

**CREATING SAFE SCHOOLS
FOR ALL STUDENTS:**
Gender Diverse Student Guidelines
October, 2018



Superintendent of Schools

Todd Bowden

LGBTQIA Task Force Members

Katie H., Student

Brett M., Student

Geri M., Student

Sonia Figaredo-Alberts, Executive Director, Pupil Support Services

Debra Giacalone, Supervisor, Pupil Support Services

Peni Riedinger, Program Specialist, Student Services

Tim Gissal, School Psychologist, Student Services

Rachel Shelley, Principal, Booker High School

Harriet Moore, Principal, McIntosh Middle School

Erin Del Castillo, Principal, Riverview High School (2018)

Al Harayda, Employee Relations & Equity

Jody Dumas, Executive Director, Facilities

Tracey Cardenas, Program Manager, FDLRS

Bethany King, ESE Liaison (2018)

De Palazzo, Director, Equality Florida Statewide Safe Schools

Molly Swift, Assistant Director, ALSO Youth

*Denotes a change in position in 2018.

*Gender Diverse Student Guidelines adapted from
Broward Public Schools Diversity, Prevention and Intervention Department
and Hillsborough County Public Schools*

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I. Executive Summary

This guide will enhance ongoing efforts to make each Sarasota K-12 public school a safer place for all students – with particular emphasis on LGBTQIA community of students.

It further intends to improve the manner in which administrators go about implementing existing federal, state, local laws and policies concerning harassment and discrimination.

Our commitment is to promote a safe and productive learning environment for All students. Students who feel accepted at school are more highly motivated, engaged in learning and committed to achieving the best possible education.

The Task Force reviewed the School Board Policy Against Discrimination-Students 2.71. The Task Force agreed that no changes were necessary to the policy. The Task Force recommended to move forward with the presented document to Superintendent Todd Bowden, for consideration.

A. 2.71-Policy Against Discrimination – Students

POLICY AGAINST DISCRIMINATION – STUDENTS

2.71

- I. The School Board seeks to provide an educational environment free of discrimination and harassment on the basis of race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation. No student must tolerate such discrimination or harassment. The following are examples of prohibited harassment.
 - A. Harassment includes

Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation which has the purpose or effect of creating an intimidating, hostile or offensive educational environment; has the purpose or effect of unreasonably interfering with the individual's school performance or participation; or otherwise adversely affects an individual's educational opportunities.
 - B. Sexual Harassment includes
 1. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational opportunities; submission to or rejection of such conduct is used as a basis for educational decisions affecting the individual; or such conduct has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.
 2. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment, on the basis of sexual advances or requests for sexual favors.
- II. Any student who experiences discrimination or any such harassment should report it immediately pursuant to the *Equity Procedures for Students Manual*. The initiation of any discrimination or harassment complaint made in good faith by a student, or the involvement of any parties who assist in good faith with an investigation, will not be used as a basis for retaliation or actions that adversely affect the parties' standing in the School District.
- III. It is understood that harassment or discrimination based on a student's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation is a violation of state and federal laws and a breach of the School Board's *Code of Student Conduct*, which shall

be grounds for disciplinary action including but not limited to in-school suspension, out-of-school suspension, expulsion, or other disciplinary action and may also result in criminal penalties.

STATUTORY AUTHORITY: 1001.41, F.S. LAW(S)

IMPLEMENTED: 1000.05, 1001.43, F.S.
P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 *et seq.*

HISTORY: ADOPTED: 08/21/01
REVISION DATE(S): 04/07/09
FORMERLY: 2.120

NOTES:
Refer To: Equity Procedures for Students Manual

II. Gender Diverse Student Guidelines

- A. Glossary** (This list is not intended to be exhaustive, and only includes examples of some of the most common terms that school policies define.)

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

Asexual: A term used to describe someone who does not experience sexual attraction.

Biological Sex: A person's physical anatomy/genitalia.

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

Cisgender: A term used to describe a person whose gender identity is consistent with a person's biological sex.

Gay: 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 behavioral and cultural prescribed characteristics men and women are traditionally expected to embody. Gender includes one's gender identity and gender expression.

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.

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.

Gender-Nonconforming/Gender Variant: A person who has gender characteristics and/or behaviors that do not conform to traditional or societal gender expectations; for example, a girl that may be thought of as a "tomboy."

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 Transition: The process in which a person goes from living and identifying as one gender to living and identifying as another.

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 "LGBTQIA."

Lesbian: A Term used to describe a woman who is emotionally and physically attracted to another women.

LGBTQIA: A frequently used acronym that stands for Lesbian, Gay, Bisexual, Transgender, Questioning (or Queer), Intersex and Asexual.

Non-Binary: A non-binary person refers to anyone who does not exclusively identify as male or female. This term can include multiple gender identities, not limited to gender fluid.

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 his/her sexual orientation and/or gender orientation/identity.

Sex assigned at birth: The sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sexual orientation: A person's emotional and sexual attraction to another person.

Transgender: A term used to describe 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.

B. Pronouns

A transgender student shall be addressed by the name and gender requested. All relevant teachers and administrators and staff shall be informed of a transgender student's name and gender pronoun. The student's name and gender pronoun does not need to correspond to the student's birth certificate and other official records. It is up to the student, and the student alone, to share her/his/their identity. In the case of elementary-age students often the student and parent are involved, however, this is on a case by case basis.

C. Restroom Usage

All students, who want to use the restroom in accordance with their consistently asserted gender identity, will be provided the available accommodation that best meets the needs and privacy concerns.

No student shall be forced to use the universal restroom. Any student who attempts to abuse this procedure shall be subject to appropriate discipline.

Each school shall have at least one **universal/single stall** bathroom that shall be for the use of any student with access protocols determined by on-site school leaders and pertinent staff working with transgender students. School leaders and pertinent staff working with transgender students, in coordination with the Executive Director of Facilities Services, will develop and share best practices to ensure a safe and accommodating learning environment for all students.

D. Locker Rooms

All students, who want to use the locker room in accordance with their consistently asserted gender identity, will be provided the available accommodation that best meets the needs and privacy concerns. In reference to addressing privacy concerns and based on availability, such accommodations could include, but are not limited to, use of a curtained area. The following accommodations may be made for any student with privacy concerns (i.e., a bathroom stall with a door), a slightly modified schedule, or a separate changing schedule. School leaders and pertinent staff working with transgender students, in coordination with the Executive Director of Facilities Services, will develop and share best practices to ensure a safe and accommodating learning environment for all students.

E. Extra-curricular Activities

Students have the right to equitable access to activities and programs in their schools. Students shall not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of the students' gender identity.

F. Athletics

FHSAA has a policy pertaining to eligibility so you need to refer to their policy. We will follow the guidance of FHSAA.

G. Dress Code

Transgender students shall be permitted to wear clothing in accordance with the student's consistently asserted gender identity, but must still comply with the established dress code.

H. 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. School administration will directly guide the process. Administration will review case by case to determine how to work with all parties involved.

III. LGBTQIA QUESTIONS AND ANSWERS

Q: If a student requests to be called by a different name, how should the teacher proceed?

A: A teacher should honor the student's request and ensure that substitute plans reflect this request.

Q: When a student wants to use the restroom that corresponds to the student's consistently asserted gender identity how should we proceed?

A: All students, who want to use the restroom in accordance with their consistently asserted gender identity, will be provided the available accommodation that best meets their needs and privacy concerns.

Q: Can a school set up individual bathrooms specifically for transgender students?

A: A school cannot require transgender students to use their own private bathrooms unless it does the same for all students. But the guidance also suggests that schools are free to come up with alternate facilities – including faculty restrooms or single-user restrooms – and offer them to transgender students if they're more comfortable using them.

Q: How do you ensure student safety as pertains to bathrooms?

A: Safety is a top priority and SCPS works with students and staff every day to ensure safety. Any student misusing the bathroom procedures will face appropriate discipline determined on a case-by-case basis.

Q: Do students have the right to use the locker room that corresponds to the student's consistently asserted gender identity?

A: Yes. All students who want to use the locker room in accordance with their consistently asserted gender identity, will be provided the available accommodation that best meets the needs and privacy concerns. Accommodations that best meet the needs and privacy concerns of all students will be made in accordance with protocols set by on-site school leaders. Refer to the SCPS guidelines for additional reference addressing these concerns.

- Q:** Can a transgender student be permitted to wear clothing in accordance with the student's consistently asserted gender identity?
- A:** Yes. Transgender students shall be permitted to wear clothing in accordance with the student's consistently asserted gender identity, but must still comply with the established dress code.
- Q:** Is there a process in place for Day and Overnight field trips for transgender students?
- A:** The SCPS guidelines for Gender Diverse Students specifically state that school administration should honor transgender students' requests whenever possible and make adjustments to prevent the student from being marginalized because of alternative arrangements.
- Q:** What are the guidelines for athletics for transgender students?
- A:** FHSAA has a policy pertaining to eligibility so you need to refer to their policy. SCPS follows the guidance from FHSAA.
- Q:** Are there guidelines for students regarding extra-curricular activities ensuring that all students have the right to equitable access to activities and programs in their schools?
- A:** Yes. Students have the right to equitable access to activities and programs in their schools. Students shall not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of the students' gender identity. A student may choose to run for a title or office in the category of the student's consistently asserted identity.

IV. ADVANCING EQUITY: PROTECTING THE CIVIL RIGHTS OF OUR STUDENTS

TITLE VI: DISCRIMINATION BASED ON RACE, COLOR OR NATIONAL ORIGIN

- Ensuring Access to Equal Educational Opportunity
- Combating Discriminatory Discipline
- Ensuring Equal Opportunities for English Learners
- Protection the Equal Rights of All Students to Attend Public School Regardless of Immigration or Citizenship Status
- Preventing Discriminatory Assignment to Special Education Services
- Combating Bullying and Harassment on the Basis of Race, Color and National Origin
- Supporting Schools, Districts and Colleges that Voluntarily Pursue Racial Diversity

TITLE IX: DISCRIMINATION BASED ON SEX

- Sexual Harassment: Eradicating Sexual Violence
- Sexual Harassment: Combating Bullying and Harassment on the Basis of Sex
- Preventing Discrimination Based on Pregnancy or Parental Status
- Ensuring Equal Access to Athletic Opportunities and Benefits
- Employment Discrimination

SECTION 504 AND ADA TITLE II: DISCRIMINATION BASED ON DISABILITY

- Combating Disparities in School Discipline and Curbing Restraint and Seclusion in Public Elementary and Secondary Schools
- Ensuring a Free Appropriate Public Education (FAPE)
- Ensuring Equal Access to Comparable Educational Opportunities
- Providing Necessary Academic Adjustments for Postsecondary Students
- Safeguarding Accessibility to Appropriate Technology
- Ensuring Accessibility of Program, Services and Facilities
- Combating Bullying and Harassment on the Basis of Disability