

MIAMI-DADE COUNTY PUBLIC SCHOOLS

2023-2024

GUIDELINES FOR PROMOTING SAFE AND INCLUSIVE SCHOOLS



*RESOURCES FOR LGBTQ+
STUDENTS AND FAMILIES
THE OFFICE OF MENTAL HEALTH AND
STUDENT SERVICES*

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MIAMI-DADE COUNTY PUBLIC SCHOOLS

GUIDELINES FOR PROMOTING SAFE AND INCLUSIVE SCHOOLS

The School Board of Miami-Dade County has adopted comprehensive anti-discrimination and anti-bullying policies that require all students be treated with respect regardless of their unique characteristics, including sexual orientation, gender, or gender identification. Every student has the right to learn in a safe and accepting school environment and schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender and gender expansive students.

These guidelines are intended to promote a positive, proactive approach that upholds and protects the rights of all students, including Lesbian, Gay, Bisexual, Transgender, or Queer/Questioning (LGBTQ+) and gender expansive students; and offer best practices to ensure that all LGBTQ+ students have equitable access to all aspects of school life in ways that preserve and protect their dignity.

The purpose of this guide is to bring awareness to the needs of LGBTQ+ students. The guide is intended for parents/guardians, school administrators, teachers, staff, and offers useful information, procedures and protocols that are aligned to our school board policies. This guide does not include all district/school board policies and procedures related to bullying, harassment, and discrimination. Schools and school leadership should use these guidelines with a student-centered approach when navigating the unique needs and concerns of LGBTQ+ youth. The use of this guide will ensure that the experiences of students are handled with consistency between administration, faculty, and staff. For more information regarding our school board policies, please visit <https://www3.dadeschools.net/SchoolBoard/policies/home>.

This guide includes ways to support the rights of LGBTQ+ students to learn in an environment free of discrimination and harassment. It is not intended to serve as legal advice or to advance any viewpoint. Pursuant to Florida law, parents/guardians must be included when applying this guide to ensure the safety and well-being of their child.

Although this guide offers useful information, procedures and protocols, it does not address every circumstance that may be encountered. Anyone with questions and concerns is strongly encouraged to consult with their school's administration or reach out to the Safe Network at (305) 816-0436.

DISTRICT POLICIES

School Board Policies - 1362, 3362, 4362, 5517 – Anti-Discrimination/Harassment - The Board will enforce its prohibition against discrimination/harassment based on sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. Retaliation against an employee or student for engaging in a protected activity is prohibited.

School Board Policy - 5517.01 – Bullying and Harassment- Bullying, Harassment, Cyberbullying, and Discrimination (as referred to and defined herein) encompasses, but is not limited to, unwanted harm towards a student or employee based on or with regard to actual or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. This policy prohibits bullying 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 of the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

To report bullying and harassment, contact your school's Principal; see also the District's Student Code of Conduct and the Division of Student Services website at <http://studentservices.dadeschools.net#!/fullWidth/3695>.

M-DCPS SAFE NETWORK

The SAFE Network is a program in the Division of Student Services that educates and creates comprehensive programs that support the healthy development of our LGBTQ+ youth. All M-DCPS schools are required to have a designated liaison who receives specialized professional development focused on building expertise in program development and delivery of these comprehensive services. Our program has been supporting students, parents/guardians, and school staff for 30 years.

Mission Statement

The mission of the network is to provide school and district employees with the knowledge necessary to build comprehensive and inclusive programs that support all students, including students who are lesbian, gay, bisexual, transgender, or questioning (LGBTQ+).

Program Elements

Elements include the provision of individual, group, and family counseling services; community resource information; support group and social networking opportunities; and providing or coordinating anti-bullying prevention and educational activities including Gender and Sexual Alliance Clubs (GSA) that are extracurricular and take place after school. These services are provided with the focus of increasing resiliency, self-esteem, and school/social/familial supports.

M-DCPS wants to ensure that staff, students, and parents are aware of LGBTQ+ support and resources available within our schools. To that aim, all schools are encouraged to post SAFE Network materials. SAFE Network materials are available by reaching out to the SAFE Network at (305) 816-0436.

COMMONLY USED TERMS WHEN CONSULTING WITH PARENTS

This document also provides resources, and suggestions for navigating issues common to LGBTQ+ youth and supporting student's safety and well-being.

A short, non-exhaustive list of terms is included below to facilitate a shared understanding between students, families, and educational institution:

Alternate Name: A name chosen by an individual to use instead of their legal first name.

Gender expression: How a person expresses gender through outward presentation and behavior. This includes, for example, a person's name, clothing, hair style, body language and mannerisms.

Gender identity: A person's deeply held internal sense or psychological knowledge of that person's own gender, regardless of biological sex.

Gender expansive: Refers to people who do not follow other people's ideas or stereotypes about how they should look or act based on biological sex.

Gender Non-Binary: Someone whose gender presentation, whether by nature or by choice, does not align in a predicted fashion with gender-based expectations.

Outing: The act of revealing a person's LGBTQ+ status to others.

Sex: The classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

Sexual orientation: A person's emotional, romantic, and/or sexual attraction to other people. Sexual orientation is not the same as gender identity.

Transgender: A general term used to describe people whose gender identity differs from their sex.

GUIDANCE TO SUPPORT TRANSGENDER AND GENDER EXPANSIVE STUDENTS

Due to the increased risks facing transgender and gender expansive students, as well as the unique circumstances that may arise when working with these students and their families, additional guidance and recommendations are being provided to help ensure these students receive the same educational opportunities as their peers.

Districts make important decisions regarding policies and practices to promote student safety and support, with access to all programs, services, and facilities provided by school districts. All M-DCPS students must be treated equally and fairly, free from discrimination, harassment, and bullying based on their real or perceived sexual orientation, gender identity, and gender

expression. This commitment to equal and fair treatment includes transgender and gender expansive students, and applies to all District operations, programs, and activities.

These recommendations facilitate district compliance with local, state, and federal laws, while furthering the goals of cultivating and sustaining caring, supportive, and respectful, learning environments that provide for the education, safety, and welfare of all students. This section provides the most common and foundational support for transgender students in schools and provides practical steps to implement them; however, it does not anticipate every situation that might occur. The unique needs and concerns of each student should be addressed on a case-by-case basis with a student-centered approach that includes the ongoing engagement of the student, the parent/guardian, and school personnel with a legitimate educational interest per the Family Education Rights and Privacy Act.

The overall goal is to ensure the safety, comfort, and healthy development of all students, including transgender and gender expansive students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

In the event you have questions and concerns, please reach out to the M-DCPS SAFE Network at (305) 816-0436.

Names and Gender Pronouns: Parents/guardians and students who are age 18 or older may request that a student's alternate name be included in the District's Student Information System (DSIS), to accompany the student's legal name. This request requires a parent signature on the district's Consent To Deviate From Legal Name form (FM-5626). Changes made to DSIS will only be reflected on non-legal documents (including, but not limited to, gradebook, student identification badge, and student portal). Once this change is made in DSIS, school staff can address students by their alternate names, regardless of whether there has been a legal name change. Per F.S. 1000.71, faculty and staff cannot be required to use a preferred personal title or pronoun, must not ask a student to provide their preferred personal title or pronoun, and cannot condition participation in school on a student using preferred personal titles or pronouns.

While the district can make notations on DSIS, there are limitations to legal documents. Legal documents (including, but not limited to, transcripts, testing, IEP and 504 plans) will reflect the student's legal name. Although the legal name will be reflected in some documents, schools can still take measures to protect the student's privacy in public or limit the number of people who receive that information. For instance, during a testing situation, a best practice would be to place the student with a teacher that already knows the student.

Some LGBTQ+ students may experience rejection from their family because of their sexual orientation, gender identity, or gender expression. For students who experience family rejection, it is imperative to provide support and resources to parents and families to help ensure they have the tools and resources to support their children. At times, LGBTQ+ youth may find their parents are unsupportive, but regardless of the degree of parental support, the goal of the district is to always inform parents of any change in services or monitoring related to their child's mental, emotional, or physical health or well-being and the school's ability to provide their child a safe and supportive learning environment. Parents can access resources for the Parent Academy linked [here](#).

Students are encouraged to discuss issues relating to their well-being with their parents and are never discouraged from disclosing that information.

When a school does not address a transgender student using their alternate name and pronouns in the school setting, that student may not feel safe at school. Accordingly, school staff can, but are not required, to use a student's alternate name and pronouns. This, in turn, protects the

student's right to privacy and to be free from bullying and harassment during school and school-related activities.

Privacy and Confidentiality Regarding Disclosures: All students' rights to privacy will be respected and personal information about the student, including their sexual orientation, gender identity, and gender expression, will not be shared by staff without a student's consent, unless it is directly related to concerns about the student's health and safety. Students should be able to decide when, with whom, and to what extent they share private information. A student's parent/guardian always has the right to receive information about any change in services or monitoring related to their child's mental, emotional, or physical health or well-being and the school's ability to provide their child a safe and supportive learning environment, unless staff reasonably believe such disclosure will result in abuse, abandonment or neglect. In this case, the student-specific factual information must be documented by the principal.

As students navigate various situations at school surrounding their identity, school counselors and other relevant staff should allow students and their parents/guardians to guide the conversation around the supports that will help to ensure their success at school. Disclosures of a student's sexual orientation or gender identity to others without their consent not only interferes with their rights to privacy and autonomy, but can also potentially threaten that student's safety and wellbeing. Having knowledge of a student's sexual orientation and/or gender identity without related concerns about the student's safety or the school's ability to provide a supportive learning environment is not considered as a qualifying change requiring disclosure of information. These situations should be addressed on a case-by-case basis.

The individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether or not the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity could result in abuse, abandonment or neglect).

Restrooms & Changing Facilities: As required by the "Safety in Private Spaces Act," restrooms and changing facilities must be separated based on biological sex at birth. All students, however, can request to use unisex restrooms and unisex changing facilities—rooms intended for a single occupant, enclosed by floor-to-ceiling walls, and accessed by a full door with a security lock that prevents other individuals from entering while the room is in use—and must be provided that alternative option. If other alternative options are requested, parents should be involved as appropriate. When a student's basic needs are not being met, such as not having access to restroom and changing facilities, it may result in the student being affected academically, emotionally, socially, and physically.

Physical Education Classes, Interscholastic, and Intramural Sports: Students have the right to be treated in accordance with their gender identity in all aspects of the school environment.

Pursuant to Florida Statute § 1006.20, the Florida High School Athletic Association ("FHSAA") is designated as the governing nonprofit organization of athletics in Florida public schools. The FHSAA is responsible for adopting and promulgating the rules regarding eligibility requirements for all students who participate in high school athletics in Florida.

Section 1006.205(3)(a), Fla. Stat., states that "[a]thletic teams or sports designated for females, women, or girls may not be open to students of the male sex." § 1006.205(3)(c)). This law effectively precludes all transgender female students from participating in athletics in accordance with their gender identity. However, the statute does not preclude transgender males from participating in athletics in accordance with their gender identity, and explicitly provides that "[a]thletic teams or sports designated for males, men, or boys may be open to students of the

female sex.” § 1006.205(3)(b), Fla. Stat.

Dress Code: All students may dress in ways that are consistent with their gender identity and/or gender expression, while still abiding by the district's dress code policy, including at any school sponsored events and functions. Students have the right to express their gender at school, within the parameters of the school's dress code, without discrimination or harassment. The school's dress code should be gender-neutral and not restrict a student's clothing choices on the basis of gender. In the event that the dress code has differing expectations or practices based on gender, as reviewed on a case-by-case basis, students should be permitted to dress in accordance with their gender identity.

Gender-Based Activities or Practices: Schools should evaluate all gender-based programs and practices and maintain only those that have a clear and sound educational purpose. Gender-based programs and practices can have the unintentional consequence of marginalizing, stigmatizing, and excluding transgender and gender expansive students. When students are separated by gender in non-athletic school activities, students may be allowed to participate in accordance with their gender identity.

Overnight Field Trips: While room assignments for overnight lodging are separated by biological sex at birth, accommodations and/or modifications should be made available to ensure that all students' comfort levels with sleeping arrangements are handled delicately, respectfully, in accordance with Florida law. For issues regarding overnight field trips, seek assistance from your school administrator and the M-DCPS SAFE Network. The Region office and Division of Student Services are to be notified for guidance.

PUBLIC/PRIVATE TRANSITIONS

Whether a student makes a public or private transition, remember that the student is undergoing an incredibly personal experience; few youth want to be the center of attention, particularly for such a personal matter. When a student determines the gender identity with which that student identifies, outside confirmation from medical or mental health professionals, or documentation of legal changes, is not required for that student to be considered to have transitioned.

Schools should be able to respond to negative reactions to a student's public gender transition by offering resources to the student and parent such as counseling. The larger community can subject these students and their families to offensive intrusions and even outright hostility, which schools should take into account.

Many negative reactions are a result of a lack of knowledge or familiarity with the idea of transgender people, particularly transgender youth. While a public transition might make some people, including staff, uncomfortable, that discomfort should not outweigh the student's need to be safe and supported.

GUIDANCE TO SUPPORT LESBIAN, GAY, BISEXUAL, TRANSGENDER & QUEER YOUTH

Administrators, teachers, and staff should show respect and understanding to students who are open about their sexual orientation or gender identity while still adhering to Florida law. School district personnel will encourage students to discuss issues related to their well-being with their parents/guardians or facilitate discussion of the issue with the parent/guardian after speaking with the student. Florida law and District policy requires notifying a student's parent/guardian if there is a qualifying change 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.

Be sure to follow School Board Policy 8462 – STUDENT ABUSE, ABANDONMENT, AND NEGLECT. School district personnel have a legal duty to report suspicions of child abuse or neglect to the Department of Children and Families. Department of Children and Families 1-800-96 ABUSE.

CREATING A SAFE ENVIRONMENT FOR LGBTQ+ STUDENTS

The need to ensure student safety issues is important for adherence to the district's School Board policies. Ways in which administrators can create a safer learning environment for LGBTQ+ students include:

- Stopping anti-LGBTQ+ slurs.
- Supporting students who are navigating the delicate process of “coming out” while at the same time maintaining discretion.
- Ensuring dress codes and social events (i.e., proms, dances, and graduations) meet the needs of LGBTQ+ students and are in line with district best practices.

To the extent certain privileges are available to other students (for example, being able to take a significant other to the prom or wearing a t-shirt with a nondisruptive political message), those same privileges must be extended to LGBTQ+ students.

“COMING OUT”

The degree to which teachers and administrators need to be sensitive about this issue cannot be overstated. It is an unfortunate reality that LGBTQ+ youth commonly experience parental/familial rejection because of their sexual orientation or gender identity. A 2021 CDC Report titled “LGBTQ+ Youth: Addressing Health Disparities with a School-Based Approach” states during the pandemic 20% of LGBTQ+ youth said they had been physically abused by a parent or other adult in the home. For heterosexual students, that figure was 10%. LGBTQ+ students have a right to be out if they choose, and not all students come out at the same time, at the same age, or in the same way.

- For many students, coming out happens in stages.
- Not all students are out in all areas of their lives. Some students may be out at school, but not at home; or out at home and in social settings, but not on their athletic teams or churches.

Student should never be “outed” without their input and consent. All efforts should be taken to keep a student's private information confidential. However, school district personnel may not discourage or prohibit parental/guardian notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being, unless they reasonably believe that disclosure would result in abuse, abandonment or neglect, as those terms are defined in § 39.01, Florida Statutes.

If a student comes out to school staff or educators, that is a sign of trust that should be respected. The student should be aware of if, when, or how that information will be shared. Steps staff can take to support students include:

- Reaffirming the student's identity.
- Showing respect for trust shown in coming out to you.
- Asking if they have any concerns or fears related to their safety or well-being as a result of their identity.
- Asking questions to show your support and interest in their well-being.
- Offering to facilitate a discussion of the issue with the student and parent/guardian.
- Helping connect the student and parent/guardian to resources, education, and extra support.

It is a privilege 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. If you feel the student needs more support, please refer the student to the SAFE Network Liaison who may better assist the student.

PROMS / DANCES / GRADUATIONS

Excluding transgender students and same-sex couples from proms and dances may violate those students' rights. Schools may set general dress standards for prom, such as the requirement of formal attire, but may not dictate that only biological males may wear tuxedos, and only biological females may wear dresses.

ANTI-LGBTQ+ LANGUAGE

Statistics show that anti-LGBTQ+ slurs and bias toward gender expansive youth are abundant in our schools, regardless of whether the target of the slur is actually LGBTQ+ or is just perceived as such. Here are some guidelines for intervening when such language is used.

Stop it by intervening:

- "Remember, we don't use put-downs in this class."
- "It's not OK at this school to use 'gay' disrespectfully to mean something is bad."
- "Even if you didn't mean to offend people who are gay, it is offensive to call something gay (or queer); if you don't like something, then say you don't like it!"

Don't Ignore It:

- Bullying and harassment does not go away on its own.
- 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.
- Students may also feel unprotected from facing similar harassment.

Be Proactive:

- Develop an environment of respect and caring for all students in your school and classroom using inclusive language and ensuring a safe and supportive learning environment free of bullying and harassment.

CREATING AFFIRMING SPACES WITH GSA CLUBS

Gay-Straight Alliances (GSAs) are student clubs, that take place after school and are non-curricular, similar to clubs such as the Drama Club or Key Club that allow 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 gender identity, and many GSA members are straight-identifying youth. GSAs can be support groups, or educational or civic clubs dedicated to making the school and community a safer space for all individuals. Under the Federal Equal Access Act (20 U.S.C. §§ 4071-74), a public school permitting any non-curricular club (meaning, a club that does not directly relate to a class taught at school) must also allow students to form a GSA. In addition, under the Equal Access Act, the school must treat the GSA the same as it does any other non-curricular club.

RESEARCH

Research indicates that LGBTQ+ students nationally are targeted with physical violence and experience a hostile school environment more frequently than their non-LGBTQ+ peers.

Overall, LGBTQ+ students who are bullied and harassed are more likely to experience depression and anxiety, feel excluded from the school community, and experience lower academic achievement and stunted educational aspirations.

The adverse health and educational consequences for transgender students are even greater than those for LGBTQ+ students.

M-DCPS is committed to reducing the impact of high-risk factors and providing equitable resources and access to quality educational opportunities to meet the needs of all students.

Compelling Facts

The Trevor Project's 2023 National Survey on LGBTQ+ Youth Mental Health sheds light on many of the challenges currently affecting LGBTQ+ youth in our nation.

- 46% of LGBTQ youth seriously considered attempting suicide in the past year.
- 56 % of LGBTQ youth who wanted mental health care in the past year were not able to get it.
- 17% of LGBTQ youth attempted suicide in the past year.
- 67% of LGBTQ+ young people reported experiencing symptoms of anxiety.
- 54% of LGBTQ+ young people reported experiencing symptoms of depression.

BEST PRACTICES

M-DCPS recognizes the need for all students to have a safe and supportive school environment to progress academically and developmentally, and believes school administrators, teachers, staff, families, and students all play an important role in creating and sustaining that environment. Students must be treated equally, fairly, and be protected from discrimination based on their real or perceived sexual orientation, gender identity, and/or gender expression. As such, M-DCPS encourages schools to:

Enforce School Board policies protecting students from harassment, violence, and discrimination based on their real or perceived sexual orientation, gender identity, and/or gender expression (e.g., enumerated nondiscrimination, anti-bullying, and anti-harassment policies). Inclusive school policies and administrative guidelines regarding implementation provide clear guidance for school administrators, teachers, support staff, families, and students to ensure all members of the school community have similar, consistent expectations for what is considered appropriate conduct in school and at school-related activities.

Offer professional learning and awareness opportunities on issues affecting LGBTQ+ students. These opportunities should extend beyond teachers, administrators, and school mental health staff, to include anyone who interacts with students (e.g., coaches, bus drivers, cafeteria workers, custodians, and administrative support staff). M-DCPS conducts introductory and advanced workshops to help educators and other school personnel understand, assess, and improve school safety and climate for all students. Schools should support staff attendance at these and other role-appropriate professional development opportunities.

Support non-curricular before/after school student-led clubs, such as Gay-Straight Alliances or Gender and Sexuality Alliances (GSAs) in middle and high schools. In accordance with the Equal Access Act and School Board Policy 5730, the GSA should be afforded the same rights and privileges as other student-led extracurricular clubs in all areas, such as appointment and compensation of advisors, publicity for events, and inclusion on school websites. These groups have been shown to improve school climate for all students, regardless of sexual orientation, gender identity, or gender expression, and serve as protective factors for all students, both members and non-members. They can provide different functions, including supporting potentially isolated and at-risk LGBTQ+ students, educating the larger school community, and advocating for a more inclusive school climate.

Provide appropriate and meaningful family engagement, education and support. Since parental acceptance and family support are key determinants of LGBTQ+ student health, student support teams, staff, and community partners should provide resources to help families and students locate information, counseling, and support services. One such resource is Miami-Dade County Public Schools Parent Academy, linked [here](#). School mental health professionals (school counselors, school social workers, and school psychologists) play an important role in helping students evaluate their academic and family situations, support systems, and resources. School mental health professionals have the necessary training to conduct mental health assessments as needed. Schools should provide a welcoming environment for diverse families, including those that are headed by LGBTQ+ parents/guardians, and are encouraged to educate all families in their community about M-DCPS policies and guidelines.

Review data to identify disparities that create barriers to a safe and successful learning experience for LGBTQ+ students. LGBTQ+ students are disproportionately at risk for experiencing bullying, truancy, violence, substance use, unaccompanied homelessness, discipline referrals, and involvement with the juvenile justice system. Schools are encouraged to analyze available attendance, suspension, expulsion, bullying, student risk behavior, and school climate data to promote practices that improve LGBTQ+ students' attendance and participation in school.

Designate a M-DCPS SAFE Network Student Services Liaison, who is willing to work with students on issues related to sexual orientation, gender identity, and gender expression. The principal will identify a Student Services staff member to serve in the role of SAFE Network Liaison and attend training to receive specialized professional development focused on building expertise in program development and delivery of comprehensive services. These services are provided with the focus of increasing resiliency, self-esteem, and school/social/familial supports. Students report feeling safer at school when they know where to go for information or support

regarding LGBTQ+ issues, or when they have a trusted school staff person available. This person may assume a leadership role in working with LGBTQ+ students and their families, educate the school community regarding these topics, serve as the point person for the building, and work closely with the district Title IX Coordinator. They may also assist parents/guardians with a Gender Support Plan to systemically address various aspects of a transgender or gender expansive student's experiences at school. It is designed to ensure that the school, students, and parent/guardians are all on the same page and have shared expectations about how the specific, gender-based needs of the student will be met.

CURRENT LAWS SUPPORTING LGBTQ+ YOUTH.

The following provides background concerning the federal, state, and local policies on this topic, which are continually evolving.

FEDERAL LAW

First Amendment of the U.S. Constitution

Providing for free speech, can include expression of gender identity. 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." *Tinker v. Des. Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)

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

The 14th Amendment guarantees all persons equal protection under the law and prohibits anti-LGBTQ+ discrimination and harassment, as well as being deliberately indifferent anti-LGBTQ+ harassment). If a public school official deliberately ignores anti-gay or anti-transgender peer abuse or acts in a way that is clearly unreasonable, the official, and even the school district itself, may be held liable for violating students' constitutional rights.

Title IX of the Education Amendment Acts of 1972

At least one court has held that Title IX of the Education Amendment Acts of 1972 prohibits discrimination based on gender in education programs and activities that receive federal financial assistance. Complaints of harassment may be filed with [Miami-Dade County Public Schools Office of Civil Rights Compliance](#), the [U.S. Department of Education Office of Civil Rights](#), or the [U.S. Department of Health and Human Services Office for Civil Rights](#). According to [Executive Order on Preventing and Combating Discrimination Based on Gender Identity or Sexual Orientation](#) issued on January 20, 2021, Title IX's sex discrimination prohibitions extend to claims of discrimination based on sexual orientation and gender identity. Title VII of the 1964 Civil Rights Act prohibits sex discrimination in employment, and courts have utilized the Title VII analysis in interpreting Title IX claims.

Family and Educational Rights and Privacy Act (FERPA):

FERPA is a federal law that prohibits the disclosure of personally identifiable information and protects the privacy of student education records in all schools that receive federal funding. 20 U.S.C. 1232g; 34 C.F.R. Part 99. A student's sexual orientation, sex assigned at birth, and transgender status are all protected personal information, the disclosure of which could constitute

a violation of FERPA. Florida Statute 1002.22 requires that all Florida public schools comply with FERPA. Further, FERPA mandates that schools must consider requests by students or their parents/guardians to amend information in the student's education record that is incorrect, misleading or inaccurate.

STATE LAW: Florida Constitutional and Statutory Provisions

Section 760.01, Florida Statutes

The general purpose of the Florida Civil Rights Act of 1992 is to secure for all individuals freedom from discrimination due to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.

Section 1000.05, Florida Statutes

Section 1000.05, Florida Statutes, the "Florida Education Equity Act," prohibits discrimination against student and employees in the Florida K-20 public education system on the basis of race, ethnicity, national origin, gender, disability, or marital status.

Section 1006.147, Florida Statutes

Enacted in May 2008, the Jeffrey Johnston Stand Up for All Students Act 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/guardians of both the victim and the perpetrator of the alleged bullying or harassment.

Florida Department of Education Rule 6A-10.081 (Principles of Professional Conduct for the Education Profession in Florida)

Section 6A-10.081(1)(a)

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 6A-10.081(2)(a)7.

Obligation to the student requires that the individual ... 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. Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in Section 1000.05(4)(a), F.S.,

the Individual Freedom Act.

Stated another way, the actions and speech of teachers and administrators should model inclusiveness and non-discrimination.

Gender Support Guiding Questions

Parent/Guardian Involvement-

1. Pursuant to state law, school district personnel will encourage students to discuss issues related to their wellbeing with their parents/guardians or staff will facilitate discussions with the student and the families.

Confidentiality, Privacy and Disclosure-

2. How public or private will the information about this student's gender be?
3. If student has asserted a degree of privacy, how will that privacy be preserved?
4. How will a teacher/staff member respond to questions about the student's gender from other students, staff members, or other parents/guardians and the community?

Student Safety

5. Who will be the student's "go to adult on campus"?
6. If the person is not available, who should the student go to?
7. What process will be in place for monitoring the student's well-being?
8. What are the expectations in the event the student is feeling unsafe and how will student seek assistance?

Names, Pronouns and Student Records

9. Have the students' parents/guardians authorized the alternate name on the District's Student Information System (DSIS) and signed the Consent to Deviate from Legal Name Form (FM 5626)?
10. What pronouns did the student and parent request?
11. How will the student's privacy be maintained in the following situations or contexts?
 - During registration
 - Completing enrollment
 - With substitute teachers
 - Standardized tests
 - School photos
 - IEP/Other Services
 - Student Cumulative File
 - After-school programs
 - Lunch lines
 - Taking attendance

- Teacher gradebook
- Official school-home communication
- Unofficial school-home communication
- Outside district personnel providers
- Summons to the office
- Yearbook
- Student ID
- Distribution of texts/or other school supplies
- Assignment of an IT account
- PA announcement

Use of Facilities

12. Which unisex restroom(s) on campus will the student use?
13. Which place on campus will the student change clothes?
14. If the student has concerns about facilities, who will be the contact person?
15. What are the expectations regarding rooming for any overnight trip?

Extracurricular Activities

16. Does the student participate in an after-school program?
17. What steps will be necessary for supporting the student in the after-school program?
18. In what non-curricular program will the student be participating (sports, theatre, clubs, etc.)?
19. What steps will be taken to support the student in these activities?

Other Considerations

20. Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for?
21. Does the student have any sibling(s) at school?
22. Are there other activities coming up this year to consider (growth and development, dance instruction, physical education, school dances, etc.)?
23. How will the school engage in building capacity for working with gender-expansive students?

Support Plan Review and Revision

- 24.** How will this plan be monitored over time?
- 25.** What will be the process should the student, family, or school wish to revise any aspect of this plan?
- 26.** What are the specific follow-ups or action items emerging from this meeting and who is responsible for them?

These questions will help implement a comprehensive and supportive environment for transgender and gender expansive youth in partnership with their parent/guardian and the school's leadership. The development of a gender support plan would be considered a qualifying change requiring the notification to parents/guardians. This document should be used as a guide to help staff identify issues that need to be addressed. This plan is not to be placed in a student's cumulative file, as these files are accessible to other individuals.

* Questions regarding support should be directed to Gladys Duran, LCSW at urang@dadeschools.net or (305) 816-0436.