

Tom Grady, *Chair*  
Ben Gibson, *Vice Chair*  
*Members*  
Monesia Brown  
Esther Byrd  
Grazie Pozo Christie  
Ryan Petty  
Joe York

November 18, 2022

Mr. Michael Burke, Superintendent  
School District of Palm Beach County  
3300 Forest Hill Boulevard, C-316  
West Palm Beach, Florida 33406

Dear Superintendent Burke,

This letter is to follow-up from the presentation to the State Board of Education on October 19, 2022, regarding district policies and procedures for student services sent to the Department.

Florida parents have a right to be fully informed of the education and the educational services being provided to their students. The Parents' Bill of Rights, which is now codified in chapter 1014 and section 1002.20, Florida Statutes (F.S.), outlines parents' rights regarding the education of their children. Additionally, section 1001.42(8)(c), F.S., requires a district to notify parents if there is a "change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student." This could, depending on the unique factual circumstances, include matters related to a student's privacy, name and pronoun usage, and restroom and locker room usage. As a reminder, parents have civil and administrative remedies for school district violations of section 1001.42(8)(c), F.S. Also, please be aware of the requirements of the State Board of Education found in Rule 6A-10.086, Florida Administrative Code, addressing parental notification regarding bathrooms, locker rooms, and dressing rooms, as well as s. 1006.205, F.S., Fairness in Women's Sports Act.

After initial review of the policies and procedures submitted by the district, it appears that some of these policies or procedures may have not yet been updated to comply with revised Florida law and State Board of Education rule. This list is not exhaustive, and your district should strive to review all its policies and procedures for other provisions that may not comport with Florida law. Specifically, the "Palm Beach County School Board – Policy Number 1.041 – Equity Policy," includes the following:

- "Purpose – ... This policy addresses existing practices and procedures that have inhibited success for some students. These barriers have translated into low academic achievement for the certain groups of students, including but not limited to: African American, Haitian, of other African descent, Hispanic, Latino, Guatemalan Mayan, English Language Learners, economically disadvantaged, lesbian, gay, bisexual, transgender, or questioning (LGBTQ), and students with disabilities. This is neither a coincidental occurrence or an accurate reflection of how these students are capable of performing." (p. 1).
- "I. Background & Principles – A. Executive Summary – Transgender, Nonbinary and Gender-Expansive Student Guidelines and Procedures – Transgender... students must be permitted to: be addressed by the affirmed name and gender pronouns with which they identify." (p. 14).

JACOB OLIVA  
SENIOR CHANCELLOR

Superintendent Burke  
November 18, 2022  
Page Two

- “V. Guidance for Transgender & Nonbinary Students – Restrooms – In all cases, the principal should be clear with the student and parent/guardian (if appropriate) that the student may access the restroom, locker room and changing facility that corresponds to the student’s affirmed gender identity.” (p. 68).
- “V. Guidance for Transgender & Nonbinary Students - Physical Education, Intramural Sports, Interscholastic Athletics – The School District of Palm Beach County athletics are under the auspices of the 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... The FHSAA Handbook year 2022-2023 (page 73-74) 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 the student’s birth certificate.” (pp. 71-72).

The Department will provide an update on district policies and procedures for student services at the next State Board of Education meeting, which will include a status report of where each district is in the process of reviewing and, if necessary, amending its policies. Therefore, please evaluate your policies and let us know the status of your evaluation by December 9, 2022, so that we can inform the State Board. If you have an updated policy or procedure or clarification on the documents previously submitted, please email to [ParentalRights@fldoe.org](mailto:ParentalRights@fldoe.org). Please feel free to contact me directly with questions or requests for assistance.

Sincerely,



Jacob Oliva  
Senior Chancellor