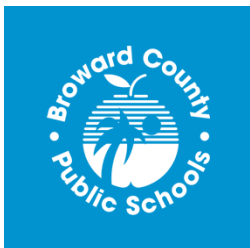


DIVERSITY, PREVENTION & INTERVENTION



Overview:

Lesbian, Gay, Bisexual,
Transgender and Questioning
(LGBTQ) Awareness, Sensitivity
and Practices



BROWARD COUNTY PUBLIC SCHOOLS

Objectives

- To bring awareness, sensitivity and initial understanding about the needs, challenges and resiliency of young people who identify as LGBTQ
- To identify federal and local laws and policies related to LGBTQ safety
- To highlight BCPS programs, procedures and practices for LGBTQ students, in particular inclusivity procedures for our transgender students
- To gain knowledge from a BCPS mom of a transgender son for the purpose of listening firsthand to a family's authentic message



Our Position

“Broward County Public Schools recognizes the need to promote safer schools and create more welcoming and affirming learning environments for lesbian, gay, bisexual, transgender and questioning students, their allies and students perceived to be LGBT.

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. The significance of this data cannot be underscored enough; **it is a call to action.**”

Robert W. Runcie



Emerging Issues, Emerging Needs

- Societal shifts
- U. S. government's "call to action"



- Transgender adult and students' voices
- Uptick in the media



- Gender binary challenged
- Younger gender identity incongruence



Emerging Issues, Emerging Needs

"Part of where I was brought up was where 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 Broward
Schools youth

- Gay Straight Alliance (GSA) increase
- Transgender youth suicide and mistreatment

"My mother---who I love--- did not want to hear that I was gay. No way. She made a scene. I was shocked and sad. It is not supposed to be in Haiti. What can I say?"

*-Jamesly Louis, 19 year
old student of Haitian
descent*

Intersections, Stressors, Identity...

- Society's "isms"
- Race, ethnicity, economics, gender, language, ability, etc.
- Minority stress

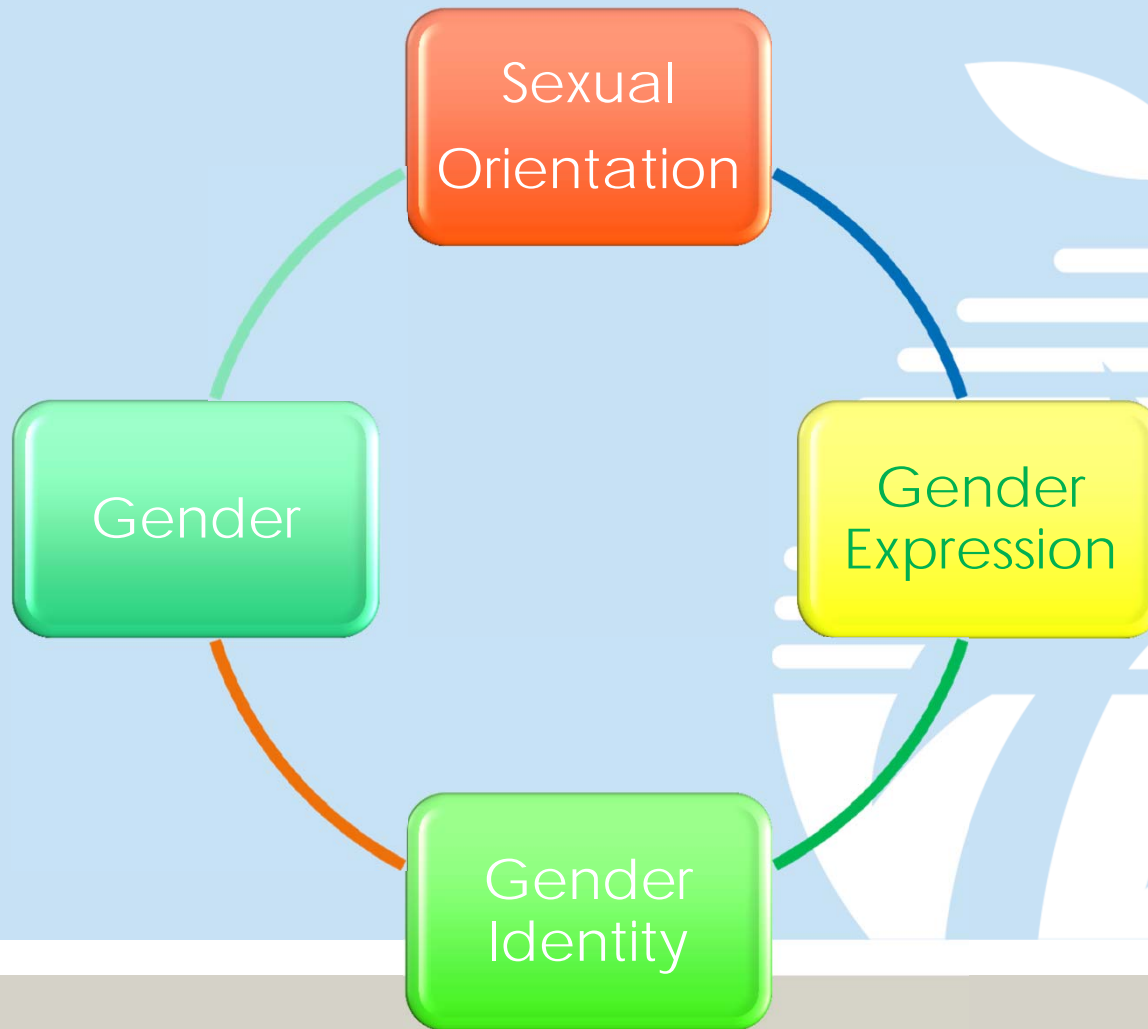


Our Charge as Professionals

- Legal, ethical, professional
- Exemplary inclusive and culturally competent services
 - Physical, mental, emotional well-being
 - Stability



Paradigm of Human Sexuality



Sexual Orientation

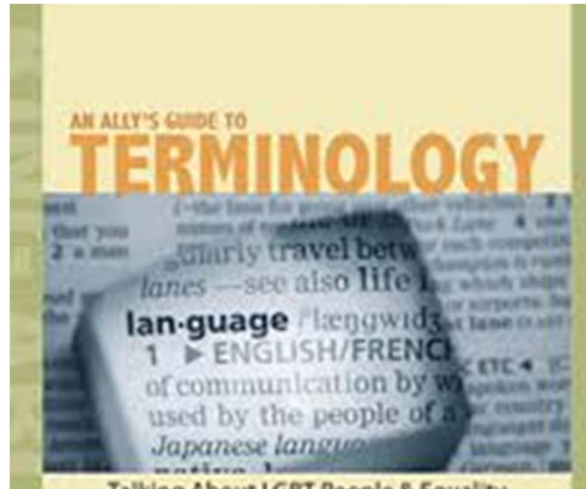
Research points to approximately 10 percent of our population identifying as lesbian, gay, bisexual or transgender.

- Early age
- Unfolding
- Choice or not?
 - Cause



Terminology

- Gay
- Pansexual



- Gender
- Gender Identity
- Gender Expression

- Gender Role
- Gender Nonconforming
- Gender Binary

- Cisgender
- Sex Assigned at Birth

- Transgender
- Social Transition

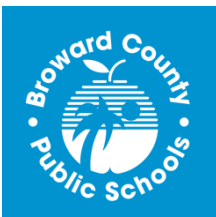
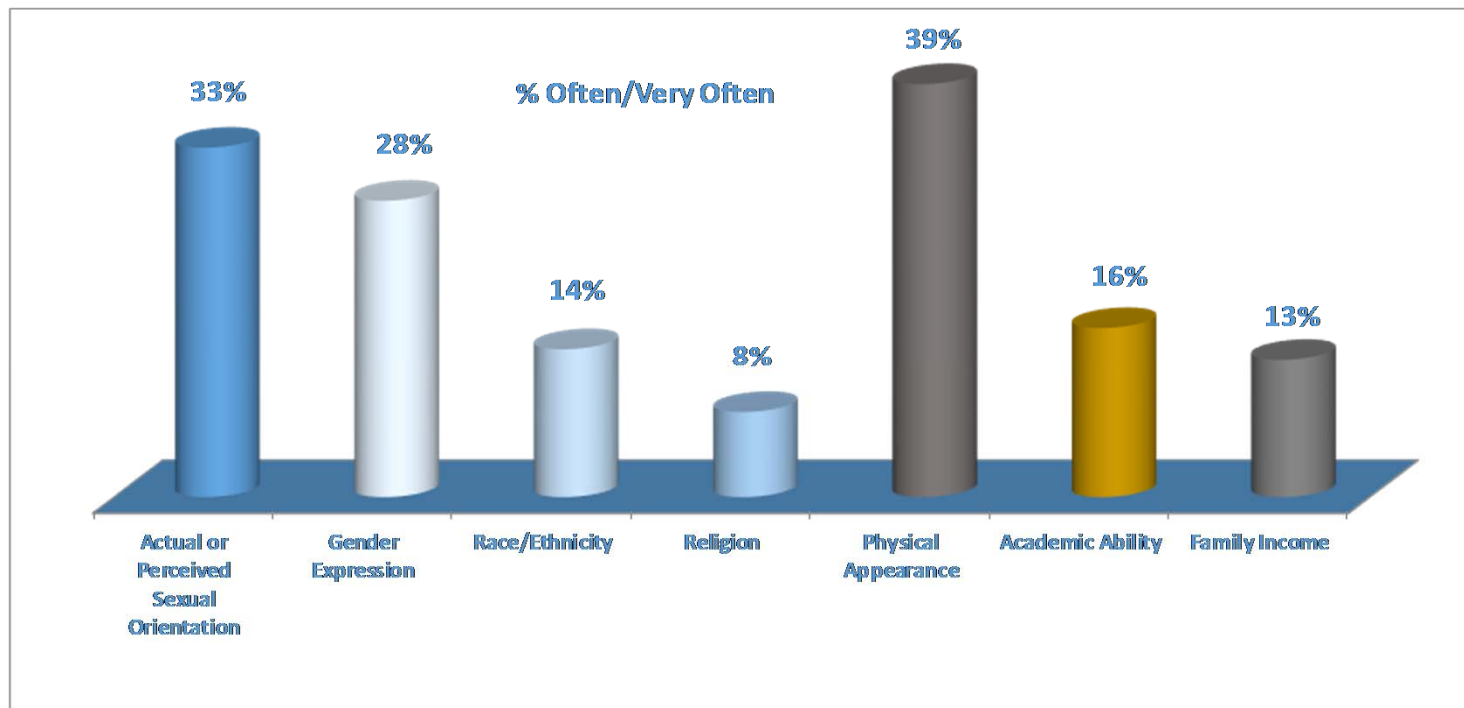
Which Students are LGBT?



Issues Facing LGBTQ Youth



Common Reasons for Harassment in Schools



SOURCE:

***FROM TEASING TO TORMENT: SCHOOL CLIMATE IN AMERICA,
A SURVEY OF STUDENTS AND TEACHERS***

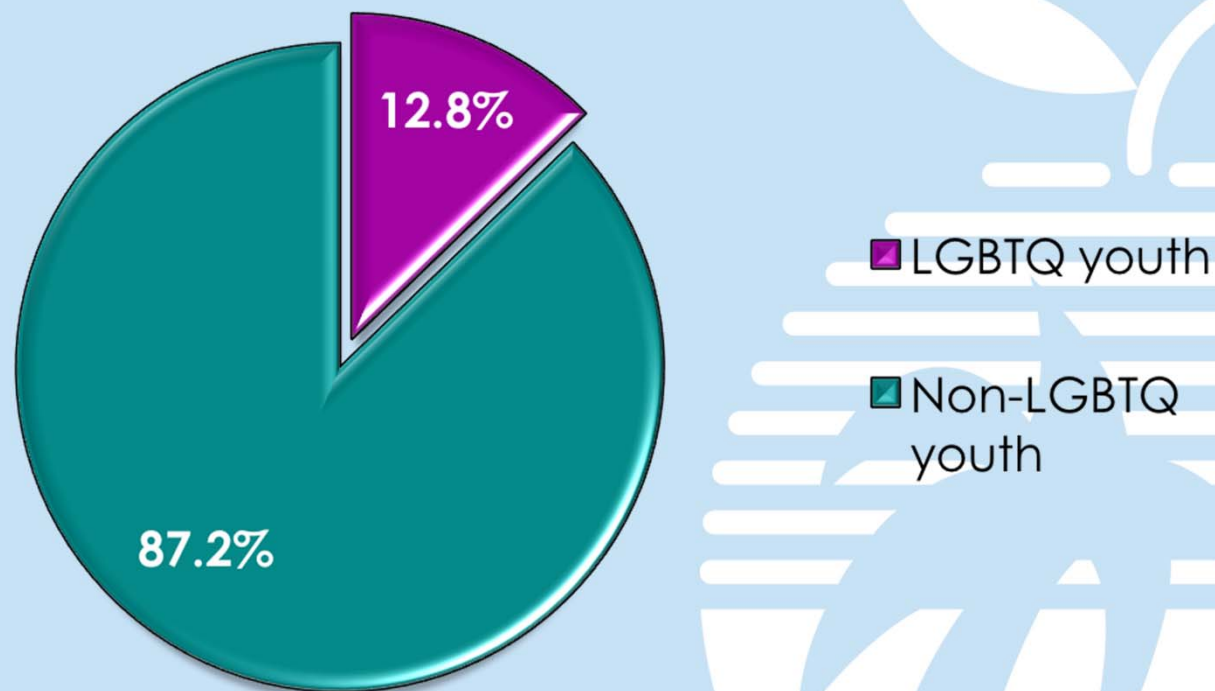
Findings About LGBTQ Youth Health and Safety

- Bias Based Language and Assaults
- Homophobic remarks
- Harassment
- Skipping school
- Homophobic educator remarks
- Higher Suicide Risk
- LGBTQ Homeless Youth
- BCPS Youth Risk Behavior Survey
- Youth Health & Climate Questionnaire: Seven BCPS High Schools



*SOURCE: 2013 GLSEN SCHOOL CLIMATE SURVEY-
8400 MIDDLE AND HIGH SCHOOL STUDENTS*

**Youth Health and Climate Questionnaire:
7 BCPS High Schools, January 2015: (N=11,681)
LGBTQ youth**



The Cost of Family Rejection: Rejecting, Ambivalent and Accepting Families

Suicidality (8.4 x)
Depression (5.9 x)
Drug use (3.4 x)
Unsafe sex (3.4 x)
Homelessness (2 to 4x)
School Drop Out (2 to 4x)
Pregnancy (2 x)



Caitlin Ryan, 2008

Major Barriers Facing LGBTQ Students

Loss of Support
and
Rejection from Key
Relationships

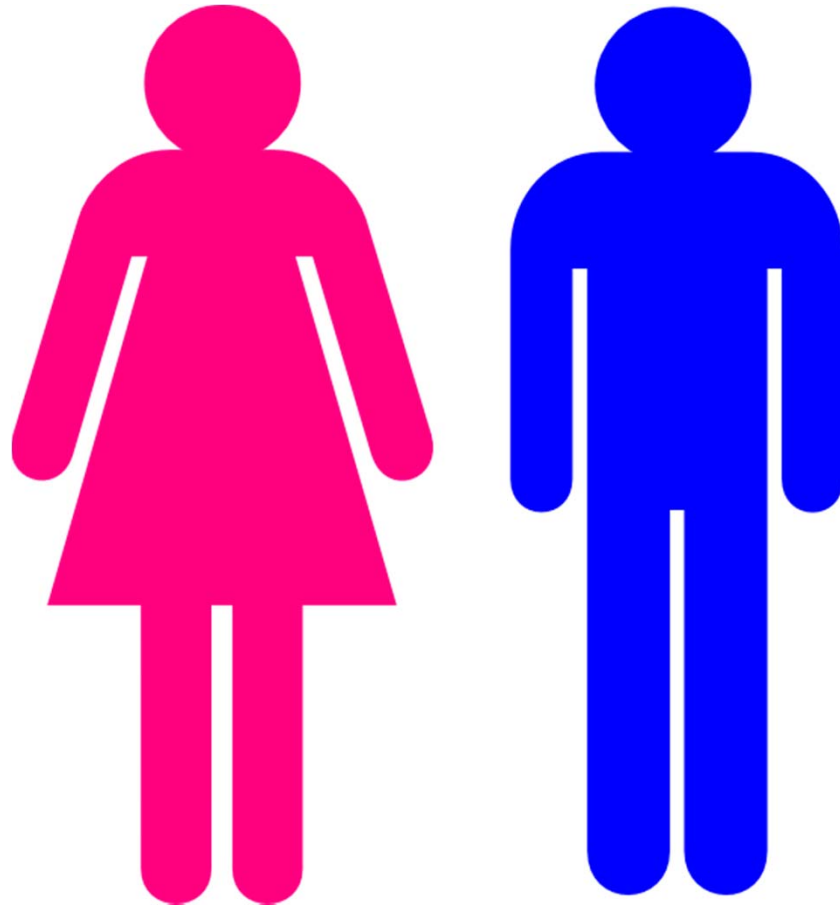
Fear of Harassment
and Invisibility

Major Barriers

This---Contributes to
**internal
conflict...**

How Do I
Manage a
Stigmatized
Identity?

What is Transgender?



Gender is Not Always...

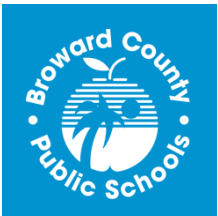
Binary-two parts: Male and female, with all aligned

Body: Assigned at birth

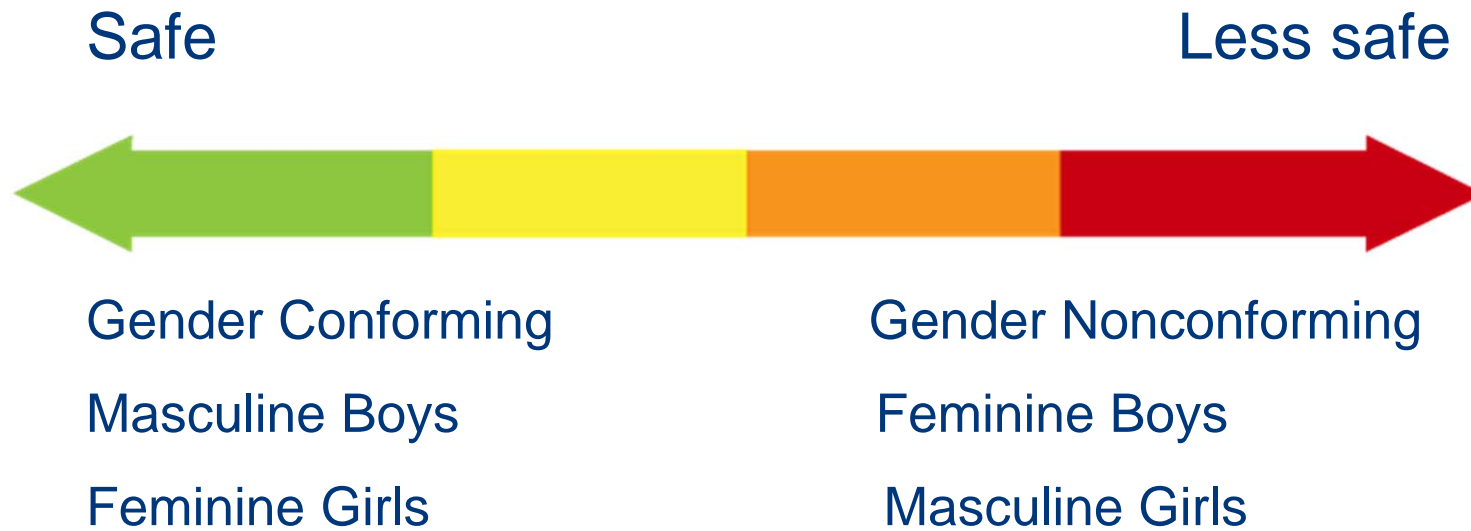
Gender: male/female, including gender role, gender expression and gender identity

Orientation: Expected to be for the opposite gender

This is not always the case!

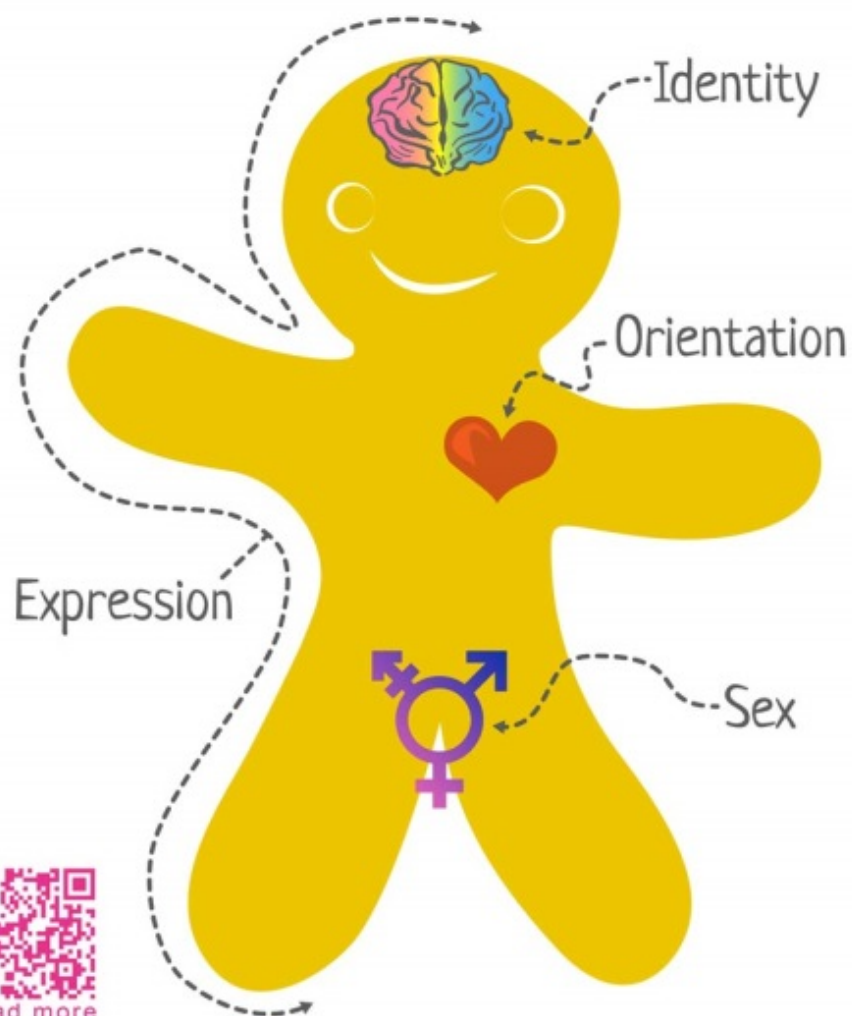


Gender



The Genderbread Person

by www.ItsPronouncedMetrosexual.com



Gender Identity

Woman

Genderqueer

Man

Gender identity is how you, in your head, think about yourself. It's the chemistry that composes you (e.g., hormonal levels) and how you interpret what that means.

Gender Expression

Feminine

Androgynous

Masculine

Gender expression is how you demonstrate your gender (based on traditional gender roles) through the ways you act, dress, behave, and interact.

Biological Sex

Female

Intersex

Male

Biological sex refers to the objectively measurable organs, hormones, and chromosomes. Female = vagina, ovaries, XX chromosomes; male = penis, testes, XY chromosomes; intersex = a combination of the two.

Sexual Orientation

Heterosexual

Bisexual

Homosexual

Sexual orientation is who you are physically, spiritually, and emotionally attracted to, based on their sex/gender in relation to your own.



Transgender Youth

- Harassment and assaults
- Resources



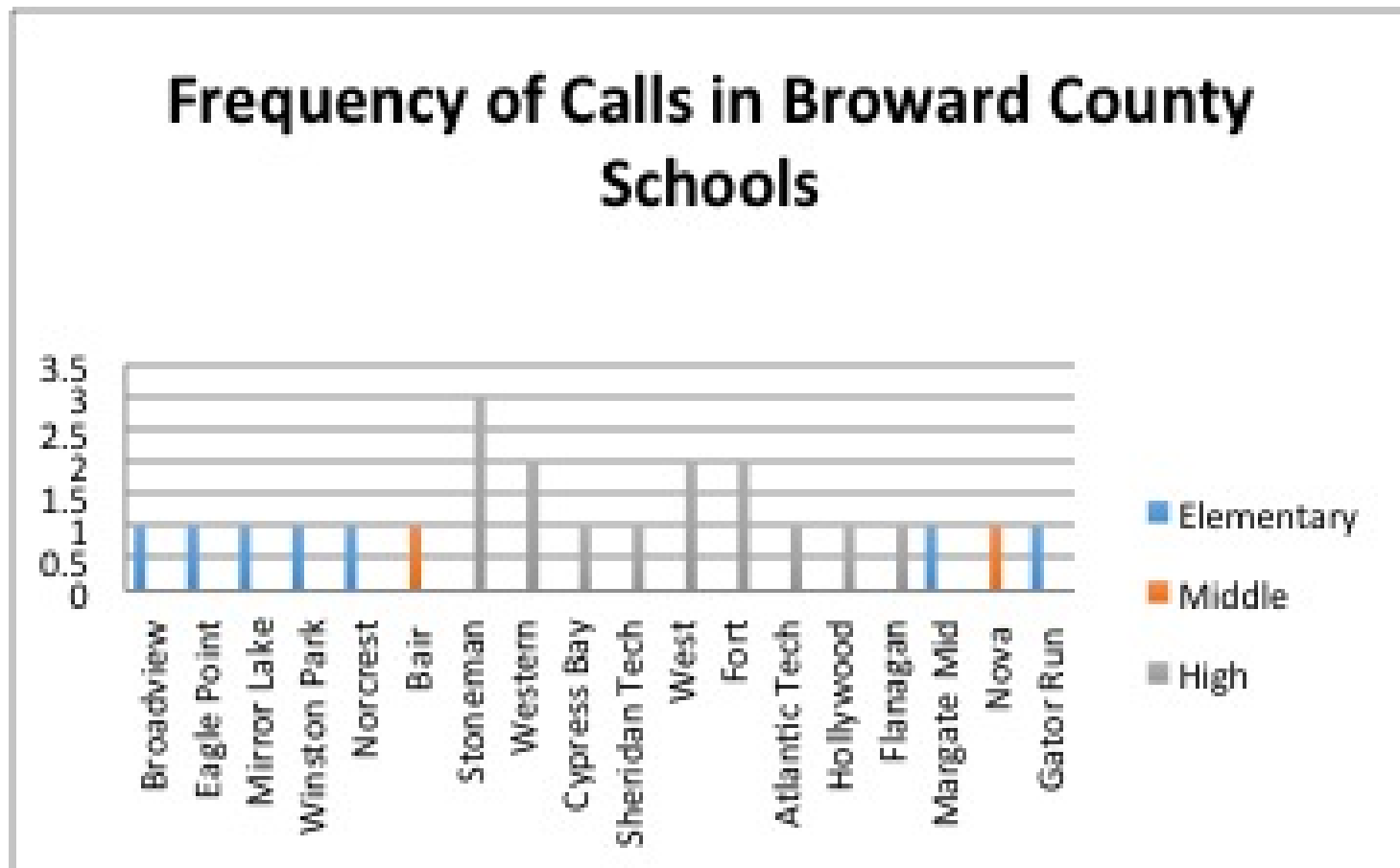
- Birth names/Preferred names
- Dress and gender expression

- Restroom facilities
- Misunderstanding

Insistently, persistently and consistently knows on a deep level that their gender is different from their natal sex.

- ...but not in Broward!

School Requests / Transgender Services



Risk Factors for Transgender Youth

“I get an occasional threat. At school, I’ve been asked what boy parts do I have or what my real name is or what does my real voice sound like.”

- Broward student who is transgender

- Suicide attempts
- Bullying
- Physical assault

“I need teachers to create safe places for me and other transgender students in our classrooms.”

Broward student who is transgender



- Homelessness
- Poverty



Relevant Laws and District Policies

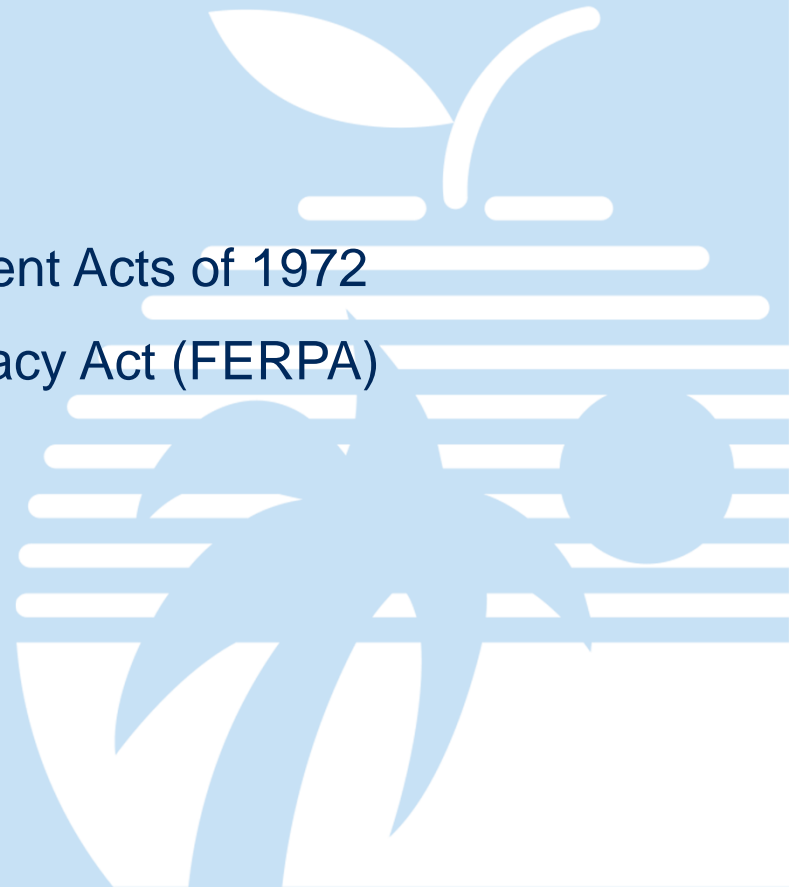
We have a legal, ethical and professional responsibility to protect our children and ensure they learn in the safest environments.



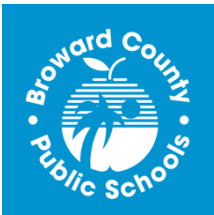
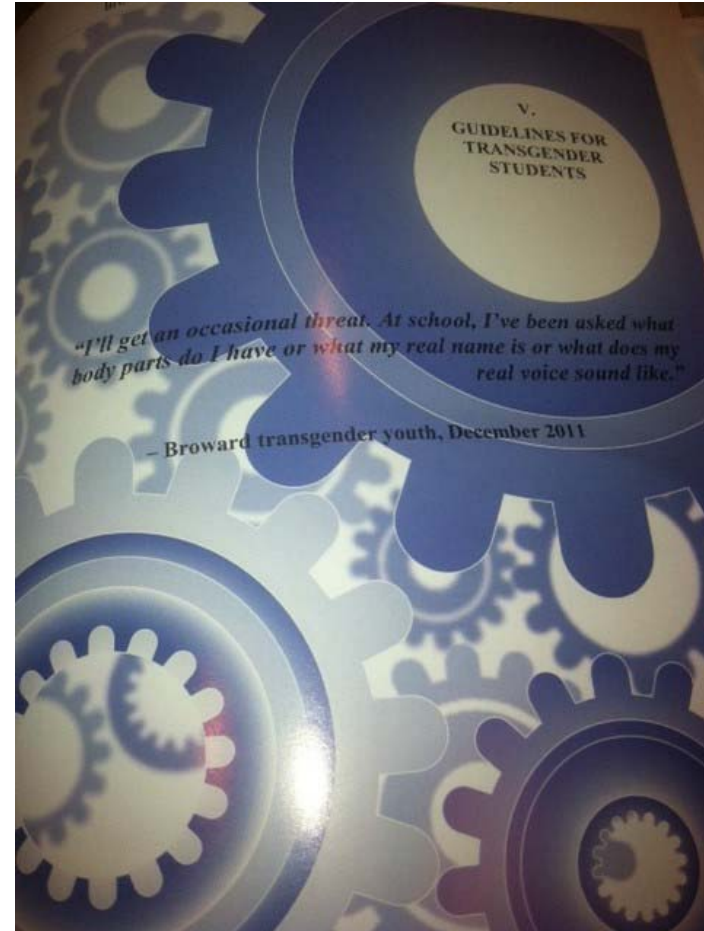
Relevant BCPS Policies

LGB and Transgender Safety

- Anti-bullying Policy 5.9:
- Nondiscrimination Policy 4001.1
- Diversity Policy 1.5
- Title IX of the Education Amendment Acts of 1972
- Family Education Rights and Privacy Act (FERPA)
- Fourteenth Amendment
- First Amendment
- Case Law



Browardprevention.org



Broward LGBTQ Programs and Practices

What are “best practices” and culturally competent programs and actions that will enable LGBTQ and gender nonconforming students to stabilize their lives and promote resiliency?

- Ongoing Professional Development
- Ongoing Gay-Straight Alliance Support
- LGBTQ Safe Badge Designees District Wide

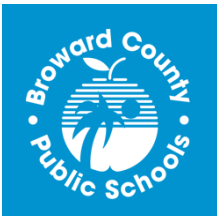
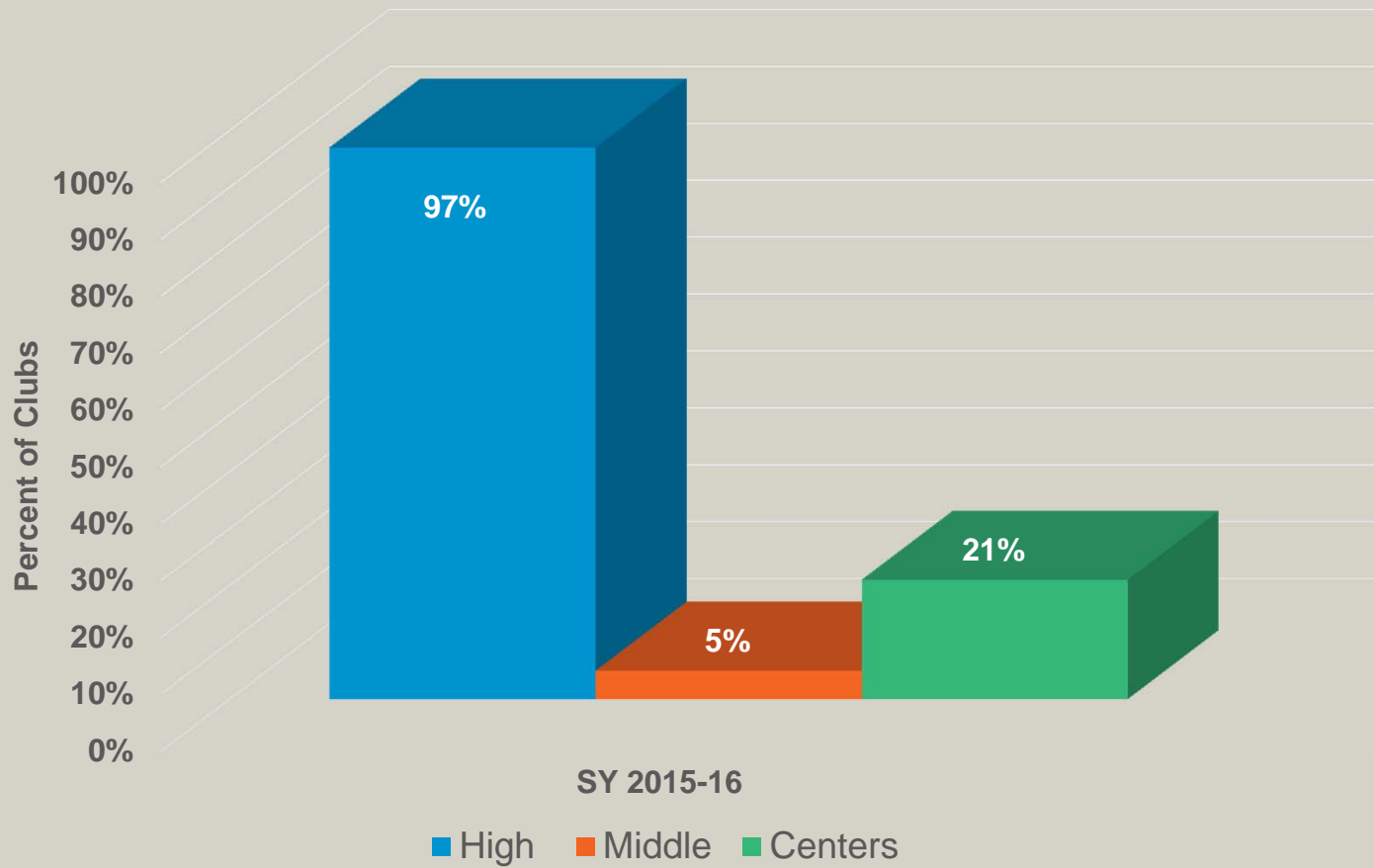
- LGBTQ Mentoring It Better Program
- BCPS Safe Space Posters and Stickers
- Cadre of LGBTQ Collaborative Peer Mentors
- Transgender Procedures Rollout

- LGBTQ Critical Support Guide and Emmy-nominated Video
- Welcoming Schools in all Elementary Schools
- Statewide Conference “All Together Now”
- Safe To Be Me Coalition with Student Rep

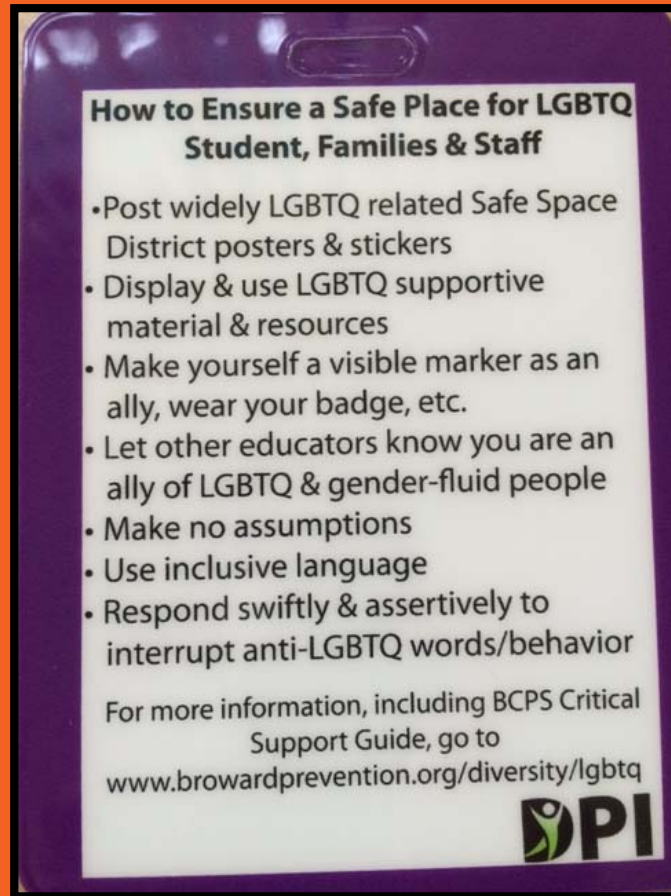


- GLSEN for Out Staff and Allies
- Collaboration with Psycho-social Nonprofits
- Broward and Statewide PTA Professional Development

BCPS Gay-Straight Alliance Clubs



LGBTQ Designee Safe Badges

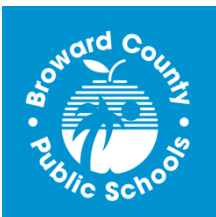


Safe Space Posters and Stickers



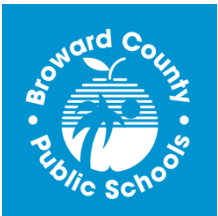
District LGBTQ Collaborative Peer Mentors

- Michelle Kefford, Principal: Flanagan High
- Jan Hameister, Principal: Atlantic West Elementary
- Steve Frazier, Principal: Silver Trail Middle
- Paul Zenon, Social Worker: Fort Lauderdale High
- Valarie Fields Enin, Social Worker: South Plantation High
- Yezenia Perez, Social Worker: Student Services
- Betsy Roberts, Social Worker: Western High
- Marisa Kinney, Social Worker: Student Services



District LGBTQ Collaborative Peer Mentors

- Terrence McGarry, Social Worker, Student Services
- Laura Holt, Social Work Lead, Student Services
- Susanna Ginory, School Counselor, Lakeside Elementary
- Gigi McIntire, School Counselor, Mirror Lake Elementary
- Chris Hynes, Teacher, Mirror Lake Elementary
- Kendra Walton, GSA Advisor, Northeast High
- Corinth Evans, GSA Advisor, Atlantic West High
- Toni Freeborn, GSA Advisor, Coral Glades High

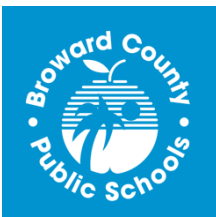


BCPS Transgender Students

“Teachers can support my social transition by speaking to me one-on-one after class if they have concerns and by using my asserted name and pronoun.

But most of all, I need teachers to create safe places for me and other transgender students in our classrooms.”

8th grade student



Transgender Etiquette

Please do...

Recognize students by how they present

Use their name/gender of identity

If unsure, ask

Practice emotional correctness

Please don't

Assume

What is your *real* name?

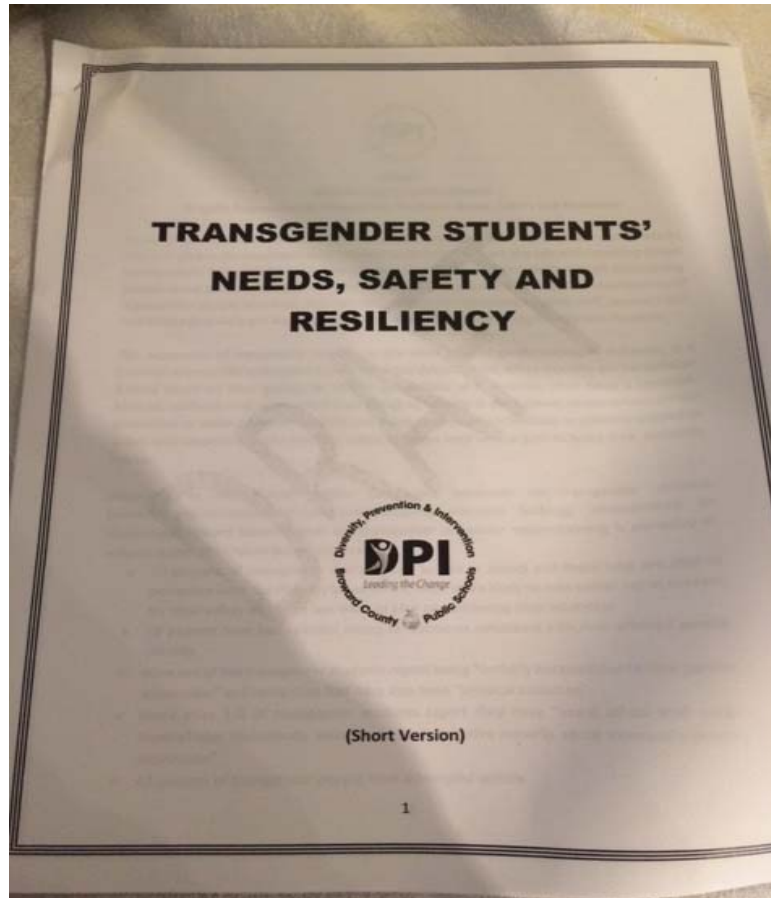
Are you a *real* girl?

Have you had surgery?

Transgendered



Introducing BCPS Draft Transgender Procedures



Common Concerns Addressed in the Guide

Preferred Gender Pronoun and Affirmed Name

Privacy, Confidentiality, Education Records

Restrooms Accessibility

Locker Room Privacy

Field Trips and Sports



Names and Pronouns

PGP: Preferred Gender Pronouns

Addressed by the name and pronoun corresponding to expressed gender identity

Affirmed names and pronouns must be respected and used, as they affirm the identity of the person.

Being “misgendered” can be highly stressful.

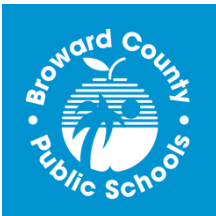
--She, her-feminine

--He, him-masculine

Sometimes you might hear:

--Ze, zir-neutral

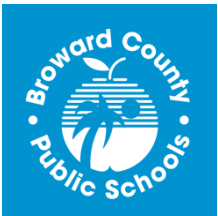
--They, them-neutral



Education Records

A district can modify a students' official education records to reflect a legal change in name and/or gender upon receipt of such documentation from a Florida court.

However, the absence of official court documentation does not preclude a student who is transgender from being addressed by his/her preferred gender pronoun and name.



Privacy, Confidentiality, Education records

It is important to note:

Sometimes parent/guardian may not be accepting of child's affirmed gender identity.

Safety and affirmation is always the first line of care in the school environment.

Affirmed at school, ask student how to use student name and pronoun when conversing with parent/guardian.

FERPA Guidelines (Family Educational Rights and Privacy Act), Constitutional Right to

Privacy and *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

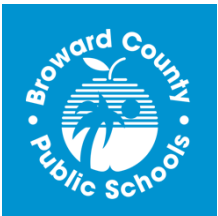


Restroom Accessibility

Students who are transgender shall have access to the restroom facilities that corresponds to their affirmed gender identity and not be expected to use the restroom corresponding to their biological sex.

Each situation reviewed, addressed and customized based on particular circumstances of student and school facilities.

If so desired, students shall have access to at least one gender neutral restroom or single user restroom within a reasonable distance of their classrooms.



Locker Room Accessibility and Privacy

Students who are transgender can have access to the locker room that corresponds to their affirmed gender identity and not expected to use the locker room corresponding to their gender assigned at birth.

Will be provided the available accommodation that meets the needs and privacy concerns of all involved.

Accommodations could include, but are not limited to: use of a private area in the public area of the locker room (stall with a door, area separated by a curtain), P.E. instructor's office, a slightly modified schedule, nearby private restroom area.



Day and Overnight Field Trips

Field trips require planning to ensure affirmed name, gender pronouns, room assignments, chaperones, etc. are accurate and aligned with the student's core gender identity.

Transgender students should be allowed to room with peers that match their gender identity and both persons or parties should feel comfortable.

Schools have obligation to maintain student's privacy and can not disclose or require disclosure of student's transgender status to others if the student is not already out or did not give permission.

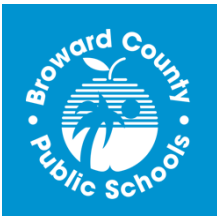
Each situation reviewed, addressed and customized based on particular circumstances of student and school facilities



Physical Education, Intramurals, Interscholastic Activities

Students who are transgender shall be permitted to participate in gender segregated recreational sports, etc. in accordance with affirmed gender identity

Florida High School Athletics Association (FHSAA) supports participation of transgender students in all athletic activities in specification entitled “Gender Identity Participation”



For Individual Questions or Consultation, Please Contact:

De Palazzo

LGBTQ Coordinator, Broward County Public Schools

denise.palazzo@browardschools.com

754.321.1634

Gina Duncan

Equality Florida Institute

Statewide Transgender Inclusion Director

Gina@eqfl.org

407-222-2069

We are here for you!



Board Feedback/Comments/Questions?

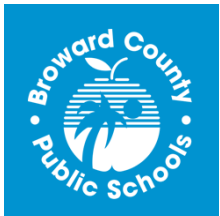


The School Board of Broward County, Florida

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Abby M. Freedman, Vice Chair

Robin Bartleman
Heather P. Brinkworth
Donna P. Korn
Patricia Good
Laurie Rich Levinson
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Nora Rupert

Robert W. Runcie
Superintendent of Schools



Appendix A

LGBTQ Terminology

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 boys and girls, an alternative term for gay women is “lesbian.”

Pansexual: A person who is fluid in sexual identity and/or gender identity.

Gender: A person’s internal sense of self as male, female, both or neither gender identity. Gender is also one’s outward presentation and behaviors (gender expression.)

Gender Identity: One’s innermost concept of self, one’s core sense of self. One’s gender identity can be the same or different from their sex assigned at birth.

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

Gender Role: A set of social and cultural beliefs or expectations about appropriate behavior for men/boys and women/girls. Gender roles can vary from culture to culture. Research states that strict gender roles can limit a person’s development.

Gender Nonconforming: A person whose gender characteristics and/or behaviors do not conform to traditional or societal gender expectations.

Gender Binary: The notion that there exists two genders, each solidly fixed, biologically based and attached to various expectations of behavior, appearance and feelings. The binary gender system, while predominant in most cultures, is not the only model of gender that exists as more nuanced, non-binary understandings of gender have existed throughout history and across cultures.

Cisgender: A term used to describe a person whose gender identity aligns with what is typically associated with the sex assigned to them at birth.

Sex Assigned at Birth: This is generally determined by external genitalia at birth—female, male, or intersex.

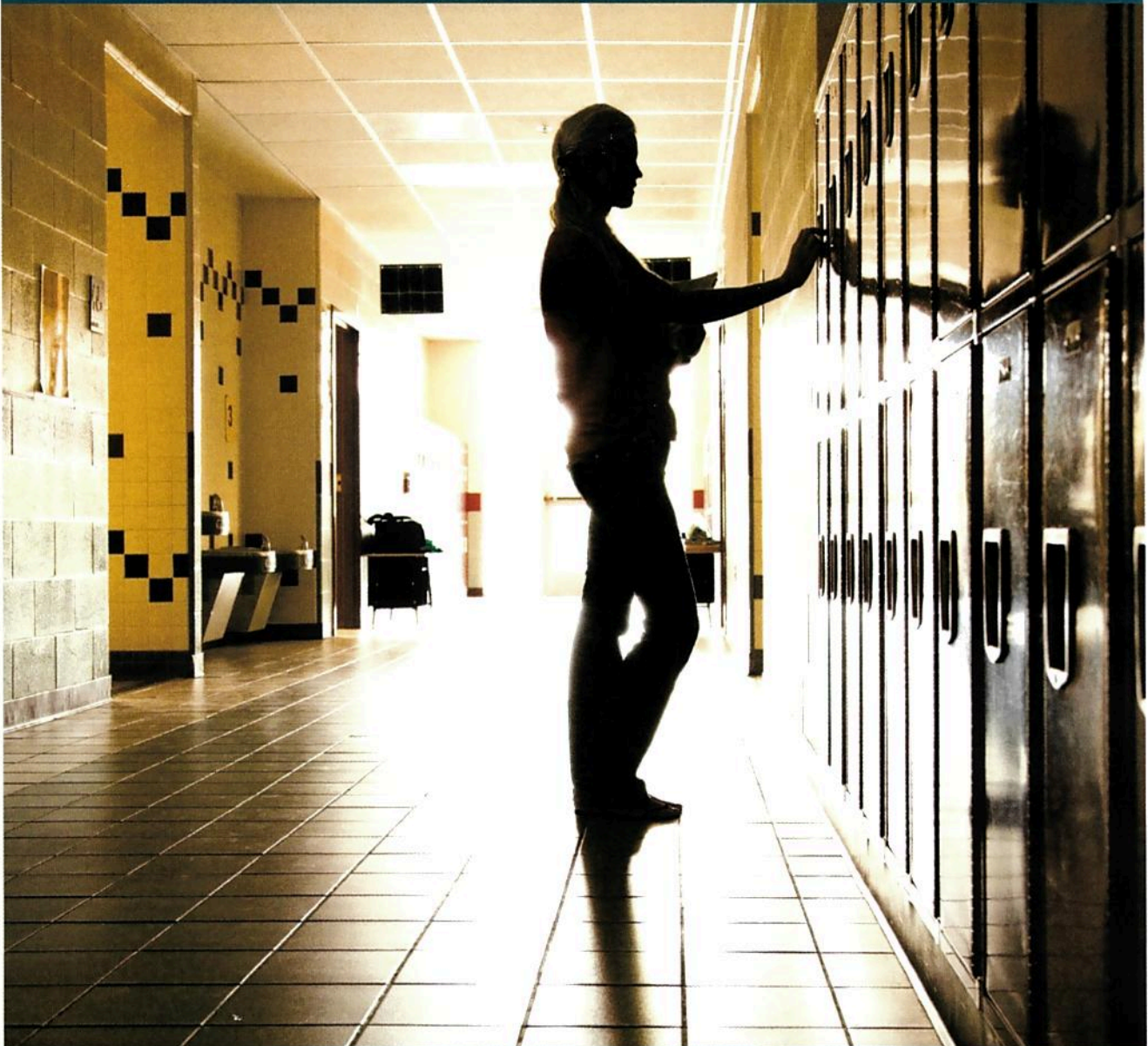
Transgender: An umbrella term for people whose gender identity and/or expression is different from the sex they were assigned at birth. Note that being transgender does not imply any specific sexual orientation. Transgender people may identify as straight, gay, lesbian, bisexual, etc.

Social Transition: When a transgender person makes others aware of their gender identity. Some parts of social transition include telling people about one’s transgender identity by letting family, friends or the school know and aligning pronouns, affirmed name, clothing, physical features, behaviors, etc. with the authentic gender identity.



The 2013 National School Climate Survey

EXECUTIVE SUMMARY



Key Findings on the Experiences of Lesbian, Gay,
Bisexual and Transgender Youth in Our Nation's Schools



SUMMARY OF FINDINGS

HOSTILE SCHOOL CLIMATE

Schools nationwide are hostile environments for a distressing number of LGBT students, the overwhelming majority of whom routinely hear anti-LGBT language and experience victimization and discrimination at school. As a result, many LGBT students avoid school activities or miss school entirely.

SCHOOL SAFETY

- 55.5% of LGBT students felt unsafe at school because of their sexual orientation, and 37.8% because of their gender expression.
- 30.3% of LGBT students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable, and over a tenth (10.6%) missed four or more days in the past month.
- Over a third avoided gender-segregated spaces in school because they felt unsafe or uncomfortable (bathrooms: 35.4%, locker rooms: 35.3%).
- Most reported avoiding school functions and extracurricular activities (68.1% and 61.2%, respectively) because they felt unsafe or uncomfortable.

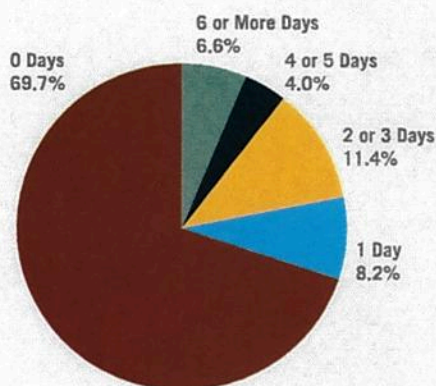
ANTI-LGBT REMARKS AT SCHOOL

- 71.4% of LGBT students heard “gay” used in a negative way (e.g., “that’s so gay”) frequently or often at school, and 90.8% reported that they felt distressed because of this language.
- 64.5% heard other homophobic remarks (e.g., “dyke” or “faggot”) frequently or often.
- 56.4% heard negative remarks about gender expression (not acting “masculine enough” or “feminine enough”) frequently or often.
- A third (33.1%) heard negative remarks specifically about transgender people, like “tranny” or “he/she,” frequently or often.
- 51.4% of students reported hearing homophobic remarks from their teachers or other school staff, and 55.5% of students reported hearing negative remarks about gender expression from teachers or other school staff.

HARASSMENT AND ASSAULT AT SCHOOL

- 74.1% of LGBT students were verbally harassed (e.g., called names or threatened) in the past year because of their sexual orientation and 55.2% because of their gender expression.
- 36.2% were physically harassed (e.g., pushed or shoved) in the past year because of their sexual orientation and 22.7% because of their gender expression.
- 16.5% were physically assaulted (e.g., punched, kicked, injured with a weapon) in the past year because of their sexual orientation and 11.4% because of their gender expression.
- 49.0% of LGBT students experienced electronic harassment in the past year (via text messages or postings on Facebook), often known as cyberbullying.
- 56.7% of LGBT students who were harassed or assaulted in school did not report the incident to school staff, most commonly because they doubted that effective intervention would occur or the situation could become worse if reported.
- 61.6% of the students who did report an incident said that school staff did nothing in response.

Frequency that LGBT Students Missed Days of School in the Past Month Because of Feeling Unsafe or Uncomfortable



DISCRIMINATORY SCHOOL POLICIES AND PRACTICES

- 55.5% of LGBT students reported personally experiencing any LGBT-related discriminatory policies or practices at school (see below), and almost two thirds (65.2%) said other students had experienced these policies and practices at school.
- 28.2% of students reported being disciplined for public displays of affection that were not disciplined among non-LGBT students.
- 18.1% of students were prevented from attending a dance or function with someone of the same gender.
- 17.8% of students were restricted from forming or promoting a GSA.
- 17.5% of students were prohibited from discussing or writing about LGBT topics in school assignments.
- 15.5% of students were prevented from wearing clothing or items supporting LGBT issues 9.2% of students reported being disciplined for simply identifying as LGBT.
- Some policies particularly targeted transgender students:
 - 42.2% of transgender students had been prevented from using their preferred name (10.8% of LGBT students overall);
 - 59.2% of transgender students had been required to use a bathroom or locker room of their legal sex (18.7% of students overall); and
 - 31.6% of transgender students had been prevented from wearing clothes considered inappropriate based on their legal sex (19.2% of students overall).

EFFECTS OF A HOSTILE SCHOOL CLIMATE

A hostile school climate affects students' academic success and mental health. LGBT students who experience victimization and discrimination at school have worse educational outcomes and poorer psychological well-being.

EFFECTS OF VICTIMIZATION

- LGBT students who experienced higher levels of victimization because of their sexual orientation:
 - Were more than three times as likely to have missed school in the past month than those who experienced lower levels (61.1% vs. 17.3%);
 - Had lower grade point averages (GPAs) than students who were less often harassed (2.8 vs. 3.3);
 - Were twice as likely to report that they did not plan to pursue any post-secondary education (e.g., college or trade school) than those who experienced lower levels (8.7% vs. 4.2%); and
- LGBT students who experienced higher levels of victimization because of their gender expression:
 - Had higher levels of depression and lower levels of self-esteem.
- LGBT students who experienced higher levels of victimization because of their gender expression:
 - Were more than three times as likely to have missed school in the past

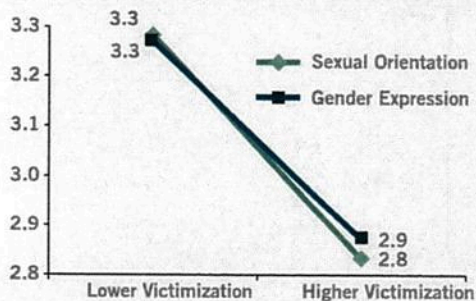
month than those who experienced lower levels (58.6% vs. 18.2%);

- had lower GPAs than students who were less often harassed (2.9 vs. 3.3);
- Were twice as likely to report that they did not plan to pursue any post-secondary education (e.g., college or trade school; 8.2% vs. 4.2%); and
- Had higher levels of depression and lower levels of self-esteem.

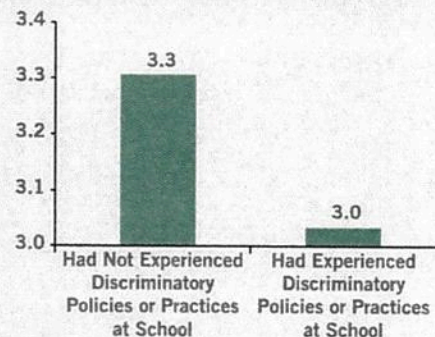
EFFECTS OF DISCRIMINATION

- LGBT students who experienced LGBT-related discrimination at school were:
 - More than three times as likely to have missed school in the past month as those who had not (42.3% vs. 13.8%);
 - Had lower GPAs than their peers (3.0 vs. 3.3); and
 - Had lower self-esteem and higher levels of depression.

Academic Achievement and Severity of Victimization (LGBT Students' Mean Reported Grade Point Average)



Academic Achievement and Experiences of Discrimination (LGBT Students' Mean Reported Grade Point Average)



2013 YRBS BROWARD COUNTY SEXUAL MINORITY YOUTH

Reported Health Behaviors Among High School Students

Diversity, Prevention & Intervention Department

What is the YRBS?

- The YRBS is a national health survey coordinated by the Centers for Disease Control and Prevention (CDC)
- All high schools in Broward County participated. Classes within those schools were then randomly selected to complete the survey
- In 2013, questions were added about same-sex sexual contact and sexual identity

"Sexual Minority" can refer to the following:

- Behavior**
 - Men who have sex with men (MSM)
 - Women who have sex with women (WSW)

Broward County YRBS Question:

During your life, with whom have you had sexual contact?

- Females
- Males
- Females and males

- Attraction**

- Attracted to same sex or both sexes

- Sexual Identity**

- Lesbian, gay, bisexual, queer or questioning (LGBQ)

Broward County YRBS Question:

Which of the following best describes you?

- Heterosexual
- Gay or Lesbian
- Bisexual
- Not sure

- Gender Identity**

- Transgender (Born male, identify as female; born female, identify as male)

Recommendations

- Schools, families, and communities should address stigma, discrimination, family disapproval, social rejection, and violence that many sexual minority youth face
- Agencies and schools should adopt policies and practices to create a safe and supportive environment for sexual minority youth (e.g., Gay-Straight Alliance, Safe Zones, comprehensive bullying/harassment policy, and LGBT library resources)
- Staff at schools and community agencies should be trained to understand the needs and concerns of sexual minority youth and can implement effective programs and services (e.g. Broward's "LGBT Critical Support Guide")
- Increase student linkages to school-based and community-based agencies and organizations

Abstract

We used the data from the Broward County Public Schools 2013 Youth Risk Behavior Survey (YRBS) to identify health behaviors among sexual minority youth in grades 9-12 in Broward County, Florida. Significant disparities exist between sexual minority youth and sexual majority youth for selected focus areas.

Methods

- Only youth who reported sexual contact were used in the analysis
- 1,443 students in 29 public high schools were surveyed
- We used Center for Disease Control (CDC) data from the "2013 FTH Sex of Sexual Partners" report

Results

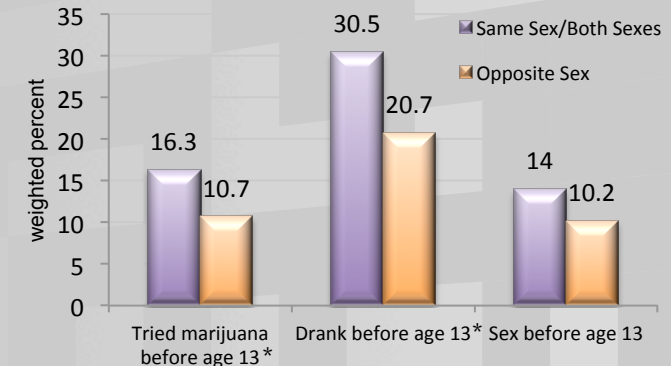
11% of sexually active high school students report same sex/both sexes sexual contact

6% of high school students identify as gay, lesbian, or bisexual

Students with same sex/both sexes sexual contact report...

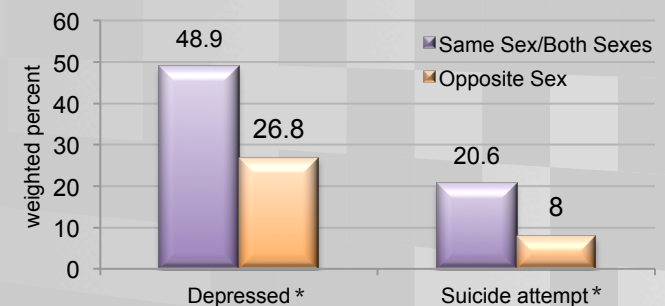
- 75% having had sex
- 49% feeling sad or hopeless
- 30% drinking alcohol before age 13
- 21% attempting suicide
- 16% trying marijuana before age 13
- 14% having had sex before age 13

Fig 1. Early initiation of risk for Broward County youth



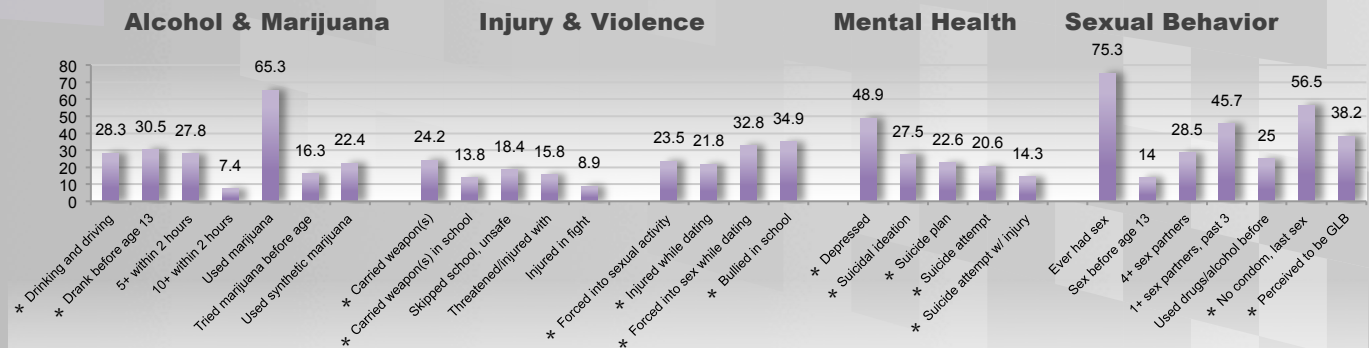
Differences between students with same-sex and opposite sexual contact. Source: Broward County, FL YRBS.

Fig 2. Mental health for Broward County youth



* Statistically significant differences between students with same-sex and opposite sexual contact. Source: Broward County, FL YRBS

Fig 3. Sexual minority youth risk behaviors by focus areas



* Statistically significant differences between students with same-sex and opposite sexual contact. Source: Broward County, FL YRBS. For more information, please visit BrowardPrevention.org

Appendix D

Experiences of Transgender Students

90% of transgender and gender non-conforming students report some forms of discrimination in grades K-12.

These forms of discrimination include the following:

- repeated, deliberate use of pronouns and names that are inconsistent with a student's gender identity;
- Denying appropriate support to a student because of their gender identity
- Inappropriate touching;
- Insults or remarks about a student's body parts or about a student's behavior being too "masculine" or "feminine";
- Asking people inappropriate, unnecessary questions about their gender identity, anatomy, and / or any medical treatment that is related to their gender identity;
- Verbal, sexual, or physical assault because of one's gender identity.

Transgender, gender nonconforming and gender questioning youth still encounter pervasive discrimination at schools

For example, transgender youth have reported being:

- called derogatory names at school, such as "dyke", "faggot", "it" and "he-she" by both other students and faculty
- prevented from using the restroom or locker room that corresponds to their gender identity
- sexually harassed and/or assaulted because of their gender identity
- drop out of school because of stigma associated with their gender identity
- ridiculed and/or punished for dressing and/or acting too feminine or masculine
- given no one they can reach out to for support about their gender identity at school

*** These facts were published by the Silvia Rivera Law Project: www.srlp.org

Appendix E

Relevant Federal Laws and Broward County Public Schools Policies

Lesbian, Gay, Bisexual and Transgender Safety

Anti-bullying Policy 5.9: Includes **gender, gender identity, gender expression, sexual orientation**, race, color, religion, sex, national origin, age, disability, marital status, socio-economic background, ancestry/ethnicity, linguistic preference, political beliefs and social/family background.

Nondiscrimination Policy 4001.1: Includes gender, **gender identity, gender expression, sexual orientation**, age, race, color, disability, marital status, national origin, religion and sex.

Diversity Committee Policy 1.5: Diversity shall be defined by a broad concept that includes **gender, gender identity, gender expression, sexual orientation**, race, ethnicity, socioeconomic background, linguistic differences, exceptional abilities, variation of talents and abilities and special needs.

Title IX of the Education Amendment Acts of 1972: Prohibits schools receiving funding if they discriminate based on sex. As of May 2014, this category includes gender identity and expression (transgender and gender nonconforming children.)

Family Education Rights and Privacy Act (FERPA): Prohibits schools from improperly disclosing personally identifiable information derived from education records

Equal Protection Clause of the Fourteenth Amendment: Guarantees every citizen equal protection and utilized to protect LGBTQ youth in schools who face unfair or discriminatory school actions.

Freedom of Expression Clause of the First Amendment: Guarantees freedom of expression. As one example, schools cannot prevent students from expressing their identity, discussing their same-sex family, etc.

Case Law: Being “Out” or not “Out” at School or Home

Tinker v. Des Moines Independent School District 1969

Supreme Court rules students don't shed their constitutional right to freedom “at the schoolhouse gate.”

The only time schools can restrict an individual student's free speech is when it causes significant disruption in the classroom.

C.N v. Wolf, 2005

If a student is out at school, s/he has the right to control who knows about their LGBTQ status.

Sterling v. Borough of Minersville, 2000 and C.N. v. Wolf, 2005

Federal courts have repeatedly held that the Constitution prohibits government officials from disclosing information about a person's gay, lesbian, bisexual or transgender orientation, except under limited circumstances, and information about one's orientation is "intrinsically private."

This means school administrators, teachers and staff cannot discourage a student from being "out" at school, but they also cannot 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/her LGBTQ status.

Appendix F

Charlie Rose: The Brain: Gender Identity

www.hulu.com/watch/807430