

**The School District of  
Palm Beach County**

**LGBTQ+  
Critical  
Support  
Guide**



***Where all means ALL!***

# **School District of Palm Beach County LGBTQ+ Critical Support Guide**



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School District of Palm Beach County LGBTQ+ Critical Support Guide

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**Second Edition 2021**

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## **Fun Fact:**

**Nationwide, LGBTQ+ students who are supported through enumerated policies, inclusive curricula and instructional materials, supportive adults, and diversity clubs (like GSA Clubs), are more likely to attend school, be connected to school, and increase GPA by 0.5.**



## Acknowledgements

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

The School Board of Palm Beach County, which boldly manifested its devotion to the safety of LGBTQ+ youth through its many initiatives, including an Anti-Bullying Roundtable, Superintendent's Strategic Plan (which includes safe environments for all students and staff), CDC Grant personnel in the Department of Teaching and Learning, Department of Safe Schools, and Office of African, African-American, Latinx, Holocaust, and Gender Studies; Department of Elementary and Secondary Science;

Compass Community Center;

The Human Rights Council of Palm Beach County;

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

The School Board of Broward County's Diversity, Prevention & Intervention Department, from whose website and Support Guide some parts of this Guide have been adapted; and

Palm Beach 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 Remarks**



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February 18, 2021

The School District of Palm Beach County is committed to empowering all students to reach their highest potential. That is why one of the key themes of our strategic plan is ensuring a Positive and Supportive School Climate. According to the 2019 National School Climate Survey by the Gay, Lesbian and Straight Education Network (GLSEN), LGBTQ+ students who experienced higher levels of victimization based on their sexual orientation were nearly three times as likely to have missed school, have lower grade point averages, lower self-esteem, and higher levels of depression.<sup>1</sup>

Additionally, the vast majority of LGBTQ+ students in Florida regularly heard anti-LGBTQ+ remarks at school.<sup>2</sup> These are troubling statistics that should give us all pause. The research is clear that a positive and supportive school climate can help counteract these experiences, and in doing so, we can increase student attendance, academic performance, and graduation rates.<sup>3</sup>

I am proud that our School District is intentional and proactive about creating a safe learning environment. Our [School Board Equity Policy 1.041](#) ensures that we promote diverse and equitable access for all students. This involves being inclusive of sexual orientation and gender identity.

In 2020, we launched a new website called Caring First, which provides information and access to services that improve the social, emotional, behavioral, and academic development of our students. The site contains valuable service and support information covering a variety of areas, including issues of significance to our LGBTQ+ students.

It is in that same spirit of inclusion and support that Teaching and Learning created this LGBTQ+ Critical Support Guide, which has an abundance of information for administrators regarding LGBTQ+ concerns. There is also information about federal, state, and local laws and policies, best practices and procedures, as well as examples of how to answer questions in various scenarios.

As educators, we all bear responsibility for our students' well-being and success, both in and out of the classroom. In order to ensure that our students are poised to thrive and succeed, we must be committed to creating a safe environment in which the diversity of our student body is celebrated and nurtured. Our kids deserve the best we have to offer, and I know that We're All In to make that happen each and every day in the School District of Palm Beach County.

Sincerely,  
Donald E. Fennoy II, Ed.D.  
Superintendent

<sup>1</sup><https://www.glsen.org/sites/default/files/2020-11/NSCS19-111820.pdf>

<sup>2</sup><https://www.glsen.org/sites/default/files/2021-01/Florida-Snapshot-2019.pdf>

<sup>3</sup><https://safesupportivelearning.ed.gov/school-climate-improvement>

## 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+), non-binary, and gender-expansive youth. Local and nationwide statistics detailed in the following sections paint a sobering picture of LGBTQ+ harassment, threats, assaults, and absenteeism due to pervasive safety concerns. Additionally, youth from all backgrounds benefit from the establishment of a safe school environment for LGBTQ+ students.

We are pleased that recent safety and prevention efforts have earned The School District of Palm Beach County 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, staff from CDC Grant personnel in Teaching and Learning, School Counseling staff, Department of Safe Schools, and Department of African, African-American, Latinx, Holocaust, and Gender Studies, have compiled this guidance.

We are proud to present you with The School District of Palm Beach County's Lesbian, Gay, Bisexual, Transgender, and Questioning Critical Support Guide (hereafter, "the Guide").

## I. Background & Principles

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

*- Words of a Public School student*



## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **A. EXECUTIVE SUMMARY**

This Guide will enhance ongoing efforts to make each Palm Beach County Pre-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+), non-binary, and gender expansive 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 District of Palm Beach County have received praise in the broader educational community. Unfortunately, national statistics and even Palm Beach area data suggest the continued harassment, threats, assaults and absenteeism of students who identify or are identified as LBGTQ+.

The members of the Compass Community Center, Department of Teaching and Learning, Department of Safe Schools, Office of African, African-American, Latinx, Holocaust, and Gender Studies, GSA Club Advisors, and their community partners, have created this Guide. We believe it has the power to literally save lives. Highlights of the Guide include:

#### **Purpose of This Guide**

In an effort to support all students in SDPBC, it is essential that we provide comprehensive guidance for youth, families, and staff so that students who identify as lesbian, gay, bisexual, transgender, Questioning, non-binary, and gender-expansive experience an inclusive, equitable, and high-quality education.

This guide provides:

- The rationale for inclusive policies and practices to support LGBTQ+, non-binary, and gender-expansive students.
- Detailed information on protective federal, state, and district laws and policies.
- Educational resources to build knowledge and inclusive language around sexual orientation and gender identity.
- Best practice guidelines to support students' school-based gender transitions including: gender support planning, confidentiality, name/pronoun changes, and restrooms/public spaces.
- Inclusive classroom and school-wide practices that affirm students of all gender identities.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **Statistics and Terminology**

A 2019 [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, 95% of LGBTQ+ students reported they felt distressed because of anti-gay language and 87% because of anti-transgender language. Nationally, rates of attempted suicide for gay and lesbian youth are consistently greater (up to four times as great) than the general youth population.

In our own backyard, based on the findings of the 2019 School District of Palm Beach County Youth Risk Behavior Survey (YRBS), 12.5% of high school students identified themselves as gay, lesbian, or bisexual. Another 4.6% of students were questioning. Another 1.5% of Florida high school students identified as transgender. Couple that with heterosexual students who have LGBTQ+ siblings, family, or friends, and this issue may affect 25% of students. With great concern, 50.7% of students who identify as LGB reported feeling sad or hopeless and in addition, 35.9% seriously considered suicide. Also in our schools, 24.4% of students responded that they were physically bullied and 18.7% reported being cyberbullied. Often, teachers or staff members don't intervene in such conduct, partly because they may not have the tools they need to assess the situation.

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

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

Amendment XIV to the US Constitution 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 Act of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, on April 29, 2014 the US Department of Education released historic guidelines reaffirming Federal civil rights protections to transgender students. This position was reaffirmed by the US Department of Education and Department of Justice on May 13, 2016. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf> Although this official guidance letter was rescinded in 2017, the law remains unchanged.

On June 15, 2020, the Supreme Court ruled in the case of [Bostock v. Clayton County, Georgia](#) in a 6–3 that discrimination on the basis of sexual orientation or gender identity is necessarily also discrimination "because of sex" as prohibited by Title VII. Since Title VII

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

uses the same language as Title IX, many legal scholars feel that the same definition applies in Title IX.

On August 7, 2020, The 11<sup>th</sup> Circuit Court of Appeals ruled in the case of [Drew Adams v. School Board of St. John's County, Florida](#) that under the Equal Protection Clause of the XIV Amendment to the US Constitution and Title IX prohibition of sex discrimination, school districts must allow a student to use the restroom that aligns with their gender identity. The court also referred to the Bostock case in its decision.

On January 20, 2021, The President Joseph R. Biden issued [Executive Order 13988](#) which states that, “Under Bostock’s reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.)... prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary.” The Executive Order continues, “All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.”

A second [Executive Order 14021](#) issued March 8, 2021, continues, “It is the policy of my Administration that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.” Also, see US Department of Justice [Memorandum](#) dated March 26, 2021 entitled: Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972.

Several local Palm Beach County policies and ordinances specifically prohibit harassment and discrimination based on sexual orientation, gender identity, and gender expression, such as: Palm Beach County’s Equal Employment Opportunity and Fair Housing and Business ordinances; The School Board of Palm Beach County’s Discrimination and Harassment Policies 3.19, 5.001, and 5.81; and the School Board of Palm Beach County’s Anti-Bullying Policy 5.002. On December 19, 2017, **Palm Beach County became the first county in the state of Florida to [ban forced conversion therapy](#) for minors.**

The School District of Palm Beach County **Policy 1.0971 (Diversity and Equity 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.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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 We're ALL In Badges, posters, 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 or Gender and Sexualities Alliance (GSA), as permitted by the Federal Equal Access Act; and
- Ensuring dress codes at social events (e.g., proms, dances, and graduations) as well as non-legal documents (e.g., attendance rolls, yearbooks, and graduation announcements) are accommodating of the needs of the LGBTQ+ community.

In short, to the extent certain privileges are available to the heterosexual and cisgender 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.

### **Transgender, Nonbinary, & Gender-Expansive Student Guidelines and Procedures**

Transgender (meaning, students who feel their innate, core sense of self and gender does not align with their sex assigned at birth), nonbinary, and gender-expansive students, have a set of unique challenges requiring unique accommodations. Among other considerations, these students must be permitted to:

- Be addressed by the affirmed name and gender pronouns with which they identify
- Be permitted to wear clothing that expresses their consistently asserted gender identity; a student has a free speech right to express their gender identity through clothes and accessories, as long as they are not a significant disruption to the educational environment
- Use restrooms, locker rooms, or other public spaces 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 sex assigned at birth)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

- Participate in extracurricular activities
- As of July 1, 2021, transgender girls may no longer participate on sports teams that correspond with their consistently asserted gender identity. The Fairness in women's sports Act (SB 1028 reads in part, "Interscholastic, intercollegiate, intramural, or club athletic teams sponsored by a public secondary school or public post-secondary institution must be designated: Males, men, or boys; Female, women, or girls; or Coed or mixed, including both males and females.
  - Athletic teams designated for males must be open to students of the female sex.
  - The bill appears to conflict with the FHSAA and NCAA rules. Districts will need to evaluate how to implement this law and also comply with Title IX. This provision will likely be challenged in court if allowed to become law.

Transgender, nonbinary, and gender-expansive 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**

Palm Beach County School Board Policy 1.0971 and School District Policy 1.041 mandates access to and support of rigorous curriculum content which includes the contributions and history of diverse populations. This includes the history and social movements of LGBTQ+ people. An inclusive curriculum could include, but is not limited to:

- Literature written by LGBTQ+ authors/about LGBTQ+ characters
- History including LGBTQ+ public figures, historical events, and social movements, such as the Harlem Renaissance, Lavender Scare, Stonewall Uprising, and Black Lives Matter movement, to name just a few.
- Discussions of families that include same-sex parents/caregivers and relevant topics encompassing the diversity of LGBTQ+ young people.
- Recognition of national LGBTQ+ events, such as Transgender Awareness Week, Day of Silence, LGBT History Month (October), and Pride Month (June).

### **Suggested Responses to Parental Concerns**

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

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 *School District of Palm Beach County 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, School District of Palm Beach County will continue to provide students, teachers, administrators, and community members the resources needed to make our schools as safe and inclusive as possible.<sup>1</sup>

### **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.

School District of Palm Beach County 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 2008 (and revised in May 2014), the School District of Palm Beach County approved Anti-Bullying Policy 5.002, which has proven to be groundbreaking in its inclusion of sexual orientation, gender identity, and gender expression as classes protected against bullying. Additionally, School District of Palm Beach County's School Board Policy 5.001 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.

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<sup>1</sup> **IMPORTANT NOTE:** While this Guide has been drafted with an eye towards the specific needs of LGBTQ+ and gender-expansive youth in Palm Beach County schools, LGBTQ+ adults (i.e., staff, teachers, volunteers, etc.) have legitimate safety concerns as well. The Palm Beach policies cited herein are express in their requirement that Palm Beach 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 Palm Beach County school system. Additionally, The Supreme Court ruled in *Bostock v. Clayton County, Georgia* (6/15/2020) that sex discrimination under Title VII of the Civil Rights Act of 1964, includes discrimination on the basis of sexual orientation and gender identity.

## **II. Statistics & Definitions**

*“Numbers have an important story to tell. They rely on you to give a clear and convincing voice.”*

– Stephen Few



## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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. Given the diversity of The School District of Palm Beach County, it is important to consider the multiple identities our students hold and how they intersect to shape different experiences for our students.

Some key figures include the following, which come to us courtesy of [GLSEN 2019 National School Climate Survey](#)

- In a 2019 survey of 16,713 middle and high school students, 8 out of 10 LGBTQ+ students experienced harassment at school in the past year. Over 59% felt “unsafe” because of their sexual orientation and 43% because of their gender expression. Nearly one-third of them, “skipped school at least one day 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.
- Approximately 68.7% of LGBTQ+ students reported being “verbally harassed,” 70.8% because of their sexual orientation and 56.9% because of their gender expression, 25.7% reported being “physically harassed” because of sexual orientation and 21.8% because of gender expression, and 11% reported being “physically assaulted at school in the past year” because of their sexual orientation, and 9.5% because of their gender expression.
- Approximately 54.4% heard homophobic remarks, such as "faggot" or "dyke," and 43.7% heard transphobic remarks such as "tranny" or "he-she" "frequently" or "often" at school.
- 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.
- A sizeable number of LGBTQ+ students were also bullied or harassed at school based on other characteristics – 36.5% based on actual or perceived disability, 23.1 % based on actual or perceived religion, and 21.4% based on actual or perceived race or ethnicity.
- Two-fifths of Black LGBTQ+ students (40.0%) experienced harassment or assault at school due to both their sexual orientation and their race/ethnicity. Compared to those who experienced one form of victimization or

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

neither, Black LGBTQ+ students who experienced both forms of victimization: - experienced the lowest levels of school belonging; - had the greatest levels of depression; and - were the most likely to skip school because they felt unsafe.

- Over half of Latinx LGBTQ+ students (54.9%) felt unsafe at school because of their sexual orientation, 44.2% because of their gender expression, and 22.3% because of race or ethnicity.
- 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 Palm Beach County, the data on LGBTQ+ youth are disparaging. 24.4% of students who identify as lesbian, gay, or bisexual reported being bullied on school property (compared to 14.7% of straight students) and 18.7% were electronically bullied (via texting, Facebook, Instagram, or other social media) compared to 12.0% of straight students. Perhaps most disturbing, 35.9% of LGB students seriously considered suicide according to the 2019 Youth Risk Behavior Survey. This number is consistently found to be greater than among the general population of youth. Slightly more than 50% of transgender youth report “having attempted suicide.”<sup>2</sup> The 2019 YRBS also indicates 39.5% of respondents admitted to engaging in self-harm. Another 22.0% reported experiencing sexual dating violence, compared with 9.9% of their straight peers.<sup>3</sup>

These statistics validate the need for the Guide. Let there be no doubt – affirming education can save lives when it comes to LGBTQ+ youth. Many face unique challenges based on social stigma and environmental stressors that may stem from home, school, or both.

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<sup>2</sup> The National Transgender Discrimination Survey, [http://transequality.org/PDFs/Executive\\_Summary.pdf](http://transequality.org/PDFs/Executive_Summary.pdf).

<sup>3</sup> Centers for Disease Control and Prevention 2019 Youth Risk Behavior Survey (YRBS) Palm Beach County High School Questionnaire

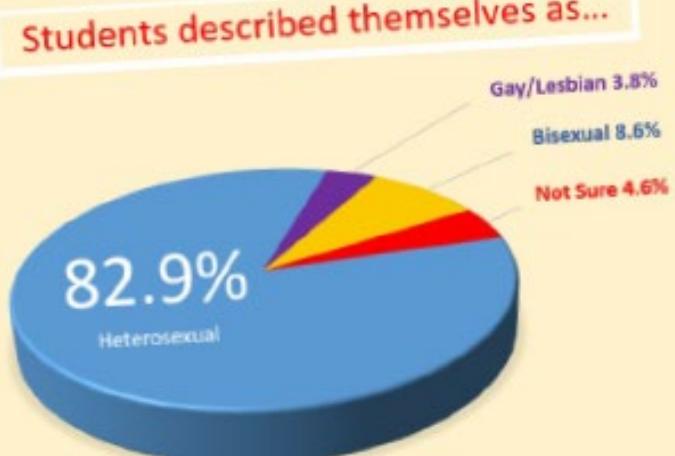


# We're ALL In to Make Schools Safer for LGBTQ+ Students

A Special Report from the 2019 Youth Risk Behavior Survey (YRBS)  
Palm Beach County, Florida

## SEXUAL ORIENTATION

Students described themselves as...



The 2019 YRBS Survey asked High School students to identify their sexual orientation:

**Gay/Lesbian      Bisexual  
Heterosexual      Not Sure**

**What does "Not Sure" mean?**

These students may be questioning their sexual orientation, not identifying with the labels presented, or may be unsure of the question.

\*According to 2019 Florida YRBS, 1.5% of High School students identify as Transgender.

**29.7% LGB**

**29.7% of LGB students were teased because someone thought they were LGB, compared to 7.8% of heterosexual students.**

**24.4% LGB**

**24.4% of LGB students were bullied on campus in the past 12 months compared to 14.7% of heterosexual students.**

**18.7% LGB**

**18.7% of LGB students were cyberbullied (Instagram, texting, etc.) in the past 12 months compared to 12.0% of heterosexual students.**



# We're ALL In to Make Schools Safer for LGBTQ+ Students

A Special Report from the 2019 Youth Risk Behavior Survey (YRBS)  
Palm Beach County, Florida

## Tip the Scale toward Resiliency

- All students deserve environments that lead to student success. We tip the scales toward resiliency, and counterbalance adverse experiences by stacking up positive experiences.

Negative Experiences



- \*Being teased, threatened, or bullied
- \*Being victimized by other forms of violence
- \*Feeling unsafe at school
- \*Depression

What can we ALL do?

- \*Create safe, affirming and protective environments
- \*Break the silence
- \*Be aware of bullying and do not be a bystander

High School students who seriously considered attempting suicide\*

LGB 35.9%

Heterosexual 13.4%  
High School students who attempted suicide\*

LGB 23.3%

Heterosexual 6.7%  
\*in the past 12 months

The odds of considering and/or attempting suicide are four times higher for LGB students.



The odds of skipping school because they felt unsafe are 2-3 times higher for LGB students.



**SELF-HARM**  
High School students who intentionally did something to purposely hurt themselves (cutting, burning, hair pulling, etc) in the past 12 months.

LGB 39.5%  
Heterosexual 14.3%

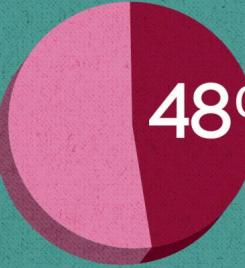


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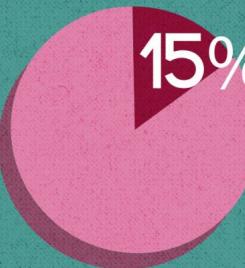
# QUEER YOUTH OF COLOR

1 IN 3 LGBTQ PEOPLE IDENTIFY THEMSELVES AS PEOPLE OF COLOR.



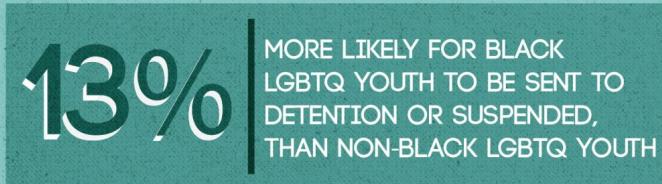
48%

OF LGBTQ STUDENTS  
OF COLOR  
EXPERIENCED  
VERBAL HARASS-  
MENT BECAUSE OF  
BOTH THEIR SEXUAL  
ORIENTATION AND  
THEIR RACE OR  
ETHNICITY.



15%

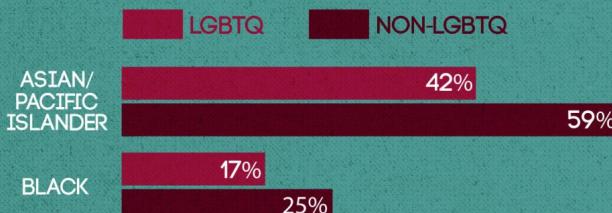
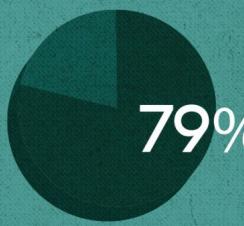
HAVE BEEN  
PHYSICALLY  
HARASSED OR  
ASSAULTED  
BASED ON BOTH  
OF THESE  
ASPECTS OF  
THEIR IDENTITY.



13%

MORE LIKELY FOR BLACK  
LGBTQ YOUTH TO BE SENT TO  
DETENTION OR SUSPENDED,  
THAN NON-BLACK LGBTQ YOUTH

## COLLEGE COMPLETION RATES

79%

IN THEIR MIDDLE OR HIGH  
SCHOOL YEARS...

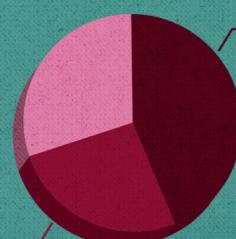
OF LGBTQ YOUTH OF COLOR  
REPORTED THAT THEY HAD  
INTERACTIONS WITH SECURITY  
OR LAW ENFORCEMENT,  
COMPARED TO 63% OF WHITE  
LGBTQ YOUTH.

**20-40%**

OF ALL HOMELESS  
YOUTH ARE LGBTQ

AMONG THEM...

26%  
IDENTIFY  
AS LATINO



t transstudent

f /transstudent

Twitter @transstudent

FOR MORE INFORMATION,  
GO TO [TRANSSTUDENT.ORG/GRAFICS](http://TRANSSTUDENT.ORG/GRAFICS)

**MAP** movement advancement project  Trans Student Educational Resources

INFOGRAPHIC BY LANDYN PAN

SOURCES: GALLUP.COM, GLSEN, LAMBDA LEGAL, THE WILLIAMS INSTITUTE, AND CENTER FOR AMERICAN PROGRESS

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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: A member of the majority group who works to end oppression by recognizing their own privilege and supporting or advocating for the oppressed population (e.g., a straight cisgender person who supports and stands up for the equity of LGBTQ+ folx).

Androgynous: A gender expression or identity usually characterized by ambiguity or a combination of traditional masculinity and femininity in dress, appearance, or behavior.

Asexual: An umbrella term generally used for people who experience limited or no sexual attraction, but may experience other forms of attraction (e.g., romantic or emotional). Asexual people may also identify as bisexual, gay, lesbian, pansexual, queer, heterosexual and others. Asexual people represent the “A” in the longer LGBTQIA+ acronym.

Assigned Sex: A label a person is given at birth, often based on a health professional’s interpretation of a newborn’s physical or chromosomal characteristics. Common examples might include “male,” “female,” or “intersex.” This is typically the sex reflected on one’s original birth certificate. The term is often used in place of “biological sex.”

Bisexual: A person who is romantically and/or physically attracted to two (or more) genders; often used to describe people attracted to genders like theirs and other genders.

Cisgender: Or Cis for short, refers to a person whose gender identity aligns with their sex assigned at birth.

Cis-assumed: Sometimes called “passing,” this term describes a transgender person who is assumed to be cisgender by strangers and/or associates.

Gay (for grades Pre K-2): A person who has romantic feelings for someone of the same gender.

Gay (for grades 3-12): Someone who can be transgender, cisgender, nonbinary that is romantically and/or physically attracted to someone of the same gender. Although “gay” can refer to any gender, an alternative word for a person who identifies as a woman is “lesbian.”

Gender: A social construct consisting of various cultural identities, expressions, and roles used to classify a person as man, woman, or other identities. Gender is fundamentally different from sex assigned at birth.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

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

Gender-Expansive: Conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. A person who has gender characteristics and/or behaviors that do not conform to traditional or societal gender expectations. [aka Gender Nonconforming (GNC), or Gender Fluid].

Gender Identity: Refers to a person's internal, deeply felt sense of being nonbinary, male, female, both, neither, or other. Everyone has a gender identity. This identity may or may not align with the sex assigned at birth.

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

Gender Role: The social expectations of how a person should act, think, and/or feel based upon one's sex assigned at birth. 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 cultural, and vary greatly by nationality, region, religion, etc. (e.g., "Boys like blue and girls like pink.")

Gender Expression: The multiple ways in which a person may choose to communicate gender to oneself and/or others. (e.g., appearance, dress, mannerisms, speech patterns and social interactions.)

Heterosexism: A system of oppression that benefits heterosexual people at the expense of lesbian, gay and bisexual people. Heterosexism may take the form of Homophobia or Biphobia, bias and discrimination towards lesbian, gay and bisexual people.

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

Heterosexual: A person who is emotionally and/or physically attracted to some members of another gender (specifically, a man who is attracted to some women or a woman who is attracted to some men). "Straight" is an informal synonym. Some shy away from the use of "straight" as it denotes normalcy/correctness or default of orientation.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

**Homophobia:** A fear of or aversion to lesbian, gay, or bisexual people. Sometimes the term “queerphobia” may be used.

**Homosexual:** The sexual orientation of a person who is romantically, emotionally, and/or sexually attracted to members of their own gender. This is a somewhat outdated term originating in the medical and psychological communities. The word is commonly replaced with LGBTQ+, queer, lesbian, or gay.

**Intersex:** An intersex person has reproductive or physical anatomy that doesn’t correspond to the typical expectations of “male” or “female” physical development. There are specific medical terms for intersex variations and each intersex person is different. This is the “I” that is sometimes included in the broader umbrella acronym “LGBTQIA+”. In the past the term “hermaphrodite” was used, but this word is widely considered antiquated and sometimes offensive today.

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

**Lesbian (for grades 3-12):** Someone, who can be transgender or cisgender, who generally considers them self a woman or femme (feminine person) who is attracted to other women and/or femmes.

**LGBTQ+:** A frequently used acronym that stands for Lesbian, Gay, Bisexual, Transgender, and Questioning (or Queer). The acronym sometimes includes “I” for intersex, “A” for asexual, “P” for pansexual, and other letters. A “+” is sometimes placed at the end of the acronym to signal that there are additional letters/identities that fall under a similar umbrella.

**Nonbinary:** A term used to describe people whose gender identity is not exclusively male or female; including those who identify as a gender other than male or female, as more than one gender, or as no gender. (Not to be confused with “non-binary”, which means, “not part of the gender binary”).

**“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.

**Pansexual:** A person who is romantically and/or physically attracted to others regardless of gender, that is, across the spectrum of gender. The “P” in “LGBTQIAP+” stands for pansexual.

**Pronouns:** Words used to replace a person's name when speaking about them. Examples include: she/her/hers, he/him/his, ze/hir/hirs, they/them/theirs, and

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

others. Some people use neopronouns. Some people do not use pronouns at all. It is customary to use the pronouns a person has requested. In some instances, purposefully and repeatedly misgendering a person can be in violation of their privacy rights. For more information, refer to GLSEN's Educator Resource on Pronouns at [www.glsen.org/trans](http://www.glsen.org/trans).

**Queer:** An umbrella term used to describe a romantic and/or 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 in the process of understanding and exploring their sexual orientation, gender identity, and/or gender expression.

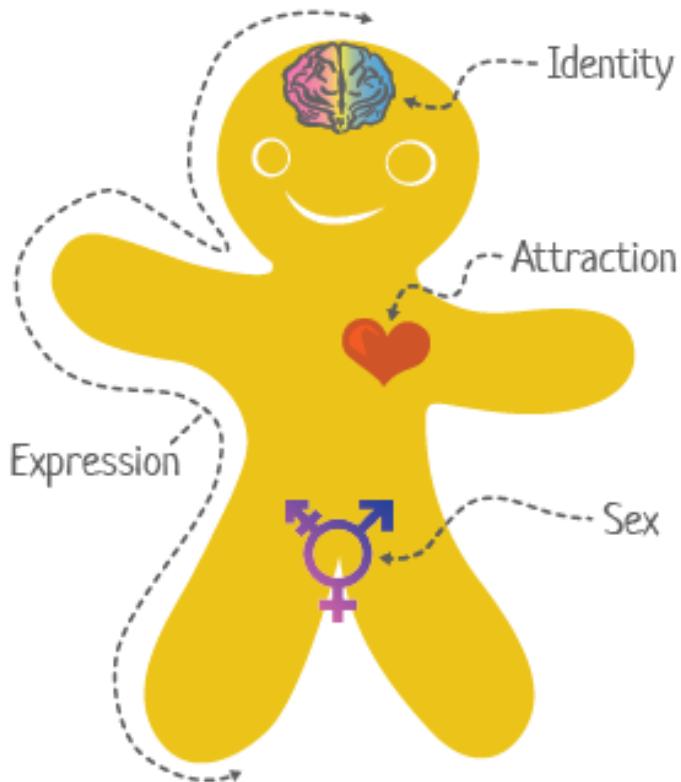
**Transphobia:** A fear, aversion, or hatred toward transgender people.

**Transgender (Grades K-5):** When a baby is born, they are given a gender. Transgender people change their gender once they are old enough to explain to others how they feel about their own gender. This person may change their name and/or pronoun, as well.

**Transgender (Grades 6-12):** An umbrella term describing people whose gender identity is different than the sex they were assigned at birth or by society.

**Transition-Social Transition:** The process by which a transgender person begins to share a new gender expression or gender identity with others. This could mean beginning to wear different types of clothing, asking to be called by a different name or pronoun (or no pronoun), or aligning behaviors and expression with one’s authentic gender identity.

# The Genderbread Person<sup>v4</sup> by its pronounced METROsexual.com



$\ominus$  means a lack of what's on the right side

## Gender Identity

- $\ominus$  → Woman-ness
- $\ominus$  → Man-ness

## Gender Expression

- $\ominus$  → Femininity
- $\ominus$  → Masculinity

## Anatomical Sex

- $\ominus$  → Female-ness
- $\ominus$  → Male-ness

Identity  $\neq$  Expression  $\neq$  Sex  
Gender  $\neq$  Sexual Orientation

Sex Assigned At Birth  
 Female    Intersex    Male

Sexually Attracted to... and/or (a/o)  
 $\ominus$  → Women a/o Feminine a/o Female People  
 $\ominus$  → Men a/o Masculine a/o Male People

Romantically Attracted to...  
 $\ominus$  → Women a/o Feminine a/o Female People  
 $\ominus$  → Men a/o Masculine a/o Male People

### **III. Law and Order**

*“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.”*

– Lesbian youth



## **A. ANTI-DISCRIMINATION LAWS/ POLICIES**

### **1. FEDERAL LAW**

#### **Amendment XIV of the U.S. Constitution (Equal Protection Clause)**

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 (9<sup>th</sup> Cir. 2003);<sup>4</sup> *Nabozny v. Podlesny*, 92 F.3d 446, 458 (7<sup>th</sup> 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.

On April 29, 2014, the U.S Department of Education issued guidance clarifying that federal Title IX prohibits discrimination against transgender students. The Human Rights

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<sup>4</sup> 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 9<sup>th</sup> 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.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

Campaign, the nation's largest lesbian, gay, bisexual and transgender civil rights organization, welcomes the guidance issued by the Department's Office for Civil Rights, which says "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation."

On May 13, 2016, The U.S. Department of Education and the U.S. Department of Justice issued significant guidance regarding a school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. Protections include a Safe and Nondiscriminatory Environment; Identification Documents, Names, and Pronouns; Sex-Segregated Activities and Facilities (e.g., restrooms, locker rooms, athletics, housing and overnight accommodations, single-sex classrooms, and other sex specific activities including yearbooks, dances, and graduation); and Privacy and Educational Records. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

On June 15, 2020, the Supreme Court ruled in the case of [Bostock v. Clayton County, Georgia](#) in a 6–3 that discrimination in employment on the basis of sexual orientation or gender identity is necessarily also discrimination "**because of sex**" as prohibited by Title VII. Additionally, Title VII uses the same language as Title IX, many legal scholars feel that the same definition applies in Title IX.

On August 7, 2020, The 11<sup>th</sup> Circuit Court of Appeals ruled in the case of [Drew Adams v. School Board of St. John's County, Florida](#) that under the Equal Protection Clause of the XIV Amendment to the US Constitution and Title IX prohibition of sex discrimination, school districts must allow a student to use the restroom that aligns with their gender identity. The court also referred to the Bostock case in its decision.

On January 20, 2021, President Joseph R. Biden issued an [Executive Order 13988](#) which states that, "Under Bostock's reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.)... prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary." The Executive Order continues, "**All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.**"

A second [Executive Order 14021](#) issued March 8, 2021, continues, "It is the policy of my Administration that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity." Also, see US Department of Justice

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

Memorandum dated March 26, 2021 entitled: Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972.

### **National Resolutions from NEA, AFT, and National PTA**

During Summer 2016, three of the nation's largest and most influential education organizations took bold steps to support LGBTQ+ students. Both the National Parent Teacher Association (NPTA), the National Education Association (NEA), and the American Federation of Teachers (AFT Union) together representing more than five million members and constituents, established formal policies of LGBTQ+-inclusion, and committed to redoubling their advocacy at the federal, state and local levels to ensure that LGBTQ+ students are treated with dignity and can learn in environments that are safe and free from discrimination.

On June 29, 2016 at its annual convention in Orlando, **the NPTA** adopted its first-ever resolution recognizing LGBTQ+ individuals as a protected class.<sup>5</sup> Like the NEA's plan, the NPTA resolution is multi-faceted and includes a commitment to political advocacy, as well as to implementing stronger anti-bullying policies and programs specifically addressing anti-LGBTQ+ bullying. The resolution also calls for professional development for educators, and appropriately addressing LGBTQ+ identities within health education standards. Additionally, the NPTA resolution calls for PTAs to be welcoming and inclusive of LGBTQ+ parents and parents of LGBTQ+ children, creating greater opportunities for our families to engage in school climate improvement efforts and to be an integral part of the broader school community.

"Every child deserves to go to school excited to learn in a safe and nurturing environment, without the fear of bullying, violence or discrimination," NPTA President Laura Bay said in a press release. "However, the vast majority of LGBTQ+ students are bullied, physically assaulted and feel unsafe in school because of their actual or perceived sexual orientation or identity. National PTA delegates have taken a stand to push for policies and protections for LGBTQ+ youth to make sure they have positive school experiences."

Then, on July 4, 2016, and affirmed in 2018, the **NEA**, already at the forefront of LGBTQ+ inclusion, adopted a nine-point action plan to prevent discrimination and violence targeting LGBTQ+ people.<sup>6</sup> The NEA has long been addressing anti-LGBTQ+ bullying in schools, supporting its LGBTQ+ members, and educating its millions of members on LGBTQ+ topics. This plan reflects a renewed commitment to not only making sure that LGBTQ+ students are safe and supported at school, but to more broadly support LGBTQ+

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<sup>5</sup> National Parent Teacher Association <https://www.pta.org/docs/default-source/uploadedfiles/lgbtq-resolution-guidance.pdf>

<sup>6</sup> National Education Association [http://ra.nea.org/wp-content/uploads/2019/05/Resolutions\\_Summary\\_of\\_Winter\\_Committee\\_Meeting\\_Actions\\_2019.pdf](http://ra.nea.org/wp-content/uploads/2019/05/Resolutions_Summary_of_Winter_Committee_Meeting_Actions_2019.pdf)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

people by taking an active role in federal, state and local legislative advocacy, including standing firmly against efforts to restrict restroom use by transgender people.

"Every student matters, and every student has the right to feel safe, welcomed, and valued in our schools. Educators are responsible for our students' education and safety, including those students who are perceived or identify as lesbian, gay, bisexual, transgender, or questioning," NEA President Lily Eskelsen Garcia said in a press release. "Unfortunately, due to the recent horrific event in Orlando and the actions in state houses across the country where politicians are playing games with the lives of children and teens who are seen as different, now is the time for educators to boldly and assertively assume a leadership role in this human and civil rights issue."

The NEA's action plan is incredibly powerful and substantive, and we at the HRC Foundation, through initiatives including our ground-breaking Welcoming Schools Program, look forward to collaborating with our good friends to move this effort forward.

Finally, the **AFT** Union has passed landmark resolutions in support of LGBTQ+ students and staff in 2016, 2017, and 2021.<sup>7</sup>

"WHEREAS, the American Federation of Teachers and its locals and state affiliates have played a critical and historic role in fighting discrimination on the basis of sexual orientation, gender identity and gender expression, and have a long institutional history of leadership in securing better educational and working conditions and better lives for members of all groups facing stigma and pervasive discrimination," the resolution explained. "RESOLVED, that the American Federation of Teachers and its affiliates will support adoption, implementation and enforcement, at the district, institutional and state levels, of policies that support the safety and educational achievement of LGBTQ+ students"

"The AFT has been well ahead of the curve in advocating for LGBTQ+ students, and with this powerful resolution they will help to close the safety gaps for LGBTQ+ students in our country's largest public school systems," said Ellen Kahn, Director, Children Youth and Families Program. "Teachers are now empowered to set a tone of inclusion and respect in their classroom, changing the landscape for literally millions of students every year. Bravo to the AFT for standing up for all youth."

### **FERPA**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to

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<sup>7</sup> American Federation of Teachers <https://www.aft.org/resolution/school-safety-and-educational-opportunity-lebian-gay-bisexual-transgender> (2016); <https://www.aft.org/resolution/support-rights-transgender-persons-aft-stands-unity-against-discrimination> (2017); and <https://www.aft.org/resolution/support-lgbtq-youth-and-educators> (2021)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

all schools that receive funds under an applicable program of the U.S. Department of Education.

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

### **The Equality Act [\*PROPOSED LEGISLATION\*]**

Passed by the US House of Representatives on February 25, 2021, The [Equality Act](#) would amend the 1964 Civil Rights Act to explicitly prevent discrimination based on sexual orientation and gender identity. The bill has been introduced multiple times before and passed the House in 2019. However, the law's impact would be different in practical terms now than it was then.

That's because the Supreme Court [ruled in June of 2020](#), in [Bostock v. Clayton County](#), that the protections guaranteed by the 1964 Civil Rights Act on the basis of sex also extend to discrimination against lesbian, gay, and transgender Americans. The logic was that a man who, for example, loses his job because he has a same-sex partner is facing discrimination on the basis of sex — that, were he a woman, he wouldn't have faced that discrimination.

## **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. In subsection 3(a) of this chapter it states: "No person shall, on the basis of gender, be excluded from participating in, be denied the benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a public K-20 educational institution; and no public K-20 educational institution shall provide athletics separately on such basis"

This use of the words "on the basis of gender," rather than "biological sex" lends itself to the interpretation that exclusion of transgender students from the extracurricular activities of their choice on the basis of the sex they were assigned at birth is prohibited

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

under Florida Statute 1000.05. To date, no case law has addressed subsection 3(a) of Florida Statute 1000.05; thus there is no guidance on how this part of the law will be interpreted by courts when in regards to transgender students.

[**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 Palm Beach County has. See the Palm Beach County Equal Employment and Fair Housing Ordinance 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**

The Palm Beach County Human Rights Council has worked with Palm Beach County, local municipalities and the School District of Palm Beach County in passing many laws, policies, and ordinances related to LGBTQ+ residents. Some examples of those policies in housing, employment, education, and other aspects of life in Palm Beach County are referenced below:

#### **Palm Beach County Equal Opportunity Chapter 15**

The Office of Equal Opportunity's (OEO) mission is to promote a discrimination free quality of life for Palm Beach County residents through educating and advocating a policy of nondiscrimination and enforcing local, state and federal civil rights laws.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

OEO is responsible for investigating and resolving complaints of discrimination in employment, housing and public accommodations on the basis of race, sex, color, religion, national origin, disability, age, sexual orientation, marital status or familial status and gender identity or expression. Additionally, OEO provides human relations training and referral services. OEO is a federally recognized equivalent agency under the federal civil rights laws - Title VII (employment discrimination cases) and Title VIII (fair housing cases). Through OEO, Palm Beach County residents have direct access to protection of civil rights laws.

### **4. SCHOOL BOARD OF PALM BEACH COUNTY**

#### **Policy 0.01**

In fulfilling his/her obligations to the student, the educator --

Shall not harass or discriminate against any student on the basis of the protected categories including but not limited to, race, color, religion, sex, age, national origin, ethnicity, disability, ancestry, political beliefs, marital status, **sexual orientation, gender, gender expression and/or gender identity**, linguistic preference, or social/ family background and should make reasonable effort to assure that each student is protected from harassment or discrimination.

#### **Policy 1.041**

The School District of Palm Beach County **Policy 1.041 (Equity Policy)** states:

The School Board believes that opportunity and access to our classrooms, programs, services, and resources is critical to the achievement of successful student outcomes. The District will adopt policies and procedures that promote diverse and equitable access for all students, regardless of race, ethnicity, language, culture, **gender, gender identity, sexual orientation**, religious and spiritual beliefs, or physical and learning abilities.

In addition, The School Board will implement policies that promote equity and access for all students by taking the following steps:

- e. The District will select and develop instructional materials that include the following:
  - iv. Instruction to expand the knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement.

#### **Policy 1.0971**

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

The School District of Palm Beach County **Policy 1.0971 (Diversity and Equity Committee)** urges that diversity be promoted. Furthermore, it defines “diversity” as being inclusive of sexual orientation, gender identity, and gender expression.

### **Policy 5.001**

The School District of Palm Beach County’s Protecting Students from Harassment and Discrimination Policy 5.001 states, in part:

The School Board of Palm Beach County, Florida...does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, **gender expression and/or gender identity**, race, color, religion, national origin, age, disability, marital status, ancestry, ethnicity, gender, linguistic preference, political beliefs, **sexual orientation**, or social/family background in its education programs or admissions to education programs and therefore prohibits such discrimination against, or harassment of, any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

### **Policy 3.19**

The School District of Palm Beach County’s Prohibiting Discrimination and Harassment Policy 3.19 states, in part:

The School Board is committed to maintaining a work and learning environment in which all individuals are treated with dignity and respect. All employees and applicants for employment of the School District of Palm Beach County, Florida, have the right to work in an environment free from discrimination and conduct which can be considered harassing or coercive. Therefore, harassment based on race, color, religion, sex, ethnicity, national origin, age, **sexual orientation, gender identity or expression**, marital status, parental status, disability or any other characteristic protected by federal and state law, will not be sanctioned or tolerated, regardless of whether it takes place in the Board's administrative or school centers during work-related assignments outside of administrative or school centers, during school related or work-related extracurricular activities or during a work-related social function.

### **Policy 5.81**

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The School District of Palm Beach County's Protecting Students from Sexual Harassment and Discrimination Policy 5.81 states, in part:

The School District believes that all students are entitled to a safe, equitable, and harassment-free school experience. The School Board will not tolerate sexual harassment between members of the same or opposite sex. The Office for Civil Rights (OCR) states in its Revised Sexual Harassment Guidance (2001):

Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX . . .

### **Policy 2.121**

On page 67 of the FY16 Student and Family Handbook, The School District of Palm Beach County Student Activities in Schools Policy 2.121 states that:

Students have a right to participate in extracurricular activities, assemblies, and school-approved organizations without regard to age, color, disability, ethnicity, gender, linguistic differences, national origin, marital status, race, religion, **sexual orientation, gender expression and/or gender identity**, genetic information, or socioeconomic background. (P-5.001)

Students have a right to seek office in student government and/or school clubs without regard to age, color, disability, ethnicity, gender, linguistic differences, national origin, marital status, race, religion, **sexual orientation, gender expression and/or gender identity**, genetic information or socioeconomic background. (P-5.001, P-5.81)

### **Graduation Gowns**

On February 3, 2021, School District administrators sent a directive to all principals that states that using gender-based graduation colors "does violate the provisions in school board policies, the SDPBC Family and Student Handbook, and the School District of Palm Beach County's LGBTQ+ Critical Support Guide... In addition, it violates state and federal law."

## **B. ANTI-BULLYING LAWS / POLICIES**

### **1. FEDERAL LAW**

#### **The Safe Schools Improvement Act [PROPOSED LEGISLATION]**

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On March 8, 2013, the Federal Safe Schools Improvement Act was reintroduced in the Senate as a proposed amendment to the Elementary and Secondary Education Act. This legislation would require public schools to implement a comprehensive anti-bullying policy that enumerates sexual orientation and gender identity as protected categories, among others. It would further require schools to include LGBTQ+ bullying and harassment data in their statewide needs assessment reporting. SSIA was introduced in the House of Representatives by Reps. Linda Sánchez (D-CA) and John Katko (R-NY) on May 9, 2019, and in the Senate by Sen. Bob Casey (D-PA) on September 25, 2019.

## **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 8<sup>th</sup> 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 8<sup>th</sup> 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"*

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*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.

### **3. LOCAL POLICY**

#### **Policy 5.002**

The School Board of Palm Beach County’s Anti-Bullying and Harassment Policy 5.002 prohibits the bullying, harassment, cyberbullying, and cyberstalking of any student or employee on the basis of his/her actual or perceived traits or characteristics, including but not limited to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship or any other characteristic protected by law.

The policy characterizes “bullying” as:

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

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[Bullying] is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gestures, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation

Palm Beach County Public Schools' policy is intentionally broad; it goes on to state that bullying may not only occur on campus, "Through the use of any computer, technology or electronic device if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school, regardless of who owns the computer, technology or electronic device or where the computer, technology or electronic device is located."

Once a report of bullying is received by the school administration, the school must initiate an investigation no later than the next school day, and must complete the investigation within ten (10) school days of its initiation.

Additional information regarding bullying and harassment can be found at the Department of Safe Schools website located at the following link: [http://www.palmbeachschools.org/sis/2015\\_WEBSITE\\_SS/Bullying\\_Awareness\\_2015-SS.asp](http://www.palmbeachschools.org/sis/2015_WEBSITE_SS/Bullying_Awareness_2015_SS.asp) and in the Palm Beach County Public Schools Student Code of Conduct, the School District's Employee and Student Handbooks.

\* \* \* \*

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 Palm Beach County members have given us the tools and the resources to empower the entire school community.

## **IV. Creating Safe Spaces 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.”*

- Gay Youth



## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **A. ANTI-LGBTQ+ LANGUAGE**

Statistics tell us that anti-LGBTQ+ slurs and bias toward gender-expansive youth abound in our schools, regardless of whether the target of the slur is actually gay, or just perceived to be gay. Here are some guidelines for intervening in anti-LGBTQ+ language (e.g., “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.

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### HARASSMENT

Title IX bans federally-funded schools from discriminating against LGBTQ people, but many states are enacting additional protections against harassment and bullying, particularly for LGBTQ youth.

### PRIVACY

LGBTQ youth are provided the same constitutional right to privacy as all other citizens, and this means no one from school can disclose a student's sexual orientation or gender identity without their approval, even if they are a minor.

### SPEECH

LGBTQ students enjoy the same freedom of speech granted to all American citizens. Only speech deemed hate speech or disruptive to a classroom is subject to censorship.

### GENDER EXPRESSION

Discrimination based on gender identity is unlawful in all 50 states, giving students the right to express their gender identities via clothing and other means - provided they are appropriate for any student, regardless of gender.

### GAY-STRAIGHT ALLIANCES

The Equal Access Act stipulates that public schools with non-curricular clubs must also allow students to create a GSA club.

### PROMS, HOMECOMING, AND SCHOOL EVENTS

The First Amendment protects LGBTQ students' right to express their gender identities and sexual preferences at all public school events, so long as they comply with rules and regulations applicable to all students.

#### 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

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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.

### **Ideas for Applying Strategic Language to Anti-LGBTQ+ Situations**

We know that if we, as adults in school, allow slurs of any kind to pass without challenge, we run the risk of conveying acceptance and agreement with the nature of the slur. Worse still, our silence gives tacit approval to the judgmental, bigoted or hateful thoughts that lie behind the use of the words.

#### **Situation 1: We hear homophobic or transphobic remarks with family or colleagues.**

We must acknowledge that many of us grew up in situations where put-downs of every type were "business as usual." We accepted stereotypes and used them as a source of humor and as a mark of camaraderie. So, our first challenge is to figure out how we can maintain a friendly, convivial connection with our friends and colleagues *without* making others the source of put-downs...and without sounding "holier than thou." This is not an easy task, since our friends are used to getting a laugh from us and experiencing the fun of a shared joke. We can start by not *initiating* humor that involves a stereotype or put-down. If we refuse to use put-down language in any way, shape, or form, even in the name of fun, we will go a long way towards changing the dynamics of the conversation, without making a "big deal" out of it. We can make a promise to abandon the use of slurs and put-down humor, regardless of type, in conversations with family, friends and colleagues, no matter what other people might say. If we simply refuse to laugh or respond in kind to a mean slur, or change the subject abruptly, perhaps we will alter the pattern of banter in the future.

It might seem very natural, in the short run, to normalize the situation while still making a comment indicating your non-prejudice. If the joke is funny and you laugh, you might follow it up with a short statement that would show your support for the *real* people behind the stereotypes in the joke. "*You know that I really have no problem with gay and lesbian people, right?*" or "*My sister happens to be a transgender, and she would even*

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*think that was funny", or "Gay, straight, no big deal to me."* You don't have to say a lot to make your point.

### **Situation 2: Students use homophobic or transphobic remarks in conversation with us.**

In a more active fashion, we can devise strategies to address put-down language. As you recall from our workshop on Strategic Language this summer, our goal in potentially volatile conversations is to "connect before we correct."

Gentle correction might be appropriate when the young person uses a homophobic or transphobic remark in casual conversation with you when there are no other students around. Using this type of language with you, an older authority figure, implies one of three things: 1) The student doesn't realize what the word means, and is simply repeating it because s/he has heard other people say it in a context where "gay" is viewed as synonymous with "non-athletic", "weak", "socially rejected", "small", "unassertive" or some other unflattering but non-sexual, adjective; 2) The student assumes a comfortable "collegial" familiarity with you at that moment, and s/he believes you would accept the remark without challenging it; or 3) The student believes everybody uses the word.

This is a tricky situation. We don't want to break rapport with the student by assuming a command voice and correcting him/her in an authoritarian style, but it is important that we do not allow the remark to pass unchallenged.

Strategy: If a student uses offensive terms referencing another student or group:

- ❖ Interrupt the student.
- ❖ Make the point that you want to hear the story and are empathetic to the core content of the conversation, but that you want to hear it without the offensive term.
- ❖ Cite the new community standard that is developing without lecturing. Use the word "we".
- ❖ It may be appropriate to mention that another person's sexual orientation is not a big deal to you.
- ❖ Then get back to the conversation.
- ❖ Be low-key, don't over-react, but make sure you address the slur.

Examples: A student says, "*And then that little 'faggot' tried to make a play and he cost us the game.*"

Officer response: "*Can I interrupt you for a second? I'm glad you want to tell me about the game. And I get it that you were upset because you lost and you think it's one guy's fault. It's just that the word that you used, 'faggot', is a put-down to gay people, and we are trying to end put-downs around here. We don't know if he is gay or straight, and frankly, it doesn't matter to me. Why don't we just use the guy's name from now on? OK, so let's get back to the game...what happened before the guy made the last play?*"

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A student says, "Everyone knows all those girls on the basketball team are 'dykes'....but at least nobody messes with them, that's for sure."

Officer response: "Can I interrupt you for a second? I'm glad that you want tell me about the team, and I get it that you have a lot of respect for the girls because they are tough enough to take care of themselves...it's just that using the word 'dykes' assumes a lot, and is a put-down to lesbians. Neither of us knows the sexual orientation of the girls, and frankly, it doesn't matter to me if they are gay or straight. We are trying to eliminate rumors and stereotypes around here. Why don't we just call them "the team" from now on? Anyway, tell me more about the basketball team...who do they play next?"

Shorter challenges with elementary students

- ❖ "Do you mean that he doesn't like sports much? Let's say that, instead."
- ❖ "Using that word hurts a lot of people, and we don't use that term around here."
- ❖ "I know lots of your friends might use that word, but it is a put-down word, and I never use it. You can say something else instead, right?"

Shorter challenges with older students:

- ❖ "Do you really know his gender identity? Did he approach you in a romantic way?"
- ❖ "I know you didn't mean that remark in a sexual way, so why not say something other than 'gay'?"
- ❖ "I liked the story. I was distracted (disturbed, bothered, etc.) by the put-down. Next time you tell the story, try saying \_\_\_\_\_ instead."
- ❖ "Using that word is like calling me a \_\_\_\_\_ (name a slur used for your particular ethnic identity.) I know you wouldn't do that."
- ❖ "I know what you meant by that, but we are trying to get away from all the gay put-downs around here. Could you drop the put-down next time you tell the story, please?"
- ❖ Shortest possible challenge: When the person says the offending word, point a finger and say, "Put-down. OK...now keep going."
- ❖ Another short challenge: "Transphobic slur. OK....now go on."

### **Situation 3: You hear homophobic or transphobic remarks from a group of students.**

You might take advantage of this to spread a tolerance message. Make a brief comment and move on without creating a confrontation.

- ❖ "Hey, I know you guys didn't mean for me to hear that, but I heard someone use the word 'gay' and it sounded like a put-down to me. Maybe that's not how you meant it...but we are trying to get away from all that stuff around here. Why don't you say something else, instead?"
- ❖ "Excuse me....I heard someone using the word 'faggot.' That's not a word we use around here. It's an insult to gay people, and a reference to the days when gay

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- people were tied together and set on fire. You might not have known that. Why don't you say something else, instead?"*
- ❖ "Excuse me. I know you weren't addressing me, but I make it a point to address any put-downs I hear about groups on this campus. We don't use 'tranny' as a put-down around here, even in jokes. Why don't you say something else to get a laugh, instead?"

### **Situation 4: A student asks you about another person's sexual orientation, gender identity, or expression (SOGIE)**

If a student has established a rapport with you, he or she might ask you your opinion about another person's sexual orientation or gender identity. Whether the person asked about is a student or a staff member, you can use the opportunity to spread an acceptance message.

- ❖ "*I don't really know Mr. Jones' sexual orientation...but it wouldn't make a difference to me, one way or the other. Kids tell me he makes learning fun, and I don't know a harder-working guy on this campus. We need more enthusiastic teachers like him, wouldn't you agree?*"

### **Situation 5: You are intervening in a verbal confrontation where one student uses a homophobic slur towards another student.**

The situation gets a bit trickier if the person targeted by the homophobic language is present to hear it, along with bystanders. Everyone will be watching your response to get clues as to whether or not that language is acceptable to you. While you might decide to pull the disputants away and mediate the problem in private, a public response to the use of the slur will give a message to the whole crowd that you will not tolerate that language.

- ❖ "*You are saying 'gay' like a put-down, and we do not put each other down around here. This is the only reminder you will get. Use that language again, and you will be written up."*
- ❖ "*Put-downs never help solve problems. If you keep saying personal slurs like that you will be written up. Let's agree to stop using any and all put-downs. Now what is this really all about?*"

This strategy might be applied to other words that could be used as neutral descriptors in another context.

- ❖ "*You are saying 'Haitian' like a put-down, and we don't put each other down here. This is the only reminder you will get."*"

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Clearly, offensive terms that are universally known as hurtful slurs fall into a different category. Deliberate use of these offensive words is meant to taunt, intimidate, wound, or threaten others. These might be considered "fighting words" that call for a stronger response.

*"Calling people 'faggots' ('dykes', 'tranny', 'it', 'he-she', etc.) gets you written up for disrespect. Cut it out and come with me."*

### **Situation 6: A young person "comes out" to you.**

If a young person feels comfortable enough with you to open up about his or her sexual orientation, your response will be critical.

If the person seems to be OK with his/her orientation or gender expansiveness: If the young person mentions to you that he or she is gay, lesbian, bisexual, transgender (or something else) in passing as part of a conversation where that is NOT the primary content of the conversation, you might simply attend to the primary content of the conversation without referencing the person's revelation at all. By NOT highlighting it or returning to it, you convey your acceptance of the person as an individual who happens to be gay, lesbian, bisexual, transgender....and who is now talking about something else.

If the student seems to be struggling with his/her revelation, and is "testing the waters" with you: Our general goal will be to show support, universalize and normalize the conversation, and direct people to sources of more information, if they want it.

*"Thanks for being comfortable enough with me to share something so important and personal. I know you must have given this a lot of thought, and wondered who you could trust....thanks for putting me on that list. Lots of people (question their sexual identity, come to the conclusion that they are attracted to people of their own gender, struggle with the issues that come along with being in a sexual minority, wonder what to say to people, etc.) Have you shared this information with anyone else? Did you feel supported by those people? Have you ever wanted to talk with someone in more detail about your realizations? Sometimes it is really difficult to get good information, and I know our guidance department has access to some good resources; is there a guidance counselor you trust, like you trusted me?"*

### **Situation 7: The student asks directly for more information.**

Our goal in conversation is to be helpful, and not pass along any sort of personal judgment. If someone says, "Does our school have a Gay Straight Alliance?", we will not say, "Yeah, but why do you want to go to that?" Obviously, we will not make comments like "What makes you think you are gay?" or "Are you sure? Have you tried dating any members of the opposite sex?" or "What does your (mom/dad/religious leader) think of that?" If

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someone asks for information, we will give him/her an answer if we know it, or direct him/her to someone who might have more knowledge.

Student: "*Can you get HIV through kissing?*"

Answer One: "*I am glad you are concerned about your health and want to stay safe. I don't know, but let's find out. There are quite a few organizations in our community that focus on AIDS prevention...let's look in the Teen Help Guide put out by 2-1-1. Incidentally, do you know about the 2-1-1 service?*"

Answer Two: "*I am glad you are concerned about your health and want to stay safe. I understand that there is a low concentration of HIV in saliva, and saliva does not transmit HIV. But there is a small chance under particular circumstances where people have open sores in their mouths that may allow blood from an infected person to get into the bloodstream of another person. Let me hook you up with some experts in that area....do you know about 2-1-1 information and referral services?*"

### **Situation 8: A student is severely distressed about his/her sexual orientation, gender expansiveness and lets you know about thoughts of self-harm.**

This is a very serious situation. As mandated reporters, we have an obligation to help, and perhaps even provide a referral for mental health support, for people who tell us they are suicidal. Even in these circumstances, though, we can be supportive and affirming.

Officer comment: "*Joe, I am sorry you are feeling so miserable about your life right now. Lots of young people, gay or straight, cisgender or gender expansive, have feelings of wanting to end it all, just to get away from the pain. The law says that I am "a mandated reporter", which means I have to seek help for people when they tell me they are suicidal. We will have to go through some steps to get you help. But I want you to know that I am going to be here for you, and will be one of your support people on this campus. I am very, very glad you told me about your plans....I want your life to get better, and things will start getting better right now.*"

## **B. SAFE SPACE POSTERS / STICKERS**

It only takes one person to make a potentially life-changing difference for a youth who is suffering. While there are many ways in which teachers and administrators can facilitate a safe environment for vulnerable LGBTQ+ students, one of the most widely recognized methods is by displaying a Safe Space poster or sticker. Samples of School District of Palm Beach County Safe Zone posters and sticker can be viewed in Appendix O of this Guide; and are also available by mail from SDPBC – CDC Grant staff. For additional resources, please also visit GLSEN at [SafeSpace.glsen.org](http://SafeSpace.glsen.org); and the Genders & Sexualities Alliance Network at [GSANetwork.org](http://GSANetwork.org).

By displaying a Safe Space sticker or poster in a hallway, in a classroom, or on a door, a teacher or administrator creates a visible and easily identifiable network of LGBTQ+

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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

School District of Palm Beach County supports teachers/staff who choose to display a Safe Space sticker or poster or wear a "We're ALL In!" badge. 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. WE'RE ALL IN BADGES**

"We're ALL In" badges help educators, administrators, and other school district employees be visible allies to prevent bullying and foster a safe and supportive learning environment for all students and staff. As part of the program, participating staff wear badges identifying themselves as allies in order to make school a safer, more welcoming place.



Recent research in *Educational Leadership* journal (McGarry, 2013) indicates school-based variables that serve as sources of resilience for many LGBTQ+ youth. Supportive adults, a clear anti-bullying policy, an LGBTQ+-inclusive instructional materials and resources, and student clubs such as Genders and Sexuality Alliances (GSA Clubs) are the four school-based resources that research suggests make a difference for LGBTQ+ students.

Considering the extent to which a school provides

these sources of resilience and focusing efforts on providing them are important steps for educators to take to build resilience in LGBTQ+ students.

"We're ALL In!" badges are similar to Safe Space posters and stickers, except that they identify the school staff member as an ally. Some school staff who post Safe Space posters or stickers may move between different classrooms during the day. Our badges identify the staff member, rather than the room.

A similar badge programs launched in 2013 as part of the Los Angeles LGBT Center's Project SPIN (Suicide Prevention Intervention Now) program. The initial campaign included a distribution of 30,000 badges to Los Angeles Unified School District (LAUSD) teachers and staff to indicate they can be approached if an LGBTQ+ youth needs help to

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feel safe at school. Thanks to funding from the CDC, similar badge programs have expanded to school districts nationwide, including Broward, Duval, and Miami-Dade and Palm Beach counties in Florida, reaching millions of students.

### **D. “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. Cmtv. 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. This heterosexual assumption is called the heteronormativity. There is no need for a heterosexual person to make a statement to others that discloses their sexual orientation. Similarly, most people feel their gender is aligned with their biological sex. Cisgender folk typically have no need to disclose their gender identity, because it is assumed.



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

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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.<sup>8</sup> Even more recently, data generated by The Family Acceptance Project in 2009 indicates gay and transgender teens rejected by their parents and caregivers are:

- More than eight times more likely to have attempted suicide
- Nearly six times as likely to report high levels of depression
- More than three times as likely to use illegal drugs
- More than three times as likely to be at high risk for HIV and other STDs<sup>9</sup>

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

<b><u>If a Student Comes Out to You:</u></b>	<b><u>What Not to Say:</u></b>
<ul style="list-style-type: none"><li>• Offer support.</li><li>• Be a role model of acceptance.</li><li>• Appreciate the student's courage.</li><li>• Listen, listen, listen.</li><li>• Assure and respect confidentiality.</li><li>• Demonstrate understanding, acceptance and compassion.</li><li>• Be prepared to give a referral for resources and/or for emotional support.</li><li>• Remember the student has not changed.<sup>1</sup></li></ul>	<ul style="list-style-type: none"><li>• "I knew it!"</li><li>• "Are you sure? Are you confused?"</li><li>• "This is just a phase."</li><li>• "You just haven't found the right woman/man."</li><li>• "Shhhh, don't tell anyone."</li><li>• "You're too young to know."</li><li>• "You should come out to everyone and be honest."</li><li>• "You can't be gay, you've had relationships with people of the opposite sex."</li></ul>

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/CAREGIVERS**

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

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

<sup>9</sup> [http://familyproject.sfsu.edu/files/FAP\\_English%20Booklet\\_pst.pdf](http://familyproject.sfsu.edu/files/FAP_English%20Booklet_pst.pdf).

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up to the student, and the student alone, to decide where and when to be open about their SOGIE and LGBTQ+ status.

Occasionally, a parent may contact teachers, guidance counselors, or administrators to ask if their child has confided in them about their sexual orientation or gender identity. With the very limited exception involving the imminent fear of physical harm, it is **never** appropriate to divulge the sexual orientation or gender identity of a student to a parent/caregiver without that student's informed consent.

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

“Based on our 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 LGBTQ+, I suggest that you speak directly to your child. Furthermore, I recommend that you contact Compass Community Center and/or 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 or gender identity to ask questions or attend a meeting.”

**IMPORTANT:** It is imperative that these guidelines regarding confidentiality be kept clearly in mind when communicating with parents or guardians about bullying or other misconduct. To the extent that administrators must relay the exact wording of an altercation due to reporting requirements, care should be used to neutralize potentially incriminating language that was used. For example, if a student suspected to be gay is called a “faggot” by an aggressor, the parent might be told, “Mrs. Smith, your son was involved in an altercation today as the result of being bullied by another student who called him a ‘faggot.’ Unfortunately, this term is frequently used by students as a generalized put-down.” Failure to practice discretion regarding language could place a student in a hostile, dangerous, or even life-threatening, environment. Please contact the Department of Safe Schools at (561) 982-0922 before contacting parents or guardians if you have any questions or concerns about this issue.

## **E. 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 or other caregiver; and still others by two moms or two dads. By

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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.<sup>10</sup>

### **F. GSA CLUBS - GAY-STRAIGHT ALLIANCES / GENDER SEXUALITIES 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.”*

- Public Schools student



Genders and Sexualities Alliance (aka, Gay-Straight Alliances) (GSAs) or Diversity Clubs 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 and/or gender identity; in fact, some GSA members are straight-identifying allies. GSAs can be support groups, or educational or civic clubs dedicated to

making the school and community a safer space for all individuals.

Recent research in *Educational Leadership* journal (McGarry, 2013) indicate school-based variables that serve as sources of resilience for many LGBTQ+ youth. Supportive adults, a clear anti-bullying policy, an LGBTQ+-inclusive instructional materials and resources, and student clubs such as Genders and Sexualities Alliances are the four school-based resources that research suggests make a difference for LGBTQ+ students. Considering the extent to which a school provides these sources of resilience and focusing efforts on providing them are important steps for educators to take to build resilience in LGBTQ+ students.

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

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<sup>10</sup> Keep these suggestions in mind when teaching existing curriculum; materials may be out-of-date or completely void of LGBTQ+ issues.

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Act, the school must treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.

The 2019 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 and gender identity. Remind parents the club is a genders and sexualities 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, maintain, or supervise a GSA, contact CDC Grant personnel in the Department of Teaching & Learning, Office of African, African-American, Latino, Holocaust, and Gender Studies, or Department of Safe Schools.

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

## **G. GENDER STUDIES CONTACTS**

Per Florida Statute 1003.42 (q), all schools are required to include the study of women's contributions to the United States in K-12 curriculum. In addition, Florida Department of Education and the School District of Palm Beach County have adopted language that will assist in creating a safe environment for *Lesbian, Gay, Bisexual and Transgender (LGBT)* youths.

To support schools, teachers and students with these important issues, we are requesting that each school select a Gender Studies contact person. The contact will be trained in Women's Studies, and in providing support to female students and students who identify as LGBTQ+. The Gender Studies contact will receive professional development training through the Office of African, African-American, Latino, Holocaust, and Gender Studies office. The responsibilities of the contact will include:

- Ensuring the inclusion of Women's Studies in history activities throughout the school, including Women's History Month.

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- Providing Women's Studies curriculum support to teachers.
- Engaging girls in science, technology, engineering, and math activities.
- Leading the establishment of a safe environment at school for LGBT students, to convey the message that, according to Florida Department of Education, "no one should be treated differently because they are or are perceived to be LGBT."
- Creating age/grade appropriate support groups for LGBT students. The Florida Department of Education states that the Gay-Straight Alliance (GSA) groups help to create safer schools. Schools must allow these groups if they have other "non-curricular clubs or groups."

## **H. PROMS / DANCES**

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

The Itawamba County School District in Mississippi was sued because a young woman's school would not allow her to bring a same-sex date to the prom. Ultimately, the school canceled 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 canceled 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)].

## **I. 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)].

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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. A person who was assigned male at birth, who wears a dress to school (as long as it is within the parameters of the Dress Code) is not “significantly disruptive.”

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 sexual orientation, gender identity, and gender expression to unfairly influence the result.

# 5 Ways to Make Schools Safer for LGBTQ Students

1



Be an activist! Speak out when someone says something discriminatory towards the LGBTQ community.

2



Start a GSA/QSA:  
Having a safe space for queer students at school can save LIVES.

3



Educate Your Teachers:

A teacher who simply knows about being LGBTQ can make a world of difference for students who are gender and sexual minorities. Schedule a conference with your teacher or speak at faculty meeting days about LGBTQ issues.

4



Host an LGBTQ Panel

Panels allow students and staff to directly ask important questions to people who can educate them.

5



Introduce a Trans-Inclusive Policy:

Trans-friendly policies set fair guidelines for school staff members who may not know what to do otherwise.

Learn more at [transstudent.org/policy](http://transstudent.org/policy)

For more

information, go to  
[transstudent.org/graphics](http://transstudent.org/graphics)

**TSER**  
Trans Student Educational Resources

**IT GETS BETTER PROJECT**

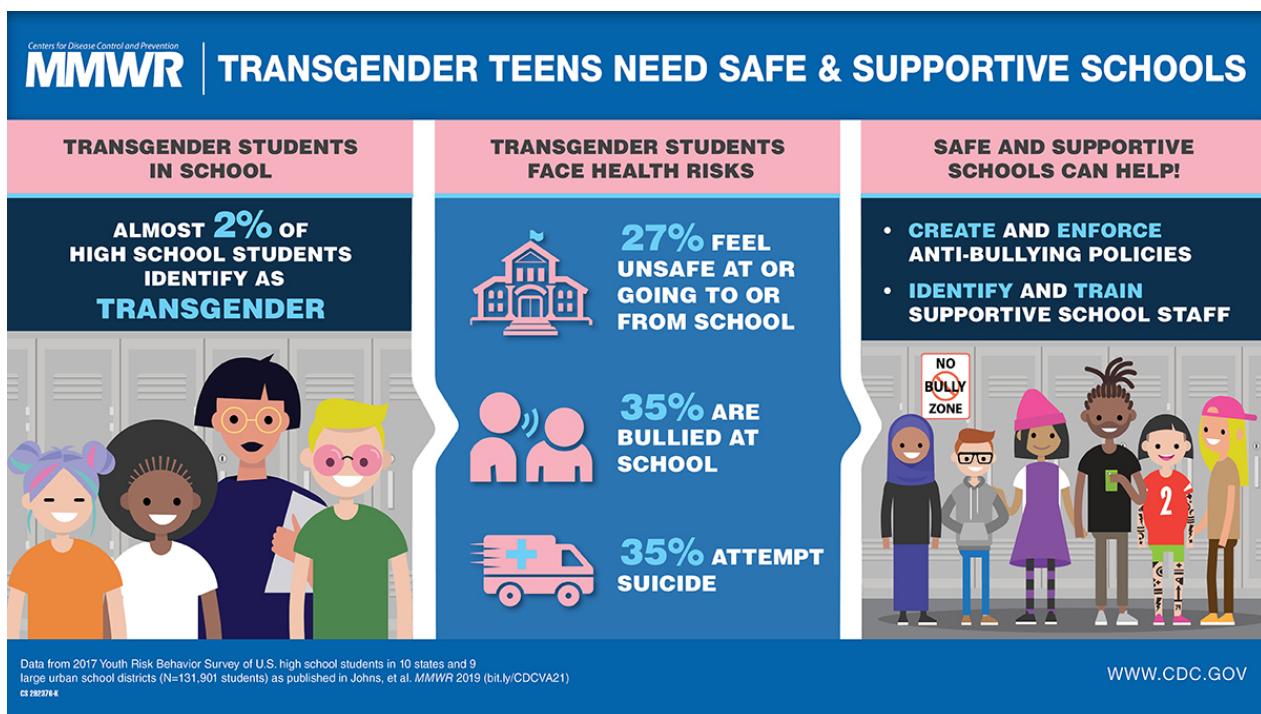
2011 GLSEN National School Climate Survey

Infographic by Landyn Pan

## V. Guidance for Transgender & Nonbinary Students

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

-Transgender Youth



## **INTRODUCTION**

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

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

Throughout this chapter, the words "transgender" and "nonbinary" are used interchangeably. For the sake of clarity, data and statistics in this document use "transgender" as an umbrella term that may include nonbinary, gender expansive, and gender nonconforming youth. All nonbinary and gender expansive youth do not identify as transgender, however, there can be overlap in accommodations made to make transgender and nonbinary students comfortable. We attempted to make the distinctions and similarities between these terms clear in "Chapter 2: Statistics and Definitions."

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

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

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

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

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

### **ACKNOWLEDGEMENTS**

This chapter of this guide would not be possible without the forward thinking, wisdom, and work products from the following organizations, districts or documents:

- Washington District of Columbia Public Schools
- Los Angeles Unified School District
- San Francisco Unified School District
- Massachusetts Department of Elementary and Secondary Education
- Broward County Public Schools
- State of California Transgender Guidelines
- "Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools"
- GLSEN's Model District Policy on Transgender and Gender Nonconforming Students
- Compass Center
- Human Rights Council of Palm Beach County
- Equality Florida
- Palm Beach County Public Schools – Principals and Assistant Principals

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### **FEDERAL STATE AND LOCAL NONDISCRIMINATION AND ANTIBULLYING POLICIES AND GUIDELINES**

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

Title IX of the Education Amendment Acts of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, on April 29, 2014, the U.S. Department of Education released historic guidelines reaffirming federal civil rights protections to transgender students. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. On May 13, 2016, the Department of Education and the Department of Justice issued a "Dear Colleague Letter on Transgender Students." This letter summarizes a school's Title IX obligations regarding transgender students and the Department of Education and the Department of Justice determined that this letter is significant guidance. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf> On January 20, 2021, President Joseph R. Biden issued an [Executive Order](#) which states that, "Under Bostock's reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.)... prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary." The Executive Order continues, "**All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.**"

The Florida Department of Education's Code of Ethics and Principles of Professional Conduct stresses the worth and dignity of every person. In addition, it prohibits discrimination based on sexual orientation, among other characteristics. As well, The School Board of Palm Beach County's Policy 1.0791 (Diversity and Equity Committee) urges that diversity be promoted. Furthermore, it defines "diversity" as being inclusive of sexual orientation, gender identity and gender expression.

Several local Palm Beach County and local municipality policies and ordinances specifically prohibit harassment and discrimination based on sexual orientation, gender identity and gender expression, such as: The Palm Beach Equal Opportunity Ordinance, the School Board of Palm Beach County's Non-Discrimination Policy 5.001 and the School Board of Palm Beach County's Anti-Bullying Policy 5.002.

### **FERPA GUIDANCE**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. §§ 99.00 et seq.) is a federal law that protects the privacy of all students' educational records. FERPA provides parents and students 18 or older certain rights with respect to

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

educational records (34 C.F.R. § 99.4-5). Under FERPA, students, current or former, have a right to seek to amend their school records if said records are “inaccurate, misleading, or in violation of the student’s rights of privacy.” (34 C.F.R. § 99.7(a)(2)(ii)). Transgender students who choose to change their name and gender marker on educational records can seek such an amendment under this federal law before or after school completion. Please reference “A Transgender Advocate’s Guide to Updating and Amending School Records” from Lambda Legal by visiting [https://www.lambdalegal.org/sites/default/files/publications/downloads/factsheet\\_ferpa.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/factsheet_ferpa.pdf).

## **NAMES AND PRONOUNS**

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

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



Parents (of children who are 17 years old or younger) who wish to formally change their child’s legal name in all demographic systems will need to submit the following forms to their child’s registrar or administrator (students 18 years and older can initiate these changes on their own.):

A court order with the new legal name  
A birth certificate with the new legal name

Parents may also consider requesting a new student number for their child. A new student number will decrease the likelihood of a student’s previous name appearing in demographic systems. Please visit [www.florianamechange.org](http://www.florianamechange.org) for more information. School personnel should privately ask a transgender student how they want to be addressed in communications to the home or at conferences with the student’s parent(s)/caregiver. In addition, prior to notification of any parent(s)/caregiver regarding the

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transition process, school staff should work closely with the student to assess the degree to which, if any, the parent(s)/caregiver will be involved in the process and must consider the health, well-being and safety of the transitioning student.

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

School personnel should use the student's affirmed name and pronoun appropriate to a student's gender identity, regardless of the student's sex assigned at birth or legal name. **It is strongly advised that the transgender student and one designated "trusted adult" review the "Gender Support and Transition Planning Guide" (Appendix A) together for initiating use of the affirmed name and pronoun consistent with the student's gender identity, as well as ensuring other safety components are in place at school. The guiding questions in the planning guide act as a resource to schools. As a privacy safeguard, any documentation, notes or responses to these questions should remain in the sole possession of the trusted adult and/or school district leadership coordinator. The documentation should not be disseminated or be placed in any education records with identifiable information.**

The "Gender Support and Transition Planning Guide" in Appendix A, if needed, contact the Gender Studies staff in Teaching and Learning, School Counseling staff, Department of Safe Schools Staff, or African, African-American, Latino, and Gender Studies staff for consultation regarding the guiding questions.

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

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

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### **Pronouns 101**

Each individual uses pronouns that accurately reflect their identity. The following chart is a quick reference guide to pronouns. Many others exist, but this chart should help you congregate the most common types of pronouns.

Subjective	Objective	Possessive Adjective	Possessive Pronoun	Reflexive	Pronunciation
she	her	her	hers	herself	as it looks
he	him	his	his	himself	as it looks
they	them	their	theirs	themselves	as it looks
ze	zim	zir	zirs	zirself	as it looks
xe	xem	xyr	xyrs	xemself	zee, zem, zere, zeres, zemself
sie/zie	hir	hir	hirs	hirsself	zee, here, here, heres, hereself
iez	zir	zir	zirs	zirself	zee, zere, zere, zeres, zereself
e/ey	em	eir	eirs	eirself	a, m, ear, ears, earself
per	per	pers	pers	persself	as it looks
(f)ae	(f)aer	(f)aer	(f)aers	(f)aerself	fay, fair, fair, fairs, fairself

#### **What is a pronoun?**

A pronoun is a word that refers to either the people talking (like *I* or *you*) or someone or something that is being talked about (like *she*, *he*, *they*, *xe*, *hir*, or *it*). Gender pronouns (like *he*, *she*, *they*, *xe*, *hir*) specifically refer to people that you are talking about.

#### **What is a personal gender pronoun?**

A personal gender pronoun (or PGP) is the pronoun that a person has affirmed to use for themselves. For example: If Xena's preferred pronouns are *she*, *her*, and *hers*, you could say "Xena ate *her* food because *she* was hungry."

#### **What are some commonly used pronouns?**

***She, her, hers*** and ***he, him, his*** are the most commonly used pronouns. Some people call these "female/feminine" and "male/masculine" pronouns, but many avoid these labels because, for example, not everyone who uses *he* feels like a "male" or "masculine."

**There are also lots of gender-neutral pronouns in use.** Here are a few you might hear:

- ***They, them, theirs*** (Xena ate *their* food because *they* were hungry.)  
This is a pretty common gender-neutral pronoun.... And yes, it *can* in fact be used in the singular.
- ***Ze, hir*** (Xena ate *hir* food because *ze* was hungry.)  
*Ze* is pronounced like "zee" can also be spelled *zie* or *xe*, and replaces *she/he/they*.  
*Hir* is pronounced like "here" and replaces *her/hers/him/his/they/theirs*.
- **NOTE:** Emily Dickinson & William Shakespeare (among many others), used the singular "they" centuries ago. It is not a new thing. In a letter dated Sept. 24, 1881, Emily Dickinson wrote: "Almost anyone under the circumstances

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would have doubted if [the letter] were theirs, or indeed if they were themself — but to us it was clear.” In *Hamlet* William Shakespeare used “them” in reference to the word mother: “Tis meet that some more audience than a mother — Since nature makes them partial — should o'erhear the speech.”

**Just my name please!** (Xena ate Xena's food because Xena was hungry)  
Some people prefer not to use pronouns at all, using their name as a pronoun instead.

**Never refer to a person as “it” or “he-she” unless they specifically ask you to**  
These are offensive slurs used against trans\* and gender expansive individuals

### **Why is it important to respect people's PGPs?**

- You can't always know what someone's PGP is by looking at them.
- Asking and correctly using someone's personal gender pronoun is one of the most basic ways to show your respect for their gender identity.
- When someone is referred to with the wrong pronoun, it can make them feel disrespected, invalidated, dismissed, alienated, or dysphoric (or, often, all of the above.)
- It is a privilege to not have to worry about which pronoun someone is going to use for you based on how they perceive your gender. If you have this privilege, yet fail to respect someone else's gender identity, it is not only disrespectful and hurtful, but also oppressive.

### **Why is it really important to respect your students' PGPs as a SDPBC staff member?**

As a SDPBC staff member, you are often in a position of power.

- Asking your students what their personal gender pronouns are and consistently using them correctly can determine within the first few minutes if they will feel respected in your school or not.
- **You will be setting an example for your class:** If you are consistent about using someone's personal pronouns, they will follow your example.
- Many of your students will be learning about PGPs for the first time, so **this will be a learning opportunity** for them that they will keep forever.
- **Discussing and correctly using PGPs sets a tone of respect and allyship that transgender, non-binary, and gender expansive students do not take for**

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**granted.** It can truly make all of the difference, especially for incoming students that may feel particularly vulnerable, friendless, and scared.

### **How do I ask someone what their PGP is?**

- Try asking: "I'm Mr. Stewart and I use he/him/his pronouns. Please introduce yourself with your affirmed name and pronouns." or "Which pronouns do you like to hear?" or "Can you remind me which pronouns you like for yourself?" It can feel awkward at first, but it is not half as awkward as getting it wrong or making a hurtful assumption.
- If you are asking as part of an introduction exercise and you want to quickly explain what a PGP is, you can try something like this: "Tell us your name, where you come from, and your preferred pronoun. That means the pronoun you like to be referred to with. For example, I'm Xena, I'm from Amazon Island, and I like to be referred to with she, her, and hers pronouns. So you could say, 'she went to her car' if you were talking about me."

### **What if I make a mistake?**

- It's okay! Everyone slips up from time to time. The best thing to do if you use the wrong pronoun for someone is to say something right away, like "Sorry, I meant *she*." If you realize your mistake after the fact, apologize in private and move on.
- A lot of the time it can be tempting to go on and on about how bad you feel that you messed up or how hard it is for you to get it right. But please, *don't!* **It is inappropriate and makes the person who was mis-gendered feel awkward and responsible for comforting you, which is absolutely not their job. It is your job to remember people's PGPs.**

### **Taking an active role**

- In your classes, you may hear one of your students using the wrong pronoun for someone. In most cases, it is appropriate to gently correct them without further embarrassing the individual who has been mis-gendered. This means saying something like "Actually, Xena prefers the pronoun *she*," and then moving on. **If other students or faculty are consistently using the wrong pronouns for someone, do not ignore it! It is important to let your student know that you are their ally.**
- It may be appropriate to approach them and say something like "I noticed that you were getting referred to with the wrong pronoun earlier, and I know that that can be really hurtful. Would you be okay with me taking them aside and reminding them about your personal pronoun? I want to make sure that this group is a safe space for you." Follow up if necessary, **but take your cues from the comfort level of your student. Your actions will be greatly appreciated.**

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**In a group setting:** use “Hi everyone!” or “How is everyone doing?”

**Instead of Boys & Girls or Ladies & Gentlemen** try y'all, students, scholars, scientists, peeps, humans, folk, kiddos, friends, future leaders, I've even heard "Theydies and Gentlethems."

**Use terms like:** first year instead of freshman; police officer instead of policeman, School Board Chair instead of chairman/chairwoman; Homecoming or Prom Royalty instead of King/Queen.

### **GENDER MARKER CHANGE**

Parents of students under the age of 18 may request a gender marker change. Parents, or students 18 years and older, will need to write, sign, and date a brief letter requesting their gender marker be changed on all education records. After the request letter is submitted to an administrator or school registrar, the student's gender marker will be changed from "F" for "female" to "M" for male, or vice versa in SIS.

**Note:** At current, the state of Florida only recognizes male and female as legal genders. Therefore, students or parents cannot request a gender marker be changed to any other sex or gender designation.

### **PRIVACY, CONFIDENTIALITY, EDUCATION RECORDS**

Generally, if a student wishes for their name to be changed on official records, such as transcripts, they need to provide documentation of legal name change. Selected non-academic records, despite whether or not they have brought in a legal name change, should reflect the student's affirmed name. Examples include but are not limited to: diploma, yearbook, ID Badges, Google Classroom, lunch line rosters, general rosters, substitute plans, and newspapers/newsletters. Furthermore, care should be taken so that the student's affirmed name is used in instances such as but not limited to calls for early dismissal, reporting to the clinic, etc. so potentially uncomfortable situations where the student could be misnamed or mis-gendered do not take place.

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

#### **Privacy and Electronic Databases**

##### **A. SIS (Student Information System)**

If the student requests, and in the case of an elementary-aged student, the student and parent(s)/caregiver requests, the affirmed name shall be entered into the District's SIS in

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the demographics field. In the student detail grids of SIS, the “nickname” field will allow input of an affirmed name for the student. See screen shot below.

The screenshot shows the 'Student Info' page in SIS. On the left, there's a sidebar with various icons and a list of filter fields: 504 Info, Addresses & Contacts (selected), Adult Ed, Afterschool, Alternative Ed, Athletics, Career Academies, Choice Options, Classified, Comments Log, and DOP. The main area is titled 'Demographics' and contains the following fields:

?	Local Student ID	[Redacted]
?	Nickname	[Redacted]
?	* Birthdate	[Redacted]
?	* Country of Birth	US - United States
?	* Gender	M - Male

Below the Demographics section is an 'Alerts' section with one entry:

?	Has Custody Alert	[Redacted]
---	-------------------	------------

Under 'Address Information' are two entries:

?	* Resident Status	3 - PK12 - In-County Resident
?	Proof of Residence	[Redacted]

This is not a legal name change, but rather an “override” to allow the student’s affirmed name to populate Google Classroom, Google Meet, e-mail, and other places. Only legal documents, such as Transcripts, require a legal name change.

**NOTE:** Please inform students who request their affirmed names be added to electronic databases that the parent(s)/caregiver may request copies of information found on SIS, as these are education records. Also, even if there is a “Nickname” listed, use the student’s legal name when calling home, unless you are sure that student is “out” at home. We do not want to inadvertently put a student in danger.

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

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

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

### **Transferring to a New School**

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

### **General Knowledge**

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

## **DRESS CODES AND SCHOOL UNIFORMS**

All students shall be allowed to dress in accordance with their gender identity and gender expression, as stated in SDPBC Family and Student Handbook, Dress Code; School Board

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Policy 5.182 Student Dress Codes and Uniforms; and 5.001 Harassment and Discrimination. School dress code and uniform policies shall be gender-neutral (as example, special events, graduation ceremonies, prom, homecoming, yearbook photos, etc.) and should not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males, females, or others "should" wear. All students, regardless of gender identity or expression, shall dress within the constraints of the school's dress code as it relates to health and safety issues (e.g., prohibitions on wearing gang symbols, regalia, drugs, etc.) or the school uniform policy.

Dress code guidelines apply to regular school days as well as any special events, such as graduation ceremonies and prom. For example, schools may require formal attire for all students at a ceremony, but may not specify that girls must wear dresses and boys must wear ties. This standard extends to organizations that require uniforms with which SDPBC is affiliated (e.g. JROTC and similar programs).

On February 3, 2021, School District administrators sent a directive to all principals that states that using gender-based graduation colors "does violate the provisions in school board policies, the SDPBC Family and Student Handbook, and the School District of Palm Beach County's LGBTQ+ Critical Support Guide... In addition, it violates state and federal law."

## **RESTROOMS**

Transgender, nonbinary, and gender-expansive students shall have access to the restroom that corresponds to their gender identity asserted at school, or the restroom that makes them feel safe and comfortable (Drew Adams v. St. Johns County Sch Bd, 8/7/2020). This means that transgender students are entitled to use gender segregated restrooms that align with their gender identity. When meeting with the transgender student (or student and parent(s)/caregiver if a young student) to discuss transgender safety and care, it is essential the principal and student address student's access to the restroom, locker room, and changing facility, and when necessary, sleeping arrangements. Each situation needs to be reviewed, addressed and customized based on the particular circumstances of the student and the school facilities. Please refer to the Transgender Support Plan in Appendix A for more information.

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

Some transgender, nonbinary, and gender-expansive students may not be comfortable using sex-segregated restrooms. If so, the use of a safe and adequate alternative, such as a single stall, gender-neutral restroom (e.g., the office restroom, staff restroom, health clinic, etc.) is appropriate. As a proactive action, administrators should take steps to identify gender-neutral restrooms on campus. Schools may designate a single stall restroom as gender-neutral and may notify staff and students of location(s) of these

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restrooms. Note that a gender-neutral restroom may be used by any student at a school, transgender or otherwise, who desires increased privacy, regardless of the underlying reason, however, the single-user bathroom may **not** be given as the **only** option for transgender students.

## **LOCKER ROOMS AND CHANGING FACILITIES**

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

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

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

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

## **DAY AND OVERNIGHT FIELD TRIPS**

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

A transgender student's comfort level with sleeping arrangements will largely dictate the manner in which related issues are addressed. If students are to be separated based on gender, the transgender student should be allowed to room with peers that match their gender identity. As with other students, it is important to pair the student with peers with whom the student feels comfortable, as well as with a rooming student(s) who feels comfortable. A school should honor transgender students' requests whenever possible

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and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Schools have an obligation to maintain the student's privacy and shall **not disclose** the student's transgender status to other students or parents/caregivers if the student is not already out and/or did not give permission. In the case of younger-aged students (elementary), discussion should take place with the transgender student's parent(s)/caregiver(s) (for more information see "Privacy, Confidentiality, and Education Records.")

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

### **GENDER SEGREGATION IN OTHER AREAS**

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

### **OTHER GENDER-BASED ACTIVITIES, RULES, POLICIES, AND PRACTICES**

As a general matter, schools should evaluate all gender-based rules, practices, and traditions, and maintain only those that have a clear and sound pedagogical purpose. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are transgender, nonbinary, gender-expansive, or not. In some circumstances, these policies, rules, and practices may violate federal and state law. For these reasons, schools should consider alternatives. Examples include lining students up by girls and boys for PE, recess, lunch, restroom use, etc. and gender based dress for events at school, to name a few. Simple things such as calling students "students" or "scholars" instead of "boys and girls" or separating by birthdays "January – June" and "July to December" instead of "males" and "females" may seem insignificant but actually make a notable difference to students who feel alienated because they many not identify as being part of either of the two binaries. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity.

**PHYSICAL EDUCATION, INTRAMURAL SPORTS,  
INTERSCHOLASTIC ATHLETICS**

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

Title IX of the Education Amendment Act of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, On April 29, 2014, the U.S. Department of Education released historic guidelines reaffirming federal civil rights protections to transgender students. Title IX sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. This law reminds schools of the obligation to protect transgender students from sexual harassment, and informs schools that they have an obligation to train staff on appropriate interactions with transgender students. In addition, the Department of Education and the Department of Justice conjointly released a "Dear Colleague Letter on Transgender Students" On May 13, 2016.

On January 20, 2021, President Joseph R. Biden issued an Executive Order specifically states, "Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports."

The School District of Palm Beach County athletics are under the auspices of the Florida High School Athletics Association (FHSAA). The FHSAA supports the participation of transgender, nonbinary, and gender-expansive students in all athletic activities in alignment with the Florida Department of Education's Code of Ethics and Principles of Professional Conduct related to the worth and dignity of every person.

The FHSAA Handbook year 2019-2020 forward includes specification entitled "Gender Identity Participation" including the eligibility to participate in interscholastic athletics in a manner that is consistent with a student's gender identity and expression, irrespective of the gender listed on a student's birth certificate and/or records. Review procedures are outlined in the FHSAA Handbook (<http://www.fhsaa.org/rules/fhsaa-handbook.>)

**Fairness in Women's Sports Act (July 2021)**

- Florida: Amendment to SB1028 (Governor DeSantis signed into law on June 1, 2021)
- Interscholastic, intercollegiate, intramural, or club athletic teams sponsored by a public secondary school or public post-secondary institution must be designated: Males, men, or boys; Female, women, or girls; or Coed or mixed, including both males and females.
- Athletic teams designated for males must be open to students of the female sex.

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- A statement of the student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.
- The bill appears to conflict with the FHSAA and NCAA rules. Districts will need to evaluate how to implement this law and also comply with Title IX. The bill will likely be challenged.

## **Parents' Bill of Rights (July 2021)**

A bill titled "Parents' Bill of Rights" (HB 241/SB 582) was passed by the Florida Legislature on April 22, 2021. The bill would prohibit any school or district policies that limit a parent's right to direct the moral and religious upbringing, education, health care, and mental health of their child.

- The bill enumerates many parental rights that already exist in Florida law but adds that parents have "the right to direct the education and care of his or her minor child," and "the right to direct the upbringing and the moral or religious training of his or her minor child" in addition to the right to opt out their child out of all sex education curriculum (the current law allows a parent to opt their child out of "the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption.").
- It is not clear at this time what these provisions truly mean in practice since terms such as "well-being" are not defined. Although some LGBTQ+ advocates are concerned that school officials will be required to "out" a student to their parents, sponsors of the legislation insist that the language does not require disclosure of such information to parents, and that the bill is simply a compilation of several current laws and does not change the manner in which school officials currently operate.
- The bill will be effective starting July 1, 2021.

## **STUDENT TRANSITIONS**

Not all gender-nonconforming students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome. Some school-aged youth might go through social transition, which might include name and pronoun usage, dress, etc. Others might involve medical interventions, such as hormone blockers to slow puberty, or surgery. No two transitions are exactly the same, and no presumptions or assumptions can be made.

In most cases, transitioning is a very private matter. Students may choose to have their parent(s)/caregiver(s) participate in this process; however, parental/caregiver participation is not required. Sometimes older students (high school or middle school) are

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navigating familial challenges with acceptance of a child's gender affirmation. As well, young students (typically elementary-aged, but not always) navigate the transition process with their parent/caregiver.

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

## **DEVELOPMENTALLY APPROPRIATE PROTOCOLS**

In order to maintain privacy and confidentiality regarding transition and gender identity, transgender students may wish—but are not required—to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmentally appropriate protocols. **These protocols are guidelines, but each student situation should be handled according to the maturity of each individual student and the contextual situation, while still respecting that student's rights.**

### **Grades PK-5**

Generally, the parent or caregiver will inform the school of an impending transition. However, it would be appropriate to approach the family of an elementary school student if school staff believes that a gender identity or expression issue is presenting itself at school and creating difficulty for the student. Together, the family and school can then identify appropriate steps to support the student. A guide of community as well as District resources can be found in the resources section of the *SDPBC LGBTQ+ Critical Support Guide*.

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### **Grades 6-12**

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

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

### **EDUCATION AND TRAINING**

In order to further facilitate a safe and supportive school environment for all students, the SDPBC Teaching and Learning CDC Grant Staff, African, African-American, Latino, Holocaust, and Gender Studies, and Department of Safe Schools Staff, will incorporate education and training about transgender, nonbinary, and gender-expansive students into their anti-bullying curriculum, student leadership trainings, and staff professional development.

As with other efforts to promote positive school culture, professional development for school staff could include topics on gender identity and gender expansiveness, such as the detailed information in School Board Policies, key terms related to gender identity and expression, and the development of gender identity. As well, professional development could include experiences of transgender, nonbinary, and gender-expansive students, risk and resilience data regarding transgender, nonbinary, and gender-expansive students, ways to support transgender students and to improve the school climate for gender expansive students and gender-neutral language and practices.

An exemplary guide for understanding and supporting students who identify as transgender is *Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools* and can be found at [http://www.nea.org/assets/docs/Schools\\_in\\_Transition\\_2015.pdf](http://www.nea.org/assets/docs/Schools_in_Transition_2015.pdf). Also, www.genderspectrum.org has information about transgender and gender expansive children. These sites may offer you more knowledge about transgender and gender variant children, both in school and in general.

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

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As with young people, SDPBC is home to adult staff and volunteers who are transgender, nonbinary, and gender-expansive. Transitioning may look very different for each staff member, parent(s)/caregiver, or school visitor. Not all people who undergo a transition desire the same outcome. Staff members, parents, guardians, or caretakers in our schools also have the right to keep their gender identity private and confidential, be addressed by the name and pronoun that correspond to their gender identity and dress in accordance with their gender identity. They also have the right to use the bathrooms and locker rooms that align with their gender identity or make them most comfortable.

### **Outside Media and Community Communication**

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

## **CONCLUSION**

One cannot anticipate every situation in which questions may arise in the implementation of transgender procedures. The needs of each transgender, nonbinary, and gender-expansive student should be assessed and addressed on a case-by-case basis. SDPBC Teaching and Learning CDC Grant Staff, African, African-American, Latino, Holocaust, and Gender Studies, and Department of Safe Schools will continue to provide assistance, support, and resources as we work together to create a safe and supportive school environment for all students.

- For further information or questions about the content of this guidance, contact the SDPBC Teaching and Learning CDC Grant Staff, Department of Safe Schools Staff, or African, African-American, Latino, Holocaust, and Gender Studies.
- For questions regarding privacy of education records, contact the SDPBC Office of Public Records Management.
- For questions that a school-based Data Entry Clerk/IMT may have about entering information in SDPBC Student Information System, contact your school's Assistant Principal.
- For questions regarding consultation about LGBTQ+ and transgender needs, contact the SDPBC Teaching and Learning CDC Grant Staff, Department of Safe Schools Staff, or African, African-American, Latino, Holocaust, and Gender Studies.

The School Board of Palm Beach County Policy 3.02 Code of Ethics and 5.001 Harassment and Discrimination state, in part: The School Board of Palm Beach County, Florida, as governing body of the School District ("School District" or "District"), does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, gender expression and/or gender identity, race, color, religion, national origin, age, disability, marital status, ancestry, ethnicity, gender, linguistic preference, political beliefs, sexual orientation, or social/family background in its education programs or admissions to education programs and therefore prohibits such discrimination against, or harassment of, any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

## **VI. Guidelines for Curriculum**

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

- 2013 GLSEN National School Climate Survey

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

– Adrienne Rich, Poet



## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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 District of Palm Beach County School Board Policy 1.041 (Diversity and Equity) and 1.0971 (D&E Committee):

The School Board of Palm Beach County (Board) is committed to a culture of diversity and equity that reflects the voices, perspectives, and differences arising from our diverse community and the world to ensure equity in the academic success of all students.

The Board believes that equity of opportunity and equity of access to our programs, services, and resources is critical to the achievement of successful outcomes. The Board believes that appreciating human diversity, developing a capacity for cultural competence and committing to equity and inclusion will enable the District to fulfill its mission. Cultural competence requires individuals and organizations to understand and respect differences. The District will adopt procedures intended to achieve a diverse and equitable school community inclusive of diversity of race, ethnicity, language, culture, gender, gender identity or expression, sexual orientation, religious and spiritual beliefs, age, and physical and learning abilities. Diversity includes diversity of thought, diversity of values, and diversity of perspectives. For students to respect and value diversity, they must experience adults who are reflective of the varied cultures and backgrounds that make up our community and nation. The District seeks to recruit and to retain employees that reflect a culturally rich and diverse perspective.

SB Policy 1.041 also promotes “Instruction to expand the knowledge, understanding, and awareness of LGBTQ studies and the LGBTQ social movements.”

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 Florida State Statute 1003.42 (2)(n) or 1003.46.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

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, contact the CDC Grant staff in the Department of Secondary Education.

## **Inclusive Classrooms**

LGBTQ+ Inclusiveness can diminish the intimidating school environments many LGBTQ+ youth encounter. Curricula, textbooks, instructional materials, media center resources, and more should serve as both windows and mirrors. Like mirrors, students should be able to see themselves and people like them in our instructional materials. Instructional materials should also introduce students to cultures and realities that they may not have experienced before, like windows, to open their minds and make them more accepting of others.

- Inclusive elementary school curricula help students develop empathy and respect for differences. A great resource is the Human Rights Campaign's Welcoming Schools. You may visit the website: [www.welcomingschools.org](http://www.welcomingschools.org).
- For secondary schools, educators may focus more on sexual orientation and identity development, relationships, and the history and social movements related to the fight for LGBTQ+ rights. Many of these events, such as the March on Washington for Jobs and Freedom, Stonewall Inn Uprising, and Black Lives Matter movements have intertwined roots promoting civil rights and social justice. The Gay, Lesbian, & Straight Education Network (GLSEN) has a great list of resources for school counselors and educators, with appropriate lesson plans for elementary, middle, and high school students.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **LGBTQ+ Inclusive Classrooms:**

- Create safe, supportive, and welcoming learning spaces for all students.
- Proactively work to prevent and address bias-based bullying.
- Welcome all youth and their families.
- Promote gender equity and support transgender, nonbinary, and gender expansive youth.
- Have LGBTQ+ inclusive materials present.
- Are aware of gender stereotypes.
- Use correct affirmed names and pronouns.
- Include LGBTQ+ folk in their curriculum.
- Recognize diverse family structures.
- Put a stop to bullying.
- Display safe schools symbols, including We're ALL In posters and badges.
- Are supportive of students and staff coming out.
- Are respectful of LGBTQ+ students' privacy.
- Support LGBTQ+ student clubs, such as GSAs.

When in school, model openness to the new ideas and questions students and staff bring into a space, classroom or elsewhere. Modeling such openness can broaden and deepen your own knowledge, and help others understand that knowledge is often produced through conversation and collaboration among dissimilar viewpoints.

Request, or lead the establishment of ground rules for respectful interactions in the various learning spaces and areas of campus. What guidelines are outlined, taught, and reinforced for the contributing ideas and questions, and for responding respectfully to the ideas and questions of others? If a colleague or student's conduct leads to the silencing or demeaning of others (intentionally or not), how can reminders be provided about the expectations? How is the colleague or student reminded, individually about the potential effects of their conduct?

- Show respect for all questions and comments. Use verbal and non-verbal cues to encourage participation, and to challenge your peers to think deeply & critically.
- Encourage one another to think out loud, to ask questions, and to actively listen and consider perspectives that are different from ours.
- Ask for help with learning about the academic and non-academic assistance and resources that are available.
- Work with staff and student groups on assistance provided, in and outside of class, that is equally available and accessible to everyone (e.g., if you share information with one or a few individuals, how is information repeated for all?).
- Keep an intersectional perspective on teaching and learning. In addition to sexual orientation, gender identity, and expression (SOGIE), LGBTQ+ students have other overlapping identities, that include race, nationality, religion, ability, and more that may influence how they participate in discussions.

## Inclusive Curriculum Helps LGBTQ Youth

**Good news!** LGBTQ students who attend schools with curriculum, including sexual health, that is inclusive of LGBTQ people, history, and events have more accepting schools and better academic outcomes.

Unfortunately, few students are taught accurate information about LGBTQ people and topics.

*From history to art to sexual health education, it's necessary for students' health and academic success that they see themselves, and each other, reflected in the curriculum.*

Only 19.8% of LGBTQ students were taught positive representations about LGBTQ people, history, or events in school.



18.4% had been taught negative content about LGBTQ topics.



Less than half (41%) of LGBTQ students could find information about LGBTQ-related issues in their school library.

About half of LGBTQ students (49.2%) with internet access at school could access LGBTQ-related information online via school computers.



Only 6.7% of LGBTQ students received LGBTQ-inclusive sex education at school.

But it doesn't have to be this way.

*Research shows that LGBTQ students in schools with an inclusive curriculum feel safer in school and have better mental health and academic outcomes.*

Less likely to hear homophobic remarks (42.9% vs. 64.6%) and negative remarks about transgender people (29.9% vs. 46.3%)



Less likely to feel unsafe because of their sexual orientation (41.8% vs. 63.3%) and gender expression (34.6% vs. 47.0%)



Higher self-esteem and lower levels of depression



Were less likely to miss school (23.6% vs. 37.7%)  
More likely to have higher GPAs (3.3 vs. 3.2 GPAs)

Together, we can make our schools safe and inclusive for LGBTQ youth. Here's how you can help:

Create an LGBTQ-inclusive curriculum  
[glsen.org/curriculum](http://glsen.org/curriculum)

Integrate LGBTQ history  
[glsen.org/lgbtqhistory](http://glsen.org/lgbtqhistory)

Train teachers on how to ensure their curriculum is LGBTQ inclusive  
[glsen.org/training](http://glsen.org/training)

**GLSEN®**

Data from the 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools.

Learn more at [glsen.org/nscls](http://glsen.org/nscls)

## **VII. Anticipating Parental Concerns**

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

**-Gay parents of a student in Public Schools**



## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **QUESTIONS & 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/trans\* 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 Palm Beach County's Non-Discrimination Policy 5.001 and Anti-Bullying Policy 5.002, 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.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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 this 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/gender identity?**

A: Children come to an awareness of their sexual orientation and gender identity 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 Palm Beach 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.

## Appendices



## **APPENDIX A**

### **GENDER SUPPORT AND TRANSITION PLANNING GUIDE**

#### **Introduction**

Our district is committed to honoring the rights of transgender students. Indeed, our own Nondiscrimination Policy Statement (Policy 5.001) includes gender identity, gender expression, sex and sexual orientation in the list of categories for which discrimination and harassment are prohibited.

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

This is our first version of the "Gender Support and Transition Planning Guide" As the needs and safety of transgender individuals evolve and future versions of these guiding questions are written, we ask that you share your feedback and any other information you might find helpful to include in this document. For further questions or comments, contact Teaching and Learning CDC Grant Staff; Department of Safe Schools Staff; or African, African-American, Latino, and Gender Studies.

#### **Parent/Caregiver Involvement**

##### **Does the student or has the student:**

- Have a parent/caregiver who is aware and supportive of the student's gender transition?
- Discussed how communication will take place with parent/caregiver 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 their transgender identity?
- With whom? (Parent/caregiver, school site level leadership, support staff, direct contact teachers, teachers and staff, some students, all students, other)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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., Genders and Sexualities 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 their affirmed student name to be a part of TERMS or SIS in the “nickname” to allow for override of Google Meets and e-mail? Note: Please inform the student that parent(s)/caregiver(s) have the right under The Family Educational Rights and Privacy Act (FERPA) to review education records, including information stored on electronic databases. So, if they are not out at home, a parent might see those changes.
- Have a “trusted adult” who will ensure these adjustments are made and communicated as needed?

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

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

Schools post or distribute other types of information as communication tools. These documents are not “legal documents” and are allowed to contain (and should contain) the student’s affirmed name. They include:

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

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

- Newspapers and newsletters
- Calling student to office
- PA announcements
- Announcements at assemblies

### **Have the student and you spoke about:**

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

### **Use of Restrooms/Locker Room/Other Public Spaces**

#### **Does the student or has the student:**

- Spoken with you about the restroom(s)/locker room(s) they will use on campus?
- Know who to go to if there are questions or concerns about the restrooms, locker rooms or other public spaces?

### **Extracurricular Activities**

#### **Does the student or has the student:**

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

### **Overnight Field Trips**

#### **Does the student or has the student:**

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

Information in this document was adapted from: *Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools* by Gender Spectrum <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/Schools-In-Transition.pdf?mtime=20200713142742&focal=none>

The School Board of Palm Beach County Policy 3.02 Code of Ethics and 5.001 Harassment and Discrimination state, in part: Unethical conduct includes, but is not limited to Engaging in bullying or harassing behavior on the basis of race, gender, sex, national origin, age, religion or disability, sexual orientation or gender identity in violation of School Board Policy Nos. **5.001** (Protecting Students from Harassment and Discrimination); **5.81** (Protecting Students from Sexual Harassment and Discrimination), as now or hereafter amended; and **5.002** (Anti-Bullying and Harassment) as now or hereafter amended; or, in violation of any related federal or state laws.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **APPENDIX B**

#### **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**

##### **2-1-1 of Palm Beach and the Treasure Coast**

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 Palm Beach County.

<http://www.211palmbeach.org>

2-1-1

##### **The Trevor Project**

24/7 crisis intervention and suicide prevention for LGBTQ+ youth

[www.TrevorProject.org](http://www.TrevorProject.org)

(866) 4-U-TREVOR

##### **Youth Runaway Hotline**

1-800-RUNAWAY

(800) 786-2929

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

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

##### **Trans Lifeline**

Crisis and suicide prevention hotline for transgender people at risk

<https://www.translifeline.org/>

(877) 565-8850

##### **Other Resources**

**School District of Palm Beach County**

**CDC Grant**

**Department of Safe Schools**

**African, African-American, Latino, and Gender Studies**

**Exceptional Student Education**

**School Counseling**

**EEOC**

**Student Health Services**

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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.aclufl.org](http://www.aclufl.org)

(786) 363-2700

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

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

[www.compassglcc.com](http://www.compassglcc.com)

(561) 533-9699

### **Equality Florida**

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

[www.Equalityflorida.org](http://www.Equalityflorida.org)

### **Gay Lesbian Straight Education Network (GLSEN)**

The leading national education organization focused on ensuring safety for all students. Provides resources, research, and model policies.

[GLSEN.org](http://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](http://www.gsanetwork.org)

### **Human Rights Council of Palm Beach County**

PBCHRC is Florida's oldest, independent, non-partisan, political organization dedicated to ending discrimination based on sexual orientation, gender identity and expression (SOGIE). We promote equality through education, advocacy, direct action, impact litigation, and community outreach. Over the years, PBCHRC has been responsible for the implementation of more than 135 laws and policies providing equal protections, rights, and benefits for the LGBTQ+ community.

[www.pbchrc.org](http://www.pbchrc.org)

(561) 346-1263

### **Legal Aid Society of Palm Beach County, Inc.**

The Legal Aid Society was founded in 1949 with a mission of providing equal access to our judicial system to the disadvantaged living in Palm Beach County.

[www.legalaidpbc.org](http://www.legalaidpbc.org)

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

Regional office serving Florida; can be contacted in the event of a violation.

<http://www2.ed.gov/about/offices/list/ocr/index.html>

(404) 974-9406

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **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. Palm Beach PFLAG support groups meet in Lake Worth at Compass Community Center on the 2<sup>nd</sup> Wednesday and 4<sup>th</sup> Thursday of each month.

[www.compassglcc.com](http://www.compassglcc.com)

### **Planned Parenthood**

The mission of Planned Parenthood of South, East, and North Florida, Inc. is to provide comprehensive sexual health care through the provision of clinical services, education and advocacy. Planned Parenthood does so by responding to the needs of those seeking services, and by protecting and respecting the essential privacy rights, dignity and culture of each individual. [www.plannedparenthood.org](http://www.plannedparenthood.org) (561) 848-6402

### **Safe Schools South Florida**

Provides support, education and advocacy for LGBT, questioning youth and their straight allies, especially through the network of school Gay-Straight Alliances and educator training programs. [www.safeschoolssouthflorida.org](http://www.safeschoolssouthflorida.org) (305) 576-2126

### **Stonewall National Museum & Archives (SNMA)**

Stonewall is a publicly accessible cultural and educational resource that preserves, interprets and shares the remarkable heritage of the LGBT community. The museum is one of the largest circulating book and film programs in the U.S., holding thousands of books, DVDs and historical fact archives. Stonewall also manages Stonewall National Education Project (SNEP) which creates safe and affirming school environments through LGBTQ+ education and history. [www.stonewallnationalmuseum.org](http://www.stonewallnationalmuseum.org) (954) 763-8565

### **SunServe**

Professional mental health 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.) [SunServeYouth.org](http://SunServeYouth.org) (954) 764-5150

### **Tyler Clementi Foundation**

Our mission is to end online and offline bullying in schools, workplaces, and faith communities. [www.tylerclementi.org](http://www.tylerclementi.org) (646) 598-8204

### **Welcoming Schools: A Project of the Human Rights Campaign Foundation**

Offers tools, lessons and resources on embracing family diversity, avoiding gender stereotyping and ending bullying and name-calling in elementary schools.

[WelcomingSchools.org](http://WelcomingSchools.org)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **Health and Wellness**

#### **AIDS Healthcare Foundation (AHF)**

AHF offers complete HIV medical care and provides clients with access to additional specialists, medications & services. [www.hivcare.org](http://www.hivcare.org) (888) AIDSCARE

#### **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. [CDC.gov/LGBTHealth/](http://CDC.gov/LGBTHealth/)

#### **Children's Diagnostic and Treatment Center (CDTC)**

The mission of the CDTC is to provide medical care, case management and social services to children and adolescents, as well as to provide support and education for their families. [www.Childrensdiagnostic.org](http://www.Childrensdiagnostic.org) (954) 728-8080

#### **Florida Health – Palm Beach County**

The mission of Florida Health Palm Beach County is to protect, prevent and improve the health of all people in Florida through integrated state, county and community efforts. [www.palmbeach.floridahealth.gov](http://www.palmbeach.floridahealth.gov) (561) 840-4500

#### **Health Care District of Palm Beach County**

We are dedicated to the health of our community and committed to providing high-quality health care services to all residents of Palm Beach County in a fiscally responsible manner. We are part of the collaborative (with the School District of Palm Beach County and Florida Health – Palm Beach County) that provides a school nurse in every school. [www.hcdpbc.org](http://www.hcdpbc.org)

#### **Latinos Salud**

Latinos Salud is a safe space for Latinx gay young men and their partners to find friends, support and resources. Thirteen staff members hail from Brazil, Colombia, Costa Rica, Chile, Cuba, the Dominican Republic, Ecuador, Haiti, Mexico, Puerto Rico and Venezuela. Staff members work to make a stronger community.

[www.latinosalud.org](http://www.latinosalud.org) (954) 765-6239

#### **World AIDS Museum**

The mission of the World AIDS Museum is to increase awareness and decrease stigma of HIV/ AIDS by documenting the history of HIV/AIDS, remembering the people, educating people about HIV/AIDS, enlightening the world about the continuing tragedy and empowering the survivors.

[\(954\) 815-2550](http://www.worldaidsmuseum.com)

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

### **APPENDIX C**

#### **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 D**

### **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 Parent(s)” rather than “Room Moms”
- 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.

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- I. 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 – they are 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 E**

### **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...")

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

- 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

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## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

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 Family Equality Council. ([http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1104-1.pdf](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](http://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](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_&_Gay_Youth.pdf))
10. The Center: Lesbian, Gay, Bisexual & Transgender Community Center - Articles and Resources: (<http://www.gaycenter.org/families/articles>)

## **APPENDIX F**

### **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 wellbeing 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. Complete an assessment of your staff's current LGBTQ+ competency; measure staff members' LGBTQ+-related knowledge, skills, attitudes, experience, perceptions of student agency, as well as staff and student school climate
- d. 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
- e. 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
- f. 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
- g. 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 [DebraDavis.org](http://DebraDavis.org)
- h. 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 [WelcomingSchools.org](http://WelcomingSchools.org)

## **APPENDIX G**

### **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 with which all persons identify). **Gender Expression** (the ways in which a person expresses or communicates cultural or social cues about their gender to themselves and others via dress, mannerisms, or behavior). **Transgender** (a person whose gender identity does not align with their gender assigned at birth). **Gender-expansive** (someone whose gender expression is not traditionally associated with cultural or societal expectations). **Heterosexism** (a pervasive system of oppression that presumes all people are and should be heterosexual). **Questioning** (a part of the journey of self-discovery in which a person questions their sexual orientation, gender identity and/or gender expression).

- **DISCRIMINATION IS ILLEGAL**

LGBTQ+ harassment/discrimination is forbidden under federal law (Constitutional Equal Protection, Title VII, Title IX) as well as local Palm Beach County policies (Non-Discrimination Policy 5.001 and Anti-Bullying Policy 5.002). Title IX protects all students, including LGBTQ+ students from sex discrimination. Schools should be aware of their obligations under Title IX and the Family Educational Rights and Privacy Act (FERPA) to protect the privacy of their students when maintaining educational records. In a public school environment, a person can't be treated differently just because they are, or are 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 parent(s)/caregivers. LGBTQ+ students are permitted to bring same-sex dates to prom. Transgender students may wear gender-nonconforming clothes to school, proms, yearbook pictures, and graduation.

- **INTERVENTION IS REQUIRED**

Under School District of Palm Beach County School Board Policy 5.001 (Anti-Discrimination) and Policy 5.002 (Anti-Bullying) our schools **must** intervene when witnessing or having been informed of anti-LGBTQ+ harassment and/or bullying.

## **School District of Palm Beach County LGBTQ+ Critical Support Guide**

- **MANY WAYS TO HELP**

Create a safer environment:

- Wear your We're ALL In Badge
- Intervene in “That’s so gay” and other bullying/harassment
- Display Safe Space stickers/posters
- Express compassion to students who “come out” to you
- Keep such information strictly confidential, even from parents
- Use inclusive language and diverse family examples
- Support your GSA
- Embrace more inclusive curriculum/books/historical figures (as required by SDPBC Board Policy 1.041 on Diversity & Equity)
- 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.
- The District is obligated to be proactive in the prevention of bullying, this includes diversity education.
- 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 H**

### **SDPBC Talking Points**

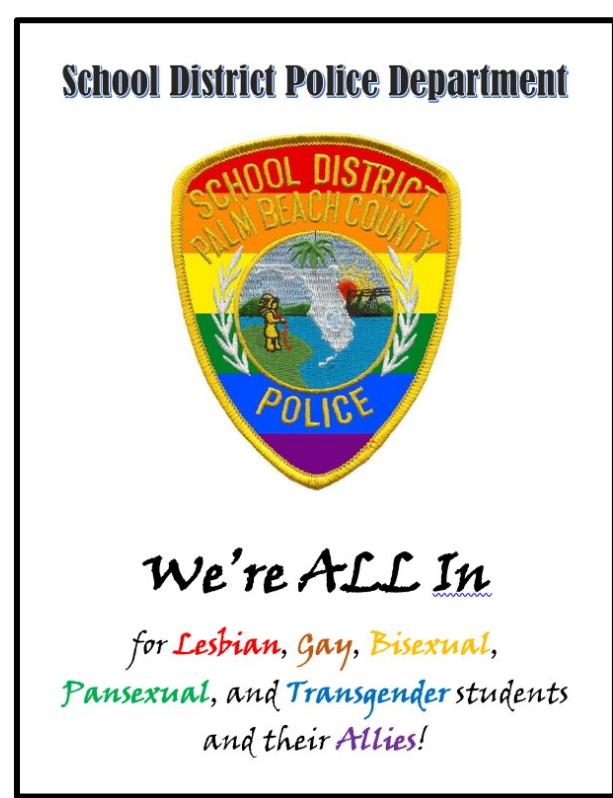
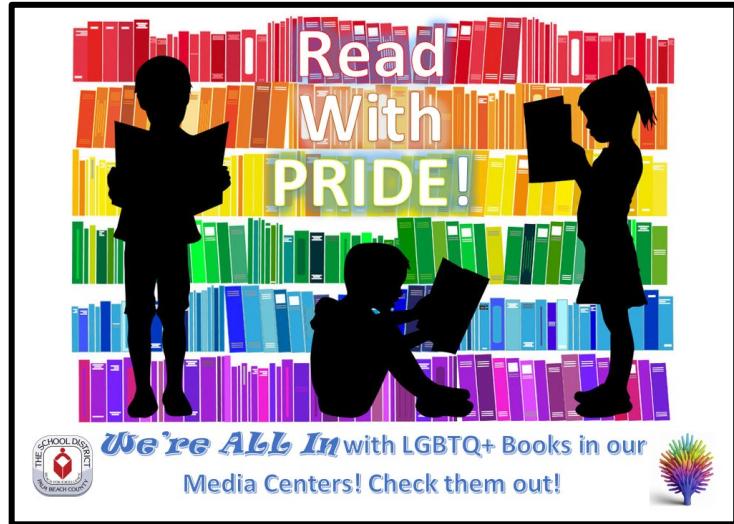
1. Existing non-discrimination policy requires that we treat LGBTQ+ students, staff, and families the same as we treat straight students, staff, and parents. To do otherwise constitutes discrimination in violation of School District of Palm Beach County (SDPBC) Non-Discrimination Policy Statement 5.001.  
(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. SDPBC's Policy 1.0971 (Diversity & Equity 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. SDPBC's Anti-Bullying Policy 5.002 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 SDPBC's Non-Discrimination Policy 5.001 and Anti-Bullying Policy 5.002. 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. It is important to note Title IX's addition of gender identity and expression as protected discrimination categories in May 2014 and May 2016.

**APPENDIX I****Everyday Inclusion: Tips for Teaching More Inclusively**

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

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

## APPENDIX J



## School District of Palm Beach County LGBTQ+ Critical Support Guide

