We’re All In

School District of Palm Beach County’s LGBTQ+ Critical Support Guide
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FACT:

Nationwide, LGBTQ+ students are four times more likely to attempt suicide than their heterosexual counterparts.¹

¹ U.S. Government study: “Report of the Secretary’s Task Force on Youth Suicide”
ACKNOWLEDGMENTS

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 Secondary Education, Department of Safe Schools, and Department of African, African-American, Latino, and Gender Studies;

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.

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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

October 11, 2017

The School District of Palm Beach County is committed to educating all students to reach their highest potential. We are guided by our Strategic Plan that includes four strategic themes: Effective and Relevant Instruction to Meet the Needs of All Students, Positive and Supportive School Climate, Talent Development, and High-Performance Culture.

The importance of Positive and Supportive School Climate cannot be overstated. We are all familiar with the negative effects that bullying, harassment, and discrimination can have on our students. But for our Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ+) students the effects can be magnified. According to the 2015 Youth Risk Behavior Survey (YRBS), which is conducted in our District in odd-numbered years, LGBTQ+ students are more likely to be bullied and cyberbullied, less likely to feel safe at school, and more likely to consider and attempt suicide.1,2 Findings from a recent Gay, Lesbian, and Straight Education Network (GLSEN) Florida School Climate Survey indicate that nearly all LGBTQ students overheard homophobic and negative remarks at school; most LGBTQ students have been either verbally or physically harassed; and most LGBTQ students feel they have inadequate access to support and resources.3 Furthermore, research tells us that students who feel safe expressing their true gender identity and/or sexual orientation at school have higher grade-point averages and better attendance records than those who do not.4 While the School District of Palm Beach County's current anti-bullying programs are increasing school safety, these data regarding compassion for our LGBTQ+ students is simply unacceptable.

Regarding Positive and Supportive School Climate, the research is very clear. By having inclusive curriculum, supportive staff, and school connectedness programs in place, we can increase attendance, decrease discipline issues, and increase academic performance by half a letter grade for all students!

With this in mind, Teaching and Learning has created this LGBTQ+ Critical Support Guide, which includes detailed information for administrators regarding LGBTQ+ issues. This guide contains information regarding Federal, State, and Local laws and policies, best practices and procedures, and even some examples of how to answer questions in various scenarios.

Ultimately, we, as educators, are part of education to help all of our students reach their full potential. We must foster the acceptance and inclusion of our wonderfully diverse student population. By so doing, we not only give them the tools to be successful but to thrive. This is absolutely essential if we want our students, parents, staff, and District to be among the best in the Nation. The status quo is no longer good enough. Our kids deserve better and We're All In to make that happen!

Sincerely,

Robert M. Avossa, Ed.D.
Superintendent

RMA/WS/CP/KO:wil/diu

2 CDC Youth Risk Behavior Survey, 2015 www.healthyyouth.gov/YRBS
4 http://www.glsen.org/school/toolkit/all/news/record/2624.html

The School District of Palm Beach County
A Top-Rated District by the Florida Department of Education Since 2005
An Equal Education Opportunity Provider and Employer
INTRODUCTION

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

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

We are pleased that recent safety and prevention efforts have earned the 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, Latino, and Gender Studies, have compiled this guidance.

We are proud to present you with School District of Palm Beach County’s Lesbian, Gay, Bisexual, Transgender, and Questioning Critical Support Guide (hereafter, “the Guide”).
“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 Schools youth
A. EXECUTIVE SUMMARY

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

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

Safety and prevention efforts already established by the State of Florida and the School 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 LBGQT.

The members of the Compass Community Center, Department of Secondary Education, Department of Safe Schools, Department of African, African-American, Latino, 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:

Statistics and Terminology

A 2013 survey conducted by the Gay Lesbian Straight Education Network (GLSEN) indicates that 7 out of 10 LGBTQ+ students experienced school harassment in the past year. Moreover, 90% of LGBTQ+ students reported they felt distressed because of anti-gay language. Nationally, rates of attempted suicide for gay and lesbian youth are consistently greater (up to four times as great) than the general youth population. In our own backyard, based on the findings of the 2015 School District of Palm Beach County Youth Risk Behavior Survey (YRBS), 9.1% of high school students identified themselves as gay, lesbian, or bisexual. Another 4.9% of students were questioning. Couple that with heterosexual students who have LGBTQ+ siblings, family, or friends, and this issue may affect 25% of students. With great concern, 57.2% of students who identify as same LGB reported feeling sad or hopeless and in addition, 33.5% attempted suicide. Also in our schools, 40% of local Palm Beach County students responded they “frequently” or “often” heard homophobic remarks, most often in classrooms. 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 Acts 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](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.

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.

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.

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

**Guidelines for the Accommodation of Transgender Students**

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

• Be addressed by the name/gender pronoun with which they are comfortable

• Be permitted to wear clothing that expresses their consistently asserted gender identity; a student has a free speech right to express their gender identity through clothes and accessories, as long as they are not a significant disruption to the educational environment

• Use a restroom and/or locker room corresponding to their consistently asserted gender identity (at a minimum, not be forced to use the restroom and/or locker room that corresponds with their biological sex)

• Play on the sports team corresponding with their consistently asserted gender identity

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

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

- Literature written by LGBTQ+ authors
- History including LGBTQ+ public figures
- Discussions of families including same-sex parents
- Recognition of national LGBTQ+ events, such as the Day of Silence and LGBT History Month

Suggested Responses to Parental Concerns

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

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

B. MISSION STATEMENT

The mission of the 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.²

² 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.
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.

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

– Stephen Few
A. THE NECESSITY OF THE GUIDE

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

Some key figures include the following, which come to us courtesy of the Gay and Lesbian Student Education Network (GLSEN) 2015 National School Climate Survey (https://www.glsen.org/sites/default/files/GLSEN%202015%20National%20School%20Climate%20Survey%20-%20Executive%20Summary.pdf)

- In a 2015 survey of 10,528 middle and high school students, 8 out of 10 LGBTQ+ students experienced harassment at school in the past year. Over 57% 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.”

- Approximately 85.2% of LGBTQ+ students reported being “verbally harassed,” 70.8% because of their sexual orientation and 54.5% because of their gender expression, 27% reported being “physically harassed,” and 13% reported being “physically assaulted at school in the past year because of your [their] sexual orientation.”

- Approximately 9.4% reported being, “physically assaulted at school in the past year” because of their gender expression.

- Approximately 67.4% heard homophobic remarks, such as "faggot" or "dyke," “frequently” or “often” at school.

- Over 57% of students reported they felt unsafe in school because of their sexual orientation, and more than 4 in 10 felt unsafe because of their gender expression.

- Thirty-one percent of LGBTQ+ students missed at least one day of school in the past month because of safety concerns, compared to only 8.3% and 6.7% respectively, of a national sample of secondary school students.

- Reported grade point average of students who were frequently harassed because of their sexual orientation or gender expression were almost half a grade lower than students who were less often harassed.

- Increased levels of victimization corresponded with increased levels of depression, anxiety, and decreased levels of self-esteem.
Being “out” in school had both positive and negative repercussions for LGBTQ+ students. Ninety-six percent said being “out” led to higher levels of victimization. However, the majority also reported higher levels of psychological well-being.

Locally, in Palm Beach County, the data on LGBTQ+ youth are disparaging. 24.7% of students who identify as lesbian, gay, or bisexual reported being bullied on school property (compared to 13.8% of all students) and 22.1% were electronically bullied (via texting, Facebook, Instagram, or other social media) compared to 9.3% of all students. Perhaps most disturbing, the rates of attempted suicide for gay, lesbian, and bisexual youth, was 34.1% according to the 2017 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.” The 2017 YRBS also indicates 44.0% of respondents admitted to engaging in self-harm. Another 32.0% reported experiencing sexual dating violence, compared with 7.8% of the general population of students.

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

**B. DEFINING “LGBTQ+”**

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

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

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

**Biological sex:** A person’s physical anatomy/genitalia (aka, Assigned sex, Birth sex).

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

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

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

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

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

Gender 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; for example, “girly” boys and “masculine” girls; and those perceived as androgynous. Other terms used have been gender nonconforming or gender variant. Teachers have recently reported seeing an increase in gender-nonconforming behaviors at the elementary and middle school levels.

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

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

Gender Role: The social expectations of how a person should act, think, and/or feel based upon one’s biological sex. This definition includes traditional and stereotypical roles, characteristics, mannerisms and behaviors associated with societal norms of what is male and what is female. These expectations are often stereotypical, such as “Boys like blue and girls like pink.”
**Gender Expression:** A person’s physical characteristics, behaviors, and presentation traditionally linked to either masculinity or femininity, such as: appearance, dress, mannerisms, speech patterns and social interactions.

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

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

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

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

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

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

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

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

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

**Non-Binary:** People whose gender is not male or female use many different terms to describe themselves, with non-binary being one of the most common. Other terms include genderqueer, agender, bigender, and more. None of these terms mean exactly the same thing – but all speak to an experience of gender that is not simply male or female.

**“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:** Someone who is attracted to others regardless of gender, that is, across the spectrum of gender.

**Pronouns:** The pronoun or set of pronouns that an individual would like others to use when talking to or about that individual. For someone who identifies as male, the pronouns are He, Him, His. For someone who identifies as female, the pronouns are She, Her, Hers. For someone who identifies as something else, there are several options, including (but not limited to) the “singular they” They, Them, Theirs. Someone might also use Ze, Hir, Hirs, or Ze, Zir, Zirs, or even something else. If you are unsure, it is okay to ask!

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

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

**Transphobia:** A fear or aversion to transgender people.

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

**Transgender (Grades 6-12):** This term describes a person whose gender identity does not match his or her physical anatomy (for example, a girl who feels trapped in a boy’s body). Some transgender people hormonally and/or surgically change their bodies to more fully match their gender identity. Note: There are other meanings for transgender. For more information, please visit [http://www.apa.org/topics/sexuality/transgender.aspx](http://www.apa.org/topics/sexuality/transgender.aspx).

**Transition-Social Transition:** The process by which a transgender student begins to outwardly express him- or herself as the gender with which he or she identifies. This could mean beginning to wear clothes typically associated with the other gender, or asking to be called by a different name or gender pronoun.
“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)

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

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

Title IX of the Education Amendment Acts of 1972

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

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

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 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 Although this official guidance letter was rescinded in 2017, the law remains unchanged.

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. 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, the NEA, already at the forefront of LGBTQ+ inclusion, adopted a nine-point action plan to prevent discrimination and violence targeting LGBTQ+ people. 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+ 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, on July 19, 2016, the AFT Union passed a landmark resolution in support of LGBTQ+ students and staff at their biennial convention.

“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 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 Student Non-Discrimination Act [∗PROPOSED LEGISLATION∗]**

SNDA was introduced in the House by Reps. Jared Polis (D-CO), Ileana Ros-Lehtinen (R-FL), and Bobby Scott (D-VA) and in the Senate by Sen. Al Franken (D-MN) on February 10, 2015. On July 9, 2015, Sen. Franken offered SNDA as an amendment to S. 1177, the Every Child Achieves Act. Unfortunately, the amendment failed to receive the 60 votes needed to proceed, but it gained the support of every Democratic senator and seven Republicans. The measure would provide victims with meaningful and effective judicial remedies, modeled after Title IX.

2. **STATE LAW / POLICY**

**Florida Statute 1000.05**

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

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

**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.

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.

**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**

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)

**Policy 1.0971**

The School District of Palm Beach County’s Policy 1.0971 (Diversity and Equity Committee) states:

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.

The Board recognizes and values the diversity of our students and families, employees, and business/community partners. We are committed to a culture of diversity, equity and collaboration which contributes to the achievement of all students. The District Diversity and Equity Committee will review and provide strategies for evaluation and accountability of all policies and procedures.

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

B. ANTI-BULLYING LAWS / POLICIES

1. FEDERAL LAW

The Safe Schools Improvement Act [PROPOSED LEGISLATION]

On March 8, 2013, the Federal Safe Schools Improvement Act was reintroduced in the Senate as a proposed amendment to the Elementary and Secondary Education Act. This legislation would require public schools to implement a comprehensive anti-bullying policy that enumerates sexual orientation and gender identity as protected categories, among others. It would further require schools to include LGBTQ+ bullying and harassment data in their statewide needs assessment reporting. SSIA was introduced in the House by Reps. Linda Sanchez (D-CA) and Chris Gibson (R-NY) on June 25, 2015 and in the Senate by Sens. Robert Casey (D-PA) and Mark Kirk (R-IL) on January 29, 2015

2. STATE LAW

Jeffrey Johnston was a 15-year-old Cape Coral, FL, student who committed suicide after enduring more than two years of bullying. It began in seventh grade, when he and his girlfriend broke up. Some kids called him a stalker. Others made fun of his chapped lips and said he had herpes. His mother was a teacher in the same school Jeffrey attended.
When Jeffrey started 8th grade, students at his school hacked into an online video game he’d spent the summer creating. They filled it with hateful messages. One of the students started an online journal where humiliating messages about Jeffrey were posted. One read: “Jeff is a faggot.” Followed by, “He needs to die.”

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

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

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

His suicide note read, “I’ll never get over 8th grade.”

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

— Debbie Johnston, mother of Jeffrey Johnston

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

**FLORIDA STATUTE 1006.147**

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

The law requires each individual school district to implement a policy outlining the consequences of harassment; the consequences for a wrongful accusation of harassment; and the procedure for immediately notifying the parents of both the victim and the perpetrator of the alleged bullying or harassment. The statute leaves it up to the individual school districts to enumerate specific categories (i.e., race, disability, sexual orientation, etc.) for which bullying is specifically prohibited.
Critically, the law provides that “[d]istribution of safe schools funds to a school district... is contingent upon... the Department of Education’s approval of the school district’s bullying and harassment policy.” This means there is actual funding at stake for a non-compliant school.

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.

[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 A SAFE SPACE FOR LGBTQ STUDENTS

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

– Gay youth
A. ANTI-LGBTQ+ LANGUAGE

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

1. What Do You Say to “That’s So Gay!”?

STOP IT:

Keep it simple with quick responses. You could say:

“We don’t use gay as a put-down in this class.”
“It’s not OK to say that’s so gay.”
“It’s not OK to use that phrase.”
“What did you mean by that?”
“You may not have meant to be hurtful, but when you use the word gay to mean something is bad or stupid, it is hurtful.”
“Do you know why that comment is hurtful?”

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

EDUCATE:

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

BE PROACTIVE:

Create an environment of respect and caring for all students in your class and school. Establish clear school-wide and classroom policies against name-calling and hurtful teasing. If you have been hearing the phrase, “That’s so gay!” at school, be explicit that rules against name-calling include this phrase and other anti-gay put-downs.
DON’T IGNORE IT:

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

DON’T BE AFRAID OF MAKING THE SITUATION WORSE:

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

DON’T EXCUSE THE BEHAVIOR:

Saying, “Josh doesn’t really know what it means,” or “Sarah was only joking,” excuses hurtful behavior.

DON’T TRY TO JUDGE HOW UPSET THE TARGET IS:

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

DON’T WORRY ABOUT THE TABLES BEING TURNED:

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

2. Preferred Gender Pronouns: For SDPBC staff (Or, How to Take Important Steps in Becoming a Trans Ally!)

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, it, them, and this).
Gender pronouns (like *he* and *hers*) specifically refer to people that you are talking about.

**What is a “preferred gender pronoun”?**
- A "preferred gender pronoun" (or PGP) is the pronoun that a person chooses 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.*

- **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 preferred 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 preferred pronouns are and consistently using them correctly can determine within the first few minutes if they will feel respected at Hampshire College or not.

- **You will be setting an example for your class:** If you are consistent about using someone's preferred 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 trans and gender non-conforming students do not take for granted.** It can truly make all of the difference, especially for incoming first-year students that may feel particularly vulnerable, friendless, and scared.

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

- Try asking: "What are your preferred 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 preferred 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.

3. Ideas for Applying Strategic Language to Situations Involving Homophobic and Transphobic Remarks

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 One: We hear homophobic or transphobic remarks with family members and 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 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 Two: 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?”

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 Three: You hear homophobic or transphobic remarks when passing by 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.
Situation Four: A student asks you about another person's sexual orientation or gender identity

If a student has established a rapport with you, he or she might ask you your opinion about another person's sexual orientation. 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 Five: 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."

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 Six: 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 Seven: 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 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 Eight: 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 Baker Act, 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
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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; and the Genders & Sexualities Alliance Network at GSANetwork.org.

By displaying a Safe Space sticker or poster in a hallway, in a classroom, or on a door, a teacher or administrator creates a visible and easily identifiable network of LGBTQ+ community members and allies. In other words, a teacher or administrator does not need 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) indicate school-based variables that serve as sources of resilience for many LGBT youth. Supportive adults, a clear anti-bullying policy, an LGBT-inclusive curriculum, and student clubs such as Gay–Straight Alliances are the four school-based resources that research suggests make a difference for LGBT 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 LGBT 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 LGBT youth needs help to feel safe at school. In 2015, similar badge programs have expanded to nine other 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. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969)). For example, a student disruptively standing up and yelling, “I’m gay!” in the middle of class would not be protected speech. On the other hand, a student talking with a friend at school about being gay between classes or at lunch is permitted.

1. TALKING TO STUDENTS

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

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

It is an unfortunate reality – LGBTQ+ youth commonly experience parental rejection because of their sexual orientation or gender identity. Indeed, studies have shown approximately one-third of LGBTQ+ youth are victims of physical violence by a family member after the teen “comes out” or their sexual orientation is disclosed. A 2006 Child Welfare League of America study found a high proportion of LGBTQ+ youth in state-run
foster care facilities leave home or are banished from their homes as a result of conflict related to their sexual orientation or gender identity. 5 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 6

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

**If a Student Comes Out to You:**

- Offer support.
- Be a role model of acceptance.
- Appreciate the student’s courage.
- Listen, listen, listen.
- Assure and respect confidentiality.
- Demonstrate understanding, acceptance and compassion.
- Be prepared to give a referral for resources and/or for emotional support.
- Remember the student has not changed. 7

**What Not to Say:**

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

5 CWLA Best Practices Guidelines for Serving LGBT Youth in Out-of-Home Care
7 Please note: These guidelines similarly apply to a teacher or staff member who “comes out” to a principal, administrator, or peer. Palm Beach County anti-discrimination policies are clear that adults also have the right to be treated equally, regardless of actual or perceived LGBTQ status. Being a safe school means that all members of the school community—teachers and staff included—feel protected against bias and harassment.
In short, it is a compliment when a student trusts you enough to come out to you. It is up to you to prove yourself worthy of that trust. Barring extenuating circumstances in which you fear for the student’s safety, value confidentiality above all else.

2. TALKING TO PARENTS/GUARDIANS

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

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

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

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

IMPORTANT: It is imperative that these guidelines regarding confidentiality be kept clearly in mind when communicating with parents or guardians about bullying or other misconduct. To the extent that administrators must relay the exact wording of an altercation due to reporting requirements, care should be used to neutralize potentially incriminating language that was used. For example, if a student suspected to be gay is called a “faggot” by an aggressor, the parent might be told, “Mrs. Smith, your son was involved in an altercation today as the result of being bullied by another student who called him a ‘faggot.’ Unfortunately, this term is frequently used by students as a generalized put-down.” Failure to practice discretion regarding language could place a student in a hostile, dangerous, or even life-threatening, environment. Please contact
the 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; and still others by two moms or two dads. By perpetuating the stereotype of a traditional nuclear family—or taking it as a given that all boys will grow up to marry girls (and vice versa)—we inadvertently alienate our students who have non-traditional families, or are themselves LGBTQ+. Simply becoming aware of the presumptions that affect our word choices is the first step in cultivating a more inclusive classroom experience.8

F. GAY-STRAIGHT ALLIANCE / 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

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; in fact, many GSA members are straight-identifying youth. GSAs can be support groups, or educational or civic clubs dedicated to making the school and community a safer space for all individuals.

Recent research in Educational Leadership journal (McGarry, 2013) indicate school-based variables that serve as sources of resilience for many LGBT youth. Supportive adults, a clear anti-bullying policy, an LGBT-inclusive curriculum, and student clubs such as Gay–Straight Alliances are the four school-based resources that research suggests make a difference for LGBT students. Considering the extent to which a school provides these

8 Keep these suggestions in mind when teaching existing curriculum; materials may be out-of-date or completely void of LGBT issues.
sources of resilience and focusing efforts on providing them are important steps for educators to take to build resilience in LGBT 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 Act, the school must treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.

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

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

For additional information about how to start, or supervise a GSA, contact the Department of Safe Schools or CDC Grant personnel in the Department of Secondary Education.

* Note: Not all GSA members identify as gay, lesbian, bisexual, transgender and 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 LGBT. The Gender Studies contact will receive professional
development training through the African, African-American, Latino, 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.
- 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
cancelled the prom entirely rather than allow the student bring her partner as a date. The
court determined the student’s First Amendment rights were violated when her school
cancelled the prom [McMillen v. Itawamba County School Districts, 702 F. Supp. 2d 699
(N.D. Miss. 2010)].

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

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

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

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

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

“I’ll get 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.

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

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

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

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

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

Title IX of the Education Amendment Acts of 1972 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, on April 29, 2014, the U.S. Department of Education released historic guidelines reaffirming federal
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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](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.

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.

**NAMES AND PRONOUNS**

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

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

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

School personnel should use the student’s affirmed name and pronoun appropriate to a student’s gender identity, regardless of the student’s birth sex or birth name. It is strongly advised that the transgender student and one designated “trusted adult” review the “Gender Support and Transition Planning Guide” (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 CDC Grant 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 students, the best course is to engage the student and the parent(s)/guardian(s) (especially in the case of a younger student), with respect to name and pronoun use and agree on a plan to initiate that name and pronoun use within the school. The “Gender Support and Transition Planning Guide” also could include when and how this is communicated to students and their parent(s)/guardian(s).

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

PRIVACY, CONFIDENTIALITY, EDUCATION RECORDS

Generally, if a student wishes for their name to be changed at school, despite whether or not they have brought in a legal name change, selected nonacademic records should reflect their preferred name. Examples include but are not limited to: yearbook, lunch line rosters, general rosters, substitute plans, and newspapers/newsletters. Furthermore, care should be taken so that the student’s affirmed name is used in instances such as but not limited to calls for early dismissal, reporting to the clinic, etc. so potentially uncomfortable situations where the student could be misnamed or mis-gendered do not take place.
The parent or guardian with legal custody of a child may also request that their child be addressed by the student’s affirmed name and pronoun that corresponds to the student’s gender identity. As stated previously, a court-ordered name or court-ordered gender change is not required and no change is required to the student’s education records.

### Privacy and Electronic Databases

#### A. TERMS (Total Educational Resource Management System)

If the student requests, and in the case of an elementary-aged student, the student and parent(s)/guardian requests, the affirmed name shall be entered into the District’s TERMS in the demographics field (A03) marked “AKA” to inform staff of the name to use when addressing the student. This addition to TERMS is facilitated by the Assistant Principal, along with a trusted adult (see Gender Support and Transition Planning Guide) and communicated to the Data Entry Clerk/IMT at the student’s school. The A-03 panel in TERMS will have a field entitled “AKA,” denoting the student’s affirmed first name. See screenshot below.

![TERMS Screenshot](image-url)
B. SIS (Student Information System)

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

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

Transgender students have the right to discuss and express their gender identity and expression openly and to decide when, with whom and how much to share private information, including with parent(s)/guardian. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. 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)/guardian. This could endanger both the psychological and physical safety of a child. When contacting the parent(s)/guardian, school staff should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth unless the student has specified otherwise.
Remember, the name in the databases (TERMS and SIS) are part of the education record and is therefore covered by FERPA. This means if parent(s)/guardian requests access to their child’s records, they will have access to the child’s preferred name. **If a student transitioning at school is not ready to share their transgender status with their family, this should be respected. School staff should make a change socially, meaning calling the student by the affirmed name and pronoun.**

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

**Transferring to a New School**

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

**General Knowledge**

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

**DRESS CODES AND SCHOOL UNIFORMS**

All students shall be allowed to dress in accordance with their gender identity and gender expression, as stated in SDPBC Family and Student Handbook, Page 15-16 Dress Code; School Board 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, etc.) and should not restrict students’ clothing choices on the basis of gender or traditional stereotypes about what males and females “should” wear. All students, regardless of gender identity, shall dress within the constraints of the school’s dress code as it relates to health and safety issues (e.g., prohibitions on wearing gang symbols, regalia, drugs, etc.) or the school uniform policy.

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

RESTROOMS

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

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

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

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

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

**DAY AND OVERNIGHT FIELD TRIPS**

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

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

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

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

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

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

PHYSICAL EDUCATION, INTRAMURAL SPORTS, INTERSCHOLASTIC ATHLETICS

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

Title IX of the Education Amendment Acts of 1971 prohibits gender-biased harassment, such as the harassment of a gender-nonconforming student. Importantly, 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 jointly released a “Dear Colleague Letter on Transgender Students” On May 13, 2016.

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 and gender nonconforming students in all athletic activities in alignment with the Florida Department of Education’s Code of Ethics and Principles of Professional Conduct related to the worth and dignity of every person.

The FHSAA Handbook year 2012-2013 forward includes specification entitled “Gender Identity Participation” including the eligibility to participate in interscholastic athletics in a manner that is consistent with a student’s gender identity and expression, irrespective of the gender listed on a student’s birth certificate and/or records. Review procedures are outlined in the FHSAA Handbook (http://www.fhsaa.org/rules/fhsaa-handbook.)

STUDENT TRANSITIONS

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

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

When appropriate, schools, in particular one “trusted adult,” should work closely with the student or the student and parent(s)/guardian in reviewing the “Gender Support and Transition Planning Guide” regarding the confidentiality of the student’s transgender status and other safety components. The Planning Guide’s guiding questions are a comprehensive tool that can assist this process. These questions provide a list of topics for a transitioning student to review with a trusted adult in the school and/or with a school administrator. Privacy considerations also may vary with the age of the student. Please see below for additional guidance specific to elementary-aged students. The responses generated from the “Gender Support and Transition Planning Guide” should be discussed only with the persons who are responsible for implementing the plan. As one example, the PE teacher should be notified that a student who had previously used a boy’s locker room would move into the girl’s area. The “Gender Support and Transition Planning Guide” can be found at the end of this section. 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 guardian will inform the school of an impending transition. However, it would be appropriate to approach the family of an elementary school student if school staff believes that a gender identity or expression issue is presenting itself at school and creating difficulty for the student. Together, the family and school can then identify appropriate steps to support the student. A guide of community as well as District resources can be found in the resources section of the SDPBC “LGBTQ+ Critical Support Guide.”

Grades 6-12

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

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

EDUCATION AND TRAINING

In order to further facilitate a safe and supportive school environment for all students, the SDPBC Teaching and Learning CDC Grant Staff, African, African-American, Latino, and
Gender Studies, and Department of Safe Schools Staff, will incorporate education and training about transgender and gender nonconforming 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 nonconformity 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 and other gender nonconforming students, risk and resilience data regarding transgender and gender nonconforming students, ways to support transgender students and to improve the school climate for gender nonconforming students and gender-neutral language and practices.

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

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

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

**Outside Media and Community Communication**

Media inquiries about issues related to gender identity should be referred to the 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 come up in the implementation of transgender procedures. The needs of each transgender or gender nonconforming student should be assessed and addressed on a case-by-case basis. SDPBC Teaching and Learning CDC Grant Staff, African, African-American, Latino, 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, 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, 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
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 Policy 1.0971 (Diversity and Equity 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.

This policy also promotes “access to and support of rigorous curriculum content which includes the contributions and history of diverse populations”

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.
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.
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
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 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 4001.1 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.
Q: What about the religious beliefs of our families?

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

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

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

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

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

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

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

Finally, this issue concerns not only LGBTQ+ youth: straight-identifying youth are also impacted by anti-LGBTQ+ aggression because it is so pervasive. When one subgroup of the school community feels threatened, the entire school culture is adversely affected. We owe it to all of our students to make 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.
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/Guardian Involvement

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

Confidentiality, Privacy, Disclosure

**Does the student or has the student:**
- Agreed to disclose her/his transgender identity?
- With whom? (Parent/guardian, school site level leadership, support staff, direct contact teachers, teachers and staff, some students, all students, other)
Student Safety
Does the student or has the student:
- Have a “trusted adult” on campus?
- Have a person to go to if the “trusted adult” is not available?
- Have a support group on campus (e.g. Gay-Straight Student Alliance, Counseling Support Group, etc.)?
- Have a process for periodically checking in with an adult?

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

As a reminder, the District maintains birth name on education records, including:
- Registration
- Report cards
- Diploma
- Standardized tests
- Student cumulative file
- IEPs
- Before and after school program forms

Schools post or distribute other types of information as communication tools. These documents are allowed to contain the student’s affirmed name. They include:
- Substitute teacher’s roster
- School photos
- Lunch line
- Taking attendance
- Yearbook
- Student ID and library cards
- Posted lists
- Newspapers and newsletters
- Calling student to office
- PA announcements
- Announcements at assemblies
Have the student and you spoke about:
  • Whether or not the parent(s) guardian is aware of the student’s gender status?
  • Whether or not the student’s gender status is supported by the parent(s)/guardian?

Use of Restrooms
Does the student or has the student:
  • Spoken with you about the restroom(s) s/he will use on campus?
  • Know who to go to if there are questions or concerns about the restrooms?

Extracurricular Activities
Does the student or has the student:
  • Spoken with you about activities or programs such as after school, theatre, sports, clubs, etc.?
  • Know the steps for gaining support, if needed?

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

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

The School Board of 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.
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
2-1-1 or 211.org
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

The Trevor Project
1.866.4.U.TREVOR
24/7 crisis intervention and suicide prevention for LGBTQ+ youth
TrevorProject.org

Youth Runaway Hotline
1-800-RUNAWAY
(1.800.786.2929)
Keeps runaway, homeless and at risk youth safe and off the streets
http://www.1800runaway.org

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

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
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 lesbian, gay, bisexual and transgender community. Compass accomplishes this by emboldening our youth, promoting pride in our community, and acting as an educator, advocate, health service provider, and focal point for community organizing.

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

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

GSA Network
A youth leadership organization linking GSAs to one another and community resources through peer support, leadership development, and training.
www.gsanetwork.org

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

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

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 3rd Wednesday of each month.
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
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.
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.
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
954.764.5150

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

Health and Wellness

AIDS Healthcare Foundation (AHF)
AHF offers complete HIV medical care and provides clients with access to additional specialists, medications and services.
www.hivcare.org
1.888.aidscare

Palm Beach County Health Department
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
561.840-4500

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/
Care Resource
Care Resource provides comprehensive primary medical and preventative care, including health, oral and mental health/substance abuse services to all individuals in our community. Through education, prevention, research, care, treatment and support services. Care Resource’s mission is to improve the health and overall quality of life for our diverse South Florida communities in need with demonstrated excellence in the multicultural field of HIV/AIDS.
Careresource.org
305.576.1234

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.
Childrensdiagnostic.org
954.728.8080

Latinos Salud
Latinos Salud is a safe space for Latino gay young men and their partners to find friends, support and resources. Thirteen staff members hail from Brazil, Colombia, Costa Rica, Chile, Cuba, the Dominican Republic, Ecuador, Haiti, Mexico, Puerto Rico and Venezuela. Staff members work to make a stronger community.
www.latinosalud.org
954.765.6239

The Poverello Center
The Poverello Center is a Bridge of Hope and Life Support for people living with HIV/AIDS providing clients with food and nutritional supplies through its Food Bank as well as clothing, housewares and medical supplies through its Thrift Store. It operates a Health Annex that provides a Full Service Gym complete with holistic therapies and a “Safe Place” with meeting rooms and games for its clients to gather at no charge.
poverello.org
954-561-3663

The South Florida Lesbian, Bisexual and Transgender Health Directory
Established in 2013, The South Florida Lesbian, Bisexual and Transgender Health Directory is made possible by a grant from Aqua Foundation for Women. The directory contains medical provider listings gathered directly from providers, local search platforms, and patient recommendations regarding lesbian, bisexual and transgender friendly physicians. All listings have been verified. Listing in the LBThealth.org directory does not imply endorsement or recommendation.
http://www.lbthealth.org/

World AIDS Museum
The mission of the World AIDS Museum is to increase awareness and decrease stigma of HIV/AIDS by documenting the history of HIV/AIDS, remembering the people, educating people about HIV/AIDS, enlightening the world about the continuing tragedy and empowering the survivors.
www.worldaidsmuseum.com
954.815.2550
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 Moms” but “room parents”

k. Inform PTA, school staff, and other organizations associated with schools about LGBTQ+ families, including but not limited to bus drivers, cafeteria workers, after care workers, providers, agencies, etc.
l. Many resources, messages, support, and strategies for dealing with other forms of diversity apply similarly to families headed by one or two LGBTQ+ parents

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

n. Children of LGBTQ+ parents(s) may feel embarrassed by their difference. They may not want others to know their parents are two moms or two dads and may fabricate a more “normalized” home environment. When their home environment is exposed to others, they may experience the same feelings LGBTQ+ kids do when they are “outed” – bullying, isolation, etc. Also and conversely, some children will feel comfortable and proud of their family and will talk freely about their two dads or two moms

o. School administrators should first become aware and sensitized about the journey of the LGBTQ+ individual because this will help them to more effectively understand the child of an LGBTQ+ headed household
APPENDIX 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...”)
   h. Be non-judgmental in answering student questions
i. Encourage students to be secure in who they are. Work to build strong, resilient students and have real conversations with them, supporting them to be strong enough to be proud of who's in their family.

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

a. Seek out anti-bias curricula and resources that model inclusiveness, making sure all types of families are incorporated into your curriculum and into your classroom discussions and conversation (ask families if they have suggestions of books and resources).

b. In school and classroom libraries, on reading lists, and in stories that you read to your class, include books and resources reflecting different family structures, including LGBTQ+-headed families.

4. Create a School and Classroom Environment Inclusive of All

a. In classroom displays, showcasing of books in the school library, in posters, community and family news displayed on walls and hallways, make sure all kinds of families and individuals are reflected.

b. Actions of teachers and administrators model inclusiveness and non-discrimination. When school administrators and teachers use terms like “lesbian” and “gay” as a natural and normal part of discussions, this sends a powerful message to students and their families.

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

References

1. C.O.L.A.G.E.: Children of Lesbians And Gays Everywhere - for people with a lesbian, gay, bisexual, transgender or queer parent (http://www.colage.org/).


3. Gay themed picture books for children (http://booksforkidsingayfamilies.blogspot.com/)


8. Pre-K & Elementary Teachers’ Resources: books, curricula, videos, web sites and music (http://www.safeschoolscoalition.org/rg-teachers_elementary.htm)


10. The Center: Lesbian, Gay, Bisexual & Transgender Community Center - Articles and Resources: (http://www.gaycenter.org/families/articles)
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. Knowing someone is LGBTQ+ may help to dispel hurtful stereotypes youth may have heard. Knowing someone who is gay may help young people stop using “gay” as an insult. Knowing someone who is gay may stop those insults from building up into physical and emotional harassment.

d. When an educator mentions his or her partner – whether it is a boyfriend/girlfriend or husband/wife, and whether or not the partner is of the same sex or the other sex, that educator is talking about one aspect of her or himself. When educators mention their partners, they are talking about people in their lives who are important to them. This is an aspect having little impact on the educator’s quality as a teacher.

e. Most teachers share something about their lives with students. Students may know Mrs. Jones is married to Mr. Jones, Ms. Washington has two children, Mr. Garcia took a vacation to the Grand Canyon with his family over the summer or Ms. Reilly is single. When a teacher is openly LGBT, they are sharing this type of information with students – not information about intimate details of their lives.

f. If an educator is transgender, many more discussions may be necessary to help people understand what this means. For more information contact the Gender Education Center at DebraDavis.org.

g. Discrimination based on sexual orientation is unfair and in many states it is illegal. Over half of the U.S. population lives in states or cities prohibiting discrimination based on sexual orientation, and almost 40 per cent live in places protecting transgender people from discrimination.

References

Adapted from 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 a person identifies with psychologically, even if in conflict with biological gender). Gender Expression (masculine or feminine conduct or dress). Transgender (someone who feels trapped in the wrong body and may or may not seek medical intervention). Gender-nonconforming (someone whose gender expression is not traditionally associated with his/her biological sex, i.e., a tomboy). Heterosexism (pervasive presumptions that everyone is straight). Questioning (an in-flux state of exploring one’s sexual orientation or gender identity, not uncommon in youth).

• DISCRIMINATION IS ILLEGAL
LGBTQ+ harassment/discrimination is forbidden under federal law (Constitutional Equal Protection) as well as local Palm Beach County policies (Non-Discrimination Policy 5.001 and Anti-Bullying Policy 5.002). In a public school environment, a person can’t be treated differently just because he/she is, or is perceived to be, LGBTQ+.

• LGBTQ+ STUDENTS HAVE LEGAL RIGHTS
Students have the right to be “out” at school, even if they are NOT “out” at home. Schools may NOT violate student confidentiality by “outing” a student to parents/guardians. LGBTQ+ students are permitted to bring same-sex dates to prom. Transgender students may wear gender-nonconforming clothes to school, proms, yearbook pictures, graduation.

• INTERVENTION IS REQUIRED
Under 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.

• MANY WAYS TO HELP
Create a safer environment:
– Intervene in “That’s so gay”
– Display Safe Space stickers/posters
– Express compassion to students who “come out” to you
– Keep such information strictly confidential, even from parents
− Use inclusive language and diverse family examples
− Support your GSA
− Embrace more inclusive curriculum/books/historical figures (as required by SBBC Policy 1.5 on Diversity)
− Accommodate an openly transgender student’s requests re: name, gender pronoun, bathrooms, locker rooms, and sports teams

• WE HAVE YOUR BACK
Do not fear parental backlash. Response examples:
− LGBTQ+ students are disproportionately at-risk.
− The District has an obligation to keep all students and staff safe.
− We are not teaching about sex when discussing identity and family diversity.
− We are focusing on outward demonstrations of mutual respect and not challenging any personal religious beliefs.
− We cannot have a great school without a great school culture in which every student feels welcome and valuable.
APPENDIX #

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 explosion them to role models through literature, lessons, and classroom guests.** Make sure your students have the opportunity to choose books that portray diverse families as well as men and women outside of gender stereotypes. Seek out classroom speakers, such as women engineers, to present to your class; you might consider using local professional chapters (such as the association for women in Science or Hispanic National Bar Association) to find speakers to invite.

- **Make sure the analogies you use when teaching don’t rely on hetero-normative or gender-normative images or viewpoints.** A hetero-normative view point is one that expresses heterosexuality as a given instead of being one of many possibilities. Such a view point can translate into the development of all kinds of images that reinforce the view. The assumption (reinforced by imagery and practices) that a boy will grow up and marry a woman is based on such a viewpoint. 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.** 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.
Dear Colleagues:

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

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

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

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

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

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

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

Although specific implementation of the Equal Access Act depends upon contextual circumstances, these guidelines reflect basic obligations imposed on public school officials by the Act and the First Amendment to the U.S. Constitution. The general rule, approved by the U.S. Supreme Court, is that a public high school that allows at least one noncurricular student group to meet on school grounds during noninstructional time (e.g., lunch, recess, or before or after school) may not deny similar access to other noncurricular student groups, regardless of the religious, political, philosophical, or other subject matters that the groups address.

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

The process of revising or developing an equal-access policy offers an opportunity for school officials to engage their community in an open dialogue on the equal treatment of
all non-curricular student organizations. It is important to remember, therefore, that the Equal Access Act’s requirements are a bare legal minimum. I invite and encourage you to go beyond what the law requires in order to increase students’ sense of belonging in the school and to help students, teachers, and parents recognize the core values behind our principles of free speech. As noted in our October 2010 Dear Colleague Letter and December 2010 guidance regarding anti-bullying policies, I applaud such policies as positive steps toward ensuring equal access to education for all students.

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

Sincerely,

Arne Duncan
APPENDIX K

April 29, 2014

Questions and Answers on Title IX and Sexual Violence

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal financial assistance (hereinafter “schools”, “recipients”, or “recipient institutions”) must comply with Title IX.

On April 4, 2011, the Office for Civil Rights (OCR) in the U.S. Department of Education issued a Dear Colleague Letter on student-on-student sexual harassment and sexual violence (“DCL”). The DCL explains a school’s responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX. Specifically, the DCL:

- Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX coordinator, and adopt and publish grievance procedures.
- Discusses proactive efforts schools can take to prevent sexual violence.
- Discusses the interplay between Title IX, the Family Educational Rights and Privacy Act (“FERPA”), and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) as it relates to a complainant’s right to know the outcome of his or her complaint, including relevant sanctions imposed on the perpetrator.
- Provides examples of remedies and enforcement strategies that schools and OCR may use to respond to sexual violence.

The DCL supplements OCR’s Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, issued in 2001 (2001 Guidance). The 2001 Guidance discusses in detail the Title IX requirements related to sexual harassment of students by school employees, other students, or third parties. The DCL and the 2001 Guidance remain in full force and we recommend reading these Questions and Answers in conjunction with these documents.

In responding to requests for technical assistance, OCR has determined that elementary and secondary schools and postsecondary institutions would benefit from additional guidance concerning their obligations under Title IX to address sexual violence as a form of sexual harassment. The following questions and answers further clarify the legal requirements and guidance articulated in the DCL and the 2001 Guidance and include examples of proactive efforts schools can take to prevent sexual violence and remedies schools may use to end such conduct, prevent its recurrence, and address its effects. In
In order to gain a complete understanding of these legal requirements and recommendations, this document should be read in full.

1 The Department has determined that this document is a “significant guidance document” under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. The Office for Civil Rights (OCR) issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. OCR’s legal authority is based on those laws and regulations. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

2 20 U.S.C. § 1681 et seq.

3 Throughout this document the term “schools” refers to recipients of federal financial assistance that operate educational programs or activities. For Title IX purposes, at the elementary and secondary school level, the recipient generally is the school district; and at the postsecondary level, the recipient is the individual institution of higher education. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that the law’s requirements conflict with the organization’s religious tenets. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a). For application of this provision to a specific institution, please contact the appropriate OCR regional office.


5 Although this document and the DCL focus on sexual violence, the legal principles generally also apply to other forms of sexual harassment.


Authorized by

/s/
Catherine E. Lhamon April 29, 2014
Assistant Secretary for Civil Rights
APPENDIX L

May 13, 2016

Dear Colleague Letter on Transgender Students

Dear Colleague:

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

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

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

Terminology

- **Gender identity** refers to an individual’s internal sense of gender. A person’s gender identity may be different from or the same as the person’s sex assigned at birth.

- **Sex assigned at birth** refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.

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

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

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

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

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

2. Identification Documents, Names, and Pronouns
Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments have resolved Title IX investigations with agreements
committing that school staff and contractors will use pronouns and names consistent with a transgender student’s gender identity.11

3. Sex-Segregated Activities and Facilities

Title IX’s implementing regulations permit a school to provide sex-segregated restrooms, locker rooms, shower facilities, housing, and athletic teams, as well as single-sex classes under certain circumstances.12 When a school provides sex-segregated activities and facilities, transgender students must be allowed to participate in such activities and access such facilities consistent with their gender identity.13

☐ **Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.14 A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.15

☐ **Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport.16 A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (i.e., the same gender identity) or others’ discomfort with transgender students.17 Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students’ participation on the competitive fairness or physical safety of the sport.18

☐ **Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, nonvocational elementary and secondary schools may offer nonvocational single-sex classes and extracurricular activities under certain circumstances.19 When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.

☐ **Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including nonvocational elementary and secondary schools, and private undergraduate colleges.20 Those schools are therefore permitted under Title IX to set their own sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women’s college from admitting transgender women if it so chooses.

☐ **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities.21 Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.

☐ **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex.22 But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student’s voluntary request for single-occupancy accommodations if it so chooses.23
Other Sex-Specific Activities and Rules. Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (e.g., in yearbook photographs, at school dances, or at graduation ceremonies).

4. Privacy and Education Records
Protecting transgender students’ privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students’ educational rights or opportunities by failing to take reasonable steps to protect students’ privacy related to their transgender status, including their birth name or sex assigned at birth.

Nonconsensual disclosure of personally identifiable information (PII), such as a student’s birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA). A school may maintain records with this information, but such records should be kept confidential.

Disclosure of Personally Identifiable Information from Education Records. FERPA generally prevents the nonconsensual disclosure of PII from a student’s education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information. Even when a student has disclosed the student’s transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may violate FERPA and interfere with transgender students’ right under Title IX to be treated consistent with their gender identity.

Disclosure of Directory Information. Under FERPA’s implementing regulations, a school may disclose appropriately designated directory information from a student’s education record if disclosure would not generally be considered harmful or an invasion of privacy. Directory information may include a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. School officials may not designate students’ sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy. A school also must allow eligible students (i.e., students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student’s directory information.

Amendment or Correction of Education Records. A school may receive requests to correct a student’s education records to make them consistent with the student’s gender identity. Updating a transgender student’s education records to reflect the student’s gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.

- Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student’s education records that is inaccurate, misleading, or in violation of the student’s privacy rights. If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the
record with the requestor’s comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.33

- Under Title IX, a school must respond to a request to amend information related to a student’s transgender status consistent with its general practices for amending other students’ records.34 If a student or parent complains about the school’s handling of such a request, the school must promptly and equitably resolve the complaint under the school’s Title IX grievance procedures.35

* * *

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

Sincerely,

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


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

4. 34 C.F.R. §§ 106.4, 106.31(a). For simplicity, this letter cites only to ED’s Title IX regulations. DOJ has also promulgated Title IX regulations. See 28 C.F.R. Pt. 54. For purposes of how the Title IX regulations at issue in this guidance apply to transgender individuals, DOJ interprets its regulations similarly to ED. State and local rules cannot limit or override the requirements of Federal laws. See 34 C.F.R. § 106.6(b).


6. See Lusardi v. Dep’t of the Army, Appeal No. 0120133395 at 9 (U.S. Equal Emp’t Opportunity Comm’n Apr. 1, 2015) (“An agency may not condition access to facilities—or to other terms, conditions, or privileges of employment—on the completion of certain medical steps that the agency itself has unilaterally determined will somehow prove the bona fides of the individual’s gender identity.”).

7. See G.G., 2016 WL 1567467, at *1 n.1 (noting that medical authorities “do not permit sex reassignment surgery for persons who are under the legal age of majority”).

8. 34 C.F.R. § 106.31(b)(4); see G.G., 2016 WL 1567467, at *8 & n.10 [affirming that individuals have legitimate and important privacy interests and noting that these interests do not inherently conflict with nondiscrimination principles]; Cruzan v. Special Sch. Dist. No. 1, 294 F.3d 981, 984 (8th Cir. 2002) [rejecting claim that allowing a transgender woman “merely [to be] present in the women’s faculty restroom” created a hostile environment]; Glenn, 663 F.3d at 1321 (defendant’s proffered justification that “other women might object to [the plaintiff’s] restroom use” was “wholly irrelevant”). See also Palmure v. Sidoti, 466 U.S. 429, 433 (1984) (“Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.”); City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 448 (1985) (recognizing that “mere negative attitudes, or fear . . . are not permissible bases for” government action).

9. See, e.g., Resolution Agreement, In re Downey Unified Sch. Dist., CA, OCR Case No. 09-12-1095, (Oct. 8, 2014), www.ed.gov/documents/press-releases/downey-school-district-agreement.pdf (agreement to address harassment of transgender student, including allegations that peers continued to call her by her former name, shared pictures of her prior to her transition, and frequently asked questions about her anatomy and sexuality); Consent Decree, Doe v. Anoka-Hennepin Sch. Dist. No. 11, MN (D. Minn. Mar. 1, 2012), www.ed.gov/ocr/docs/investigations/05115901-d.pdf (consent decree to address sex-based harassment, including based on nonconformity with gender stereotypes); Resolution Agreement, In re Tehachapi Unified Sch. Dist., CA, OCR Case No. 09-11-1031 (June 30, 2011), www.ed.gov/ocr/docs/investigations/09111031-b.pdf (agreement to address sexual and gender-based harassment, including harassment based on nonconformity with gender stereotypes). See also Lusardi, Appeal No. 0120133395, at *15 (“Persistent failure to use the employee’s correct name and pronoun may constitute unlawful, sex-based harassment if such conduct is either severe or pervasive enough to create a hostile work environment”).


12 34 C.F.R. §§ 106.32, 106.33, 106.34, 106.41(b).

13 See 34 C.F.R. § 106.31.

14 34 C.F.R. § 106.33.

15 See, e.g., Resolution Agreement, In re Township High Sch. Dist. 211, IL, OCR Case No. 05-14-1055 (Dec. 2, 2015), www.ed.gov/ocr/docs/investigations/more/05141055-b.pdf (agreement to provide any student who requests additional privacy “access to a reasonable alternative, such as assignment of a student locker in near proximity to the office of a teacher or coach; use of another private area (such as a restroom stall) within the public area; use of a nearby private area (such as a single-use facility); or a separate schedule of use.”).

16 34 C.F.R. § 106.41(b). Nothing in Title IX prohibits schools from offering coeducational athletic opportunities.

17 34 C.F.R. § 106.6(b), (c). An interscholastic athletic association is subject to Title IX if (1) the association receives Federal financial assistance or (2) its members are recipients of Federal financial assistance and have ceded controlling authority over portions of their athletic program to the association. Where an athletic association is covered by Title IX, a school’s obligations regarding transgender athletes apply with equal force to the association.

18 The National Collegiate Athletic Association (NCAA), for example, reported that in developing its policy for participation by transgender students in college athletics, it consulted with medical experts, athletics officials, affected students, and a consensus report entitled On the Team: Equal Opportunity for Transgender Student Athletes (2010) by Dr. Pat Griffin & Helen J. Carroll (On the Team), https://www.ncaa.org/sites/default/files/NCLR_TransStudentAthlete%282.pdf. See NCAA Office of Inclusion, NCAA Inclusion of Transgender Student-Athletes 2, 30-31 (2011), https://www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf (citing On the Team). The On the Team report noted that policies that may be appropriate at the college level may “be unfair and too complicated for [the high school] level of competition.” On the Team at 26. After engaging in similar processes, some state interscholastic athletics associations have adopted policies for participation by transgender students in high school athletics that they determined were age-appropriate.

19 34 C.F.R. § 106.34(a), (b). Schools may also separate students by sex in physical education classes during participation in contact sports. Id. § 106.34(a)(1).

20 20 U.S.C. § 1681(a)(1); 34 C.F.R. § 106.15(d); 34 C.F.R. § 106.34(c) (a recipient may offer a single-sex public nonvocational elementary and secondary school so long as it provides students of the excluded sex a “substantially
equal single-sex school or coeducational school”).
23 See, e.g., Resolution Agreement, In re Arcadia Unified. Sch. Dist., CA, OCR Case No. 09-12-1020, DOJ Case No. 169-12C-70, (July 24, 2013), www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf (agreement to provide access to single-sex overnight events consistent with students’ gender identity, but allowing students to request access to private facilities).
24 See 34 C.F.R. §§ 106.31(a), 106.31(b)(4). See also, In re Downey Unified Sch. Dist., CA, supra n. 9; In re Cent. Piedmont Cmtv. Coll., NC, supra n. 11.
25 34 C.F.R. § 106.31(b)(7).
29 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.
32 34 C.F.R. § 99.20.
34 See 34 C.F.R. § 106.31(b)(4).
35 34 C.F.R. § 106.8(b).
National PTA Resolution on LGBTQ+ Individuals as a Protected Class June 30, 2016

Whereas, All children and youth should be able to attend school in a safe and inclusive environment free from discrimination, and that history has shown that civil rights laws are effective in contributing to such environments; and

Whereas, Explicit federal statutory protections currently address discrimination on the basis of race, color, national origin, sex, disability, but not sexual orientation or gender identity; and

Whereas, The lack of awareness and understanding of issues facing LGBTQ+ children and youth has contributed to a higher rate of isolation, depression, and suicidal ideations or attempts; and

Whereas, Education regarding LGBTQ+ issues increases understanding and cultivates acceptance of and respect for LGBTQ+ children and youth; and

Whereas, Harassment and bullying policies that specifically mention sexual orientation, gender identity and gender expression are associated with: students feeling more safe; lower levels of bullying; decreased incidents of harassment related to sexual orientation; increased teacher/staff intervention; and a greater reporting of incidents; now therefore be it

Resolved, That National PTA support current civil rights legislation[1], Department of Education guidance[2], and Department of Justice guidance[3] regarding guidance and protecting all children and youth, and ensuring their equal access to education; and be it further

Resolved, That National PTA seek and support legislation that specifically recognizes LGBTQ+ as a protected group and addresses discrimination based upon sexual orientation, gender identity and gender expression; and be it further

Resolved, That National PTA encourage state, local units, and councils to review school policies in regard to bullying and support revisions and amendments to those policies that specifically address the topics of sexual orientation and gender identification/expression as they relate to harassment and bullying; and be it further

Resolved, That National PTA and its constituent associations seek and support legislation that creates a safe, supportive and accepting environment in schools, specifically with
training for educators and other school related professionals to support all students, updated health education standards that deal with the issues of sexual orientation, gender identity, and gender expression; and be it further

Resolved, That National PTA work with the Department of Education to encourage states to incorporate standards regarding age-appropriate, medically accurate and culturally sensitive information on LGBTQ+ issues into existing health and other appropriate curricula.

NEA 9-Point Resolution on LGBTQ+ Individuals – July 4, 2016

The National Education Association shall implement an action plan to prevent acts of discrimination and violence targeted at people who are perceived or identify as lesbian, gay, bisexual, transgender or questioning (LGBTQ+). This plan will include:

1. calling upon our members and society to take action to promote a culture of safety, support, affirmation that ensures civil rights and advocacy for LGBTQ+ members and students;
2. promoting the full dignity and humanity of all of our students and members; and
3. addressing the underlying issues that promote a culture of escalating intolerance and acts of violence.

Pursuant to this action plan, NEA will join the national effort to counter the widespread discrimination against individuals who are LGBTQ+ by:

1. Encouraging and supporting state and local affiliates to join efforts to enact and defend national and state legislation combating discrimination on the basis of sexual orientation or gender identity and expression.
2. Partnering with Civil Rights and LGBTQ+ Rights organizations to identify, create (as needed), and disseminate resources and materials to address the unique needs of ethnic minority LGBTQ+ students and educators.
3. Supporting and promoting Gay, Lesbian and Straight Education Network's (GLSEN) annual Day of Silence to symbolize the silencing effect of anti-LGBTQ+ bullying and harassment.
4. Supporting the pending legal challenges to newly enacted state laws that purport to license discrimination against LGBTQ+ individuals including:
   i. the pending challenge to North Carolina’s H.B. 2, which prohibits access to restrooms in accordance with one’s gender identity, prohibits localities from extending protections to LGBTQ+ individuals, and eliminates a state remedy for discrimination of any type prohibited by state law;
   ii. the soon to be brought challenge to Mississippi’s H.B. 1523, which purports to license discrimination by public and private actors based on three specific religious beliefs about marriage; and
   iii. other challenges to similar state laws. Such support would consist of joining the cases as an amicus or other appropriate action and publicizing those challenges through existing NEA communication vehicles.
5. Calling on the U.S. Department of Education to enforce Title IX’s prohibition against discrimination as it pertains to North Carolina or any other state that takes similar steps to prohibit restroom access based on gender identity, unless and until those states commit to ensuring that all students, including transgender students, have access to restrooms in accordance with their gender identity.
6. Continuing to raise awareness among NEA members and affiliates of the rights and protections available to LGBTQ+ staff and students by broadly circulating and publicizing through existing NEA communication vehicles, the guidance developed by the NEA Office of General Counsel on religious exemption laws (including so-called religious freedom restoration acts and religious opt-out bills) as well as the NEA supported “Schools in Transition: A Guide to Support Transgender Students in K-12 Schools,” and further legal guidance on transgender student issues.
7. Ensuring that all contracts for NEA meetings contain explicit requirements that all meeting vendors may not discriminate against any NEA member or attendee based on that individual’s sexual orientation or gender identity.

8. Continuing to work with state affiliates and the LGBTQ+ community in states and localities impacted by the ongoing backlash in order to raise awareness of, and support ongoing local and state efforts to reverse the backlash.

9. Developing and implementing by October 2016 a comprehensive plan to combat the backlash, which will consist of legal, communications and coordination with state affiliates and partner organizations to support rapid response at the state legislative level to such discriminatory initiatives and continued legal and communications support for the pending challenges to those initiatives.

Rationale/Background

In light of the recent murder of 49 Latino and Black LGBTQ+ people in Orlando and with some states passing anti-LGBTQ+ laws promoting discrimination, it is imperative that NEA assume its leadership role in this human and civil rights issue.
AFT Resolution

School Safety and Educational Opportunity for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ+) Students

[July 19, 2016]

WHEREAS, LGBTQ+ students, nationally, are targeted with physical violence and experience a hostile school environment more frequently than their non-LGBTQ+ peers, and face additional challenges that threaten their health, safety and learning opportunities in schools; and

WHEREAS, LGBTQ+ students who are bullied, harassed or experience a hostile, stigmatizing or disrespectful environment are more likely to experience depression and anxiety, feel excluded from the school or college community, and experience lower academic achievement and stunted educational aspirations; and

WHEREAS, to ensure academic and developmental progress, all students deserve a safe, supportive educational environment where they are treated equally and fairly, respected for who they are as a person, protected from discrimination based on real or perceived sexual orientation, gender identity or gender expression, and have an opportunity to participate equally in all programs and activities; and

WHEREAS, adverse health and educational consequences for transgender students are even greater than those for LGB students, and, in a national report, 26 percent of transgender students were assaulted (e.g., punched, kicked or injured with a weapon) in school in the past year because of their gender expression; and

WHEREAS, LGBTQ+ students with intersecting marginalized identities (e.g., black gay males, LGBTQ+ students with disabilities) are at greater risk of negative emotional, health and educational achievement outcomes; and

WHEREAS, an individual’s gender identity is a defining aspect of his or her sex, and the U.S. Department of Justice and the Equal Employment Opportunity Commission have clarified that discrimination on the basis of gender identity or gender nonconformity is literally sex discrimination; and

WHEREAS, the Office for Civil Rights of the U.S. Department of Education offered clarification and guidance as to the issues of transgender students on May 13, 2016 (Examples of Policies and Emerging Practices for Supporting Transgender Students), which will be utilized to examine local policies and procedures for support of such pupils as well as adherence to Title IX structures; and

WHEREAS, the U.S. Department of Education has asserted a significant interest in ensuring that all students, including transgender students, have the opportunity to learn in an environment free of sex discrimination, clarifying that Title IX prohibits sex discrimination, including discrimination based on gender identity, gender nonconformity and sex stereotyping, and that transgender students must have access to programs and facilities consistent with their gender identity; and

WHEREAS, many jurisdictions have adopted policies or developed model guidance on providing safe and welcoming learning environments for LGBTQ+ youth, including the Michigan State Board of Education-proposed Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ+) Students, which specifically recommends that schools:

1. Implement anti-bullying policies explicitly protecting LGBTQ+ students;
2. Offer professional development opportunities on issues affecting LGBTQ+ students;
3. Support extracurricular clubs such as Gay-Straight Alliances;
4. Develop meaningful family engagement and support for families of LGBTQ+ students;
5. Integrate respect for human rights, including LGBTQ+ rights, across the curriculum;
6. Provide developmentally appropriate resources on LGBTQ+ issues (e.g., in libraries, faculty resources);
7. Collect and review data to identify disparities and barriers for LGBTQ+ students;
8. Designate a building-level staff person who is conversant in issues relating to sexual orientation, gender identity and gender expression; and
9. Adopt specific policies for ensuring transgender students are treated in a manner consistent with their gender identity, including:
   a. Using chosen name and pronouns;
   b. Changing name and gender in school records;
   c. Ensuring student privacy and confidentiality in disclosing private student information;
   d. Providing access to facilities and programs according to the student’s gender identity;
   e. Implementing gender-neutral dress codes; and
   f. Reviewing all gender-based activities; and

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:

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 in K-12 as well as postsecondary education, that specifically ensure that transgender students have equal access consistent with their gender identity to sex-segregated facilities and programs, and that include adoption of all of the policy recommendations as expressed in the Michigan State Board of Education-proposed Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ+) Students; and

RESOLVED, that the AFT and its affiliates will support the Office for Civil Rights guidance and demand its implementation at the district, institutional and state levels at pre-K through grade 12 schools as well as institutions of higher learning; and

RESOLVED, that the AFT and its affiliates will actively oppose the adoption, implementation or enforcement of policies or legislation at the district, state and federal levels that undermine the safety and education of LGBTQ+ students, or that limit transgender student access consistent with their gender identity to sex-segregated facilities or programs, or that otherwise discriminate against students or educational or school-related staff on the basis of sexual orientation, gender identity or gender nonconformity; and

RESOLVED, that the AFT and its affiliates will support inclusion of items relating to gender identity, gender expression and sexual orientation in school data collection (e.g., the Oregon Youth Risk Behavior Study) to identify, track and address health and achievement gaps in these at-risk youth; and

RESOLVED, that the AFT and its affiliates will support training for union members, staff and leadership, as well as all instructional staff, school-related personnel and administrators at the school, district, institutional and state levels, to deepen understanding of LGBTQ+ issues and policy implementation to support LGBTQ+ students, including training specific to the needs of transgender and gender-nonconforming students; and
RESOLVED, that the AFT press states to adopt measures that ensure transgender people full participation in society, including the right to use facilities in accordance with their gender identities, creating a state that is a safe and welcoming place where communities can recognize the talents and skills of all their residents, regardless of gender identity or expression.

(2016)

Please note that a newer resolution, or portion of a resolution, may have superseded an earlier resolution on the same subject. As a result, with the exception of resolutions adopted at our most recent AFT convention, resolutions do not necessarily reflect current AFT policies. - See more at: http://www.aft.org/resolution/school-safety-and-educational-opportunity-lesbian-gay-bisexual-transgender#sthash.hRKQ7wGk.dpuf
APPENDIX P

Create Safe & Supportive Environment
- Manage Classes to Prevent Bullying
- Set rules for climate of respect.
- Stop Bullying on the Spot.
- Intervene NOW. It’s OK to get another adult’s help. Don’t talk to them together, don’t make them apologize on the spot.
- Find Out What Happened
- Get facts separately. Listen without judging. If they don’t call it out “bullying” while finding out what happened.
- Support the Kids Involved
- All kids—of bullied, bully others, or see bullying—can be affected. Support them to stop it and minimize efforts.
- Make no assumptions.
- Use inclusive language.
- Post safe school & safe space posters.
- Let others know you are an ally of LGBTQ and gender fluid people.

Stop bullying...