

# MIAMI-DADE COUNTY PUBLIC SCHOOLS

2021-2022

## GUIDELINES FOR PROMOTING SAFE AND INCLUSIVE SCHOOLS



*Supporting and Affirming LGBTQ+ Students  
School Operations and Division of Student Services*

## Table of Contents

I.	Miami-Dade County Public Schools Guidelines for Promoting Safe and Inclusive Schools .....	3
a.	Current Laws Supporting LGBTQ+ Youth .....	4
b.	Compelling Facts .....	6
II.	M-DCPS School Allies for Equity Network (SAFE Network) .....	7
a.	SAFE Network Mission Statement .....	7
b.	SAFE Network Program Elements.....	7
III.	Shared Understanding – Definition .....	8
IV.	Guidance to Support Transgender and Gender Expansive Students .....	9
a.	Names and Gender Pronouns .....	9
b.	Student Records.....	10
c.	Privacy and Confidentiality .....	10
d.	Restrooms .....	10
e.	Locker Rooms or Changing Facilities.....	10
f.	Physical Education Classes, and Intramural Sports .....	10
g.	Interscholastic Sports .....	10
h.	Dress Code .....	11
i.	Gender Based Activities or Practices .....	11
j.	Overnight Fieldtrips .....	11
V.	Public/Private Transitions .....	11
VI.	Guidance to Support Lesbian, Gay, Bisexual, Transgender and Queer Youth. ....	12
a.	Creating Safe Environment for LGBTQ+ Students .....	12
b.	“Coming Out” .....	13
c.	Prom, Dance and Graduations.....	14
d.	Dress Code .....	14
e.	Anti-LGBTQ+ Language .....	15
f.	Creating Affirming Spaces with GSA Club .....	16
VII.	Research .....	16
VIII.	Best Practices .....	17
IX.	Helpful Documents.....	19
a.	SAFE Network Gender Support Plan.....	19
b.	Anticipating Parental Concerns: Questions and Answers .....	22

### Acknowledgements

This guide was made possible with the research and resources from the following organizations.

*National Support:* United States Department of Education, Trevor Project, GLSEN, Schools in Transition, and American Academy of Pediatrics

*Neighboring Districts:* Broward, Volusia, and Hillsborough

## MIAMI-DADE COUNTY PUBLIC SCHOOLS

### GUIDELINES FOR PROMOTING SAFE AND INCLUSIVE SCHOOLS

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

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

The purpose of this guide is to bring awareness to the needs of LGBTQ+ students. The guide is intended for district, school administrators, teachers, and staff and offers useful information, procedures and protocols that are aligned to our school board policies. This guide does not include all district/school board policies and procedures related to bullying, harassment, and discrimination. For more information regarding our school board policies, please visit <https://www3.dadeschools.net/SchoolBoard/policies/home>

This guide includes ways to affirm the rights of LGBTQ+ students to learn in an environment free of discrimination and harassment, to choose when and how to come out and to express who they are and what they believe. It strived to ensure that transgender students in particular can choose restrooms and locker rooms and be addressed with names and pronouns that reflect the gender with which they identify.

This document is intended to support schools in fulfilling our shared obligation to promote the dignity, respect, and equity of LGBTQ+ and all students. It is not intended to serve as legal advice or to advance any particular viewpoint.

## CURRENT LAWS SUPPORTING LGBTQ+ YOUTH

The regulations and opinions concerning this matter are new and evolving. The following provides background concerning the federal, state, and local policies regarding this topic.

### FEDERAL LAW

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

The 14th Amendment guarantees all person's 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 (which includes being deliberately indifferent anti-LGBTQ+ harassment). If a public school official deliberately ignores anti-gay or anti-transgender peer abuse or fails 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.<sup>1</sup>

#### Title IX of the Education Amendment Acts of 1972

At least one court has held that Title IX of the Education Amendment Acts of 1972 prohibits discrimination based on gender in education programs and activities that receive federal financial assistance.<sup>2</sup> Complaints of harassment can be filed with the U.S. Department of Education, and the Office of Civil Rights has pursued actions against school districts. According to Executive Order on Preventing and Combating Discrimination Based on Gender Identity or Sexual Orientation issued on January 20, 2021, Title IX sex discrimination prohibition extends to claims of discrimination based on sexual orientation and gender identity. Title VII of the 1964 Civil Rights Act prohibits sex discrimination in employment, and courts have utilized the Title VII analysis in interpreting Title IX claims.

#### First Amendment of the U.S. Constitution

Providing for free speech, can include expression of gender identity. In the seminal case *Tinker v. Des Moines*, the U.S. Supreme Court ruled that students don't "shed their constitutional rights to freedom of speech at the schoolhouse gate." ... The only times 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)

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<sup>1</sup> *Adams v. School Board of St. Johns County*, 3 F. 4th 1299-, 2021 WL 2944396, at \*1 (11th Cir. July 14, 2021) (holding differential treatment on the basis of gender identity to be prohibited by the 14th Amendment).

<sup>2</sup> *Grimm v. Gloucester County School Board*, 972 F.3d 586, 618 (4th Cir. 2020), *cert. denied* --- S. Ct. ---, 2021 WL 2637992 (June 28, 2021).

## STATE LAW

### Section 760.01, Florida Statutes

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

### Section 1000.05, Florida Statutes

Section 1000.05, Florida Statutes, the Florida Education Equity Act,<sup>3</sup> prohibits discrimination against student and employees in the Florida K-20 public education system on the basis of race, ethnicity, national origin, gender, disability, or marital status. Florida state law does not currently prohibit discrimination on the basis of sexual orientation, gender identity, or gender expression. However, local governments are permitted to implement more inclusive regulations.

### Section 1006.147, Florida Statutes

Enacted in May 2008, the Jeffrey Johnston Stand Up for All Students Act<sup>3</sup> 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 gives the individual school districts discretion in enumerating specific categories (i.e., race, disability, sexual orientation, etc.) for which bullying is specifically prohibited.

The law provides that “distribution 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.”

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

#### Section 6A-10.081(1)(a)

The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

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

Obligation to the student requires that the individual... [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

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<sup>3</sup> Jeffrey Johnston was a 15-year-old Cape Coral, FL, student who committed suicide after enduring more than two years of bullying.

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.

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

#### DISTRICT POLICIES

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

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

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

#### COMPELLING FACTS

The Trevor Project's 2021 National Survey on LGBTQ+ Youth Mental Health<sup>4</sup> sheds light on many of the challenges currently affecting LGBTQ+ youth in our nation.

- 42% of LGBTQ+ youth seriously considered attempting suicide in the past year, including more than half of transgender and gender nonbinary youth.
- 75% of LGBTQ+ youth reported they experienced discrimination based on their sexual orientation or gender identity at least once in their lifetime.
- 72% of LGBTQ+ youth reported symptoms of generalized anxiety disorder in the past two weeks, including more than 3 in 4 transgender and nonbinary youth.

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<sup>4</sup> Trevor Project 2021 National Survey on LGBTQ+ Youth Mental Health is available online at <https://www.thetrevorproject.org/survey-2021/>

- 62% of LGBTQ+ youth reported symptoms of major depressive disorder in the past two weeks, including more than 2 in 3 transgender and nonbinary youth.

## M-DCPS SAFE NETWORK

The SAFE Network<sup>5</sup>, formerly known as the Sexual Minority Network, is a program in Miami-Dade County Public Schools, Division of Student Services that educates and creates comprehensive programs that support the healthy development of our LGBTQ+ youth. All M-DCPS schools are required to have a designated liaison who receives specialized professional development focused on building expertise in program development and delivery of these comprehensive services. The program has been supporting students, parents, and school staff for 28 years.

### Mission Statement

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

### Program Elements

The following services are provided with the focus of increasing resiliency, self-esteem, and school/social/familial supports.

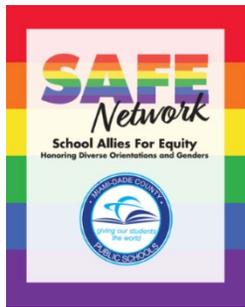
- Individual Therapy
- Community Resource Information
- Group Therapy
- Gender and Sexuality Alliances
- Family counseling
- Social Networking Opportunities

M-DCPS wants to ensure that staff, students and parents are aware of LGBTQ+ support and resources available within our schools. To that aim, all schools are encouraged to post SAFE Network materials, such as, Safe Space Stickers and SAFE Network posters in visible common areas. To request LGBTQ+ SAFE Network materials, please reach out to SAFE Network at (305) 995-1778.

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<sup>5</sup> Miami-Dade County Public Schools Division of Student Services SAFE Network  
<http://studentservices.dadeschools.net/#!/fullWidth/3675>

## 1. Visibility Poster



## 2. Safe Space Sticker



## SHARED UNDERSTANDING – DEFINITIONS

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

Many terms used in this document may not be commonly known.

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

**Gender:** Complex relationship between physical traits and one's internal sense of self as male, female, or neither (gender identity) as well as one's gender expression (outward presentation and behaviors).

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

**Gender identity:** A person's deeply held internal sense or psychological knowledge of that person's own gender, regardless of the biological sex that was assigned at birth.

**Gender expansive:** Refers to people who do not follow other people's ideas or stereotypes about how they should look, or act based on the biological sex they were assigned at birth.

**LGBTQ+:** Acronym for Lesbian = Gay = Bisexual = Transgender = Queer/Questioning and additional communities. (See [HRC Glossary Terms](#) for more information)

**Outing:** The act of revealing a person's LGBTQ+ status to others, including parents without permission. Under no circumstance should someone out someone else without that person's permission.

**Sex assigned at birth:** A person's biological sex is a combination of bodily characteristics, including chromosomes, hormones, internal and external genitalia, and secondary sex characteristics. At birth, infants are assigned a sex, usually male or female, based solely on the appearance of their external anatomy.

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

**Transgender:** Is a general term used to describe people whose gender identity differs from the sex they were assigned at birth.

**Transition:** The process through which transgender people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.

**Non-Binary:** People who do not feel that certain classifications and/or pronouns, such as “girl” and “boy”, describe their identity. They may feel like both or neither of the terms typically used to describe gender corresponds with their identity. They sometimes use pronouns such as “they”, “them”, and “theirs”.



## GUIDANCE TO SUPPORT TRANSGENDER AND GENDER EXPANSIVE STUDENTS

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

Districts make important decisions regarding policies and practices to promote student safety and support, with equal access to all programs, services, and facilities provided by school districts. All M-DCPS students must be treated equally and fairly, free from discrimination, harassment, and bullying based on their real or perceived sexual orientation, gender identity, and gender expression. This commitment to equal and fair treatment includes transgender and gender expansive students, and applies to all district operations, programs, and activities.

These recommendations facilitate district compliance with local, state, and federal laws, while furthering the goals of cultivating and sustaining caring, supportive, respectful, and affirming learning environments that provide for the education, safety, and welfare of all students. This section provides the most common and foundational support for transgender students in schools and provides practical steps to implement them; however, it does not anticipate every situation that might occur. The unique needs and concerns of each student should be addressed on a case-by-case basis with a student-centered approach that includes the ongoing engagement of the student, the parent/guardian, as appropriate, and school personnel with a legitimate educational interest per the Family Education Rights and Privacy Act (FERPA)<sup>6</sup>.

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

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<sup>6</sup> Family Educational Rights and Privacy Act (FERPA) <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

In the event you have questions or concerns, please reach out to the SAFE Network at (305) 995-1778.

**Names and Gender Pronouns:** School staff should address students by their chosen name and pronouns that correspond to their gender identity, regardless of whether there has been a legal name change. District generated student email address should also reflect the student's chosen name, if the first names are identifiable in such addresses. Upon request, the chosen name should be included in the District's Student Information System (DSIS), to accompany the student's legal name. Changes made to DSIS will only be reflected on non-legal documents (including but not limited to gradebook, student identification badge, and student portal). These changes inform all staff, including substitute teachers, of the name and pronoun to use when addressing the student, and help avoid inadvertent disclosures.

While the district is able to make accommodations to student records, there are limitations to legal documents. Legal documents (including, but not limited to, transcripts, testing, IEP and 504 plans) will remain with the student's legal name. Although the legal name will be reflected in some documents, schools can still take measures not to out a student in public or limit the number of people who need that information. For instance, during a testing situation a best practice would be to place the student with a teacher that already knows the student. When an IEP or 504 plan is being prepared, another best practice would be to include teachers who already work with the student and will not use the student's legal name. Florida law provides a process for people to seek a legal name change.

**Student Records:** When requested, schools should engage in reasonable and good faith efforts to change current unofficial student records (e.g., class and team rosters, yearbooks, school newspapers, and newsletters) with a student's chosen name to promote consistency among teachers, substitute teachers, school administrators, and other school staff. Parents/guardians, or students who are age 18 or older, also have the right to seek amendment to the school records (per FERPA) if their records are deemed "inaccurate, misleading, or in violation of the student's privacy."

**Privacy and Confidentiality Regarding Disclosures:** Transgender and gender expansive students have the right to decide when, with whom, and to what extent they share private information. When contacting the parent/guardian of a transgender or gender expansive student, school staff should use the student's legal name and the pronoun corresponding to the student's assigned sex at birth, unless the student or parent/guardian has specified otherwise.

**Restrooms:** Students should be allowed to use the restroom in accordance with their gender identity. Alternative and non-stigmatizing options, such as an all-gender or single user restroom (e.g., staff bathroom), should be made available to students who request them, but not presented as the only option. Reviewed on a case-by-case basis, any student who has a need for increased privacy, should be given access to a single-user restroom. <sup>7</sup> Currently, M-DCPS has provided guidance to all schools on identifying single stall restrooms in their buildings that will be designated as the gender-neutral bathroom. The signage on this bathroom reads STUDENT TOILET along with the respective room number with images of a wheelchair, female figure and male figure.

**Locker Rooms or Changing Facilities:** A student should not be required to use a locker room that does not align with that student's gender identity. Locker room usage should be determined using the guiding principles of safety and honoring the student's gender identity and expression. Some options to consider include: a change in schedule; or use of a private area in the facility (e.g., nearby restroom stall with a

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<sup>7</sup> In the event the school does not have such a facility, reasonable effort should be made to accommodate the student's needs

door, or an area separated by a curtain). Reviewed on a case-by-case basis any student who has a need or desire for increased privacy, regardless of the underlying reasons, may request the options listed above.

**Physical Education Classes and Intramural Sports:** Unless contrary to federal or state law students should be allowed to participate in physical education classes and intramural sports in accordance with their gender identity.

**Interscholastic Sports:** On July 1, 2021, the “Fairness in Women’s Sports Act” was passed in Florida, requiring that interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members: Males, men, or boys; Females, women, or girls; or Coed or mixed, including both males and females. Athletic teams or sports designated for males, men, or boys may be open to students of the female sex. Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex. A statement of a student’s biological sex on the student’s official birth certificate is considered to have correctly stated the student’s biological sex at birth if the statement was filed at or near the time of the student’s birth.

**Dress Code:** Students should have the right to express their gender at school, within the parameters of the school’s dress code, without discrimination or harassment. The school’s dress code should be gender-neutral and not restrict a student’s clothing choices on the basis of gender. In the event that the dress code has differing expectations or practices based on gender, as reviewed on a case-by-case basis, students should be permitted to dress in accordance with their gender identity.

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

**Overnight Field Trips:** When considering overnight accommodations, situations should be assessed on a case-by-case basis, seeking solutions that are inclusive, respectful, and acceptable to the student and do not impose an additional expense or burden on the student. A transgender student’s comfort level with sleeping arrangements will largely dictate the manner in which related issues are addressed. This should be handled delicately, respectfully, and with assistance from your school administrator and the District’s SAFE Network.

## PUBLIC/PRIVATE TRANSITIONS

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

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

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

To assist schools in responding to questions, negative reactions, or concerns about a student's public gender transition, without speaking about the specific student, school staff may use the following talking points to respond:

- *Miami Dade County Public Schools, being the 4<sup>th</sup> largest schools district the nation, draws from a diverse pool of individuals from all over the world. We are proud to recognize that students and adults from varying backgrounds, cultures, and identities are working and being educated in our system."*
- *Our district values include the tenets that all students will learn when their individual needs are met, that the diversity of our community is valuable and embraced, and the assurance of equitable education and resources.*
- *We also know that there are many unique opportunities for our district to demonstrate respect and affirmation to our diverse staff, families, and students.*
- *Non-discrimination and inclusivity are valued and expressed through several Miami-Dade County Public School policies (refer to page 3 for more information on our School Board policies). Each policy includes the protected categories of gender identity and gender expression.*

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

Administrators, teachers, and staff should show respect and understanding to students who are open about their sexual orientation or gender identity. Students have the right to control who in their family knows about their LGBTQ+ status. School administrators, teachers and staff should not disclose or disseminate information to parents/guardians about a student's identity without that student's consent. It is the staff's responsibility to ensure student's privacy and safety.

### CREATING A SAFE ENVIRONMENT FOR LGBTQ+ STUDENTS

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

- Intercepting anti-LGBTQ+ slurs.

- Supporting students who are navigating the delicate process of “coming out,” while at the same time keeping information confidential (to preserve students’ privacy rights).
- Ensuring dress codes and social events (i.e., proms, dances and graduations) accommodate the needs of the LGBTQ+ community.

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

As stated above, laws such as FERPA prohibit government officials from disclosing information about a person’s sexual orientation or gender identity, except under limited circumstances. The expression of sexual orientation and gender identity is an innately personal choice. Thus, care should be taken regarding incautious disclosures.

Always remain aware of your legal duty to report suspicions of child abuse or neglect to the Department of Children and Families. Department of Children and Families 1-800-96 ABUSE. (Briefing ID #: 31077)

### **“Coming Out”**

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 that LGBTQ+ youth commonly experience parental rejection because of their sexual orientation or gender identity. Indeed, studies <sup>8</sup> have shown 30% of LGBTQ+ youth are victims of physical violence by a family member after they come out or their sexual orientation is disclosed. This same study reports 26% of LGBTQ+ youth are forced from their homes because of conflicts with their families over sexual orientation or gender identity. It is reported that 32% of these youths who are forced out of their homes experience physical, emotional, or sexual abuse at home over their sexual orientation or gender identity.

The degree to which teachers and administrators need to be sensitive about this issue, cannot be overstated. LGBTQ+ students have a right to be out if they choose, and not all students come out at the same time, at the same age, or in the same way.

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

Student should never be “outed” without their input and consent. All efforts should be taken to keep a student’s private information confidential.

- Students should be advised of any disclosures of sexual orientation or gender identity they have not expressly permitted.
- Take steps to ensure that a student’s sexual orientation or gender identity is known or documented that the information is safe and confidential.

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<sup>8</sup> Youth.gov- Child Welfare <https://youth.gov/youth-topics/lgbtq-youth/child-welfare>

If a student comes out to school staff or educators, that is a sign of trust that should be respected. The student should be asked and counseled on when, how, or if that information will be shared.

- Reaffirm the student's identity.
- Show respect for trust shown in coming out to you.
- Ask if they have any concerns or fears related to their safety or well-being as a result of their identity.
- Ask questions to show your support and interest in their well-being.
- Be an advocate.
- Help connect them to resources and extra support.

It is a privilege when a student trusts you enough to come out to you. It is up to you to prove yourself worthy of that trust. Barring extenuating circumstances in which you fear for the student's safety, value confidentiality above all else. If you need additional support, please contact your school's administrator or the District's SAFE Network at (305) 995-1778.

### **PROMS / DANCES / GRADUATIONS**

Actions excluding same-sex couples from proms and dances, as well as actions taken as a pretext for such discrimination, may violate students' rights to free expression and association. Schools may set general dress standards for prom, such as the requirement of formal attire, but may not dictate that only biological males may wear tuxedos, and only biological females may wear dresses.

### **DRESS CODES**

Some students may want to wear gender-nonconforming attire to school, to the prom, or to graduation ceremonies. 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. Clothing cannot be qualified as disruptive simply because a teacher or administrator personally considers the message to be offensive; the clothing must cause substantial disruption to the school.

## ANTI-LGBTQ+ LANGUAGE

Statistics show that anti-LGBTQ+ slurs and bias toward gender expansive youth are abundant in our schools, regardless of whether the target of the slur is actually LGBTQ+ or is just perceived as such. Here are some guidelines for intervening when such language is used.<sup>9</sup>

### **Stop it by intervening:**

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

### **Don’t Ignore It:**

- Bullying and harassment<sup>10</sup> does not go away on its own.
- Ignoring name-calling and hurtful teasing allows it to continue and possibly get worse.
- If other students do not see action, they get the message there is nothing wrong with it.
- Students may also feel unprotected from facing similar harassment.

### **Educate:**

- If you have the time and opportunity to educate on the spot, do it. If you don’t, make time later.
- If you have been hearing the phrase “That’s gay” or “no homo,” take time during class to make sure that your students know what “gay” means and know why it is hurtful to use as a comment or put-down.

### **Be Proactive:**

- Develop an environment of respect and caring for all students in your school and classroom using inclusive language, books, and other materials. (October is LGBTQ+ History Month)

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<sup>9</sup> What Do you Say to ‘That’s So Gay & Other Anti-LGBTQ+ Comments?

<https://welcomingschools.org/resources/stop-thats-so-gay-anti-lgbtq-comments>

<sup>10</sup> M-DCPS Student Code of Conduct- <http://ehandbooks.dadeschools.net/policies/90/>

## CREATING AFFIRMING SPACES WITH GSA CLUBS

Gay-Straight Alliances (GSAs) are student clubs, similar to clubs such as the Drama Club or Key Club that allow students with a common interest to get together and have events or discussions about that interest. GSAs are made up of students of any sexual orientation and gender identity, and many GSA members are straight-identifying youth. GSAs can be support groups, or educational or civic clubs dedicated to making the school and community a safer space for all individuals. Under the Federal Equal Access Act<sup>11</sup> (20 U.S.C. §§ 4071-74), a public school permitting any non-curricular club (meaning, a club that does not directly relate to a class taught at school) must also allow students to form a GSA. In addition, under the Equal Access Act, the school must treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.

## RESEARCH

Children typically begin expressing their gender identity between the ages of two and four years of age, around this age, transgender children often express their gender identification to their family members and caregivers through behaviors like dressing in clothing and engaging in activities consistent with their gender identity. Even at that young age, transgender children are often insistent and persistent about their gender, differentiating their behavior from a phase or imaginative play.<sup>12</sup>

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

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

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

Not all LGBTQ+ students are equally affected by these risk factors. LGBTQ+ students with intersecting, marginalized identities (e.g., black transgender females, LGBTQ+ students with disabilities) are at greater risk of negative outcomes. M-DCPS recognizes the role that power, privilege, discrimination, and oppression play in creating disparities that exist between LGBTQ+ students and their peers, and that only by addressing the underlying structural inequities will the existing disparities in academic achievement and health outcomes be eliminated.

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

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<sup>11</sup> Congress Archive Equal Access Act- <https://www.congress.gov/bill/98th-congress/house-bill/5345>

<sup>12</sup> Ensuring Comprehensive Care and Support for Transgender and Gender Diverse Children and Adolescents <https://pediatrics.aappublications.org/content/pediatrics/142/4/e20182162.full.pdf>

## BEST PRACTICES

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

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

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

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

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

**Encourage respect for the human and civil rights of all people, including those who are LGBTQ+, across the curriculum.** Research shows that inclusion of LGBTQ+ topics in curricula is correlated with students feeling safer in school, regardless of sexual orientation or gender identity. Schools are encouraged to have

relevant and age appropriate content throughout the curriculum, in areas such as social studies, English language arts, creative arts, and health education, including sex education.

**Provide developmentally appropriate information about LGBTQ+ issues in school libraries and in student and faculty resource centers.** School libraries should include a selection of high-interest LGBTQ+ books and media. Computer-filtering software should not inhibit age-appropriate access to medical and social information. Schools are encouraged to review the computer-filtering protocol to ensure that students and other school community members can access information related to LGBTQ+ youth, local and national resources, and LGBTQ+ health information.

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

**As indicated in the Student Services School Profile, schools must designate a SAFE Network Liaison, who is willing to work with students on issues related to sexual orientation, gender identity, and gender expression.** The principal will identify a student services staff member to serve in the role of SAFE Liaison and attend quarterly trainings to receive specialized professional development focused on building expertise in program development and delivery of comprehensive services. Program elements include: the provision of individual, group, and family counseling services; community resource information; support groups and social networking opportunities; and providing or coordinating anti-bullying prevention and educational activities. These services are provided with the focus of increasing resiliency, self-esteem, and school/social/familial supports. Student's report feeling safer at school when they know where to go for information or support regarding LGBTQ+ issues, or when they have a trusted school staff person available. This person may assume a leadership role in working with LGBTQ+ students and their families, educate the school community regarding these topics, serve as the point person for the building, work closely with the district Title IX Coordinator, and be a liaison to M-DCPS.

- Provide professional development for faculty and staff with a focus on increasing resiliency and school/social/familial support to transgender students.
- Include topics in faculty and staff meetings or trainings on key terms related to gender identity and expression; the development of gender identity; experiences of transgender and gender expansive students; ways to support transgender students and how to improve school climate for transgender and gender expansive students.
- Engage in regular professional development and training to build a school climate that avoids gender stereotyping and affirms the gender of all children.
- Provide a safe space for the student to disclose their gender identity to the administration, counselor, or unsupportive parents.
- Provide counseling services for the whole family, connect them to local resources or other parents of transgender or gender-expansive youth.

Use a Student Gender Support Plan to systematically address various aspects of a transgender or gender expansive student's experiences at school. It is designed to ensure that the school, student and parents (when appropriate) are all on the same page and have shared expectations about how the specific, gender-based needs of the student will be met

Helpful Documents

**School Allies for Equity (SAFE) Network**

**Gender Support Plan**

**Questions Administrators and Counselors Should Ask Themselves**

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1. Ask student for name and pronouns.

**Parent/Guardian Involvement**

2. Are guardians of this student aware and supportive of their child's gender transition?

**Confidentiality, Privacy and Disclosure**

3. How public or private will the information about this student's gender be?

If the student has asserted a degree of privacy, what are the expectations of the institution if that privacy is compromised? How will a teacher/staff member respond to questions about the student's gender from, other students, staff members, or parents/community?

**Student Safety**

4. Who will be the student's "go to adult on campus"?
5. If the person is not available who should the student go to?
6. What process will be in place for frequent monitoring of the student and/or their family?
7. What are the expectations in the event the student is feeling unsafe and how will student seek assistance?

**Names, Pronouns and Student Records**

8. What name and pronouns will be used when referring to the student?
9. What adjustments can be made to protect the student's privacy?
10. Who will be the point person to ensure these adjustments are made and communicated as needed?
11. Who will handle instances when the incorrect name and pronouns are used?
12. How will the student's privacy be accounted for and maintained in the following situations or contexts?
  - During registration
  - Completing enrollment
  - With substitute teachers
  - Standardized tests
  - School photos
  - IEP/Other Services
  - Student Cumulative File
  - After-school programs

- Lunch lines
  - Taking attendance
  - Teacher gradebook
  - Official school-home communication
  - Unofficial school-home communication
  - Outside district personnel providers
  - Summons to the office
  - Yearbook
  - Student ID
  - Distribution of texts/or other school supplies
  - Assignment of an IT account
  - PA announcement
13. If the student's guardians are not aware and supportive of the child's gender status, how will school-home communication be handled?
14. What are some other ways the school needs to anticipate information about this student's preferred name and gender marker potentially being comprised? How will these be handled?

#### **Use of Facilities**

15. Which restroom(s) on campus will the student use?
16. Which place on campus will the student change clothes?
17. If the student has concerns about facilities, who will be the contact person?
18. What are the expectations regarding use of facilities for any class trip?
19. What are the expectations regarding rooming for any overnight trip?
20. Are there any questions or concerns about the student's access to facilities?

#### **Extracurricular Activities**

21. Does the student participate in an after-school program?
22. What steps will be necessary for supporting the student there?
23. In what extracurricular program will the student be participating (sports, theatre, clubs, etc.)?
24. What steps will be taken to support the student there?

#### **Other Considerations**

25. Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for?
26. Does the student have any sibling(s) at school?
27. Are there lessons, units, content or other activities coming up this year to consider (growth and development, social justice units, name projects, dance instruction, Pride events, school dances, etc.)?
28. What training will the school engage in to build capacity for working with gender-expansive students?

#### **Support Plan Review and Revision**

29. How will this plan be monitored over time?

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

These questions will help implement a comprehensive and supportive environment for transgender and gender expansive youth. This document should be used as a guide to help staff identify issues that need to be addressed. Should you need to document any part of this plan, please do so on a Student Case Management Student Services Form (FM-3673). This plan is not to be placed in a student's cumulative file, as these files are accessible to other individuals.

\* Information above was extracted from Gender Spectrum's Gender Support Plan 2016.

\*Additional Resources can be found by visiting the [SAFE Network Website](#).

\* Questions regarding support should be directed to Gladys Duran, LCSW at [durang@dadeschools.net](mailto:durang@dadeschools.net) or (305) 995-1778.

## ANTICIPATING PARENTAL CONCERNS: QUESTIONS AND ANSWERS

Concerned parents should be reassured that discussions of LGBTQ+ issues are not about sex; rather they are about respecting the diverse people who make up our community. Teaching acceptance and an awareness of diverse families can be accomplished in age-appropriate ways. Parents and the community may have concerns about the discussion of sexual orientation and/or gender identity in a school setting. Below are sample questions and suggested answers.

**Q: Why are we spending time on LGBTQ+ topics and how does this impact schools?**

A: A common form of harassment at schools is targeting 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-LGBTQ+ bias, we create safe schools for all students, and teach respect for the diversity of the community at large.

**Q: How does this apply to us? There are no openly LGBTQ+ 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 and accessible for all students, as well as LGBTQ+ parents, caregivers, family member 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 exposed to LGBTQ+ issues. Children see marriage equality being discussed on national news broadcasts, and they watch TV and movies that discuss, but also satirize, and ridicule LGBTQ+ people. Our goal as educators is to confront stereotypes and address inappropriate language to make schools safe and accessible for all students and families.

**Q: What if the parents at our school aren't ready to be confronted with LGBTQ+ topics?**

A: Parents have the right to expect that their student receives a free appropriate public education; however, it is the District's primary responsibility to support the health, safety and welfare of all students. The District's Anti-Discrimination and Anti-Harassment Policies expressly prohibit the discrimination and harassment of students and staff on the basis of sexual orientation, gender identity, and gender expression.

**Q: What about the religious beliefs of our families?**

A: M-DCPS students and their families are entitled to their personal religious beliefs. The focus of the Guide is directed toward the outward conduct of our students and staff – fostering mutual respect to make our schools a safe place for all who enter.

**Q: There are few LGBTQ+ students and many other student issues; why focus on this?**

A: Insults and slurs about LGBTQ+ persons, or those who are perceived to be are common; harassment cannot be tolerated on any level. LGBTQ+ students come from all cultural, racial, and socio-economic backgrounds. These young people are more likely to attempt suicide than their straight-identifying counterparts and are more likely to be threatened or injured at school.