



**SARASOTA
County Schools**

Office of the Superintendent
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SarasotaCountySchools.net

TO: Board Members
FROM:  Dr. Todd Bowden, Superintendent
DATE: March 10, 2017
RE: March 21 Board Work Session

At the March 21, 2017 Workshop several Board members asked to discuss LGBT&Q issues. The following documents are intended to support that conversation.

The documents in your binder included are:

- Sarasota County Policy 2.71 and Policy 2.72
- Hillsborough County – Gender Equity Resources
- Hillsborough County – Policy 1122 – Nondiscrimination and Equal Employment Opportunity
- Broward County – Critical Support Guide
- Broward County – Policy 4001.1 – Nondiscrimination Policy Statement

I look forward to our discussion.

Thank you.

POLICY AGAINST DISCRIMINATION – STUDENTS

2.71

- I. The School Board seeks to provide an educational environment free of discrimination and harassment on the basis of race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation. No student must tolerate such discrimination or harassment. The following are examples of prohibited harassment.
 - A. Harassment includes

Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation which has the purpose or effect of creating an intimidating, hostile or offensive educational environment; has the purpose or effect of unreasonably interfering with the individual's school performance or participation; or otherwise adversely affects an individual's educational opportunities.
 - B. Sexual Harassment includes
 1. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational opportunities; submission to or rejection of such conduct is used as a basis for educational decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.
 2. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment, on the basis of sexual advances or requests for sexual favors.
- II. Any student who experiences discrimination or any such harassment should report it immediately pursuant to the *Equity Procedures for Students Manual*. The initiation of any discrimination or harassment complaint made in good faith by a student, or the involvement of any parties who assist in good faith with an investigation, will not be used as a basis for retaliation or actions that adversely affect the parties' standing in the School District.
- III. It is understood that harassment or discrimination based on a student's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation is a violation of state and federal laws and a breach of the School Board's *Code of Student Conduct*, which shall

CHAPTER 2:00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

be grounds for disciplinary action including but not limited to in-school suspension, out-of-school suspension, expulsion, or other disciplinary action and may also result in criminal penalties.

STATUTORY AUTHORITY: 1001.41, F.S.

LAW(S) IMPLEMENTED: 1000.05, 1001.43, F.S.
P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 *et seq.*

HISTORY: ADOPTED: 08/21/01
REVISION DATE(S): 04/07/09
FORMERLY: 2.120

NOTES:
Refer To: Equity Procedures for Students Manual

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

POLICY AGAINST DISCRIMINATION – EMPLOYEES/APPLICANTS 2.72

- I. The School Board seeks to provide a work environment free of discrimination and harassment on the basis of race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation. No employee/applicant must tolerate such discrimination or harassment. The following are examples of prohibited harassment:
 - A. Harassment includes

Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation which has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with the individual's job performance or participation; or otherwise adversely affects an individual's job opportunities.
 - B. Sexual Harassment includes
 1. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an employee's job opportunities; submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's job performance or creating an intimidating, hostile or offensive work environment.
 2. The denial of or the provision of aid, benefits, promotions, rewards, employment, faculty assistance, services, or treatment, on the basis of sexual advances or requests for sexual favors.
- II. Any employee/applicant who experiences discrimination or any such harassment should report it immediately pursuant to the Board's procedures.
- III. Equal Opportunity Employment Policy Statement
 - A. The policies and administrative regulations of The School Board of Sarasota County, Florida, have traditionally sought to attain ideal conditions of Equal Employment Opportunity. These policies and regulations shall be amended where necessary to ensure full compliance with the letter and the spirit of the law, and apply to both sexes in all instructional and non-instructional positions. The policy is to select employees/applicants as needed on the basis of merit, training, and experience. There shall be no discrimination against any applicant or employee on the basis of race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

status, or sexual orientation except when it is necessary to meet a bona fide occupational requirement. The School Board of Sarasota County, Florida, shall take all necessary action to comply with State and Federal laws prohibiting discrimination in employment. We do this to reaffirm our commitment to Equal Employment Opportunity and to refine our implementation of existing policies as they apply to recruitment, hiring, training, promotion, personnel management practices, and collective bargaining agreements.

- B. The specific purpose of the Equal Opportunity Employment Policy statement is
1. To ensure Equal Opportunity in all personnel policies, practices and collective bargaining agreements through the identification and elimination of any existing discriminatory policies and/or practices.
 2. To design and implement continuing internal assessment, reporting and modification procedures for evaluating the effectiveness of the Equal Opportunity Employment Plan.
 3. To develop employee/applicant training programs to assist employees/applicants in complying with the plan and in achieving new competencies.
 4. To establish procedures within a complaint process for prompt processing of individual or group charges.
 5. To provide for the publication and dissemination, internally and externally, of the Equal Opportunity Employment Plan.
- IV. It is understood that harassment or discrimination based on an employee's/applicant's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation is a violation of state and federal laws and a breach of the School Board's Equal Opportunity Employment Policy, which shall be grounds for disciplinary action including but not limited to discharge.

STATUTORY AUTHORITY: 1001.41, 1012.23, F.S.

LAWS IMPLEMENTED: 760.01 *et seq.*, 1000.05, 1001.41, 1001.42, 1001.43, F.S.
P.L. 110-233

STATE BOARD OF EDUCATION RULE: 6A-19.001 *et seq.*

HISTORY: ADOPTED: 08/21/01
REVISION DATE(S): 04/07/09
FORMERLY: 2.120

NOTES:
Refer To: Equity Procedures for Employees Manual

CREATING SAFE SCHOOLS FOR STUDENTS

Gender Equity Resources

Superintendent of Schools

Jeff Eakins

Chief of Schools

Dr. Alberto Vazquez

Equity Committee

Mary Jane T., Student

Andy K., Student

Leanne Klum, Parent

Dr. Alberto Vazquez, Chief of Staff

Stephanie Woodford, Chief of Human Resources

Chris Farkas, Chief Operations Officer

T.G. Taylor, Chief of Communications

Jim Porter, School Board Attorney

Jeff Gibson, Legal Counsel

Mark West, General Manager Human Resources

Dr. Pansy Houghton, Title IX Compliance Officer

MaryLou Whaley, Director Community Engagement & Philanthropy

Tanya Arja, Public Relations

Desiree Marsicano, Project Manager Community Engagement

Denise Palazzo, Diversity, Prevention & Intervention Broward Schools

**Training materials and resource guide adapted from
Broward Public Schools Diversity, Prevention, and Intervention Department**

HCPS: Creating Safe Schools for ALL Students Resource Guide

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I. Gender Equity Resources

A. Glossary

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

Cisgender: A gender identity consistent with a person’s biological sex.

Gender: Unlike a person’s “biological sex”, which is an anatomical term, “gender” is a social construct specifying the behavioral and cultural prescribed characteristics men and women are traditionally expected to embody. Gender is now understood to have several components, including sexual orientation, gender identity, gender expression, and gender role.

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.

Gender-Nonconforming/Gender Variant: A person who has gender characteristics and/or behaviors that do not conform to traditional or societal gender expectations; for example, “girly” boys and “masculine” girls; and those perceived as androgynous.

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.

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

B. Pronouns

A transgender student shall be addressed by the name and gender pronoun corresponding to the student’s consistently asserted gender identity. All relevant teachers and administrators and staff shall be informed of a transgendered student’s preferred name and gender pronoun. The student’s preferred name and gender pronoun does not need to correspond to the student’s birth certificate and other official records.

C. Restrooms

Guidance from DOE & DOJ states: transgender students shall have the right to use the restroom that corresponds to the student’s consistently asserted gender identity.

Each school shall, by the start of the 2017 school year, have at least one universal restroom that shall be for the use of any student. No student shall be forced to use the universal restroom. Any student who attempts to abuse this procedure shall be subject to appropriate discipline.

Each school shall have at least one **UNIVERSAL** bathroom that shall be for the use of any student with access protocols determined by on-site school leaders. School leaders, in coordination with the Chief Operations Officer, will develop and share best practices to ensure a safe and accommodating learning environment for all students

D. Locker Rooms

Per guidance from DOE & DOJ: transgender students shall have the right to use the locker room that corresponds to the student's consistently asserted gender identity.

Transgender students who want to use the locker room in accordance with their consistently asserted gender identity will be provided the available accommodation that best meets the needs and privacy concerns of all involved. In reference to addressing privacy concerns, and based on availability, such accommodations could include, but are not limited to, use of a private area in the locker room (i.e., a bathroom stall with a door), a slightly modified schedule, or a separate changing schedule. School leaders, in coordination with the Chief Operations Officer, will develop and share best practices to ensure a safe and accommodating learning environment for all students.

E. Extracurricular Activities

Students have the right to equitable access to activities and programs in their schools. Students shall not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of the students' gender identity. A student may choose to compete or run for any gender specific title or office (such as Homecoming Queen) in the category of the student's consistently asserted gender identity.

F. Dress Code

Transgender students shall be permitted to wear clothing in accordance with the student's consistently asserted gender identity, but must still comply with the established dress code.

Guidance for content derived in part from May 13, 2016: U.S. Departments of Education (ED) and Justice (DOJ), Dear Colleague Letter on Transgender Students.

Talking Points on Diversity and the Transition of Transgender Individuals

- Hillsborough County Public Schools, being the 8th largest school district in our nation, draws from a diverse pool of individuals from all over the world. We are proud to recognize that students and adults from varying backgrounds, cultures and identities are working and being educated within our system.
- Our District values include the tenets that all students will learn when their individual needs are met, that the diversity of our community is valuable and embraced, and the assurance of equitable education and resources.
- We also know that there are many unique opportunities for our District to demonstrate respect and affirmation to our diverse staff, families and students. Within our tapestry of diversity and varying identities we know there are transgender persons in our school communities.
- There are national statutes that require all persons in public school systems to be treated fairly and equitably, with no person discriminated against. This is addressed as part of the 14th amendment to the US Constitution and Title IX, Education Amendments of 1972. Further, non-discrimination and inclusivity is valued and expressed through several Hillsborough County Public Schools policies Non-Discrimination Policy 2260, Anti-Harassment Policy 5517, as well as Anti-Bullying Policy 5517.01. Each policy includes the protected categories of gender identity and gender expression. Transgender people represent these protected categories of unique individuals.
- Our School District has a number of transgender individuals both students and staff. Some have made their transition public, others have not, but we continue to address their needs in a thoughtful manner, with respect to individual and family preferences.
- We recognize that having a teacher who is transgender may be something not encountered before by students and/or their parents; however, the experience, as we are learning from examples across the country, is not harmful to the healthy development of children. We see it as an opportunity to learn and grow as people living in an increasingly diverse world.
- While we will not be engaging students in conversations about gender transition during class time, having developmentally appropriate conversations about gender with your child may be something you wish to do at home. As always our guidance and counseling staff is here to help should you need information on how to start such a conversation.
- The American Psychological Association provides basic information and clear answers to questions about transgender individuals. Go to <http://kidshealth.org/parent/positive/talk/transgender>

Teaching-Talking Points about Transgender Individuals

- Our school district has a number of transgender individuals. Transgender persons know their gender identity to be an internalized, deeply felt sense of one's core being as different from that assigned sex at birth. For example, a transgender male would know that his core identity and internal self is male, however was born in a female body; a transgender female know her core sense of self is female, yet was born in a male body. In other words, a person's/child's gender (sense of self as a male or a female) is different from the assigned sex at birth.
- Bullying, mistreatment or harassment toward students who are transgender is pervasive in schools across the United States. For example: Seventy-five per cent of transgender students feel unsafe at school and those who are able to persevere have significantly lower GPAs. Transgender youth were more likely to miss school out of concern for their safety and were less likely to plan on continuing their education. Fifty-nine per cent have been denied access to restrooms consistent with their affirmed gender identity, and nine out of ten transgender students report being verbally harassed due to their gender expression. More than half have been physically assaulted. Concerningly, 42 per cent of transgender individuals have attempted suicide.
- The expression of transgender identity, or any other form of gender-expansive behavior, is a healthy, appropriate and typical aspect of human development. We know that when students are harassed or bullied based on their gender, or others' perceptions of it, learning often takes a backseat.
- 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. Also, 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, development and societal reasons. The consequences of not affirming a student's gender identity can be severe, and it can interfere with their ability to develop and maintain healthy interpersonal relationships, focus in class and be able to learn. The longer a transgender student is not affirmed, the more significant the negative consequences can become.
- We know that there is a social system that constructs gender according to two discreet and opposite categories – male and female. Yet, this gender binary is being challenged by our students whose innate sense of core identity is different from their assigned sex at birth. It is also being challenged by students who are gender nonconforming and not fitting neatly into the gender binary of male and female.
- Gender identity is the personal, deeply felt sense of being male, female, both or neither. Everyone has a gender identity. Those that identify as transgender signify three clear factors: These individuals are 1) insistent, 2) consistent and 3) persistent about the internal, core understanding that their gender identity does not match/align with their sex that was assigned at birth.
- Transgender people socially transition meaning that the person would live as his/her core identity, meaning what they deeply and innately know as their gender identity. They will be referred to by the pronoun that aligns with the core gender identity. This person is their core identity as (female or male.) Transgender etiquette includes the importance of not "misgendering" a person which means ensuring that the person's affirmed name and affirmed gender pronoun is used correctly. If unsure, it is appropriate to ask. In order to assure respect, affirmation, safety and the ability to excel academically, Hillsborough County Public Schools will ensure, through our policies, procedures and practices that transgender individuals are treated with respect as their affirmed gender identity at all times.
- The American Psychological Association provides basic information and clear answers to questions about transgender individuals. Go to <http://kidshealth.org/parent/positive/talk/transgender>

If you have any more questions, please call Minerva Spanner-Morrow, Chief Diversity Officer

Phone Script: “Universal” bathrooms

Our goal is to ensure we provide a safe learning environment for all students.

We are creating universal single use bathrooms for any student who does not want to use the communal bathroom.

Each school shall have at least one **UNIVERSAL** bathroom that shall be for the use of any student with access protocols determined by on-site school leaders.

We will also have a bathroom or several bathrooms on campus that will be designated as Universal bathrooms that any student can use.

Our principals and assistant principals have gone through training, which is guided by federal and state law as well as district policy that prohibits discrimination based in part on gender identity.

The procedures will look a little different at each school because the campus layout may be slightly different. Every school will have a point of contact for these procedures.

Q & A: Media/Stakeholder Questions and Answers

The below questions and answers are what you may expect from media and/or family members/parents. You are encouraged to contact the Public Information Officer, Tanya Arja (272-4602), or Chief Community Relations Officer, T.G. Taylor (272-4046), if you are contacted by the media.

When will this training happen? Over the summer, for administrators at every schools. They will then take the information back to their staff.

What does the training cover? The training covers the district's policies regarding discrimination and bullying. It also includes sensitivity instruction on how administrators and teachers should relate to LGBTQ students. It covers how operations may have to be adjusted in some areas. And it covers how they can best ensure an inclusive learning environment for all children.

What are you doing specifically about bathrooms? Each school shall have at least one **UNIVERSAL** bathroom that shall be for the use of any student with access protocols determined by on-site school leaders

How do you ensure student safety? Safety is a top priority and we work with our students and staff every day to ensure their safety. Any student misusing the Universal bathroom will face appropriate discipline determined on a case-by-case basis.

What kind of discipline can a student face? It will be determined on a case-by-case basis, just like any other issue at a school

What if parents don't agree with it? We will have a point of contact at each school related to these procedures. Parents and students can talk to that person to get more details.

Why is HCPS doing this? Every student has the right to learn in a safe school environment. The laws of the nation and the state ensure that students are provided a discrimination free environment in which to learn. The district's own policies state that sexual preference and sexual identity cannot be used to discriminate against a student.

Recently, the School Board chose not to move forward with adding gender expression to the anti-discrimination/ anti-harassment policies. So why is this training still moving forward? The conduct of this equity training was scheduled long before that item was scheduled to be brought before the board. Our policies already protect sexual orientation and gender identity. This training includes sensitivity training, safe learning environments for all students, and ways to make sure all of our students feel welcome and comfortable.

What about locker rooms? Accommodations that best meet the needs and privacy concerns of all students will be made in accordance with protocols set by on-site school leaders. Accommodations may include but are not limited to: private area in locker room, slightly modified schedule, separate changing schedule, nearby private restroom area, etc.

What about athletics? FHSAA has a policy pertaining to eligibility so you need to refer to their policy. We will follow the guidance of FHSAA.

What about Prom? A student may choose to run for a title or office in the category of the student's consistently asserted identity.

How many Transgender students do you have in HCPS? We don't know because we don't ask them to identify themselves. That is a student's right not to self-identify.

Will there be more changes in HCPS? We are establishing the facilities to allow on-site leaders to make accommodations for all students—an important first step. Continuing to set conditions for a safe learning environment for all will require an ongoing dialogue between students, teachers, on-site leaders, and district leadership.

What funding is at risk? If procedures are not in place, we run the risk of a complaint of discrimination that could put Title IX funds in jeopardy. Additionally, a complaint filed by the Office of Civil Rights (OCR) could result in mandates that could cost the district a significant amount of money. Other districts across the nation have lost these complaints and have lost significant amounts of funding.

Gender Support to Students Guide

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 "Preferred Student First Name". *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?

Other ways to confirm the student's preferred name

Substitute teacher's roster

School photos

Lunch line

Taking attendance

Yearbook

Student ID and library cards

Posted lists Newspapers and newsletters

Calling student to office

PA announcements

Announcements at assemblies

Title IX, ADVANCING EQUITY: PROTECTING THE CIVIL RIGHTS OF OUR STUDENTS

TITLE VI: DISCRIMINATION BASED ON RACE, COLOR, OR NATIONAL ORIGIN

- Ensuring Access to Equal Educational Opportunity
- Combating Discriminatory Discipline
- Ensuring Equal Opportunities for English Learners
- Protecting the Equal Rights of All Students to Attend Public School Regardless of
- Immigration or Citizenship Status
- Preventing Discriminatory Assignment to Special Education Services
- Combating Bullying and Harassment on the Basis of Race, Color, and National Origin
- Supporting Schools, Districts, and Colleges that Voluntarily Pursue Racial Diversity

TITLE IX: DISCRIMINATION BASED ON SEX

- Sexual Harassment: Eradicating Sexual Violence
- Sexual Harassment: Combating Bullying and Harassment on the Basis of Sex
- Preventing Discrimination Based on Pregnancy or Parental Status
- Ensuring Equal Access to Athletic Opportunities and Benefits
- Employment Discrimination

SECTION 504 AND ADA TITLE II: DISCRIMINATION BASED ON DISABILITY

- Combating Disparities in School Discipline and Curbing Restraint and Seclusion in
- Public Elementary and Secondary Schools
- Ensuring a Free Appropriate Public Education (FAPE)
- Ensuring Equal Access to Comparable Educational Opportunities
- Providing Necessary Academic Adjustments for Postsecondary Students
- Safeguarding Accessibility to Appropriate Technology
- Ensuring Accessibility of Programs, Services, and Facilities
- Combating Bullying and Harassment on the Basis of Disability

Eliminating Retaliation for Exercising Civil Rights.

For more information contact, Dr. Pansy Houghton, Title IX Compliance Officer

1122 - Nondiscrimination and Equal Employment Opportunity

Hillsborough County Public Schools - Policy Details

The School Board does not discriminate on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, military status, sexual orientation, gender identity, genetic information, or social and family background in its programs, harassment and bullying policies, and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The Superintendent shall appoint a compliance officer whose responsibility will be to require compliance with Federal and State regulations related to employees and to promptly manage any complaints in accordance with the law. The compliance officer shall also require that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act of 1990 (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act and/or their implementing regulations, will be provided to staff members and the general public. Any sections of the District's collectively-bargained agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act

F.S. 1000.05

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

20 U.S.C. 1681 et seq., Title IX

42 U.S.C. 2000e, et seq., Civil Rights Act of 1964

42 U.S.C. 12112, Americans with Disabilities Act of 1990, as amended

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

Adopted 6/15/10

Revised 4/1/14

Hillsborough County Public Schools

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(<https://twitter.com/HillsboroughSch>)



(<http://www.youtube.com/HCPSTVideoChannel>)



(<http://feeds.feedburner.com/HCPST-RSS-news>)

[Employee Login \(https://edconnect.sdhc.k12.fl.us/\)](https://edconnect.sdhc.k12.fl.us/)

Continuous Notification of Nondiscrimination

Pursuant to Title VI, Title IX, Section 504/Title II and other civil rights regulations, the School District of Hillsborough County (District) does not discriminate nor tolerate harassment on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age,

disability, marital status, genetic information or pregnancy in its educational programs, services or activities, or in its hiring or employment practices; and it will take immediate action to eliminate such harassment, prevent its recurrence, and address its effects. The District also provides equal access to its facilities to the Boy Scouts and other patriotic youth groups, as required by the Boy Scouts of America Equal Access Act.

The following person has been designated to handle inquiries regarding non-discrimination policies: Dr. Pansy Houghton, Executive Officer, Compliance. 813-272-4000; pansy.houghton@sdhc.k12.fl.us; Office of the Chief of Staff, 901 E. Kennedy Blvd., Tampa, Florida 33602.

Website Accessibility Statement

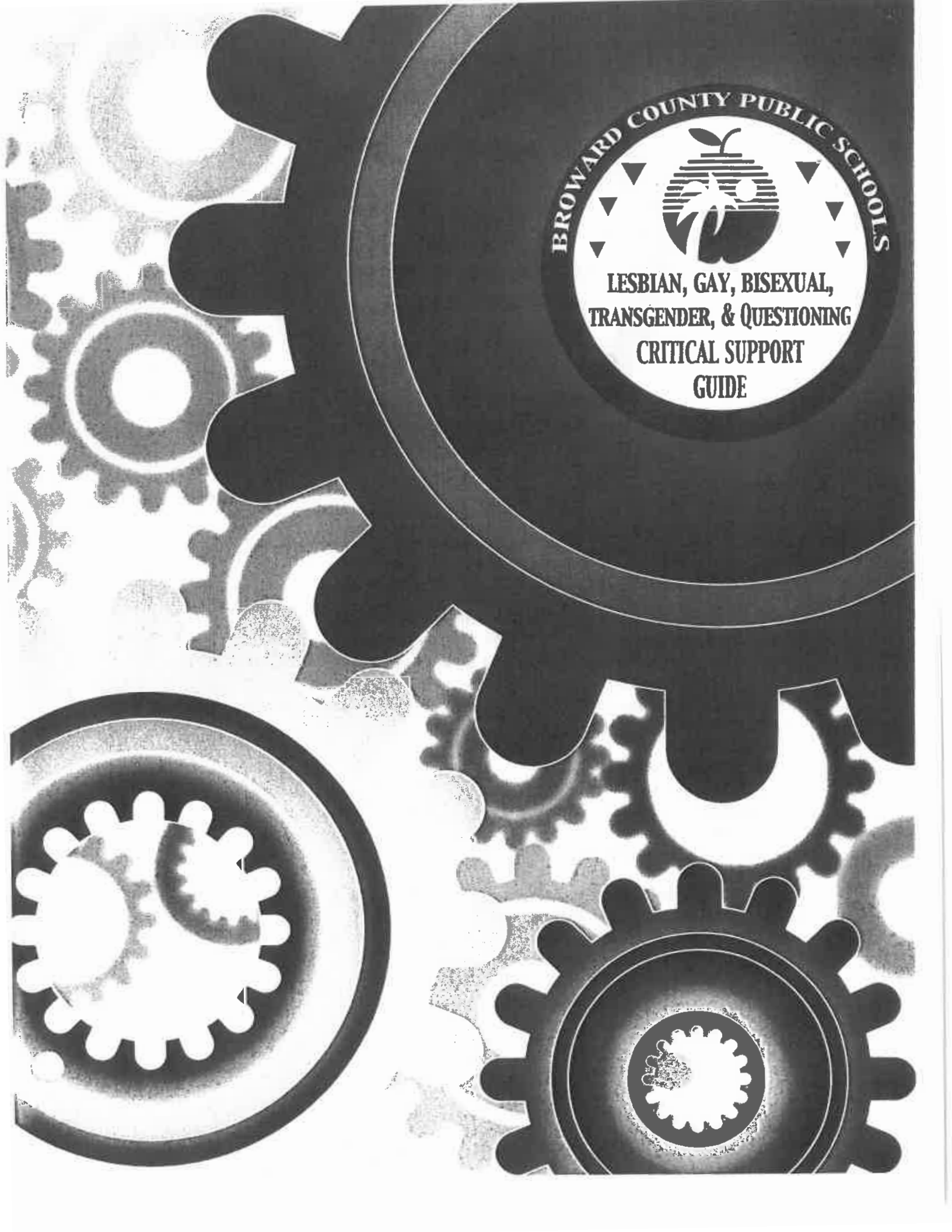
The School District of Hillsborough County is committed to providing websites that are accessible to all of our stakeholders. If you use assistive technology (such as a screen reader, eye-tracking device, voice recognition software, etc.) and are experiencing difficulty accessing information on this site, the following person has been designated to handle inquiries or complaints related to the functionality or inaccessibility of online content: Dr. Pansy Houghton, Executive Officer, Compliance. 813-272-4000; pansy.houghton@sdhc.k12.fl.us; Office of the Chief of Staff, 901 E. Kennedy Blvd., Tampa, Florida 33602.

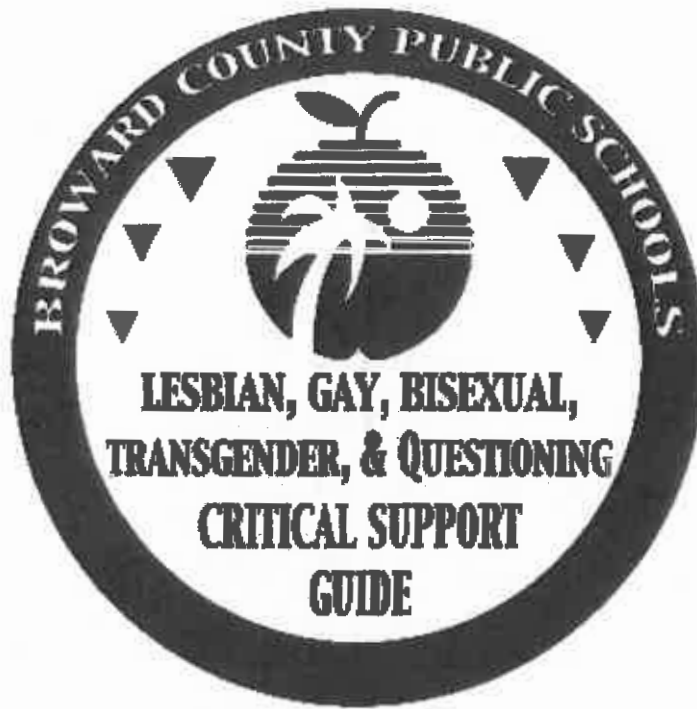
As required by Section 668.6076, Florida Statutes, you are hereby notified that: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. History.--s. 1, ch. 2006-232.

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BROWARD COUNTY PUBLIC SCHOOLS

**LESBIAN, GAY, BISEXUAL,
TRANSGENDER, & QUESTIONING
CRITICAL SUPPORT
GUIDE**





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Broward County Public Schools LGBTQ Critical Support Guide

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Book Illustrations: Adrián Hernández

Printing by: BCPS, Printing Services
4200 NW 10th Avenue
Oakland Park, Florida 33309

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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, Cultural Outreach & Prevention Department;

The Safe to Be Me Coalition, and the 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.

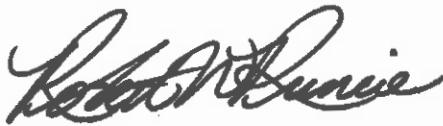
SUPERINTENDENT'S REMARKS

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) 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, Cultural Outreach & Prevention, and the Broward Stonewall 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**



"When I was young, my parents had island culture that was strongly against homosexuality. I would feel like I would want to kill myself. I felt like I would be alone. I was a high achiever. I wanted to be the best and the only one else."
—Words of a Broward County youth, The Sunday Star

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, Diversity, Cultural Outreach & Prevention, 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 2011 survey conducted by the Gay Lesbian Straight Education Network (GLSEN) indicates that 8 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, 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-nonconforming.”

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.

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; and
- 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 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
- Discussions of families including same-sex parents
- 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.⁵

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, Cultural Outreach & Prevention Department (previously known as the "Office of Prevention") collaborated with a 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.

⁵ **IMPORTANT NOTE:** While this Guide has been drafted with an eye towards the specific needs of LGBTQ 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.

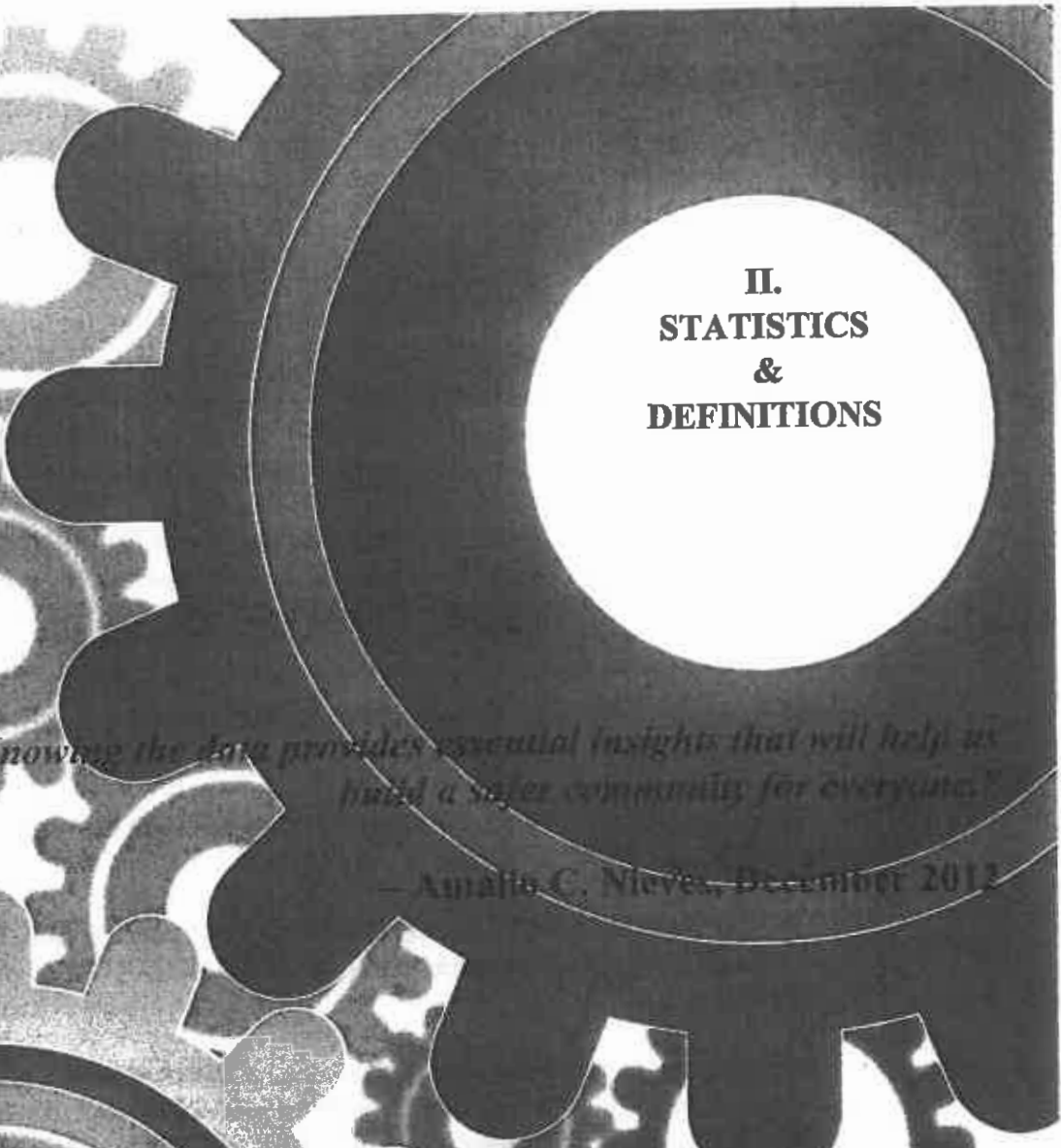
Safe to Be Me Coalition

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."

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."

— Amalia 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 2011 survey of 8,584 middle and high school students, 8 out of 10 LGBTQ students experienced harassment at school in the past year. Nearly two-thirds felt “unsafe” because of their sexual orientation. Nearly one-third of them, “skipped school at least one day in the past month because of safety concerns.”
- Approximately 82% of LGBTQ students reported being “verbally harassed”, 38% reported being “physically harassed”, and almost 18% 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.
- Nearly two-thirds 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.
- Thirty percent 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. Ninety-six percent 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 2011 Gay-Straight Alliance Student Leadership Summit. Ninety-two percent stated, their “greatest support

system was from friends”, with teachers ranking second at 38%. Sixty percent of youth said they “frequently or often heard homophobic remarks at school.” These youth further reported homophobic remarks 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% - 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.”⁶ 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.

Cross-dressing: Refers to the act of wearing clothing and other accouterments commonly associated with the opposite sex, making it difficult to distinguish between the male/female genders.

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

⁶ The National Transgender Discrimination Survey, http://transequality.org/PDFs/Executive_Summary.pdf.

Broward County Public Schools LGBTQ Critical Support Guide

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”.

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 sexual orientation, gender identity, gender expression, and gender role.

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.

Gender-Nonconforming/Gender Variant: A person who has gender characteristics and/or behaviors that do not conform to traditional or societal gender expectations; for example, “girly” boys and “masculine” girls; and those perceived as androgynous. Teachers have recently reported seeing an increase in gender-nonconforming behaviors at the elementary and middle school levels.

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”.

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 somewhat 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 (for grades K-5): When someone feels as if he or she has been born into the wrong body. For example, a boy feels he should have a girl’s body, or a girl feels she should have a boy’s body.

Transgender (for grades 6-12): This term describes a person whose gender identity does not match his or her physical anatomy (for example, a girl who feels trapped in a boy’s body). Some transgender people hormonally and/or surgically change their bodies to more fully match their gender identity.

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, or asking to be called by a different name or gender pronoun.





**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, August 2012

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);⁷ *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.

The Student Non-Discrimination Act [*PROPOSED LEGISLATION*]

⁷ 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.

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, 2011, 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."

“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 “[d]istribution 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.

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 “[t]hrough 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.





**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, October 2011

A. ANTI-LGBTQ LANGUAGE

Statistics tell us that anti-LGBTQ slurs 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!”

What Do You Say to “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 STICKERS / POSTERS

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. Posters or stickers are available online or by mail from GLSEN at www.SafeSpace.glsen.org; the Gay-Straight Alliance

Network at www.GSANetwork.org; and Diversity, Cultural Outreach & Prevention Department at www.BrowardPrevention.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 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 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.⁸ 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 STDs⁹

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.¹⁰

⁸ CWLA Best Practices Guidelines for Serving LGBT Youth in Out-of-Home Care
<http://www.lsc-sf.org/wp-content/uploads/bestpracticeslgbyouth.pdf>

⁹ http://familyproject.sfsu.edu/files/FAP_English%20Booklet_pst.pdf.

¹⁰ 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 Diversity, Cultural Outreach & Prevention Department at (754) 321-2568 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.¹¹

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, 2010

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

¹¹ Keep these suggestions in mind when teaching existing curriculum; materials may be out-of-date or completely void of LGBT issues.

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 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.

Both the 2007 and the 2009 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)].

Recently, 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.

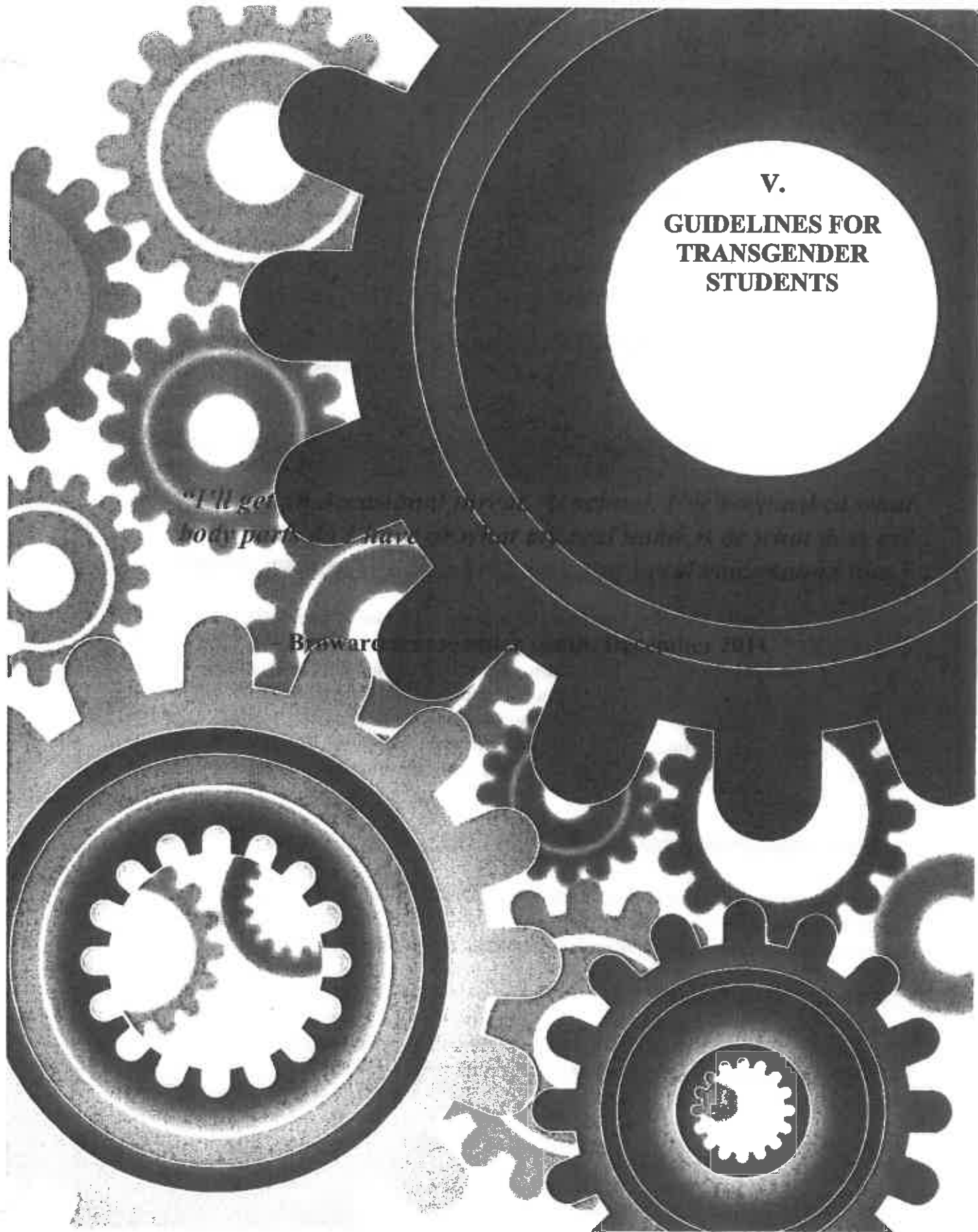
When faced with a potentially thorny question from an LGBTQ student, always ask yourself if your answer would be the same if it were a straight student. Be careful not to allow your personal views about orientation, gender identity, and gender expression to unfairly influence the result.



**V.
GUIDELINES FOR
TRANSGENDER
STUDENTS**

"I'll get [my name] changed to [my preferred name] and [my preferred name] will have [my preferred gender] body parts."

Broward County Public Schools, July 2014



Transgender and gender-nonconforming students (see p.8 and p.10 for definitions) are in our schools. Furthermore, numerous studies suggest that bullying, harassment, and discrimination faced by transgender and gender-nonconforming students are often pervasive. For example:

- Nine out of ten transgender students report being “verbally harassed due to their gender expression”, and more than half have also been “physically assaulted”
- More than 50% of transgender students do not feel they “can report incidents of victimization to school authorities”
- Less than 1/5 of students report that school staff intervened “most of the time” or “always” when hearing homophobic or negative remarks about someone’s gender expression
- More than 1/3 of transgender students report they have “heard school staff make homophobic statements, sexist remarks, or negative remarks about someone’s gender expression”¹²

BEST PRACTICES FOR ACCOMMODATING A TRANSGENDER STUDENT

The School Board of Broward County’s Non-Discrimination Policy 4001.1 and Anti-Bullying Policy 5.9 expressly prohibit discrimination and harassment based on gender identity and gender expression. Therefore, the following guidelines should be used to facilitate the accommodation of a transgender student, in accordance with established Broward County policies. (Please note: By law, teachers cannot be required to call a student by a name other than his or her registered name. However, best practices suggest referring to a transgender student by the name and gender pronoun that makes the student most comfortable.)

NAMES AND GENDER PRONOUNS

A transgender student should be addressed by a name and gender pronoun corresponding to his/her consistently asserted gender identity. All relevant teachers and staff should be informed of a transgendered student’s preferred name and gender pronoun.

OFFICIAL DOCUMENTS

The District shall modify a student’s official records to reflect a legal change in name and/or gender upon receipt of such documentation from a Florida court. However, note the absence of official court documentation does not preclude a transgender student being

¹² GLSEN’s Harsh Realities Report. See http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1375-1.pdf.

addressed by his/her preferred name and pronoun, since legal modification is typically unavailable to minors. Student records may be noted accordingly.

DRESS CODE

Transgender students may wear clothing in accordance with their consistently asserted gender identity. *Further, no school shall force a student to wear clothing corresponding to his/her biological sex on the basis he/she did not timely file a dress code waiver at the beginning of the school year.*

RESTROOMS

Transgender students shall not be forced to use the restroom corresponding to their biological sex. Rather, students should be permitted access to the restroom corresponding to their consistently asserted gender identity. In addition, students shall have access to at least one gender-neutral bathroom within a reasonable distance of their classrooms. Any transgender student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom.

LOCKER ROOMS

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth. Transgender students who want to use the locker room in accordance with their consistently asserted gender identity will be provided the available accommodation that best meets the needs and privacy concerns of all involved. In reference to addressing privacy concerns, and based on availability, such accommodations could include, but are not limited to, use of a private area in the locker room (i.e., a bathroom stall with a door, an area separated by a curtain, a slightly modified schedule, or the use of a family change room).

ATHLETICS

Transgender students shall be permitted to participate in physical education classes and intramural sports in accordance with their consistently asserted gender identity. Furthermore, unless expressly precluded by state interscholastic association policies, students shall be permitted to participate in interscholastic athletics in accordance with their consistently asserted gender identity.¹³

¹³ The United States Soccer Federation, has finalizing a new policy that allows athletes to compete on teams in accordance with their gender identity. If you have a transgender athlete in your school whose presence on a team may conflict with state or national association guidelines, then, please contact Diversity, Cultural Outreach & Prevention Department at (754) 321-2568, for the most up-to-date information.

GENDER SEGREGATION IN OTHER AREAS

As a general rule, in any circumstance where students are separated into male/female groups for school activities, transgender students shall be permitted to participate in accordance with their consistently asserted gender identity.

* * * * *

The dynamics surrounding transgender youth in schools are inevitably complicated. Please contact Diversity, Cultural Outreach & Prevention Department if you have an openly transgender student in your school and would like additional information.



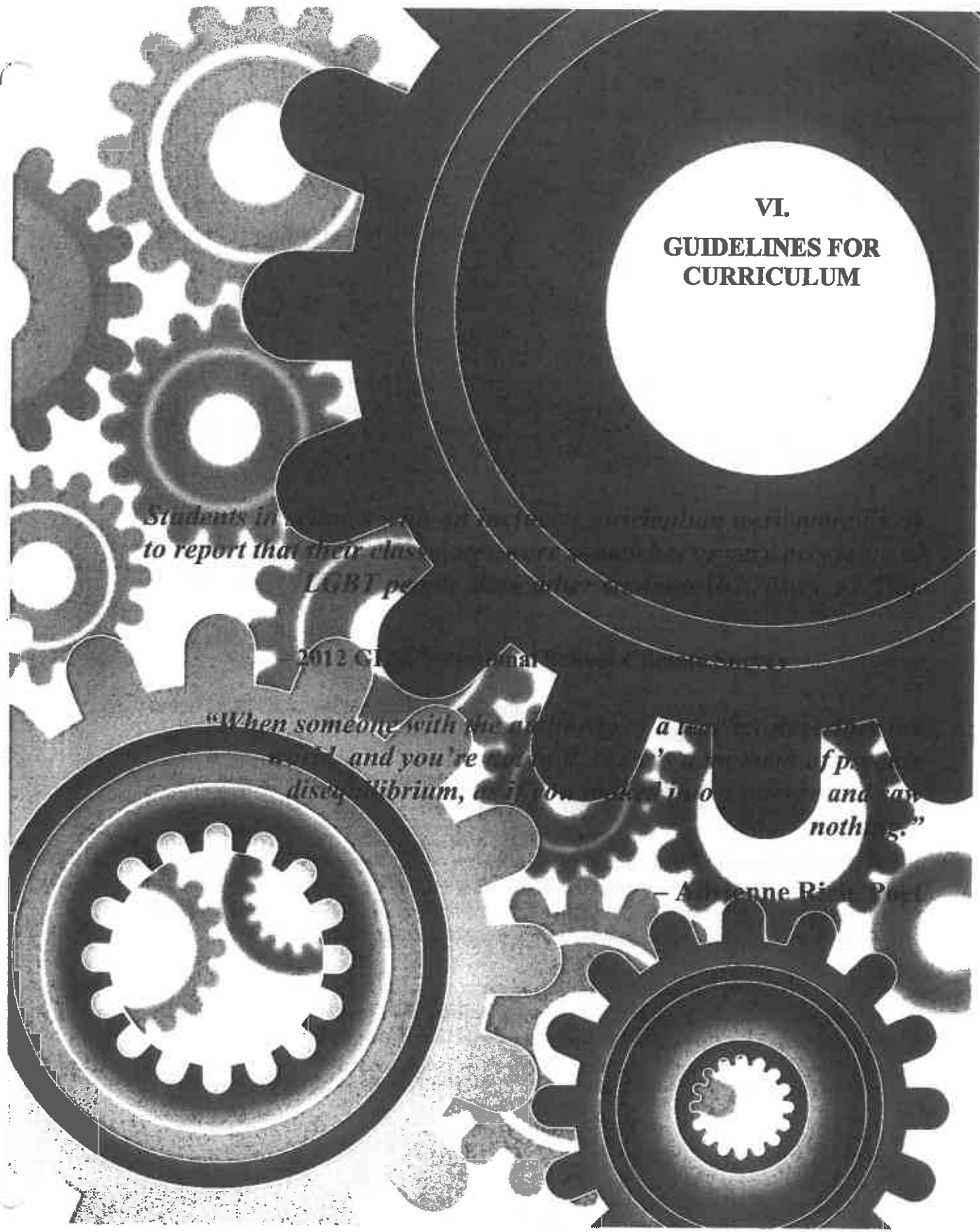
**VI.
GUIDELINES FOR
CURRICULUM**

Students in Broward County Public Schools were surveyed and 75% of students reported that their class had a curriculum that was inclusive of LGBT people.

2012 GLSEN National School Climate Survey

“When someone with the ability to change a team is removed from the team, and you're left with a team of people who are out of balance, it's like a ship in a storm and you're saying, ‘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.

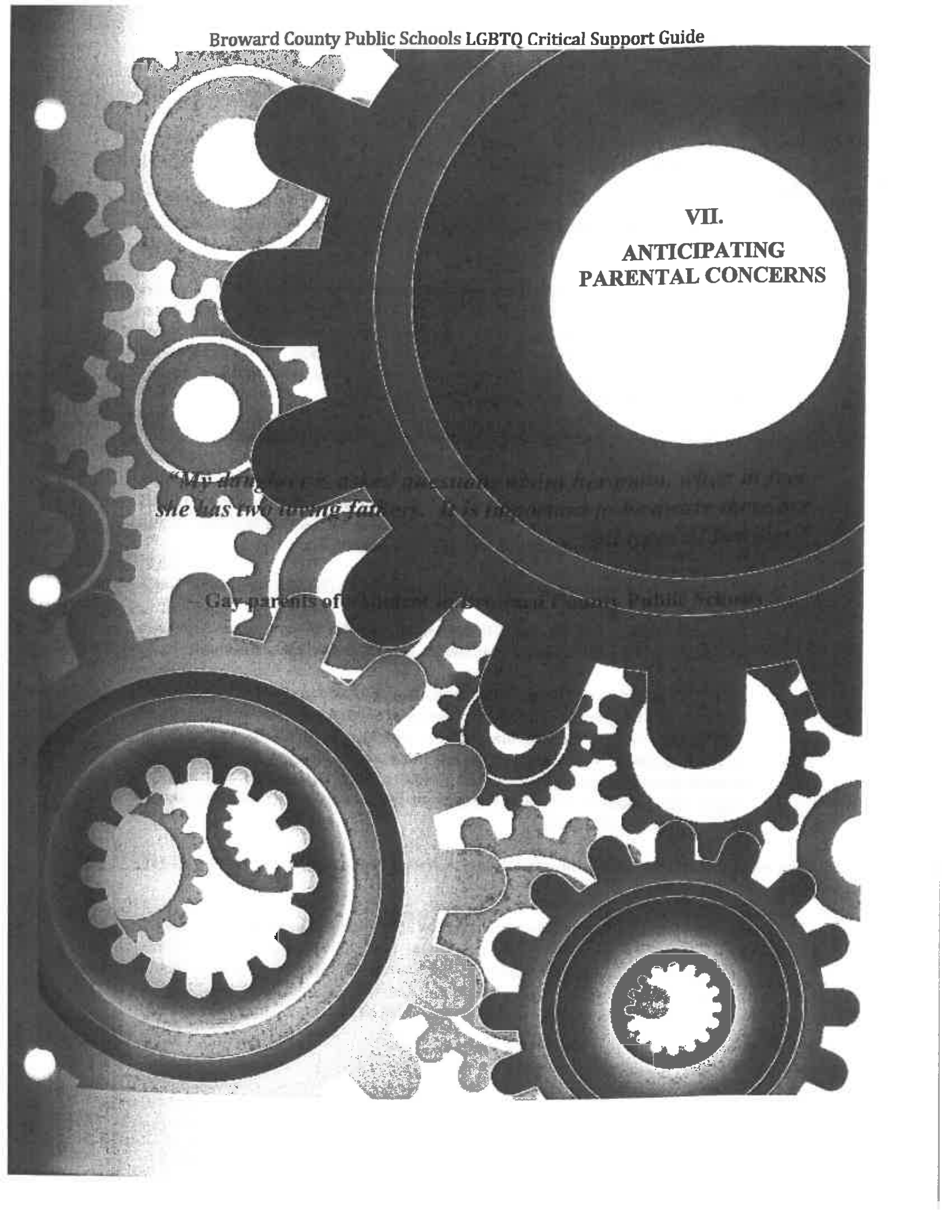
For more information on resources and support, go to www.BrowardPrevention.org.



**VII.
ANTICIPATING
PARENTAL CONCERNS**

"My daughter is a lesbian and she is being harassed, which in turn she has two loving fathers. It is important to have people who are

— Gay parents of 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.



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.

www.211-broward.org

The Trevor Project

1-866-4-U-TREVOR

24/7 crisis intervention and suicide prevention for LGBTQ youth

www.TrevorProject.org

OTHER RESOURCES

Broward County Public Schools, Office of 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, Cultural Outreach & Prevention 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) 321-2568

www.BrowardPrevention.org

- **Student 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,

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including: child abuse and neglect, dependency and delinquency, family counseling, homeless education, high school graduation initiatives, school social work and attendance services.

(754) 321-2490

<http://www.Broward.k12.fl.us/StudentSupport/ssd/index.html>

- **Health Education 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) 321-227

<http://www.Broward.k12.fl.us/studentsupport/HealthEdServices/index.htm>

Broward County Public Schools EEO Department

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

www.Broward.k12.fl.us/EEO/index.htm

SunServe

Services and social events for LGBTQ youth ages 13-21 and their families.

(NOTE: 2 counseling sessions can be provided before parental notification is required.)

www.SunServeYouth.org

(954) 764-5150

TeenSpace211

A confidential and interactive website for teens looking for information, support, and resources to help cope with today's tough teen issues.

www.TeenSpace211.org

Center for Disease Control and Prevention (CDC) Web Resources

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.

www.CDC.gov/LGBThealth/

Office for Civil Rights, U.S. Department of Education

Regional office serving Florida; should be contacted in the event of a Title IX violation.

(404) 974-9406

Equality Florida

Statewide agency dedicated to securing full equality for Florida's lesbian, gay, bisexual, and transgender (LGBT) residents.

www.eqfl.org

info@eqfl.org

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.

www.pflag.org

Stonewall National Museum & Archives

Is one of the country's largest LGBTQ circulating book, film, programs, exhibitions, and special events.

www.StonewallNationalMuseum.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.

www.glsen.org

GSA Network

A youth leadership organization linking GSAs to one another and community resources through peer support, leadership development, and training.

www.GSAnetwork.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 (school clubs) and educator training programs.

www.safeschoolssouthflorida.org

Pride Center at Equality Park

Serves the gay, lesbian, bisexual, transgender community. Provides information, education, advocacy, support, human services, cultural experiences and social opportunities.

www.glccsf.org

Aqua Foundation for Women

Serves as the funding catalyst for lesbian, bisexual, and transgender wellness and equality in South Florida through grants, scholarships and initiatives.

www.aquafoundation.org

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.

www.aclufi.org

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 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
LGBTQ 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 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/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

- 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

References

1. 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/>).
2. Creating Safe Schools for Lesbian and Gay Students: A resource guide for school staff. Youth Pride (1997). (<http://twood.tripod.com/guide.html>)
3. Gay themed picture books for children (<http://booksforkidsingayfamilies.blogspot.com/>)
4. Involved, Invisible, Ignored: The Experiences of Lesbian, Gay, Bisexual and Transgendered Parents and Their Children in Our Nation's K-12 Schools. Kosciw, J.G. & Diaz, E.M. (2008). Report from GLSEN in partnership with COLAGE and

Broward County Public Schools LGBTQ Critical Support Guide

Family Equality Council. (http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1104-1.pdf)

5. Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle. APA book (<http://www.apa.org/pubs/books/4318061.aspx>)
6. Multi-Cultural Children's Literature: Gay/Lesbian/Bisexual Themes (<http://frankrogers.home.mindspring.com/multi.html#Gay/Lesbian/Bisexual>)
7. Opening Doors: Lesbian and Gay Parents and Schools - Pride Family Coalition (www.familypride.org/publications/openingdoors.pdf)
8. Pre-K & Elementary Teachers' Resources: books, curricula, videos, web sites and music (http://www.safeschoolscoalition.org/rg-teachers_elementary.htm)
9. Safe and Caring Schools for Lesbian and Gay Youth - A Teacher's Guide ([http://www.sacsc.ca/PDF%20files/Resources/Lesbian & Gay Youth.pdf](http://www.sacsc.ca/PDF%20files/Resources/Lesbian_%20Gay_Youth.pdf))
10. The Center: Lesbian, Gay, Bisexual & Transgender Community Center - Articles and Resources: (<http://www.gaycenter.org/families/articles>)

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 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 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.

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 noninstructional 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>.

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

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. We expect that, once these issues reach the litigation stage, courts of law will require that schools make REASONABLE ACCOMMODATIONS for transgender students. In other words, the requests of transgender students should be honored unless they are causing SUBSTANTIAL DISRUPTION to the learning environment.

APPENDIX I

Everyday Inclusion: Tips for Teaching More Inclusively

Beyond teaching the kinds of lessons and incorporating the kinds of resources included in this 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 exposing 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 viewpoint is one that expresses heterosexuality as a given instead of being one of many possibilities. Such a viewpoint can translate into the development of all kinds of images that reinforce the view. The assumption (reinforced by imagery and practice) that a boy will grow up and marry a woman is based on such a viewpoint. A gender-normative image, on the other hand is one that delimits the possibilities for children of either gender by reinforcing stereotyped 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 into 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 by birthday month or dividing the class into two consistent groups like 1's and 2'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 referring 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 to be more organized? Do you assume certain students want to participate or not participate in activities because they are a boy or 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 contexts 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 costs \$.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 flour. If he is doubling the recipe, how much flour 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.

READY, SET, RESPECT! GLSEN

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.

The Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination and/or harassment complaint may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) 754-321-2158. Individuals with disabilities requesting accommodations under the American with Disabilities Act Amendments Act of 2008, (ADAAA) may call Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) 754-321-2158. www.BrowardSchools.com or www.StewardPrevention.org

NONDISCRIMINATION POLICY STATEMENT

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (HEREINAFTER REFERRED TO AS "THE BOARD") 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 IN ALL STUDENT, EMPLOYMENT, AND BUSINESS PROGRAMS, ACTIVITIES, SERVICES, AND OPERATIONS THAT ARE OPERATED OR PROVIDED DIRECTLY BY THE BOARD, AS WELL AS THOSE OPERATED OR PROVIDED BY ANOTHER ENTITY ON BEHALF OF THE BOARD UNDER CONTRACTUAL OR OTHER ARRANGEMENTS. 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.

IT IS THE INTENT OF THIS POLICY, AND RESPECTIVE PROCEDURES, TO SUPPORT AND IMPLEMENT PROTECTIONS AGAINST DISCRIMINATION AND HARASSMENT AS PROHIBITED BY THE CONSTITUTION, FEDERAL AND STATE STATUTES, COUNTY ORDINANCE, AND ALL OTHER APPLICABLE LAWS OR REGULATIONS.

AUTHORITY: F.S. 1001.41(1) (2) & The Federal Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
Policy Adopted 9/5/74
Policy Amended: 7/22/75; 3/4/82; 7/14/87; 5/18/93; 3/1/11
Amended Policy Approved 3/18/97; 3/1/11

Rules:

1. **AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA).**
 Necessary measures shall be taken to comply with the provisions of the ADAAA. The ADAAA provides that no qualified individual with a disability shall by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities, or be subjected to discrimination, harassment, intimidation, retaliation or coercion.

SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED.

Necessary measures shall be taken to comply with the provisions of Section 504 of the Rehabilitation Act of 1973. Section 504 of the Rehabilitation Act of 1973 prohibits public entities receiving federal funds from discriminating against or excluding qualified individuals with disabilities from programs, services, or activities on the basis of disability. Under Section 504, the school district has the responsibility to identify, evaluate, and if the student is determined eligible provide appropriate, specialized educational services.

- a. Students with disabilities shall be provided equal access to programs, benefits, activities and services available to those students without disabilities, when they meet the essential eligibility requirements for receipt of those programs and services. Students shall be provided with a free appropriate public education (FAPE). To facilitate equal access, reasonable accommodations shall be provided to remove or reduce barriers that prevent student access to or participation in programs, benefits, activities or services unless doing so would impose an undue hardship on the district.
- b. Qualified individuals with disabilities who notify the district of their disability shall be provided equal access to all terms, conditions and privileges of employment whether conducted by The Board or another entity on behalf of The Board. Reasonable accommodation is available to all employees and applicants unless it will impose an undue hardship on the district as determined by the Superintendent or his/her designee. All employment decisions are based on the merits of the situation consistent with defined criteria, not the disability of the individual. Decisions regarding reasonable

accommodation shall be addressed after a documented request is made by the individual seeking the accommodation. Qualifications for an employment position held or desired shall be based on the individual's ability to perform the essential functions of the job. The Board is not required to hire or continue to employ an individual who poses a direct threat to the health or safety of the individual or others or who is unable to perform the essential functions of the job.

- c. No individual with a disability shall be denied an equal opportunity to participate in programs, services, and activities because facilities are inaccessible to, or unusable by them. Programs in existing facilities shall operate so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. A new or altered facility (or the part that is new or altered) shall be readily accessible to and usable by individuals with disabilities. Both structural and nonstructural methods of achieving program accessibility shall be acceptable.
- d. For purposes of this policy, the following definitions shall be adopted.
1. The definition of *qualified individual with a disability* takes two forms depending on the type of activity involved. For purposes of determining participation in services and programs offered, a person is considered qualified when meeting the essential eligibility requirements for the receipt of services or participation in programs. For purposes of employment, an individual is considered qualified if the person is able to perform the essential functions of the job with or without reasonable accommodation. A qualified person with a disability is one who:
 - a. has a physical or mental impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communication. Other examples are functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, cardiovascular, and reproductive functions.
 - b. has a record or history of such an impairment; or
 - c. is perceived or regarded as having such an impairment.
 2. A *reasonable accommodation* is an adaptation to a program, policy, facility or work place that allows an otherwise qualified individual with a disability to participate in a program, service, activity or perform a job unless the accommodation would impose an undue hardship on the school district. Accommodations may consist of changes in policies, practices, services and the use of auxiliary aids and services.
 3. An *undue hardship* is an action which requires significant difficulty or expense. An accommodation that would impose an undue hardship would be an action that is unduly costly, extensive, substantial, disruptive, or one that would fundamentally alter the nature of the program.
 4. The *essential functions* of the job are the fundamental job duties of the employment position the individual with a disability holds or desires. *Marginal functions* are the non-essential duties of the employment position.
 5. A *direct threat* is defined as a significant risk of substantial harm to the health or safety of the individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.
2. **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).** Necessary measures shall be taken to comply with the provisions of the Individuals with Disabilities Education Act. The IDEA requires that the special educational needs of students with disabilities are met. The school district is responsible for ensuring that all children with disabilities have available to them a

free appropriate public education (FAPE).

- a. The school district shall implement a system of procedural safeguards to be afforded to parents and guardians with respect to any action regarding the identification, evaluation, and placement of children who, because of disability, need or are believed to need special education or related services. The due process procedures shall afford parents or guardians:
 - 1 notice;
 - 2 a right for parents and guardians to inspect relevant records;
 - 3 an impartial hearing with an opportunity for participation by parents and with a right to bring counsel; and
 - 4 an appeal procedure.

3. **SEXUAL HARASSMENT.**

All students, employees, volunteers and others shall be provided with an environment free of sexual harassment.

- a. Sexual harassment is defined as sexual advances and other forms of oral, written, or physical conduct of a sexual nature when:
 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting the individual; or
 3. such conduct has the purpose or effect of interfering unreasonably with an individual's performance, or creating an intimidating, hostile, or offensive environment.
- b. Examples of sexual harassment may include but are not limited to:
 1. suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, unwanted physical contact of a sexual nature, sexual molestation or assault, impeding or blocking movement, gestures, display of sexually suggestive objects, posters or cartoons; as well as social media/network, including, but not limited to: emails, text messages, Facebook, Twitter, web sites, blogs and cyberbullying;
 2. continuing to express sexual interest after being informed that the interest is unwelcome;
 3. coercive sexual behavior used to affect the career of another employee, such as withholding support for an appointment or suggesting a poor performance report will be prepared;
 4. offering favors such as reclassifications or favorable duties in exchange for sexual favors;
 5. offering favors such as scholarship recommendations in exchange for sexual favors.
- c. Discriminatory harassment other than sexual, shall be defined as physical or verbal conduct based on race, color, national origin, religion, age, disability, marital status, gender identity, gender expression, sex or sexual orientation directed toward an individual when the conduct, as determined by a reasonable person:
 1. has the purpose or effect of creating an intimidating, hostile or offensive academic or working environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
 3. has the purpose or effect of demeaning or otherwise disrespecting the dignity of an individual in the academic or work environment; or
 4. adversely affects an individual's academic or employment opportunities.
- d. A substantiated allegation of harassment shall result in appropriate disciplinary action.

4. EDUCATIONAL PROVISIONS.

Necessary measures shall be taken to comply with:

- a. The Florida Education Equity Act of 1984 (FEEA). The FEEA prohibits discrimination on the basis of race, national origin, gender, disability, or marital status against a student or employee in the state system of public education. Students may be separated by sex for any portion of a class which deals with human reproduction or during participation in bodily contact sports. The FEEA requires that educational institutions within the state system of public education develop and implement methods and strategies to increase student and staff participation in traditionally underrepresented areas of study and employment.
- b. The Education Amendments of 1972 (Title IX). Title IX of the Education Amendments prohibits discrimination against students, employees, or applicants on the basis of sex in any educational programs or activities receiving Federal financial assistance, whether or not such program is offered or sponsored by an educational institution.

5. GENERAL PROVISIONS.

Necessary measures shall be taken to comply with:

- a. The Florida Civil Rights Act of 1992. The Florida Civil Rights Act prohibits discrimination in employment against all individuals within the State based on race, color, sex, religion, national origin, age, disability, or marital status.
- b. The Civil Rights Act of 1964, as amended (Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in the provision of benefits or services under programs receiving Federal financial assistance from the Department of Education.
- c. The Civil Rights Act of 1964, as amended (Title VII). Title VII prohibits discrimination in all conditions of employment such as: selection, promotion, compensation, termination and fringe benefits on the basis of race, color, religion, sex or national origin.
- d. The Age Discrimination in Employment Act of 1967, as amended. The Age Discrimination in Employment Act prohibits discrimination in employment based on age against those individuals at least 40 years of age, unless age is a bonafide occupational qualification. Additionally, no seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual because of the age of such individual.

6. THE EQUAL EDUCATIONAL OPPORTUNITIES DEPARTMENT SERVICES.

The Superintendent's designee shall be responsible for the development, implementation, oversight, dissemination, coordination, and enforcement of procedures related to this policy

- a. Any student, employee, applicant, or individual participating in a School Board sponsored activity has the right to file a discrimination or harassment complaint/charge with the Equal Educational Opportunities Department. Persons filing a complaint/charge may also present witnesses and other evidence. Fair, consistent, objective, expeditious and uniform procedures by which complaints/charges of discrimination or harassment are investigated, resulting in prompt and remedial action shall be implemented.
 1. The complaint/charge shall undergo a comprehensive investigation conducted within 180 days.
 2. The right to confidentiality of the complainant and the respondent shall be protected pursuant to applicable Federal and State regulations.
 3. The parents or guardians of students involved in discrimination or harassment complaint/charge shall be notified.
 4. The Executive Director, Benefits & EEO Compliance, shall serve as the District's Equity Officer and Superintendent's representative in discrimination

and harassment investigations. The department shall assist in filing appropriate charges, investigating charges, and the resolution of charges made by students, employees, applicants, contractors or individuals participating in a School Board sponsored activity. These persons shall retain the right to file a complaint/charge with the appropriate agency other than the Equal Educational Opportunities Department.

- b. Assistance shall be made available to alleged victims of discrimination, sexual harassment, and other forms of harassment.
 1. Materials that inform employees of procedures to follow when filing a discrimination or harassment complaint/charge shall be made available at the beginning of each school year, in various formats.
 2. Assistance to employees shall be made available through the Employee Assistance Program and the Coordinator of Health Education.
 3. Assistance to students shall be made available by the appropriate responsible department, program or individual.
 - c. Retaliatory, intimidating, or coercive acts against any individual because the individual has filed a complaint/charge of discrimination or harassment, testified, assisted, or participated in any manner in an investigation shall be prohibited and will be considered a violation of this policy and grounds for a separate complaint/charge.
 - d. An education and information program shall be developed and implemented.
 1. The Superintendent's designee shall design and implement a comprehensive educational program about discrimination, including sexual and other forms of discriminatory harassment and treatment prohibited by this policy.
 2. Appropriate notification should be included in the Student Code of Conduct.
 3. All School Board sponsored orientation workshops and materials shall contain information about discrimination, sexual and other forms of discriminatory harassment, and Equal Educational Opportunities Department services available.
7. Any student, employee, applicant, contractor or individual participating in a School Board sponsored activity shall retain the right to file a complaint/charge with the appropriate agency other than the Equal Educational Opportunities Department. Filing a charge with the District's Department of Equal Educational Opportunities does not preserve or protect your rights under federal or state laws. The laws administered by these agencies have timelines wherein you must file a complaint/charge.
 8. This policy shall apply to all official School Board sponsored activities and functions.
 9. A violation of any part of this policy shall be grounds for discipline, up to and including termination of employment.
 10. The Superintendent is authorized to develop and distribute procedures and transition plans to carry out the intent and provisions of this policy.