* refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

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- ❖ *Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.
- ❖ *Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations. The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.

1. Safe and Nondiscriminatory Environment

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and the Departments enforce Title IX accordingly. If sex-based harassment creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. A school's failure to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. For a more detailed discussion of Title IX requirements related to sex-based harassment, see guidance documents from ED's Office for Civil Rights (OCR) that are specific to this topic.

2. Identification Documents, Names, and Pronouns

Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity.

3. Sex-Segregated Activities and Facilities

Title IX's implementing regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances. When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.

- ❖ **Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity. A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.
- ❖ **Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport. A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (i.e., the same gender identity) or others' discomfort with transgender students.

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Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students' participation on the competitive fairness or physical safety of the sport.

- ❖ **Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, non-vocational elementary and secondary schools may offer non-vocational single-sex classes and extracurricular activities under certain circumstances. When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.
- ❖ **Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including non-vocational elementary and secondary schools, and private undergraduate colleges. Those schools are therefore permitted under Title IX to set their own sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women's college from admitting transgender women if it so chooses.
- ❖ **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities. Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.
- ❖ **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex, but a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student's voluntary request for single-occupancy accommodations if it so chooses.
- ❖ **Other Sex-Specific Activities and Rules.** Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (e.g., in yearbook photographs, at school dances, or at graduation ceremonies).

4. Privacy and Education Records

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students' educational rights or opportunities by failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth. Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA). A school may maintain records with this information, but such records should be kept confidential.

- ❖ **Disclosure of Personally Identifiable Information from Education Records.** FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information. Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity.
- ❖ **Disclosure of Directory Information.** Under FERPA's implementing regulations, a school may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy. Directory information may include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. School officials may not designate students' sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy. A school also must allow eligible students (i.e., students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student's directory information.
- ❖ **Amendment or Correction of Education Records.** A school may receive requests to correct a student's education records to make them consistent with the student's gender identity. Updating a transgender student's education records to reflect the student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.

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- Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student’s education records that is inaccurate, misleading, or in violation of the student’s privacy rights. If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor’s comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.
- Under Title IX, a school must respond to a request to amend information related to a student’s transgender status consistent with its general practices for amending other students’ records. If a student or parent complains about the school’s handling of such a request, the school must promptly and equitably resolve the complaint under the school’s Title IX grievance procedures.

We appreciate the work that many schools, state agencies, and other organizations have undertaken to make educational programs and activities welcoming, safe, and inclusive for all students.

Sincerely,

/s/
Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/
Vanita Gupta
Principal Deputy Assistant Attorney
General for Civil Rights
U.S. Department of Justice

¹ 20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54. In this letter, the term schools refers to recipients of Federal financial assistance at all educational levels, including school districts, colleges, and universities. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that compliance would not be consistent with the religious tenets of such organization. 20 U.S.C. § 1681(a) (3); 34 C.F.R. §106.12(a).

² Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf.

³ ED, Examples of Policies and Emerging Practices for Supporting Transgender Students (May 13, 2016), www.ed.gov/oese/osh/emergingpractices.pdf. OCR also posts many of its resolution agreements in cases involving transgender students online at www.ed.gov/ocr/lgbt.html. While these agreements address fact-specific cases, and therefore do not state general policy, they identify examples of ways OCR and recipients have resolved some issues addressed in this guidance.

(For full list of footnotes, please see <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>)

APPENDIX I

BCPS Talking Points

1. Existing non-discrimination policy requires that we treat LGBTQ students, staff, and families the same as we treat straight students, staff, and parents. To do otherwise constitutes discrimination in violation of Broward County Public Schools (BCPS) Non-Discrimination Policy Statement 4001.1.
(For example, either all teachers must be allowed to talk about their weekends, or no teachers are allowed to talk about their weekends. Either all student couples must be allowed to hold hands or kiss in the hallway, or no students are allowed to hold hands or kiss in the hallway).
2. BCPS's Policy 1.5 (Diversity Committee) expressly states that diversity should be promoted. Diversity under this policy includes, but is not limited to, sexual orientation, gender expression, and gender identity.
3. BCPS's Anti-Bullying Policy 5.9 expressly prohibits bullying and harassment based on sexual orientation, gender expression, and gender identity.
4. This is not about sex; this is about safety. Students and staff are entitled to express their identity at school without putting themselves at risk for discrimination, harassment, or bullying.
5. Transgender students: While there is not yet state or federal law on transgender issues, gender identity and gender expression are included as protected categories in BCPS's Non-Discrimination Policy 4001.1 and Anti-Bullying Policy 5.9. BCPS *Policy Guidance: Transgender Procedures Safety and Resiliency* is the guiding document in our District. The requests of transgender students should be honored. It is important to note Title IX's addition of gender identity and expression as protected discrimination categories in May 2014 and the May 2016 "Dear Colleague Letter on Transgender Students" by the Department of Justice and the Department of Education.

APPENDIX J

Everyday Inclusion: Tips for Teaching More Inclusively

Beyond teaching the kinds of lessons and incorporating the kinds of resources included in the toolkit, what educators do and say as they teach or design and implement classroom routines has a great deal to do with students' learning in a safe, respectful and inclusive environment. Educators engaged in this work should try to:

- **Expand students' knowledge of diversity by explosion them to role models through literature, lessons, and classroom guests.** Make sure your students have the opportunity to choose books that portray diverse families as well as men and women outside of gender stereotypes. Seek out classroom speakers, such as women engineers, to present to your class; you might consider using local professional chapters (such as the association for women in Science or Hispanic National Bar Association) to find speakers to invite.
- **Make sure the analogies you use when teaching don't rely on hetero-normative or gender-normative images or viewpoints.** A hetero-normative view point is one that expresses heterosexuality as a given instead of being one of many possibilities. Such a view point can translate into the development of all kinds of images that reinforce the view. The assumption (reinforced by imagery and practices) that a boy will grow up and marry a women is based on such a view point. A gender-normative image, on the other is one that delimits the possibilities for children of either gender by reinforcing stereotype expectations such as boys preferring to play only with blocks while girls preferring dramatic play in a kitchen. The *Ready, Set, Respect!* Lesson titled, "What are Little Boys and Girls Made Of?" addresses this. Both hetero- and gender- norming can find their way in to practice for instance, the use of boy/girl attraction as a way of teaching north/south poles of magnets in a science lesson is but one example of how this happens.
- **Find ways of grouping and lining up students other than "boys here, girls there" or "boys do this, girls do that."** While some students may enjoy these ways of separating the class, they can isolate other students who may feel uncomfortable conforming to gender-based stereotypes. Consider other ways of organizing students such as a birthday month or dividing the class into two consisting groups like one's and two's.
- **Monitor choice activity time to ensure that students are not segregating themselves by gender.** If you notice this occurring, form groups based on some other characteristics such as birthday months.
- **Use inclusive language when refereeing to students, families, or others outside of the classroom. Build knowledge of vocabulary like ally, respect, diverse, etc...** By using more inclusive language ourselves, we help students develop more respectful and inclusive vocabularies.
- **Become more aware of the ways that you support gender stereotypes in your expectations of students and their work and intervene when you hear students making gender-based assumptions.** This might be one of the most difficult tips because bias in our expectations usually goes unobserved. Do you expect the boys in your classroom to be more adventuresome or the girls more organized? Do you assume certain students want to participate or not participate in activities because they are a boy or a girl? Challenging these assumptions can be difficult but this work will help you create a more inclusive environment for all of your students.
- **Write math problems with context that include a variety of family structures and gender-expressions.** For example, "Rosa and her dads were at the store and wanted to buy three boxes of pasta. If each cost \$.75, how much will all three boxes cost?" Or "Darren wants to bake a special cake for his grandmother. The original recipe calls for 2 cups of flower. If he is doubling the recipe, how much flower does he need?"
- **Integrate Ready, Set, Respect! (And other GLSEN) lessons to address conflicts and utilize teachable moments that arise around gender, diverse families, and bullying/name-calling!** Draw on these age-appropriate resources to build a more inclusive classroom.
- **Connect students' experiences with learning. Practicing respectful attitudes and behaviors takes work.** When students "slip," positively help them recall lesson(s) that relate. Encourage them to practice harder, don't shame them.

APPENDIX K

BCPS Safe Zone Posters



The LGBTQ Critical Support Guide

An invaluable resource to every principal and administrator committed to making schools safer for ALL students. In addition to providing definitions of relevant terminology and statistics on LGBTQ youth risk factors, it provides best practice guidelines regarding:

- Legal standards: How to adhere to local, state, and federal anti-discrimination laws and policies;
- Confidentiality: What to do when a student “comes out”;
- Social situations: Navigating dress code variations and same-sex dates to prom;
- Transgender students: How to be supportive during a student’s transition;
- Potential backlash: Explaining this is not about teaching sex or converting personal beliefs; this is about creating a school climate in which all students are respected and allowed to thrive.

For too long, educators have been ill-equipped to address the complex social and legal issues surrounding LGBTQ youth. With the LGBTQ Critical Resource Guide, schools now have straightforward guidelines based on straightforward laws and policies.

The goal is making our schools safer. This book is a crucial first step in achieving it.



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