

**Defendant's Exhibit 7
(Under Seal)**

From: [Holly L. Arkin](#)
To: [Erica Adams](#)
Subject: RE: Quick questions about LGBT training for district schools
Date: Thursday, March 17, 2016 3:20:04 PM
Attachments: [LGBTQ Best Practices.pdf](#)

Hi Erica – I am really glad Drew is doing so well. You must be so proud of him! Good luck on the 5k I am sure you both will do great!

The “Best Practices” were given to the principals at the beginning of the year and they are located on District Website. I have attached them for you.

There have been two district wide in-services which included a piece on LGBTQ. I think we are making some progress, as always, things take time. Please feel free to contact Sallyanne Smith, the Director of Student Services if you have any further questions or concerns.

Thank you so much for your continued support and involvement on such an important issues.

Best Regards,
Holly

From: Erica Adams [mailto:amiker@yahoo.com]
Sent: Tuesday, March 15, 2016 4:06 PM
To: Holly L. Arkin <Holly.Aркиn@stjohns.k12.fl.us>
Subject: Quick questions about LGBT training for district schools

Hi there, Holly! I hope your spring is going well. I had a couple of questions that I hoped you could help me with.

I was told that the district provides some “Best Practices” materials to school principals at the start of the school year, which include best practices for LGBT students. Would it be possible for me to get a copy of those materials, or any other training materials used? I have learned that some of the schools with trans or gender-fluid students have held trainings for the administrators and teachers specifically for those students, but I don't recall anything like that happening at Nease earlier in the school year for Drew, so I wanted to see if maybe I missed something.

Additionally, were materials given to all teachers, bus drivers, support staff, etc. regarding LGBT students? And if trainings are held in all schools, are they annual so that teachers new to the district can receive them?

I apologize for all the questions, but I am trying to learn as much as I can about the district's best practices and policies for LGBT kids. I very much want to help the district move forward, and I've offered my help at the district level to participate in trainings, seminars, etc (I know you have, too). So far, no one has taken me up on my offer, but I'm hopeful that they eventually will. Maybe you and I together can help them move forward in LGBT policies and spread some education and information to the schools! Whatever is needed, I'm happy and eager to help.

Thank you so much for all you've done to help Drew this year and last. He's enjoying being a part of the county's youth council for strategic planning, so thank you again for putting Dennis in touch with him! Drew has done a lot of research and writing for the team and looks forward to the next meeting later this month. He's also been busy with his own endeavors: Last fall, he launched an online shop of LGBT and gender non-binary temporary tattoos that he designs himself, and he's participating in the JASMYN Strides for Pride 5K next month. We're in training to see if we can actually run the whole thing... For us non-runners, it's a challenge! But he's doing great and working hard, and I really couldn't be prouder of him. He's even donating 1,000 of his temporary tattoos out of his own pocket to the event, so each goody bag will have a rainbow flag tattoo in it. He can't wait to see people wearing them! :)

Have a great rest of the week! Hope to hear from you soon.

Cheers,
Erica Adams

**St Johns County School District
Guidelines for LGBTQ students-Follow Best Practices**

Florida Law	Best Practices
<p>Bullying/Harassment The Federal Law Title IX and F.S. 1006.147 prohibits bullying and harassment of all students.</p>	<p>Bullying/Harassment Schools will follow the district policy prohibiting bullying and harassment, addressing any incident against an LGBTQ student the same way they would address an incident against any other student, unless the bullying/harassment is based on a student's LGBTQ status, in which case the matter may need to be addressed through the District's anti-discriminatory policy. (contact Student Services or HR)</p>
<p>Official Documents Documentation from a Florida court is required to reflect a change in name and/or gender in a student's official school records.</p>	<p>Official Documents Schools will only modify student records to reflect a change in name or gender upon receipt of such documentation from a Florida court. While official student records must contain the student's legal name, schools should permit the use of "_____" in unofficial student records to assist staff in calling the student by the preferred name.</p>
<p>Names and Pronouns There is no federal or Florida state law that requires schools to call a student by a requested name or use gender pronouns consistent with their gender identity.</p>	<p>Names and Pronouns Schools will use the name and gender pronoun corresponding to his/her consistently asserted gender identity upon request of the parent or student.</p>
<p>GSA Clubs at School Under the Federal Equal Access Act, a public school permitting any non-curricular club must also allow students to form a GSA. The school must also treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.</p>	<p>GSA Clubs at School Schools will permit students to form GSA clubs. The clubs will comply with S.B. Rule 4.06 "Student Clubs and Organizations."</p>
<p>Coming Out Federal courts have found students have a constitutional right to be "out" at school if they want to be. Although students have the First Amendment right to free speech, a school can restrict a student's free speech when it causes significant disruption in the classroom.</p>	<p>Coming Out Schools will not try to silence students who are open about their sexual orientation or transgender identity, or who question their orientation or gender identity. Restricting a student's free speech may occur if it: (1) causes, substantial disruption with the school's work or material interference with school activities; (2) impinges upon the rights of other students to be secure and let alone; or (3) the school reasonably forecasts it will cause a substantial disruption with the school's work or material interference with school activities.</p>
<p>Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy, which extends to students in a school setting.</p>	<p>Privacy School personnel will not unnecessarily disclose any information about a students' sexual orientation, transgender identity or questions they may have about their sexual orientation or gender identity to third parties.</p>
<p>Restrooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the restroom corresponding to their consistently asserted transgender identity.</p>	<p>Restrooms Transgender students will be given access to a gender-neutral restroom and will not be required to use the restroom corresponding to their biological sex.</p>

Florida Law		Best Practices	
<p>Athletics The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014). No federal or Florida state law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression. Florida High School Athletics Association (FHSAA) policy provides transgender students with the opportunity to seek review of his/her eligibility through the FHSAA Gender Identity Eligibility Review Process.</p>	<p>Athletics FHSAA policy was updated stating transgender students should have the opportunity to participate in athletics consistent with their gender identity and expression and a student may seek review of his/her eligibility through the FHSAA Gender Identity Eligibility Review Process.</p>		
<p>Locker Rooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted transgender identity.</p>	<p>Locker Rooms Schools will provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their biological sex.</p>		
<p>Dress Gender expression is protected by the U.S. Constitution and Title IX. This right to free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their biological gender.</p>	<p>Dress Schools will allow transgender students to wear clothing in accordance with their consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.</p>		
<p>Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.</p>	<p>Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances. Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses. Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.</p>		
<p>Gender Segregation There is no Federal or Florida state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)</p>	<p>Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.</p>		
<p>Overnight Field Trips There is no Federal or Florida state law requiring school personnel to adhere to the requests of an LGBTQ student.</p>	<p>Overnight Field Study Because of the complexity of field study issues, they will be handled on a case by case basis.</p>		

**Defendant's Exhibit 20
(Under Seal)**

From: [Sallyanne Smith](#)
To: [Tim Forson](#)
Cc: [Jessica DeVoe](#); [Sharon Carcaba](#)
Subject: FW: LGBTQ Task Force
Date: Tuesday, September 23, 2014 11:23:52 AM

Tim,
Sorry. Meant to copy you on this.

From: Sallyanne Smith
Sent: Tuesday, September 23, 2014 11:19 AM
To: Cathy Mittelstadt; Kyle Dresback; Dawn Sapp; Clay Carmichael; Steve McCormick; Randy Johnson
Cc: Laura Barkett
Subject: LGBTQ Task Force

High School Principals,
We have currently formed a district task force to address issues and needs regarding our LGBTQ (lesbian, gay, bisexual, transgender, questioning) population. The task force would like to hear from your club sponsor so we can better understand the support that our students need from the school district as well as the need for protocol regarding school procedures. We may, at some point, form subcommittees that will focus on the specific needs. Your representative may want to be involved in that as well. Meetings (probably just a few) will be scheduled on early start Wednesdays if that works for you. Please confirm with me the name of your club sponsor and your approval of their participation by the end of this week. I will contact them directly and copy you on all communication.

Thanks so much for all you do,

*Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536*

Jessica DeVoe

From: Sallyanne Smith
Sent: Tuesday, March 03, 2015 9:14 AM
To: Brennan Asplen; Christina H. Langston; George Freeman; Jeanette Murphy; Laura Barkett; Leslie Shugart; Michelle Curtin; Paul Abbatinozzi; Phyllis Ingram
Cc: Jessica DeVoe
Subject: FW: Message from KM_454e
Attachments: SSOPS-KMB4515030309070.pdf

Task Force,
Attached is the recommendation and back up information resulting from our last LGBTQ Task Force meeting. Please review it and respond by the end of the workday tomorrow (Wednesday) with any comments for modification. Thanks for your time.

Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

From: noreply@stjohns.k12.fl.us [mailto:noreply@stjohns.k12.fl.us]
Sent: Tuesday, March 03, 2015 9:08 AM
To: Sallyanne Smith
Subject: Message from KM_454e

February 2015

Recommendations from the LGBTQ Task Force to Executive Cabinet

I. Background

Protecting students against bullying and harassment is the purpose of School Board policy 3.21 – Prohibiting Bullying and Harassment. LGBTQ have been identified as a category of students that are more vulnerable to bullying and harassment. The National School Climate Survey conducted by GLSEN in 2011 reported that:

- 82% of LGBT youth had problems during the previous year with bullying about sexual orientation.
- 64% felt unsafe at school due to sexual orientation.
- 44% felt unsafe at school due to gender identification.
- 32% did not go to school for at least one day because of feeling unsafe.
- LGBT teenagers are two or three times more likely to attempt suicide than other teens (stopbullying.gov).

In St. Johns County, Student Services has seen:

- An increase in the number of LGBTQ students that have been Baker Acted.
- An increase in the number of LGBTQ students in our schools.
- An increase in the number of LGBTQ clubs and participants in the high schools.

The issues of LGBTQ students is coming to the forefront in the nation and Florida. Just to name a few:

- As of the 2013-14 school year, The Department of Education now collects data on LGBT bullying and harassment requiring schools to report instances of bullying or harassment based on perceived sexual orientation and religion along with bullying or harassment based on race, sex, and disability.
- The 2015 edition of the Youth Risk Behavior Survey (part of the Florida Youth Survey administered to St. Johns County high school students in February), asked if students can best be described as gay or lesbian, heterosexual, bisexual, or "not sure." That survey also asks questions about such issues as bullying, suicidal thoughts, and drug use.
- In 2014, The Office for Civil Rights (OCR) in the U.S. Department of Education issued official guidance which makes clear that transgender students are protected from discrimination under Title IX. Specifically, the guidance states that "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation."

The stopbullying.gov website (partnered with the Department of Education), provides information on what schools and communities can do for LGBTQ students:

1. Development of clear policies on bullying. Schools can consider adding sexual orientation and gender identity to their bullying policies (Office of Civil Rights, 2010).
2. Train staff and volunteers in bullying prevention awareness.
3. Provide additional support.
4. Create safe environments for all children.

II. Specific Recommendations from the LGBTQ Task Force

1. Add specific language that includes sexual orientation and gender identity/expression to School Board Policy 3.21 Prohibiting Bullying and Harassment and/or School Board Policy 2.16 Prohibiting Discrimination, Including Sexual and Other Forms of Harassment.

- Currently St. Johns County does not have any language specifically using the words sexual orientation, gender identity, or gender expression in either the policy Prohibiting Bullying and Harassment or the policy Prohibiting Discrimination, Including Sexual and Other Forms of Harassment. Our county would join the surrounding counties of Duval, Clay, Putnam, Flagler, and Volusia that already include suggested wording in either their Bullying and Harassment policy or Discrimination and Harassment policy. See Appendix A of surrounding counties policy excerpts.

By including this wording in our policy, it sends the message to the school community that no one should be treated differently because of an admitted or presumed sexual orientation and would follow the recommendations of the Office of Civil Rights.

2. Consider providing training to teachers and school-based staff as additional support.

Staff that understand the category of LGBTQ students will have a positive impact on their success at school and provide a safe and respectful environment for all.

Recommendations for training staff:

- Develop and include slides on specific risks for LGBTQ students in the annual bullying and harassment staff training.
- Incorporate slides in mental health presentations by Student Services staff on awareness of issues that affect LGBTQ students.
- Provide a Safe Zones training for interested teachers and school-based staff. The Safe Zones Ally Program conveys the message that the person displaying the safe zone symbol will be understanding, supportive and trustworthy if an LGBTQ student needs help, advice or just someone with whom s/he can talk.

3. Creating a Safe Environment through LGBTQ Best Practice Guidelines

A school's utmost responsibility is to ensure the safety and security of all students. The overarching theme in the creation of a safe environment for LGBTQ students is equal protection. Students who experience acceptance at school are more highly motivated, engaged in learning, and committed to achieving the best possible education.

As our county grows, we are experiencing an increase in LGBTQ issues at the schools. A small number of elementary schools, multiple middle schools, and every high school are dealing with LGBTQ issues. School administrators continue to contact the district office for direction in these matters.

- The task force requests the Executive Cabinet to review Appendix B and consider approval for Best Practice Guidelines for St. Johns County School District to ensure Federal and Civil Right laws are followed.

APPENDIX A

Surrounding counties policies that have added recommended language on sexual orientation and gender identity/expression.

Clay County added the following language under the "Definitions" section of their policy **1.12 Anti-Bullying and Harassment**

"Bullying", "Cyberbullying", "Harassment", and "Discrimination" (hereinafter referred to as bullying for the purpose of this policy) also encompass, but are not limited to unwanted harm towards a student or employee in regard to their real 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 or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or school district employee by any board member, district employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the district."

Putnam County added the language into the definitions section of their policy **517.01 - BULLYING AND HARASSMENT**

Definitions

"Bullying" includes "cyberbullying" and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. *teasing;*
- B. *threats;*
- C. *intimidation;*
- D. *stalking;*
- E. *cyberstalking;*
- F. *physical violence;*
- G. *theft;*
- H. *sexual, religious, disability, sexual orientation including gender identity expression, or racial harassment;*
- I. *public or private humiliation;*
- J. *destruction of property; and*
- K. *social exclusion."*

Volusia County includes the statement in the General Statement of their **Policy Against Bullying and Harassment – Number 525**

General Statement

"It is the policy of the Volusia County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and

bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. Issues regarding sexual harassment, and harassment based upon race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, or disability shall be dealt with under School Board Policy 509, Prohibition of Harassment."

Duval County added the language in their policy **Prohibiting Discrimination and Harassment 10.10**

I. Discrimination

"A. No person shall, on the basis of a person's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity or in any employment conditions or practices conducted by this School District, except as provided by law."

"B. The School Board shall admit students to District schools, program, and classes without regard to a student's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics."

IV. Definition of Other Forms of Prohibited Harassment

"A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, any other distinguishing physical or personality characteristics, or any other characteristic protected by law that..."

"B. Bullying

Bullying and harassment based on a student's actual or perceived identity with regard to race, color, national origin, gender, disability, sexual orientation, religion, or any other distinguishing characteristics that may be defined by federal, state or local law, that..."

Flagler County includes language in their policy **Prohibiting Discrimination, Including Sexual and Other Forms of Harassment - Number 217**

I. Policy Against Discrimination

"No person shall, on the basis of race, color, religion, gender, age, marital status, sexual orientation, disability, political or religious beliefs, national or ethnic origin, or genetic information, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law."

Appendix B

**LGBTQ Students
Florida Law vs Best Practices**

Florida Law	Best Practices
<p>Bullying/Harassment The Federal Law Title IX and F.S. 1006.147 prohibits bullying and harassment of all students.</p>	<p>Bullying/Harassment Schools will follow the district policy prohibiting bullying and harassment, addressing any incident against an LGBTQ student the same way they would address an incident against any other student.</p>
<p>Official Documents Documentation from a Florida court is required to reflect a name change and/or gender in a student's official school records.</p>	<p>Official Documents Schools will only modify student records to reflect a name change and/or gender upon receipt of such documentation from a Florida court.</p>
<p>Names and Pronouns There is no federal or Florida state law that requires schools to call a student by a requested name or use gender pronouns consistent with their gender identity.</p>	<p>Names and Pronouns Schools will use the name and gender pronoun corresponding to his/her consistently asserted gender identity upon request of the parent.</p>
<p>GSA Clubs at School Under the Federal Equal Access Act, a public school permitting any non-curricular club must also allow students to form a GSA. The school must also treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.</p>	<p>GSA Clubs at School Schools will permit students to form GSA clubs. The clubs will comply with S.B. Rule 4.06 "Student Clubs and Organizations".</p>
<p>Coming Out Federal courts have found students have a constitutional right to be "out" at school if they want to be. Although students have the First Amendment right to free speech, a school can restrict a student's free speech when it causes significant disruption in the classroom.</p>	<p>Coming Out Schools will not try to silence students who are open about their sexual orientation or gender identity. Restricting a student's free speech may occur if it causes significant disruption in the school setting.</p>
<p>Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy, which extends to students in a school setting. Students have the constitutional right to share or withhold information about their sexual orientation or gender identity from their parents, teachers, and other parties, and it is against the law for school officials to disclose, or compel students to disclose that information.</p>	<p>Privacy School personnel will not disclose any information about a student's sexual orientation or gender identity to anyone including parents, other teachers, and other parties without the permission of the LGBTQ student.</p>

<p>Restrooms</p> <p>There is no specific federal or Florida state law that requires schools to allow a transgender student access to the restroom corresponding to their consistently asserted gender identity.</p>	<p>Restrooms</p> <p>Students will be given access to a gender-neutral restroom and will not be forced to use the restroom corresponding to their biological sex.</p>
<p>Athletics</p> <p>The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014).</p> <p>No federal or Florida state law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression.</p> <p>Florida High School Athletics Association (FHSAA) policy provides transgender students with the opportunity to seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>	<p>Athletics</p> <p>FHSAA policy was updated stating transgender students should have the opportunity to participate in athletics consistent with their gender identity and expression and a student may seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>
<p>Locker Rooms</p> <p>There is no specific federal or Florida state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted gender identity.</p>	<p>Locker Rooms</p> <p>Schools will provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their biological sex.</p>
<p>Dress</p> <p>Gender expression is protected by the U.S. Constitution and Title IX. This right to free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their gender.</p>	<p>Dress</p> <p>Schools will allow transgender students to wear clothing in accordance with their consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.</p>
<p>Prom/Dances</p> <p>The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.</p> <p>The ACLU states that at present, there have been no reported court decisions on this issue, but the First Amendment and the Equal Protection Clause should protect the right to freely express gender identity as a prom king or queen candidate.</p>	<p>Prom/Dances</p> <p>Schools will allow same-sex couples to attend school sponsored proms and dances.</p> <p>Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses.</p> <p>Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.</p>

<p>Gender Segregation There is no Federal or Florida state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)</p>	<p>Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.</p>
<p>Safe Zones There is no Federal or Florida state law requiring school personnel to display posters/stickers indicating a safe zone for LGBTQ students.</p>	<p>Safe Zones Teachers and other school-based staff have the option to display a small sticker or poster in their classroom to designate a safe zone for LGBTQ students. A mandatory training must be completed before a safe zone symbol is displayed.</p>
<p>Overnight Field Trips There is no Federal or Florida state law requiring school personnel to adhere to the requests of an LGBTQ student.</p>	<p>Overnight Field Trips Because of the complexity of field trip issues, these cases will be handled on a one to one basis.</p>

Researched and compiled by Student Services staff
 February, 2015

**St Johns County School District
Guidelines for LGBTQ students-Follow Best Practices**

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<p>Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.</p>	<p>Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances.</p> <p>Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses.</p> <p>Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.</p>
<p>Gender Segregation There is no Federal or Florida state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)</p>	<p>Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.</p>
<p>Overnight Field Trips There is no Federal or Florida state law requiring school personnel to adhere to the requests of an LGBTQ student.</p>	<p>Overnight Field Study Because of the complexity of field study issues, they will be handled on a case by case basis.</p>

DEFENDANT'S
EXHIBIT
34

Subject: Letter to principal
From: amiker@yahoo.com
Sent: 9/23/2015 1:08:28 PM
To: holly.arkin@stjohns.k12.fl.us
Attachment: Letter to Mr Dresback Sept 22.docx

Hi there, Holly -

I'm attaching the letter I wrote for Mr Dresback. I have not sent it to him yet; I was hoping for your feedback first. I have a similar one ready to send to Dr Joyner. Please let me know what you think and if you have any suggestions.

Also, when you get a sec, please let me know whom to contact at the Child Summit to get Drew possibly added to the panel. He's very excited about advocating for himself and the trans community at that event.

Thank you again for everything!

Erica Adams

Erica Adams
84 Perdido Key Ct
Ponte Vedra, FL 32081

Mr Kyle Dresback, Principal
Nease High School
Ponte Vedra, FL 32081

Mr Dresback,

I am writing to you to express concern over a situation at Nease involving our son, Drew. Today, Ms Holly Arkin, District Social Worker, contacted me to let me know that a student complained about Drew using the boys' restroom at school. Drew was brought into the counselor's office and told that he may use only the gender-neutral restrooms on campus. You see, Drew is transgender, assigned female at birth but identifying and living as male. Unfortunately, requiring Drew to forgo the restrooms that match his gender identity in favor of gender neutrality is both harmful and inconvenient.

First, the inconvenience: There are only two gender-neutral restrooms at Nease. One is in the C pod, nowhere near most of Drew's classes, so using it would mean Drew having to hurry back and forth across campus, passing other bathrooms along the way. The other is in K pod, but it appears that the only way to reach it is through a classroom, which isn't feasible when class is in session (please correct me if this information is in error, but Drew could find no other access to that restroom when he looked for it). So even assuming that separate-but-equal is reasonable for trans-student bathroom use, the available facilities for Drew are difficult to access.

A far greater concern, however, is the harm. Across the country, doctors, parents and school districts are learning about gender identity and discovering the damage that isolating transgender students can cause. Forcing transgender kids to use gender-neutral restrooms, while their cisgender counterparts are allowed to use "normal" restrooms, makes a clear point that transgender students are somehow abnormal. That point is accepted by students and administration alike, and the student is treated accordingly. As it happens, Drew is not the only transgender student at Nease, so actions taken toward him resonate with other students who are perhaps not as supported by family and friends as Drew.

Fortunately, thanks to our increased understanding of gender and the needs of transgender students, the law is evolving. The U.S. Department of Education, Office for Civil Rights, and the U.S Department of Justice Civil Rights Division have recently changed the definitions and descriptions of the coverages under Title IX to include transgender students. Under these new rules, Drew has the legal right to use the male bathrooms. We feel that requiring him to use a teacher's bathroom, unisex bathroom, or any bathroom other than the boys' bathroom that all of his male classmates use is a form of sex discrimination as defined under Title IX, in the fact that it singles him out and calls attention to him being "different."

The U.S Department of Education, Office for Civil Rights, and the U.S Department of Justice Civil Rights Division define "gender-based discrimination" as a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and nonconformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

The U.S Department of Education, Office for Civil Rights, and the U.S. Department of Justice Civil Rights Division upheld these rules in the case of their Resolution Agreement between the OCR and DOJ and the Arcadia Unified School District. Here is a link to the resolution agreement for your review:

<http://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>

Pursuant to Title IX, we are requesting the following stipulations:

1. Provide Drew access to sex-specific facilities designated for male students at school consistent with his gender identity; however, Drew may request access to private facilities based on safety concerns;
2. Provide Drew access to sex-specific facilities designated for male students at all District-sponsored activities, including overnight events and extracurricular activities on and off campus, consistent with his gender identity; however Drew may request access to private facilities based on safety concerns;
3. Treat Drew the same as other male students in all respects in the education programs and activities offered by the District; and
4. Ensure that any school records containing Drew's assigned sex, if any, are treated as confidential, personally identifiable information; are maintained separately from his records; and are not disclosed to any District employees, students, or others without the consent of Drew's parents.

I know that you and others at Nease have concerns regarding transgender students being allowed to live as they identify. If it helps put your mind at ease, despite fears to the contrary, there have been exactly zero cases of a transgender student harassing, assaulting or otherwise harming a cisgender student in a school restroom. Drew, like other transgender students across the U.S., simply wants the right to use a toilet in their preferred restroom and be left alone in the process. Much, I imagine, as cisgender boys do when they use a restroom. And if the concern is one for Drew's safety in a male facility, well, the reality is that Nease has a responsibility to keep all students safe from bullying and harassment, and while keeping Drew isolated might keep him out of harm's way, it is neither fair nor right to do so.

Drew is a smart, dedicated student in the IB program who is confident in who he is and who he aspires to be. Neither he nor I wish to make anyone uncomfortable, but discomfort is not a valid reason to restrict an individual student's rights. Fifty years ago, many people were uncomfortable sharing a restroom with African-American individuals, but in the end, their discomfort did not trump anyone's right to use a bathroom facility.

I would be grateful if Drew's father and I could meet with you and any other administrators in person to discuss any questions you may have and to set up a Support Plan for Drew to ensure that he is comfortable and safe while attending your facilities. We are happy to work with you and with Ms Arkin to facilitate trainings, share informative studies and do whatever else is needed to help Nease High School be a safe, secure environment of learning for all students. Please contact us at your earliest convenience.

Cheers,

Erica Adams

DEFENDANT'S
EXHIBIT
36

Subject: Follow-up from last weekend's meeting
From: erica@topsecretsurfer.com
Sent: 10/12/2015 3:25:14 PM
To: sallyanne.smith@stjohns.k12.fl.us
Attachment:

Hi there, Ms Smith,

Thank you again for facilitating the meeting on Friday morning with Drew and the administration! I thought it went very well. I appreciate all that you and your team do to help the progress of students' rights in St Johns County and beyond.

I wanted to ask whether there's anything else I can do to help you, at any level. I know you had said that things like the bathroom options and gender markers in the computer system are not changeable at the school level and must come from the district, so I wondered whether I could assist further by reaching out to the superintendent, attending a school board meeting or doing anything else you might need.

I would love to see some positive changes made that could impact Drew while he's still attending Nease, but I know that county government can move quite slowly and that many are resistant to change. Many districts across the country are facing lawsuits because of their disinclination to accommodate transgender students, but I have faith that St Johns can take steps in the right direction on its own. To that end, I am at your disposal!

Please let me know how I can help further, and thank you again, so much, for all you do!

--
Erica Adams Kasper

Director of Communications
TopSecretSurfer
erica@topsecretsurfer.com
<http://www.topsecretsurfer.com>

DEFENDANT'S
EXHIBIT
39

Subject: RE: Transgender student rights - a followup
From: cathy.mittelstadt@stjohns.k12.fl.us
Sent: 12/1/2015 4:03:04 PM
To: erica@topsecretssurfer.com
Attachment: [image001.jpg](#), [image003.jpg](#)

Hello Mrs. Adams-
I hope your family had a wonderful holiday. Thank you for sharing the resources below. As you stated, our goal is to provide a safe and educational environment for all students. The Student Support Services Team continues to receive Staff Development and explore recommendations for our district regarding next steps.

Thank you for taking time to meet, and know that I value the information you have shared.

All the best-



Cathy Mittelstadt
Associate Superintendent of Student Support Services
St. Johns County School District
47 Orange Street, St. Augustine, Florida 32084
904-547-7723

"You are here what you are"

UPCHURCH, BAILEY AND UPCHURCH, P.A.

JOHN D. BAILEY, JR.
FRANK D. UPCHURCH III
DONALD W. WALLIS
SIDNEY F. ANSBACHER
KATHERINE GAERTNER JONES
MICHAEL A. SIRAGUSA
STEPHEN A. FAUSTINI
ALLYSON BOYLES CURRIE

ATTORNEYS AT LAW
Established 1925
780 North Ponce de Leon Boulevard
St. Augustine, Florida 32084
www.ubulaw.com
Telephone (904) 829-9066
Facsimile (904) 825-4862
Please reply to:
Post Office Drawer 3007
St. Augustine, Florida 32085-3007

OF COUNSEL:
TRACY WILSON UPCHURCH

FRANK D. UPCHURCH, SR.
(1894-1986)
HAMILTON D. UPCHURCH
(1925-2008)
FRANK D. UPCHURCH, JR.
(1922-2012)

March 30, 2016

VIA FEDERAL EXPRESS
Tracking No. 7759 9756 6171

Mr. Roger Mills
U.S. Department of Education
Office of Civil Rights, Region IV
61 Forsyth Street S.W., Suite 19T10
Atlanta, Georgia 30303-8927

Re: OCR Complaint No. 04-16-110

Dear Mr. Mills:

The purpose of this letter is to state the St. Johns County School District's legal position in regard to the D.A. Title IX investigation.

Background

D.A. was born a biological female. Prior to the 2015-16 school year, she was enrolled in St. Johns County schools as a female, and presented as a girl.

In the spring of 2015, D.A. was accepted into the IB program at Nease High School. During the summer, D.A.'s mother contacted school officials¹ and informed them that D.A. self-identified as a male and wished to present as a boy at Nease. The week before school started, school officials met with D.A. and his mother to make sure that the transition would go smoothly. They were supportive and accommodating, allowing D.A. to dress and present as a boy and making sure staff used his preferred name and pronoun. School officials expedited getting his freshman photograph made for his school record and student ID after he told them that he didn't want his 8th grade photograph used on an interim basis because it showed him as a girl, with long hair. School officials also referred him to community groups and events in support of his interest in transgender and LBGTQ issues and activities.

School officials made arrangements for D.A. to use a gender neutral restroom located at the main entrance. In September, the dean received complaints from two

¹ References to "school officials" include Nease staff and District social worker Holly Arkin who had worked with D.A. in middle school and assisted with his support at Nease.

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students that D.A. was using the boys' restroom. School officials met with D.A. and his mother and explained that he should use the gender neutral restroom. No disciplinary action was taken. When he complained that restroom wasn't conveniently located to his classes, school officials converted a staff restroom in Pod K to a gender neutral facility, where it is more conveniently located to his classes.

In January, the school opened another gender neutral restroom. The gender neutral restrooms are appropriately labelled, and open to all students.

Overview

At Nease High School, the District provides separate restroom facilities on the basis of sex, as well as gender-neutral facilities. The girls' and boys' restrooms are designated for biological females and biological males, respectively.

We acknowledge that in various correspondence and administrative guidance, the Office of Civil Rights has taken the position that a transgender student should be allowed to use restroom facilities consistent with their gender identity. However, we respectfully disagree that it is a Title IX violation for a school to adhere to the traditional, ubiquitous and perfectly lawful practice of assigning student restroom usage on the basis of biological sex. See, Faulkner v. Jones, 10 F.2d 226, 232 (4th Cir. 1993) (recognizing "society's undisputed approval of separate public restrooms for men and women based on privacy concerns," and that the "need for privacy justifies separation") (emphasis added); Virginia v. United States, 518 U.S. 515, 550, at n. 19 (1996) ("Admitting women to VMI would undoubtedly require alterations necessary to afford members of each sex privacy from members of the other sex").

Indeed, Title IX regulations expressly authorize schools to provide separate restrooms on the basis of sex. Section 106.33 states:

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

34 C.F.R. § 106.33 (emphasis added). Title IX regulations also authorize educational institutions to consider an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex. 34 C.F.R. § 106.61. Title IX itself authorizes institutions to maintain "separate living facilities for the different sexes." 20 U.S.C.A. § 1686.

Denying a biological female who identifies as a male access to the boys' restroom is not discrimination because of transgender status or gender stereotyping in violation of Title IX. D.A. is not denied access to the boys' restroom because he is transgender or because he does not conform to gender stereotypes. D.A. is not allowed to use the boys'

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restroom because, and only because, the boys' restroom is designated for biological males and D.A. is not a biological male. D.A. is not being discriminated against because of sex, but is being treated exactly the same as all other students, whose access to group restrooms is likewise determined by their biological sex. That is the antithesis of discrimination.

Nevertheless, the school was sensitive to D.A.'s concerns about restroom usage, and made gender neutral facilities available to him. That is a common sense solution. See, Kastl v. Maricopa County Community College District, 325 Fed. Appx. 492, at n. 1 (9th Cir. 2009); Grimm v. Gloucester County School Board, 2015 WL 5560190 (E.D. Va. 2015) ("Grimm"); Johnston v. Univ. of Pittsburgh, 97 F.Supp.3d 657, 661 (W.D. Pa. 2015) ("Johnston"); Doe v. Clark County School Dist., 2008 WL 4372872 (D. Nev. 2008). It protected the bodily privacy of both D.A. and the boys using the boys' restrooms by allowing them to perform personal bodily functions "consistent with society's long-held tradition of performing such functions in sex-segregated spaces based on biological or birth sex." Johnston, 97 F.Supp.3d at 668. The importance of the school's interest in protecting its students' right to bodily privacy in the use of restrooms cannot be seriously questioned. Grimm, 2015 WL 5560190, and cases cited therein, at pp. 21-23.

The Title IX Restroom Cases

The courts have consistently rejected OCR's view that it is a Title IX violation to deny a transgender student the use of the restroom that matches the student's gender identity rather than his or her biological sex. E.g., Johnston, 97 F.Supp.3d at 661 ("This case presents one central question: whether a university, receiving federal funds, engages in unlawful discrimination, in violation of the United State Constitution and federal and state statutes, when it prohibits a transgender male student from sex-segregated restrooms ... designated for men on the university campus. The simple answer is no."); Grimm, 2015 WL 5560190, at p. 8 (Section 106.33 "clearly allows the School Board to limit restroom access 'on the basis of sex,' including birth or biological sex."); Clark County School Dist., 2008 WL 4372872, at p. 4 ("Since Mary Doe would have had access to a [gender neutral] restroom had she actually enrolled at GVHS, Plaintiffs cannot possibly establish the first key element required for a Title IX claim."). See also, Johnson v. Fresh Mark, Inc., 337 F. Supp.2d. 996, 1000 (N.D. Ohio 2003) (employer did not violate Title VII when it "only required [the transgender] plaintiff to conform to the accepted principles established for gender-distinct [male and female] public restrooms."); Etsitty v. Utah Transit Authority, 502 F.3d 1215, 1225 (10th Cir. 2007) ("Because an employer's requirement that employees use restrooms matching their biological sex does not expose biological males to disadvantageous terms and does not discriminate against employees who fail to conform to gender stereotypes, [the employer's] proffered reason of concern over restroom usage is not discriminatory on the basis of sex."); Michaels v. Akal Security, Inc., 2010 WL 2573988, at p. 4 (D. Co. 2010) ("Etsitty precludes such a [Title VII] claim based solely upon restrictions on Plaintiff's usage" of restrooms "to those comparable with her anatomical gender pending proof of her gender reassignment surgery."); Goins v. West Group, 635 N.W.2d 717 (Minn. 2001) (employer's "designation of restroom facilities

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based solely on biological gender does not violate the MHRA [Minnesota Human Rights Act]”); Hispanic Aids Forum v. Estate of Bruno, 16 A.D.3d 294 (Ct. App. 2005) (“defendant’s designation of restroom use, applied uniformly, on the basis of ‘biological gender,’ rather than biological self-image, was not discrimination.”).

OCR’s Reliance on Title VII Caselaw is Misplaced

None of the cases relied upon by the OCR as stated in the Statement of Interest submitted in support of the plaintiffs in Grimm hold that separating restrooms on the basis of biological sex is a violation of Title IX. Rather, OCR primarily relies upon Title VII cases.

With all due respect, we question the value of Title VII transgender discrimination caselaw in the context of a Title IX transgender restroom discrimination claim. Although Title VII and Title IX both prohibit discrimination “because of sex,” Title IX and its regulations expressly create an exception for toilet facilities, locker rooms and housing, authorizing separate facilities “on the basis of sex.” 34 C.F.R. § 106.33; 20 U.S.C.A. § 1686. **There is no separate restroom exception to discrimination on the basis of sex under Title VII.**

We recognize that under Title VII, an argument can be made that preventing a transgender employee from using the group restroom consistent with his or her gender identity is unlawful discrimination “because of sex.” However, that argument is not credible in the Title IX context. If it is discrimination to assign students to separate restrooms by biological sex, it is lawful discrimination under Title IX because of Section 106.33. E.g., Grimm, 2015 WL 5560190 at p. 12; Johnston, 97 F.Supp.3d at 678. For that reason, Schroer v. Billington, 577 F.Supp.2d 293, 306 (D.D.C. 2008), Lusardi v. McHugh, 2015 WL 1607756 (EEOC 2015), Macy v. Holder, 2012 WL 1435995 (EEOC 2012), and other Title VII cases that embrace the view that making an employment decision based on transgender status is discrimination “because of sex” in violation of Title VII are not persuasive in the context of this investigation. Even assuming arguendo that denying a transgender student use of the restroom that aligns with his or her gender identity is discrimination “because of sex,” it is not unlawful discrimination in violation of Title IX, because Section 106.33 authorizes schools to assign students to separate restroom according to their biological sex.

For the same reason, the argument that transgender is now a protected class under Title VII does not translate to Title IX transgender restroom cases. Accordingly, it cannot be said that Ulane v. Eastern Airlines, 742 F.2d 1081 (7th Cir. 1984), and its progeny are no longer good law in that context. See, Johnston, 97 F.Supp.3d at 676; Etsitty v. Utah Transit Auth., 502 F.3d at 1221-22; Holloway v. Arthur Andersen & Co., 566 F.2d 659, 662-63 (9th Cir. 1977); Sommer v. Budget Mktg., 667 F.2d 748, 750 (8th Cir. 1982); Eure v. Sage Corp., 61 F.Supp.3d 651, 655 (W.D. Tex. 2014); Lopez v. River Oaks Imaging &

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Diagnostic Grp., Inc., 542 F.Supp.2d 653, 658 (S.D. Tex. 2008); and Sweet v. Mulberry Lutheran Home, 2003 WL 21525058, at p. 2 (S.D. Ind. 2003).

Furthermore, it is important to recognize that most of the Title VII cases cited by OCR were based on the gender non-conformity theory developed in Price Waterhouse v. Hopkins, 490 U.S. 228 (1989). The Title VII violations in those cases were based on allegations and evidence that the employer was motivated to take adverse employment action by animus toward the transgender plaintiff, stemming from the plaintiff's failure to conform to sex stereotypes about how men and women should look and act, in some cases including the plaintiff's decision to transition from one sex to another. For example, in Schroer, the court concluded that the Library of Congress violated Title VII when senior staff members changed their minds about hiring the plaintiff after learning that she was undergoing a male to female transition. The court concluded:

In refusing to hire Diane Schroer because her appearance and background did not comport with the decisionmaker's sex stereotypes about how men and women should act and appear, and in response to Schroer's decision to transition, legally, culturally, and physically, from male to female, the Library of Congress violated Title VII's prohibition on sex discrimination.

577 F.Supp.2d at 308. See also, Smith v. City of Salem, Ohio, 378 F.3d 566, 572 (6th Cir. 2004) ("Having alleged that his failure to conform to sex stereotypes concerning how a man should look and behave was the driving force behind Defendants' actions, Smith has sufficiently pleaded claims of sex stereotyping and gender discrimination."); Macy, 2012 WL 143995, at p. 3 (complaint alleged discrimination based on "sex stereotyping, sex discrimination based under transition/change of sex and sex discrimination based gender identity."); Schwenk v. Hartford, 204 F.3d 1187, 1201 (9th Cir. 2000) (discussing Title VII gender stereotype cases).

In the typical case of Title VII transgender discrimination, the employer made a decision to fire, not hire or discipline a transgender person. The decision was made on a personal level, about the individual employee and his or her particular circumstances, and was subject to the employer's gender bias and stereotyping. The plaintiff alleged and in some cases proved that the employer was motivated by animus towards the plaintiff, because the plaintiff's appearance and behavior did not conform to the employer's gender stereotypes about how men and women should look and act. See, Price Waterhouse and cases cited in Glenn v. Brumby, 663 F.3d 1312, 1317-1319 (10th Cir. 2011).

Unlike the employment action in the Title VII cases, the decision to exclude D.A. from the boys' restroom was not personal, and was not motivated by bias on account of D.A.'s individual traits and circumstances. Rather, the school dispassionately followed Section 106.33 and the District's Guidelines and Best Practices for LGBTQ students. D.A.

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was not allowed to use the boys' restrooms because they are designated for biological males and he is a biological female. Unquestionably, D.A. was treated the same as any other biologically female student. Likewise, a biologically male transgender student would not be allowed to use the girls' restrooms because they are designated for biological females. Accordingly, the school did not treat D.A. differently from other students, and there was no Title IX violation.

On the contrary, we submit it would have been a prima facie Title IX violation to treat D.A. "differently" and in a "different manner" from other students and allow him, a biological female, to use the boys' restroom, when all other students must use the restroom designated for their biological sex. Title IX regulations expressly prohibit such disparate treatment. 34 C.F.R. §§ 31(b)(1) - (7).

The Meaning of "Sex" as Used in Section 106.33

OCR cites Price Waterhouse and other authorities for the proposition that "sex" now "encompasses" gender identity as well as biological sex. However, as the court recognized in Grimm, it does not follow that gender identity has supplanted biological sex in the context of separate sex restrooms authorized by Section 106.33. While sex may encompass gender identity for some purposes (mainly in gender stereotyping analysis), it does not follow that gender identity has now completely replaced biological sex for purpose of student access to separate boys' and girls' restrooms, particularly in the face of Section 106.33. See, discussion in Grimm, 2015 WL 5560190, at pages 7-9.

OCR's Anatomy- Based Gender Stereotype Theory

In its Statement of Interest in Grimm, the government advanced the theory that designating separate restrooms on the basis of biological sex constitutes unlawful gender stereotyping about "the relationship between one's gender identity and anatomy," and "what it means to be a boy." Statement of Interest, at pp. 11 and 13. OCR's reliance on Kastl v. Maricopa County Community College District, 2004 WL 2008954 (D. Ariz. 2004), in support of this theory is misplaced. The case does not suggest any such thing.

Kastl was an adjunct college faculty member, who was transitioning from male to female. She was terminated from her position when she defied the college's directive to use the men's restroom until such time as she provided proof that she had completed sex-change surgery. Significantly, Kastl did not challenge the validity of the college's policy of providing separate restrooms based on genital anatomy. Rather, in her complaint, Kastl alleged that she was a biological female and was being denied the use of the restroom designated for biological females. Id. at pp. 1-2. Based on those allegations, the court declined to dismiss her Title IX claim.

The court did comment that "neither a woman with male genitalia nor a man with stereotypically female anatomy, such as breasts, may be deprived of a benefit or privilege of employment by reason of that nonconforming trait." Id. at p. 2. The court made that

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observation in the context of Kastl's allegation that she was a biological female, although she still had male genitalia. The court was saying that because Kastl (allegedly) was a biological female, her nonconforming anatomical characteristics would not disqualify her from using the women's restroom. The court was not embracing OCR's anatomy-based gender stereotype theory - that it is unlawful gender stereotype discrimination to refuse a biological female the use of the men's restroom because her female anatomy does not conform with her male gender identity. Rather, the court was addressing nonconformity between anatomy and biological sex, not anatomy and gender identity, as OCR would have it.

In Kastl II, 2006 WL 2460636, at p. 6 (D. Ariz. 2006), the court denied Kastl's motion for summary judgment because "she has provided no evidence that she was a biological female and member of a protected class while she was employed by Defendant."

On appeal, in Kastl III, 325 Fed. Appx. at 492, the court affirmed the summary judgment in favor of the college. Noting that "it is unlawful to discriminate against a transgender (or any other person) because he or she does not behave in accordance with an employer's expectations for men or women," the court disagreed with the district court and found that Kastl had stated a prima facie Title VII claim. Id. at 493 (emphasis added). However, the court affirmed the summary judgment, because the plaintiff failed to refute the college's evidence that it was motivated by safety concerns. Although the court did not elaborate on what "nonconforming behavior" motivated the college's decision, it is clear the court was not referring to Kastl's nonconforming anatomy.

Significantly, in a footnote, the appellate court suggested that a gender neutral restroom would have been an acceptable solution:

We note that the parties do not appear to have considered any type of accommodation that would have permitted Kastl to use a restroom other than those dedicated to men. After all, Kastl identified and presented full-time as female, and she argued to MCCCDC that the men's restroom was not only inappropriate for but also potentially dangerous to her.

325 Fed. Appx. at 492, n.1. This is yet more evidence that Kastl does not support OCR's interpretation of Title IX to require restroom assignment based solely on gender identity. If that had been the court's view, the court would not have been concerned with Kastl's biological sex and would have summarily decided the case in her favor, as it was clear that Kastl's gender identity was female.

In fact, Kastl supports the District's position in this investigation. Like the District, its view was that it was not Kastl's gender identity or anatomy, but rather her biological sex that was determinative of whether she could use the women's restroom. It also signaled that it would have been an acceptable accommodation to provide her with access to a gender neutral restroom, as the District did for D.A.

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Conclusion

For the reasons stated above, we respectfully request OCR to find that there was no Title IX violation in D.A.'s case.

Sincerely,



Frank D. Upchurch III

FDUIII/cs

**Defendant's Exhibit 41
(Under Seal)**

**Defendant's Exhibit 42
(Under Seal)**

**Defendant's Exhibit 43
(Under Seal)**



**ST. JOHNS COUNTY
SCHOOL DISTRICT**

STUDENT CODE OF CONDUCT

2017-2018

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St. Johns County School District

Guiding Principles

We believe that....

- Trustworthiness, respect, responsibility, fairness, caring and citizenship are essential to the well-being of individuals and society.
- All individuals have intrinsic value.
- Every individual can contribute something of worth to society.
- Individuals are responsible and accountable for their choices and decisions.
- In order to grow and thrive, individuals need caring relationships and a nurturing environment.
- Supportive family relationships are the foundation of the community.
- High expectations lead to higher performance which, in turn, empowers the individual and strengthens society.
- Continuous learning is a lifelong process that is essential to a productive and enriched life.

The St. Johns County School District is recognized throughout Florida for its exceptional academics, innovative programming, student accomplishments, and professional staff. The district's success is due to its commitment to both excellence in academics and character development.

The Six Pillars of Character (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship) are found in the District's Core Values. Individual worth and high expectations for all students are also part of this value system.

St. Johns County schools and organizations have come together with a common approach in an effort to say children matter, values matter, character matters and academic excellence matters in our community and in our country. These principles are embodied in the District's visionary Mission Statement.

Mission Statement

The St. Johns County School District will inspire good character and a passion for lifelong learning in all students, creating educated and caring contributors to the world.

District Office Phone Directory

Directory Information Switchboard (904) 547-7500

www.stjohns.k12.fl.us

Academic Services	547-7520	Instructional Services: Secondary	547-7558
Athletics	547-7583	Instructional Technology	547-3920
Board Members	547-7510	Media Services	547-4864
Curriculum	547-7503	Operational Services	547-7670
ESOL	547-8928	Public Relations	547-7517
Exceptional Student Education	547-7672	Risk Management	547-7554
Facilities & New Construction	547-8150	School Improvement	547-8911
Facilities Planning	547-7680	School Services	547-7583
Food Services	547-8931	Student Records	547-7137
Full Service Schools	547-7797	Student Services	547-7797
Guidance and Programs of Choice	547-8080	Superintendent	547-7502
Head Start	547-8965	Title I Services	547-8928
Health Services	547-7693	Transportation	547-7810
Human Resources	547-7600	Volunteers	547-3945
Instructional Services: Elementary	547-7541	Voluntary Pre-K Programs	547-8954

Directory of Schools

Elementary Schools

Crookshank Elementary	1455 North Whitney Street St. Augustine, Florida 32084	547-7840
Cunningham Creek Elementary	1205 Roberts Road St. Johns, Florida 32259	547-7860
Durbin Creek Elementary	4100 Race Track Road St. Johns, Florida 32259	547-3880
W. D. Hartley Elementary	260 Cacique Drive St. Augustine, Florida 32086	547-8400
Elementary "M"	2675 Pacetti Road St. Augustine, FL 32092	TBA
Hickory Creek Elementary	235 Hickory Creek Trail St. Johns, Florida 32259	547-7450
R. B. Hunt Elementary	125 Magnolia Drive St. Augustine, Florida 32080	547-7960
Julington Creek Elementary	2316 Race Track Road St. Johns, Florida 32259	547-7980
Ketterlinus Elementary	67 Orange Street St. Augustine, Florida 32084	547-8540
Otis Mason Elementary	207 Mason Manatee Way St. Augustine, Florida 32086	547-8440
Mill Creek Elementary	3750 International Golf Parkway St. Augustine, Florida 32092	547-3720
Ocean Palms Elementary	355 Landrum Lane Ponte Vedra Beach, Florida 32082	547-3760
Osceola Elementary	1605 Osceola Elementary Road St. Augustine, Florida 32084	547-3780
Palencia Elementary	355 Palencia Village Drive St. Augustine, Florida 32095	547-4010
PV/PV-Rawlings Elementary	630 A-1-A North Ponte Vedra Beach, Florida 32082	547-3821
South Woods Elementary	4750 State Road 206, West Hastings, Florida 32033	547-8610
Timberlin Creek Elementary	555 Pine Tree Lane St. Augustine, Florida 32092	547-7400
The Webster School	420 North Orange Street St. Augustine, Florida 32084	547-3860
Wards Creek Elementary	6555 State Road 16 St. Augustine, Florida 32092	547-8730

K-8 Schools

Liberty Pines Academy	10901 Russell Sampson Rd Saint Johns, Florida 32259	547-7900
Patriot Oaks Academy	475 Longleaf Pine Parkway St. Johns, Florida 32259	547-4050
Valley Ridge Academy	105 Greenleaf Drive Ponte Vedra, FL 32081	547-4090

Middle Schools

Fruit Cove Middle	3180 Race Track Road St Johns, Florida 32259	547-7880
Alice B. Landrum Middle	230 Landrum Lane Ponte Vedra Beach, Florida 32082	547-8410
Liberty Pines K-8	10901 Russell Sampson Rd Saint Johns, Florida 32259	547-7900
Murray Middle	150 North Holmes Blvd. St. Augustine, Florida 32084	547-8470
Pacetti Bay Middle	245 Meadowlark Lane St. Augustine, Florida 32092	547-8760
Gamble Rogers Middle	6250 US 1 South St. Augustine, Florida 32086	547-8700
Sebastian Middle	2955 Lewis Speedway St. Augustine, Florida 32084	547-3840
Switzerland Point Middle	777 Greenbriar Road St. Johns, Florida 32559	547-8650

High Schools

Bartram Trail High School	7399 Longleaf Pine Parkway St. Johns, Florida 32259	547-8340
Creekside High School	100 Knights Lane St. John, Florida 32259	547-7300
Pedro Menendez High School	600 State Road 206 West St. Augustine, Florida 32086	547-8660
Allen D. Nease High School	10550 Ray Road Ponte Vedra, Florida 32081	547-8300
Ponte Vedra High School	460 Davis Park Road Ponte Vedra, Florida 32081	547-7350
St. Augustine High School	3205 Varella Ave. St. Augustine, Florida 32084	547-8530
St. Johns Technical High School	2980 Collins Avenue St. Augustine, Florida 32084	547-8500

Alternative Schools

The Gaines Alternative and Transition Schools at The Evelyn B. Hamblen Center	One Christopher Street St. Augustine, Florida 32084	547-8560
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Post Secondary Schools

First Coast Technical College	2980 Collins Avenue St. Augustine, Florida 32084	547-3282
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Charter Schools

St. Johns Community Campus (ARC)	62 Cuna Street St. Augustine, Florida 32084	209-6842
Therapeutic Learning Center	1955 U.S. 1 South St. Augustine, Florida 32086	824-8932
St. Augustine Public Montessori	7 Williams Street St. Augustine, Florida 32084	342-5350

St. Johns County School District 2017-2018 Student Code of Conduct

INTRODUCTION

With the St. Johns County School District Mission Statement in mind, the Student Code of Conduct was developed to help District students, parents, faculty and staff understand the guidelines for maintaining a safe and orderly learning environment. In addition, all District students and staff are charged with modeling the characteristics of citizenship, character education and literacy. Each school develops its own rules and expectations for student conduct based on the District-wide Student Code of Conduct.

This Code applies to all District students in pre-kindergarten through grade 12, including high school and school-age students attending either a technical center in a dual-enrollment program or a community school program for high school credit. It applies to students:

- While on school grounds
- While being transported by School District transportation
- During school-sponsored events, such as field trips, athletic functions and similar activities.

While students may be disciplined for infractions as provided in this Student Code of Conduct, there also may be law enforcement consequences for acts of misconduct that violate the law.

This Student Code of Conduct is based upon the School Board's rules governing student conduct and discipline. It includes:

- Rules of conduct
- Specific grounds for disciplinary action
- Procedures to be followed in disciplinary actions
- An explanation of the rights and responsibility of students with regard to attendance, respect for person and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

Required revisions made to the School Board approved 2017-2018 Student Code of Conduct will be made available on the School District's website, at www.stjohns.k12.fl.us

IMPORTANT NOTE: INFORMATION REGARDING FORMS WHICH MUST BE RETURNED BEGINS ON PAGE 57. FORMS **MUST** BE SIGNED BY STUDENT, PARENT OR GUARDIAN AND RETURNED TO STUDENT'S SCHOOL.

SECTION 1

STUDENT RIGHTS AND RESPONSIBILITIES

It is the intent of the Student Rights and Responsibilities section of this Code that students understand that individual rights involve associated responsibilities and that individual rights must be viewed in relationship to the health, safety, and welfare of the majority of students within each school. In each school, the principal is responsible for the orderly school administration, operation and instructional leadership under the supervision of the Superintendent, in accordance with rules and regulations of the School Board. The faculty and staff shall assist in the orderly operation of the school and assure the rights of students.

1. Safe, Positive and Receptive Learning Environment

Student Rights

- To attend school in a positive learning environment.
- To have school staff who are receptive to student needs and concerns.
- To be safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination in the school.

Student Responsibilities

- To maintain decorum that enhances a positive learning environment.
- To express needs and concerns in an appropriate manner.
- To know and obey District and school behavioral expectations and to report unsafe situations to school or law enforcement personnel.

2. Attendance

Student Rights

- To be informed of School Board policies and school rules about absenteeism and tardiness.
- To appeal a decision about an absence.
- To make up class work in a reasonable amount of time after an excused absence.

Student Responsibilities

- To attend classes daily and be on time.
- To explain or document the reason for an absence.
- To request make-up work after an absence and to complete it in a reasonable amount of time.

3. Counseling

Student Rights

- To be informed about school guidance services.
- To have access to individual and group counseling.
- To request counseling.

Student Responsibilities

- To use guidance services for educational and personal improvement.
- To schedule guidance appointments ahead of time, except in emergencies.
- To work cooperatively with all school staff.

4. Curriculum

Student Rights

- To have equal educational opportunity in academic and extracurricular programs, within reasonable limits.
- To receive course descriptions.
- To learn from competent teachers in an atmosphere free from bias and prejudice.
- To take part in basic skills programs.

Student Responsibilities

- To request academic and extracurricular programs consistent with ability.
- To ask for help from school staff in choosing courses.
- To cooperate with teachers and contribute to an atmosphere free from bias and prejudice.
- To make every effort to master academic standards.

5. Free Speech/Expression

Student Rights

- To express views through speaking and writing without being obscene, disruptive, slanderous or libelous.
- To participate in patriotic observances.
- To have the free exercise of religious beliefs as guaranteed by law.
- To assemble peaceably on school grounds while following federal, state and local law and school rules.
- To help develop and distribute publications as part of the educational process.
- To be protected from sexual harassment and all other forms of bullying and harassment.

Student Responsibilities

- To respect the right of others to express their views.
- To behave respectfully during patriotic observances.
- To respect the religious beliefs of others.
- To plan, get approval for and conduct activities that are consistent with the school's goals.
- To follow the rules of responsible journalism under the guidance of an advisor, including seeking complete information about topics and refraining from publishing libelous, obscene or disruptive material.
- To refrain from sexual harassment and all other forms of bullying and harassment.

6. Grades

Student Rights

- To receive a teacher's grading standards at the beginning of the year or semester.
- To be notified of failure/potential failure when work is unsatisfactory.

Student Responsibilities

- To learn about grading standards.
- To meet academic standards in line with ability and to make every effort to improve unsatisfactory work.

7. Privacy and Property Rights

Student Rights

- To have privacy of personal possessions within the limitations prescribed by School Board rules and policies.
- To have personal property rights respected.

Student Responsibilities

- To obey laws and School Board rules against bringing prohibited substances of any kind to or possessing them at school or school activities.
- To realize the school is not responsible for students' personal property.
- To respect others' personal property.

8. Student Records

Student and Parental Rights

- To inspect a student's records and challenge inaccurate entries.
- To be protected from unlawful disclosure of student records and information.

Student and Parental Responsibilities

- To provide the school with accurate information that could help in making educational decisions.

Parental Rights under School Board Rule 5.24

- To inspect instructional materials.
- To consent to their student submitting to a survey, analysis, or evaluation, if pertaining to a matter listed in School Board Policy 5.24: Parental Access to Information.

9. Participation in Extracurricular Activities

In order to participate in extracurricular activities (including athletic programs), students must adhere to School Board rules, school rules and applicable law. It is important for students to understand that the behavioral expectations placed upon them by the school can extend beyond the classroom and school campus. Participation in extracurricular activities is a privilege. The school administration may restrict a student's extracurricular activity privileges in connection with poor attendance, repeated tardiness, and/or disciplinary action administered under Section 3, or when in the judgment and discretion of the administration such restrictions are in the best interest of the student or the school.

10. Student Dress Code

The dress and grooming of St. Johns County Public Schools students shall contribute to the health and safety of the individual, promote a positive educational environment and not disrupt the educational activities and processes of the school. Because inappropriate clothing worn by a student is detrimental to the school program, the wearing of garments suitable for school shall be encouraged. All faculty and administrative staff shall be on the alert to give positive guidance in these matters, without embarrassment to the student.

These rules on personal appearance of students are intended to enable the students of St. Johns County Public Schools to dress casually but reasonably. However, the school principal is the final authority with regard to the appropriateness of student dress. **Nothing in these rules shall be construed to pre-empt the principal's authority** to act in specific cases when,

in the principal's judgment and discretion a student's dress threatens to disrupt the educational process or the good order and discipline of the school, or is otherwise inappropriate.

All Students

- Personal attire may be in the style of the day, but clothing that is immodest, revealing, or distracting in character is unacceptable. Clothing, piercings and accessories shall not be worn if they display profanity, violence, discriminatory messages, sexually suggestive phrases, advertisements, phrases or symbols of alcohol, tobacco or drugs or create a safety issue within the learning environment.
- In accordance with statutory requirements, and as more particularly specified in the standards for boys and girls below, students are prohibited from wearing clothing that exposes underwear or that exposes body parts in an indecent or vulgar manner.
- Head coverings, including but not limited to, caps, hats, bandannas, hair curlers and/or sunglasses, shall not be worn on campus unless required by a physician or authorized by school administration.
- Students must wear shoes that are safe and appropriate for the learning environment. Middle school and elementary school students must wear shoes that have a back or strap on the heel. High school students may wear backless shoes; however, bedroom slippers and footwear commonly considered as beachwear is prohibited. (For example, beach sandals, or other such beach shoes, will not be allowed in school).
- Hair shall be clean and well combed or brushed. Extreme hairstyles will not be acceptable.
- Skirts, dresses, shorts, baggies, culottes, no shorter than four inches (4") above the top of the knee, are acceptable. Skirts shorter than four inches (4") above the top of the knee worn with leggings or tights are not acceptable.
- Gang graffiti will not be drawn or worn on backpacks, notebooks, folders, papers, clothing or any other object or on the body of any student or person on school property.
- Tank tops and shirts are not acceptable except in physical education classes. Any student who attends First Coast Technical College must follow dress code regulations established by each occupational department of the F.C.T.C. (i.e., safety clothing, protective garments, and business attire).

Standards: Boys

- Boy's pants/slacks must be worn at the waist. No boxer shorts or underwear may be visible.
- Mustaches and beards shall be neatly trimmed.

Standards: Girls

- Tops and shirts must cover the entire shoulder and they must be modest and not revealing or distracting. Midriff or "cut-out" dresses and "cut out" tops may not be worn. Extremely short skirts are not allowed. Skirts must be no shorter than four inches (4") above the top of the knee. Revealing clothing, pajamas and lingerie are not acceptable. Underwear must not be exposed.
- Hair curlers and excessive make-up shall not be permitted.
- Girls' pants/slacks must be worn at the waist. No underwear may be exposed.

Enforcement and Waiver

- **The principals or designees will determine the appropriateness of attire.**
- For special events and occasions, principals may grant requests to modify this policy for their particular school.
- The School Advisory Council may recommend and the Superintendent may grant an individual school's request to deviate from dress requirements. Examples include requiring school uniforms, all shirts shall be tucked in, no shorts, pants must have belts, etc.

11. Standards of Conduct for Students Riders Transported by School Bus

Riding a school bus is a privilege. While riding a bus, students are required to follow this Code of Conduct and the directions of the bus operator. School bus operators will report any Code of Conduct infraction or other student conduct requiring discipline to school administrators. The school administration is responsible for disciplining student riders in accordance with Sections 5 and 6 of this Code.

Responsibilities of the School Bus Operator

- Operate the bus safely.
- Adhere to applicable state and local laws, Florida Department of Education (FDOE) guidelines, and District procedures and guidelines.
- Maintain order on the school bus.
- Promptly report to dispatch and school administrators any disciplinary infraction or other student conduct affecting the safe operation of the school bus.
- Limit access aboard the school bus to assigned student riders, School District staff and administrators, and emergency services personnel.
- Assign specific seats to student riders when necessary for safety. (Elementary age student riders may sit three to a seat from window to aisle.)
- Assign kindergarten age student riders to the seats designated for them.
- Load kindergarten age student riders first at the schools. Sibling student riders may board and sit with kindergarten age student riders.
- School bus operators have the authority to direct student riders to refrain from using any devices or engaging in activities which, in their judgment, negatively affect the safe operation of the school bus.

Responsibilities of the Student Rider

- Adhere to this Code of Conduct aboard the bus.
- Follow the bus operator's directions.
- Board and disembark assigned school bus at the bus at zoned/assigned school and assigned school bus stop. Student riders are not permitted to disembark from school buses at locations other than assigned school bus stop.
- Arrive at the school bus stop at least five minutes prior to the scheduled school bus stop time.
- Wait for school buses in an orderly manner at designated area at least 12 feet off the roadway.
- Student riders crossing a roadway to board or disembark a school bus, should wait for the operator's hand signal, and look carefully in both directions before

crossing the roadway. Parent/guardians are respectfully requested to not distract student riders during crossing operations.

- Remain seated at all times while the school bus is underway.
- Stand to disembark the school bus only after the school bus has come to a complete stop and the school bus operator has signaled student riders.
- Keep head and limbs inside the school bus at all times.
- Throwing objects from the windows of the school bus is strictly prohibited. The school bus operator or school administration may refer student riders or other persons to law enforcement for throwing objects from or at a school bus.
- Refrain from accessing the underside storage compartments of school buses.
- Observe classroom conduct aboard the school bus and while waiting for the school bus at the school and assigned school bus stops. Ordinary conversation is acceptable.
- Refrain from pushing, tripping or other unsafe conduct while boarding, riding and disembarking the school bus.
- Refrain from any abusive, profane language, or other inappropriate communications with other student riders, school bus operators, school bus attendants, cyclists, motorists and pedestrians.
- Maintain strict silence at railroad crossings to ensure safe crossing of the school bus over the tracks.
- Refrain from consuming food or other substances while aboard a school bus. Water is permitted when appropriate at the discretion of the school bus operator.
- Refrain from using cell phones and other electronic devices aboard a school bus as directed by the school bus operator. Audio or video recording aboard a school bus is strictly prohibited.
- Refrain from bringing animals (dead or alive), glass or glass containers, combustible items, sharp objects, balls, bats, cutting instruments, batons, drum sticks, skate boards and large objects (including band instruments) without prior permission of the school administration and school bus operator. Backpacks are acceptable.
- Refrain from applying or spraying perfume, cologne or aerosol items aboard a school bus.
- Refrain from vandalism of school buses. Student riders are responsible for damages to school buses.
- Wear seatbelts while aboard the school bus.

Discipline for Student Riders Violating School Bus Rules

Disruptive behavior and violation of the Code of Conduct on a school bus by a student rider are grounds for suspension of the privilege of riding on a school bus, disciplinary action by the school administration, and/or assessment of criminal penalties by law enforcement. In particular:

- The principal or designee may suspend a student from the school bus for up to ten (10) days per occurrence for violating the standards of conduct for student riders aboard a school bus.
- The School Board may approve the suspension of school bus privileges for student riders a period between eleven (11) days and the balance of the school year.
- In addition to the suspension of school bus privileges, student riders who violate the Code of Conduct while on a school bus are subject to out-of-school suspension and other disciplinary action as authorized by this Code.

Transportation Services Waiver

Schools are no longer authorized to issue Bus Passes or instruct bus operators regarding bus ridership or stops. Instead, the Transportation Department is now responsible for issuing provisional Transportation Services Waivers for a specific period of time due to extenuating circumstances. Parents may apply for this waiver via the St. Johns County School District webpage under the "Transportation Department." Waivers will not be available from individual schools.

SECTION 2

STUDENT ATTENDANCE

1. Attendance

Regular school attendance is a necessary part of a student's education. Excessive absences impair a student's educational progress, impacts whether the student passes or fails a grade, and may result in court proceedings and/or the loss of driving privileges. Absences shall be classified and treated as follows:

Excused Absences

Students must be in school unless the absence has been excused for one of the reasons listed below. Excused absences include the following:

- Personal Illness.
- Illness of an immediate family member.
- Death in the family.
- Religious holidays of the student's religious faith.
- Required court appearance or subpoena by a law enforcement agency.
- Special events, including, but not limited to, important public functions, student conferences, student state/national competitions that are school-sponsored, administrative approved post-secondary educational institution visitation, as well as exceptional cases of family need. Students must get permission from the principal at least five days in advance.
- Scheduled doctor or dentist appointments. The parent or guardian must notify the school of the date and appointment time prior to the absence/release time.
- Students having or suspected of having a communicable disease or infestation that can be transmitted are to be excluded from school and are not allowed to return to school until they no longer present a health hazard (Florida Statute 1003.22). Examples of communicable diseases and infestations include, but are not limited to, fleas, head lice, ringworm, impetigo, and scabies. Students are allowed a maximum of three (3) days excused absence for an infestation of head lice.

Unexcused Absences

Unexcused absences include, but are not limited to, the following:

- Shopping trips
- Pleasure trips
- Suspension from school
- Appointments without prior approval except in case of emergency
- Truancy
- Other avoidable absences.

2. Reporting Absences

Any student who has been absent from school shall bring a note from a parent or guardian within forty-eight (48) hours of returning to school stating the cause of the absence. Failure to bring in a note will result in an automatic unexcused absence. However, the fact that the student brings in a note does not require the school administration to excuse the absence. The principal or designee will decide whether the absence meets the criteria for an excused

absence, and that decision will be final. The administration may request additional documentation, such as a doctor's note. The excuse must state specific dates of absence, and must be signed by the treating, licensed physician. After fifteen (15) days of absence, whether excused or unexcused, a student must present verification from a licensed doctor for all subsequent absences due to illness. Special circumstances may justify a review by the School District's Health Services personnel.

3. Planned Absences

In case of a planned absence, the parent or guardian shall provide written notice at least five (5) days prior to the absence. The fact that such notice is provided does not require the administration to treat the absence as excused. Rather, the principal or designee will determine whether such absence meets the criteria for an excused absence as listed in paragraph 1.

4. Make-Up Work

Excused Absences

When a student is absent from school with an excused absence, the student shall be responsible for all work and assignments missed during the student's absence. The student shall make arrangements with teachers for "make-up" work and will complete it within a reasonable time frame, (as determined by the school), upon the student's return to school. Coursework, tests and quizzes can be made up at 100% credit.

Unexcused Absences

When a student has an unexcused absence, it is the responsibility of the student to complete all coursework, test and quizzes and turn them in to the appropriate teacher. A student shall have one day to complete and turn in the work for each day the student is absent (i.e., in the event of three days unexcused absences; the student has three days to complete and turn in assignments) and may only earn 50% credit. Test and quizzes can be made up at 100% credit. Coursework, tests, and quizzes not completed and turned in within the allotted time frame will earn no credit. There is no expectation that the child's teacher or teachers recreate lessons, lectures, or labs for unexcused absences.

Unexcused absence without parental knowledge or consent, or absence from class without a written excuse from a teacher or administrator, will result in no credit for coursework, tests and quizzes missed during the absence.

5. Truancy

A student may be deemed truant after (i) five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month, or (ii) ten (10) unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period.

Students are subject to the following actions for preventing and correcting truancy:

- When a student may be exhibiting a pattern of non-attendance, the principal shall refer the student to the school's attendance team to determine if a pattern of truancy is developing.
- The school's attendance team shall meet with the student and parent or guardian to determine if a pattern of truancy is developing and to identify and implement potential remedies.

- If the school-based efforts to resolve non-attendance are unsuccessful, the student shall be referred to the Superintendent or his designee for truancy.
- If no valid reason is found for the student's absences, the Superintendent or his designee may send the parent or guardian written notice requiring enrollment or attendance within three (3) days after the date of the notice.
- If the student does not return to school after the three (3) day notice, the Superintendent or his designee may refer the student and the parent or guardian to truancy court before the Circuit Court of St. Johns County. A criminal prosecution for truancy may also be initiated against the parent/guardian.

6. Tardiness

Tardiness is disruptive to the learning environment and can have a negative impact on student achievement. Excessive tardiness (more than 1 time per week) will be addressed on a case-by-case basis. Disciplinary action for unexcused tardiness shall be progressive, may include Level 1 consequences, and will be specifically defined in each individual school's discipline plan.

7. Driver's License

Florida law requires that minors who fail to satisfy attendance requirements will be ineligible for driving privileges. The School District is required to notify the Department of Highway Safety and Motor Vehicles of the following:

- Students ages 14-18 who accumulate fifteen (15) unexcused absences, not including out of school suspensions, in a ninety (90) calendar-day period.
- Students between the ages of 16-18 who have signed a declaration of intent to terminate school enrollment.
- Students ages 14-18 who are expelled.
- Students ages 14-18 who did not enter school and for whom the school has received no indication of transfer to another educational setting.

These students may not be issued a driver's license or learner driver's license. Also, the Department of Motor Vehicles shall suspend any previously issued driver's license or learner driver's license of any such minor pursuant to Florida Statute 322.091. In order to have a driver's license reinstated, the student must attend school regularly for thirty (30) days with no unexcused absences and pay the appropriate reinstatement fee.

8. Releasing Students from School

School staff shall definitively establish the identity and authority of any person who requests the release of a student from school prior to regularly-scheduled dismissal. If the person requesting the release of the student is a person other than a parent or guardian listed on the emergency contact form, the principal or teacher concerned shall not release the student without the consent of the parent or guardian who is listed on the emergency contact form. It is the responsibility of the enrolling parent or guardian at the time of registration, to make sure the emergency contact card is accurate and complete. If a non-enrolling parent contends that he or she has been improperly omitted from the card, it is that parent's responsibility to resolve the issue with the enrolling parent or seek a court order if the parties cannot resolve the issue.

9. Granting Permission to Leave School Grounds

No student shall be sent off the school grounds to perform an errand or to act as a messenger except with the approval of the principal, provided that approval shall be granted only for urgent and necessary school business and with the consent of the student's parent or guardian.

10. Exemption from Regular School Attendance

A student of compulsory attendance age shall be required to attend school as provided by the law unless issued an exemption certificate by the Superintendent. Students who have reached age 16 must file a "Declaration of Intent to Terminate School Enrollment" if they wish to discontinue their education. Upon filing the intent, the student must allow the school to conduct an "Exit Interview" and "Exit Survey" to determine the reasons for the decision to terminate school enrollment and the actions that could be taken to prevent termination.

SECTION 3

SCHOOL HEALTH

1. Illness in School

A student with a temperature above normal or who is exhibiting other signs of illness shall be evaluated by the school nurse and sent home. The specific guidelines and recommendations for exclusion from school due to illness are referenced in each of the St. Johns County School District's Health Manuals, on file at each school.

2. School-entry health examinations and immunizations

Florida Statute 1003.22 states that each child who is entitled to admittance to kindergarten, or entitled to any other initial entrance into a Florida public school, must present certification of a school-entry health examination performed within one year before enrollment in school and a completed DH Form 680 Certification of Immunization record for the prevention of those communicable diseases for which immunization is required by the Department of Health.

3. Prescription and Non-Prescription Medicine

Administration of medications during school hours is discouraged. The term "medication" includes both prescription and non-prescription ("over-the-counter") medication. All prescription and non-prescription medication to be administered by the school at the elementary, middle and high school level must be directed by a physician who has determined that a student's health and well-being requires medication during school hours. All non-prescription medication in the possession of students at the middle and high school not administered by the school requires written permission from the parent to the school.

The disciplinary consequences of unauthorized possession or use of prescription and non-prescription medication are addressed in Sections 4 and 5.

4. Administration of Narcotics for Pain Management

Every effort should be made to discourage the use of narcotics in school. Many are known to cause drowsiness and decreased coordination, thus presenting impaired learning and safety issues for the student. In the event of a student is prescribed narcotics for an acute condition (recent surgery, kidney stone, etc.) requiring administration during the school day, a written physician's order for the prescribed narcotic medication must be on file with the nurse and medication kept locked in the clinic.

SECTION 4

STUDENT DISCIPLINE

1. Overview

Every student is subject to state and federal law, State Board of Education rules and School Board rules and policies while:

- Being transported to or from school, or is presumed by law to be attending school
- Attending school or a school-sponsored activity
- Present on school premises

Student disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions, and responses to them become progressively more severe. Both infractions and responses are outlined later in this section. The procedures relating to disciplinary action are explained in Section 5.

2. Progressive Discipline

When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, and severity of the offense and, whenever possible, shall impose disciplinary action in a progressive manner. For all levels, any incident that is hate-related and/or gang-related should be coded in the appropriate "related" category AND should be grounds to increase disciplinary actions.

3. Student Athletes

It is recognized that some of the expectations for athletes may exceed the expectations for the general student body. Student athletes must remain aware that being a part of interscholastic athletics is a privilege and not a right. As a condition of participation in interscholastic athletics, students and their parents are required to enter into a Pursuing Victory with Honor Contract and abide by the Student-Athlete Code of Conduct, Therefore, it requires observance of all aspects of the codes of conduct whether or not the student-athlete is at school, and whether or not the student-athlete is participating in school-related activities. It is also the intent of the Student-Athlete Code of Conduct to provide a clearly defined course for student-athletes to follow at school and in the community. Please refer to Section 8 (Student-Athlete Code of Conduct) for more information.

A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a District School Board's suspension or expulsion powers provided in law, including Florida Statutes 1006.07, 1006.08, and 1006.09, is immediately eligible to participate in interscholastic and intrascholastic extracurricular activities. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in Florida Statute 1006.15(3)(h). A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to Florida Statute 1006.20(2)(g). Students who participate in interscholastic and intrascholastic extracurricular activities for, but are not enrolled in, a public school pursuant to Florida Statute 1006.15(3)(c)-(e) and (8), are subject to this Code of Conduct for the limited purpose of establishing and maintaining the student's eligibility to participate at the school. A student who transfers to a

school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate.

4. Possession of Alcohol, Tobacco and Drugs

The use, possession, delivery, or sale of alcohol, tobacco or other drugs including counterfeit or synthetic drugs, whether on school property or at a school function, will not be tolerated.

Tobacco

It is unlawful for anyone under the age of 18 to smoke tobacco in, on or within 1,000 feet of a public or private elementary, middle or secondary school between the hours of 6:00 a.m. and midnight. If a student is found to have violated this provision, the parents or guardian and law enforcement will be notified and civil penalties may be imposed. Florida Statute 569.11.

All use of tobacco products and e-cigarettes in any form are prohibited in school buildings, on school property, or at any school sponsored activity by persons of any age. A student under the age of 18 who commits non-criminal tobacco violations (possessing or using tobacco in any form) and fails to comply with corresponding sanctions is subject to mandatory revocation or suspension of, or delay of eligibility for driver's license. Tobacco-like nicotine or other smoking devices are addressed under Search and Seizure , and Contraband in Section 4.

Alcohol

Students are prohibited from using, possessing, delivering, selling or being under the influence of alcoholic beverages on school property, on a school bus or school-approved transportation, or at any school-related function or activity. Violation of this rule is a Level IV offense.

Drugs

"Drugs" shall include any unlawful drug, narcotic or controlled substance (including prescription medications, except as provided in Section 3, paragraphs 3 and 4), and any substance (including household products) represented to be such a drug, narcotic or controlled substance. Students are prohibited from using, possessing, delivering, receiving, selling, intending to sell, or being under the influence of drugs on school property, on a school bus or school-approved transportation, or at any school-related function or activity. They are likewise prohibited from possession of drug paraphernalia, which includes devices, products and things used or intended to be used for the ingestion of drugs.

Students are also prohibited from possessing, using, delivering, receiving, selling, or intending to sell any counterfeit drug which is a substance that (i) is represented to be, (ii) is represented to contain, or (iii) appears to be (looks like) a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, intoxicant or controlled substance of any kind, on school property, on a school bus or school approved transportation, or at any school-related function or activity. A violation of these rules is a Level IV offense, and may subject a student to arrest and prosecution.

While on school property, school bus, or school-approved transportation, or at any school-related function or activity, students are prohibited from planning, intending or committing any act in furtherance of the possession, use, delivery, receiving, purchase, or sale of drugs, counterfeit drugs or drug paraphernalia.

Use of Alcohol and Drugs

A student who is under the influence of alcohol or drugs on school property, on a school bus or school-approved transportation, or at any school-related function or activity shall be deemed to have used and possessed alcohol or drugs. Evidence of such use of alcohol or drugs includes, but is not limited to a student's admission of use of alcohol or drugs on or off campus; witness statements; a positive Portable Breath Test result indicating use of alcohol (see paragraph 7); red and/or glassy eyes; drooping eyelids; odor of alcohol or drugs; difficulty communicating, walking or standing; difficulty with other motor skills; or other impaired faculties.

Students who violate the District's alcohol and drug policies are subject to the penalties provided for Level IV offenses. In addition, the principal may revoke the student's privilege of participating in non-academic school activities including, but not limited to, extracurricular activities, athletics, school trips, prom, and graduation exercise, and/or the revocation of school privileges, including, but not limited to, driving privileges.

Delivery, receipt, or sale of alcohol or drugs, or intent to deliver, receive or sell alcohol or drugs, is a more serious offense than use and possession of drugs or alcohol and shall result in a more serious penalty.

5. Prescription and Non-Prescription Medicine

Students are prohibited from possessing prescription medication on school property, on a school bus or school-approved transportation, or at any school-related function or activity, unless such medication is prescribed by a current prescription and the prescription is documented by a note from the prescribing physician filed with the school before the student brings the medication on campus. Unauthorized possession of prescription medication without a valid, current prescription constitutes possession of a drug and is a Level IV offense. If the student has a valid, current prescription for the medication, but fails to file the physician's note with the school before bringing it on campus, the possession is a Level II violation.

Students are prohibited from possessing any non-prescription medication at school, on a school bus or school-approved transportation, or at any school-related function or activity without the written permission from the parent or guardian, documented with the appropriate form on file with the school, prior to the medication being brought on campus. Unauthorized possession or use of any non-prescription medication is a Level II offense.

Misuse of non-prescription medication is a Level III offense. Misuse of non-prescription medication includes (i) the delivery of non-prescription medication or (ii) any use inconsistent with the manufacturer's directions or generally accepted guidelines.

Aggravated misuse of non-prescription medication is a Level IV offense. Aggravated misuse of non-prescription medication is the sale of non-prescription medication for any purpose or

its delivery with the intended or actual effect of modifying mood or behavior, or inducing physical, emotional or behavioral changes, rather than for its intended purpose.

6. Contraband

For purpose of this Code, "Contraband" is any item or substance that is prohibited by federal and/or state law, School Board rule or this Code from being used or possessed on School Board property, a school bus or school-approved transportation, or at any school-related function or activity. Contraband includes, but is not limited to, stolen property, drugs, drug paraphernalia, alcohol, unauthorized non-prescription medications, tobacco, weapons, ammunition, matches, lighters, laser beam devices, firecrackers and fireworks, pornography, and gang-related signs or symbols, e-cigarettes, hookahs, and any other nicotine-dispensing device. Contraband also includes any instruments or objects in any vehicle brought onto school property or to a school-sponsored activity, which could be used to inflict harm on or intimidate another person, but which are not designed or ordinarily intended for use as a weapon (i.e. Leatherman, multi-tools, key chain tools).

7. Search and Seizure

Students, their lockers, vehicles and other possessions are subject to search upon reasonable suspicion that they may possess drugs, other prohibited substances, objects or Contraband, while on school property or wherever students are under school supervision, such as on field trips, at extracurricular activities, or while being transported by school bus or school-approved transportation.

School staff may search students reasonably suspected of being in possession of Contraband or other prohibited items. They may search students' possessions when reasonable suspicion exists that such possessions may conceal or contain Contraband or other prohibited items. Students' possessions subject to search include, but are not limited to, book bags, back packs, athletic bags, notebooks, purses, coats, jackets, telecommunication devices, computers, devices capable of storing or communicating information, lockers, and vehicles. Students do not have any expectation of privacy in or around vehicles on school property. Students are responsible for the contents of any vehicle they possess on school grounds and shall be deemed to be in possession of any Contraband contained within their vehicle. School personnel are encouraged to seek consent from a student before the search but may proceed without consent if reasonable suspicion is present.

8. Canine Inspections and Metal Detectors

In order to assist in the maintenance of drug and alcohol-free schools, school officials may enlist the assistance of law enforcement, including canine units. Canine inspections will be conducted in compliance with applicable law. Reasonable suspicion is not required for random canine inspections conducted in school classrooms, hallways, parking lots, and elsewhere on school premises.

Schools may utilize metal detectors in the interest of security and student safety.

9. Portable Breath Test

When there is a reasonable suspicion that a student may be under the influence of alcohol, the school's administration may request law enforcement to administer a portable breathalyzer test (PBT) at school and school related activities.

10. Cell Phones and Wireless Communication Devices

Students may possess cellular telephones and other wireless communication devices at school, on buses, and at school functions. However, they must be turned off, stored in student's backpack, purse, locker or vehicle. The device shall not be used during the school day without administrative approval or on school buses to and from school. Failure to comply may result in the device being confiscated. Repeated failure to comply will be considered defiance of school rules.

Any disruptive, harassing or other inappropriate use of a cell phone or wireless communications device in violation of this policy or school rules, shall be cause for disciplinary action, including confiscation of the device as Contraband and, in the event of repeated or serious misuse, loss of the privilege to possess such a device on school property or while attending a school function. Inappropriate use includes, but is not limited to: (1) texting, phoning or web browsing during prohibited times; (2) taping conversations, music or other audio at any time; (3) taking photographs or video at any time except as permitted by the Acceptable Use Policy; (4) "sexting;" and (5) any activity that could in any manner infringe upon the rights of other individuals, including but not limited to students, teachers and other staff members.

When there is reasonable suspicion that a student has used a cell phone or wireless communication device in violation of the Code of Conduct or other school rules, or for an unlawful purpose, the school administration may review the phone's call log, voice messages, text messages, photographs and any other applications in furtherance of its investigation of the suspected violation.

11. Instructional Technology

The St. Johns County School District recognizes the value of instructional technology as a tool that assists student achievement within the classroom. Students may possess an instructional technology device and utilize it as an instructional tool in the classroom with the consent and under the direction of the school administration and teacher, as it pertains to the current curricular unit, lesson, etc., and only within the scope and sequence of the District's Acceptable Use Policy. However, this device must be turned off and stored when not being used. Failure to comply may result in the item being confiscated. Repeated failure to comply will be considered defiance of school rules and may result in consequences as provided in the District's Student Code of Conduct.

When there is reasonable suspicion that a student has used an instructional technology device in violation of the Code of Conduct/AUP or other school rules, or if used for an unlawful purpose, the school administration may review the device's applications in furtherance of its investigation of the suspected violation.

12. Bullying and Harassment

Students and employees should be provided a safe and secure learning and work environment, free from bullying, harassment, and cyber-bullying of any kind. The complete text of the School Board's bullying and harassment policy is set forth in School Board Rule 3.21. Bullying and harassment are Level III violations of the Code of Conduct and are major infractions. Bullying or harassment will not be tolerated and disciplinary action will be taken. In addition to school consequences, criminal charges may be filed. This policy shall be interpreted and applied consistently with all applicable state and federal laws. Conduct that

constitutes bullying or harassment, as defined herein, is prohibited in all educational environments.

13. Hazing

Hazing will not be tolerated and disciplinary action will be taken when hazing occurs in connection with athletics, clubs, extracurricular activities or any other educational environment. The complete text of the School Board's Hazing Policy is set forth in School Board Rule 5.27. This policy shall be interpreted and applied consistently with all applicable state and federal laws. Hazing is a Level III violation of the Student Code of Conduct and is a major infraction.

14. Dating Violence and Abuse

It is the policy that the St. Johns County School District that all of its students have an educational setting that is safe, secure, and free from dating violence and abuse. The complete text of the District's dating violence and abuse policy is contained in School Board Rule 5.26.

15. Zero Tolerance

Schools will conduct investigations of suspected criminal offenses independent of law enforcement and arrive at their own determination. Therefore, a student who commits a criminal offense will also be subject to possible arrest and prosecution by law enforcement authorities.

A student found to have committed the following offenses on school property, school-sponsored transportation or during a school-sponsored activity shall receive the most severe consequences provided by this Code of Conduct. In addition, the offense shall be reported to law enforcement for appropriate action:

- Homicide (murder, manslaughter)
- Sexual battery
- Robbery
- Aggravated battery
- Battery or aggravated battery on a teacher or other school personnel
- Kidnapping or abduction
- Arson
- Possession, use or sale of any firearm
- Possession, use or sale of any explosive device
- Possession, use, or control of any other dangerous weapon

If a student is found to have committed any of the following offenses, they will be subject to Level IV disciplinary sanctions. In addition, such offenses will be reported to law enforcement:

- Disturbances which substantially disrupt school or a school function
- Making a false report, with the intent to deceive, mislead, or otherwise misinform a person concerning the placing or planting of any bomb, dynamite or other deadly explosive
- Possession, use or distribution of drugs or alcohol
- Property damage of a substantial nature
- Robbery and/or theft of property of a substantial nature
- Vandalism other than of a minor nature

16. Weapons Prohibited

In addition to those penalties provided for Level IV offenses, any student who is determined to have brought a firearm (as defined in Chapter 790, Florida Statutes), to school, any school function, or on any school-sponsored transportation will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one full year and referred for criminal prosecution.

It is a third degree felony for a person to exhibit, in a rude and threatening manner, any firearm or destructive device, or other weapon within 1000 feet of school during school hours or during the time of a sanctioned school activity.

Toy pistols, more than two inches in length, water guns, or facsimile guns are prohibited from school property, transportation and activities. However, pursuant to Florida Statute 1006.07(2)(g), simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the US Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under Florida Statutes. "Simulating a firearm or weapon while playing" includes, but is not limited to:

- A. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
- B. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
- C. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
- D. Using a finger or hand to simulate a firearm or weapon.
- E. Vocalizing an imaginary firearm or weapon.
- F. Drawing a picture, or possessing an image, of a firearm or weapon.
- G. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with District School Board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parents.

17. Legal Notices - Florida Statute 1006.07

- A. Illegal use, possession, or sale of controlled substances, as defined in Chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may result in criminal penalties being imposed.
- B. Use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. The student's use of such device is subject to School Board rules and the provisions of this Code of Conduct.
- C. Violence against any School Board personnel, including acts committed off-campus, by a student is grounds for out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may result in criminal penalties being imposed.

- D.** Violation of the District’s bullying, harassment and sexual harassment policies by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may result in criminal penalties being imposed.
- E.** Any student who is determined to have brought a firearm or weapon, as defined in Chapter 790, Florida Statutes, to school, shall be recommended for expulsion, with or without continual educational services, from the student’s regular school for a period of not less than one full year and referred to the criminal justice of juvenile justice system. The School Board may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during a period of expulsion. The Superintendent may consider the one-year expulsion requirement on a case-by-case basis and request the School Board to modify the requirement by assigning the student to an alternative school or program or second chance school.
- F.** Any student who is determined to have made a threat or false report, as defined by Florida Statutes 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity will be recommended for expulsion, with or without continuing educational services, from the student’s regular school for a period of not less than one full year and referred for criminal prosecution. The School Board may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. The Superintendent may consider the one-year expulsion requirement on a case-by-case basis and request the District School Board to modify the requirement by assigning the student to an alternative school or program or second chance school.
- G.** The procedures for assignment of students to an alternative school are set forth in Section 7 of the Code of Conduct.

SECTION 5

LEVELS OF DISCIPLINE

School District staff should intervene in an effort to prevent or curtail misconduct. If further action is necessary, staff should refer the student to the school administration for disciplinary action. After hearing the student's explanation, consulting with staff members and doing any other investigation necessary, the administration will decide on disciplinary action.

1. Level I:

Level I offenses are relatively minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation. A student who commits a Level I offense may also be subject to criminal proceedings.

Infractions

- A. **Classroom Disruption** - saying or doing something that keeps the teacher from teaching or other students from learning.
- B. **Disorderly Conduct** - saying or doing something that upsets the normal school routine or any school activity, i.e. horseplay in hallways, inappropriate behavior in lunchroom.
- C. **Disrespect** - conduct or behavior that demeans, degrades, antagonizes, humiliates or embarrasses a person or group of persons, including employees. This includes racial slurs and/or provocation.
- D. **Dress Code** - wearing anything that does not follow the school dress code.
- E. **Failure to Report for Detention** - not showing up for detention.
- F. **False and/or Misleading Information** - failure or refusal to tell the truth to members of the school staff.
- G. **Insubordination** - failure or refusal to follow the directions of school staff, school rules, classroom rules, or behavior contracts.
- H. **Misconduct on School Bus or School Approved Transportation** - saying or doing something that interferes with good order and discipline on the bus, or interferes with the safety of others.
- I. **Repeated Misconduct** - continual disruption of the normal school routine or activity.
- J. **Tardiness** - being late for school or class more than once a week.
- K. **Unauthorized Absence from School or Class** - being absent from school or class without a valid written excuse from a parent, guardian or doctor.
- L. **Physical Contact after Misconduct (Elementary Age)** - refusing to settle down after being told to stop misbehavior - pushing, shoving or striking out at another child or adult.
- M. **Public Display of Affection** - in a manner which is inappropriate in a school setting in the judgment and discretion of the principal.
- N. **Other** - any other minor act of misconduct which interferes with the orderly operation of the classroom, the school program, a school function or activity, an extracurricular activity or approved transportation.

Responses and Sanctions

If a student commits a Level I offense, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to:

- Counseling and direction with the student
- Parental notification required
- Verbal reprimand
- Special work assignment
- Peer mediation
- Withdrawal of privileges which may include, but not be limited to, participation in extracurricular activities and/or parking privileges
- Return of property, payment for same, or restitution for damages
- Detention (parental contact required)
- Behavior plan
- Level II sanctions for repeated offenses
- Saturday school
- Suspension from bus
- In-school suspension
- Other school-based consequences as deemed appropriate by the administration.

2. Level II:

Level II offenses are acts of misconduct that are more serious or disruptive than offenses in Level I. Level II also includes repeated acts of Level I misconduct and acts directed against people or property that do not seriously endanger the health or safety of others. A student who commits a Level II offense may also be subject to criminal proceedings.

Infractions

- A. **Cheating/Plagiarism** -cheating is the unauthorized use of notes or other forms of assistance, including electronic devices, to complete a test or assignment; and plagiarism is the unauthorized use of another person's work and calling it one's own. Cheating offense penalties are also applicable to the student who provided notes, forms of assistance, answers to complete a test or assignment, etc.
- B. **Cell Phone and Wireless Communications Devices** - using a cell phone or wireless communications device during school, a school function, or on a school bus, without permission, or in violation of this Code or school rules.
- C. **Destruction of Property (under \$10)** - breaking or destroying things that belong to the school or to another person.
- D. **Disrespect** - conduct or behavior that demeans, degrades, antagonizes, humiliates or embarrasses a person or group of persons, including employees. This includes racial slurs and/or provocation (more serious than Level I).
- E. **Altercation** – verbal confrontation or minor physical contact (pushing, shoving) between two or more students, which is harmful or disruptive.
- F. **Forgery** - falsifying or altering a signature, note, or document with the intent of misleading a staff member.

- G. Gambling** - betting on games or activities for money or other valuables.
- H. Insubordination** - refusing to follow school rules or directions from the school staff.
- I. Intimidation/Threats** - making a threat or coercing another person.
- J. Profane, Obscene, or Abusive Language/Materials** - using words, gestures, pictures, or objects including racial slurs that are not acceptable at school and/or upset the normal school routine or activity.
- K. Repeated Misconduct of Level I offenses** - saying or doing something that disrupts the normal school routine or school-sponsored activity or repeating a Level I infraction or repeated defiance of school rules.
- L. Stealing** - taking the property of another without their permission.
- M. Unauthorized Assembly and/or Publications** - holding meetings or passing out materials to other students, without permission, that disrupts the school routine or any school-sponsored activity.
- N. Verbal Confrontation** - being argumentative, using profanity and verbally rude to an adult or another student.
- O. Leaving Campus Unauthorized** - leaving campus without permission from school official.
- P. Unauthorized Use of Technology** - any student found in violation of the District's Acceptable Use Policy regarding the use of technology, including but not limited to, hardware and software.
- Q. Unauthorized Possession of Non-Prescription Medication** - possession or use of non-prescription medication contrary to the requirements of Paragraph 3, Section 3.
- R. Other** - any other intermediate act of misconduct or any more serious, harmful or disruptive than any of the offenses described in Level I.

Responses and Disciplinary Action

If a student commits a Level II offense, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to:

- Parental notification required
- Behavior contract (oral or written)
- Peer mediation
- In-school suspension
- Work detail
- Detention (parental contact required)
- Confiscation of unauthorized devices, objects or/and substances
- Return of property, payment for same or restitution for damages
- Suspension from school
- Suspension from bus
- Behavior plan
- Saturday school
- Community service
- Level III sanctions for repeated offenses
- Other school based consequences as deemed appropriate by the administrator.
- Referral to law enforcement.

3. Level III:

Level III infractions are major acts of misconduct which the School Board has determined constitute a serious breach of conduct. They include repeated misconduct acts from Level II, serious disruptions of school order and threats to the health, safety and property of others. A student who commits a Level III offense may also be subject to criminal proceedings.

Infractions

- A. **Physical Attack** - when one student physically attacks another student with the intent to do bodily harm.
- B. **Breaking and Entering** - unlawfully and forcefully entering or trying to enter school, school personnel property or student property.
- C. **Bullying** - unwanted and repeated written, verbal, or physical behavior, or use of digital technologies that include any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; causes discomfort or humiliation; creates an existence of an imbalance of power; or unreasonably interferes with the individual's school performance or participation.
- D. **Contraband Material** - having, using, displaying or giving to others any item of Contraband as defined in Section 4, Paragraph 6. Contraband may be confiscated and not returned.
- E. **Dating Violence and Abuse** - violation of the District's dating violence and abuse policy set forth in Rule 5.26.
- F. **Destruction of Property (\$10 and over)** - breaking or destroying things that belong to the school or to another person.
- G. **Open Defiance With Adult** - flagrant or hostile challenge to the authority of a school staff member, bus driver or other adult in authority.
- H. **Disrespect** - conduct or behavior that demeans, degrades, antagonizes, humiliates or embarrasses a person or group of persons, including employees including racial slurs and/or provocation. (More serious than Level I or Level II).
- I. **Extortion/Threats** - making threats to hurt others, their reputation, or their property, in order to obtain money, information, or help from them.
- J. **Fighting** - two or more students mutually participate in the use of force or physical violence that may require physical restraint or result in bodily injury.
- K. **Firecrackers/Fireworks** - having or using fireworks or firecrackers at school or at a school activity.
- L. **Gang-Related Signs and Symbols** - use of gang-related signs or symbols, or language intended or reasonably calculated to insult and/or incite another person.
- M. **Gross Insubordination** - unconditionally refusing to do as directed by school staff; saying or doing something that shows the student will not follow directions.
- N. **Harassment** - any threatening, insulting or dehumanizing gesture, use of data or computer software or written, verbal, or physical conduct directed against a student or school employee which places the student or the school employee in reasonable fear of harm to his or her person or damage to his or her property and/or substantially interferes with the student's educational

performance, opportunities or benefits and/or the orderly operation of a school.

O. Hazing – any action or situation that endangers the mental or physical health or safety of a student at a school serving any or all grades from 6 through 12 for purposes including but not limited to, initiation or admission into affiliation with any organization operating under the sanction of a school. Hazing includes, but is not limited to pressuring, coercing, or forcing a student into:

- Violating state or federal law
- Consuming any food, liquor, drug, or other substance
- Participating in physical activity that could adversely affect the health or safety of the student

Hazing also includes any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

P. Illegal Organizations - belonging to or being a part of secret groups or clubs while at school.

Q. Misuse of Non-Prescription Medication - misuse of non-prescription medication, including (i) the delivery of non-prescription medication or (ii) any use inconsistent with the manufacturer’s directions or generally accepted guidelines.

R. Repeated Commission of Level I and Level II offenses - repeated commission of Level I or II offenses, which tend to substantially disrupt the orderly conduct of school, a school function or extracurricular/co-curricular activity.

S. Repeated unauthorized use of cell phones or other electronic devices.

T. Smoking and Other Use of Tobacco Products - having, using, selling or giving to other students tobacco products at school or at a school activity.

U. Stealing - taking the property of others without their permission.

V. Trespassing - entering or staying on school property or at a school activity after being told to leave by the school staff.

W. Unauthorized Recording or Videotaping – Unauthorized use of a cell phone or other device to videotape or record another student or staff member.

X. Other - any other major act of misconduct which seriously disrupts the orderly operation of the school program, or any school activity or transportation services which threatens the health, safety or property of self or of others or behavior not specifically described above which substantially disrupts the orderly conduct of a school, school function or an extracurricular activity.

Responses and Disciplinary Action

If a student commits a Level III offense, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to:

- Parental notification required
- Written behavior contract
- Return of property/payment for same or restitution for damages
- In-school suspension
- Suspension from bus
- Suspension from school
- Expulsion from bus (for bus-related offenses)

- Temporary or permanent removal from participation in extracurricular activity
- Referral to appropriate prevention or treatment program
- Referral to law enforcement
- Level IV sanctions for repeated offenses
- Other school-based consequences as deemed appropriate by administrator.

4. Level IV:

Level IV acts of misconduct are the most serious. All infractions must be reported to the Office of School Operations. Sanctions will include suspension, and may include placement in an alternative school and/or expulsion. A student who commits a Level IV offense may also be subject to criminal proceedings.

Infractions

- A. Aggravated Misuse of Non-Prescription Medication** - the use, sale or delivery of non-prescription medication with the intended or actual effect of modifying mood or behavior, or inducing physical, emotional or behavioral changes, rather than for its intended purpose.
- B. Alcohol** - the possession, use, delivery or sale of alcoholic beverages.
- C. Arson** - (mandatory referral to an appropriate agency): setting a fire or trying to set fire to school property or the property of others.
- D. Serious Assault** - any threat, direct or indirect, by word or act, to do violence or harm to a school employee, volunteer, or student which creates a fear that violence is imminent,
- E. Serious Battery** - actual or intentional touching or striking of a school employee, volunteer, or student against his or her will or intentionally causing bodily harm to an individual; in severe cases, the battery of a student may be the basis for expulsion.
- F. Bomb Threats/Explosives** - threatening an explosion on school property or at a school function; having, preparing, or setting off explosives (including fireworks) on school property, or at a school function. This also includes items that appear to be explosive devices including novelty items, toys, and/or replicas.
- G. Drugs** - possessing, using, delivering, buying, selling, intending to sell, receiving, or being under the influence of any drug or counterfeit drug, or planning, intending or committing any act in furtherance of the possession, use, distribution, purchase or sale of drugs, counterfeit drugs, or drug paraphernalia. This offense also includes possession, use, buying, delivery or sale of drug paraphernalia.
- H. False Fire Alarm** - pulling a fire alarm falsely or reporting a fire when there is no fire.
- I. Firearms** - the possession, use, or control of any firearm (operable or inoperable, loaded or unloaded) including, but not limited to, zip, pistol, revolver, rifle, or shot gun (refer to "Weapons Prohibited" section below).
- J. Inciting, Leading or Participating in any Act which Substantially Disrupts the Orderly Conduct of School or a School Function** - the willful act of inciting, leading or participating in any disruption (including gang-related activities or incidents with multiple participants), disturbance or other act that interferes

with the educational process; results in significant damage or destruction to public or private property (including electronic communication devices); causes personal injury to participants and others; or otherwise poses a threat to the health, safety, and/or welfare of students, staff and others. This may also include any false accusations made by a student that jeopardizes the professional reputation, employment or professional certification of any district employee.

- K. Larceny/Theft** - the act or attempted act of taking, carrying, leading, or riding away with property, from the possession, or constructive possession, of another person. Included are pocket picking, purse snatching, theft from a building, theft from a motor vehicle, theft of bicycles, theft from a machine or device which is operated or activated by the use of a coin or token and all other types.
- L. Other Weapons** - the possession, use or control of any instrument or object, other than a firearm, which could be used to inflict harm on another person, or to intimidate any person; included in this category are objects such as BB guns or pellet guns, knives of any kind, chains, pipes, razor blades, ice picks, other pointed instruments (including pencils or pens), nunchakus, brass knuckles, explosives, Chinese stars, billy-clubs, tear gas guns, paintball guns, or electrical/chemical weapons or devices. Also included is anything represented to be a firearm or other weapon if used in an intimidating manner toward another person. This is not a comprehensive list of items considered weapons.
- M. Repeated Level III Offense**- repeated commission of a Level III offense.
- N. Robbery/Extortion** - the taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or putting the victim in fear of larceny.
- O. Sexual Battery** - any sexual act or attempt directed against another person, forcibly and/or against the person's will.
- P. Sexual Harassment** - any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, non-verbal, or physical conduct of a sexual nature.
- Q. Sexual Offenses** - any willful and/or deliberate act, behavior or conduct intended to result in sexual gratification or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure.
- R. Vandalism:** the intentional destruction, damage, or defacement of public or private/personal property without the consent of the owner or the person having custody or control of it; damage would be \$1000 or more.
- S. Violation of Early Re-entry Plan/Probation** - any act or series of acts that violates or has the practical effect of violating a re-entry plan from expulsion or a probationary plan.
- T. Other** - any other intentional, or wanton act which significantly harms or poses a realistic threat of serious harm to one's self or another person and which is clearly beyond the bounds of acceptable and tolerable student conduct in the community. This may include hate crimes, bullying, harassment, and repeated misconduct that result in multiple out-of-school suspensions. This also includes the planning or commission of any act in furtherance of a Level IV offense or felony.

Responses and Disciplinary Action

If a student commits a Level IV offense, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to:

- Mandatory out of school suspension of up to 10 days
- Parent Notification Required
- Up to 10 days of Out of School Suspension
- Referral for placement in the alternative school
- Referral to appropriate agency
- Referral to law enforcement
- Possible expulsion from the School District
- Loss of senior year privileges including graduation ceremony

SECTION 6

PROCEDURES RELATING TO DISCIPLINARY ACTION

1. Procedures for Suspension

Suspension, also referred to as out-of-school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal, for a prescribed period of time not to exceed ten (10) school days at any one time. Referral to an alternative school is not a suspension, but rather a school assignment.

When a student is accused of misconduct that would warrant suspension under the Code of Conduct, the following procedures shall apply. Before suspension is imposed, students shall be given notice of the provisions of the Code of Conduct they are accused of violating and the factual basis for the charges. Students shall have an opportunity to present their version of the incident before suspension is imposed.

The principal is authorized to immediately suspend a student if the student has physically assaulted another individual, engaged in behavior posing an immediate danger to students or staff, substantially disrupted the orderly operation of the school, or otherwise committed any offense which the School Board has determined constitutes a serious breach of conduct, including any Level III or IV offense. However, in these cases, the student shall still be given oral notice of the allegations and an opportunity to explain or defend the conduct. In these cases where immediate suspension is not authorized in accordance with this paragraph, the principal or designee should make a good faith effort to seek parental assistance before suspension.

In a timely manner following the imposition of suspension, the principal or designee shall make a good faith effort to inform the student's parent or guardian by telephone of the suspension and the reason such action was taken in a timely manner. The suspension and the reason for the suspension shall be communicated in writing to the parent or guardian within twenty-four (24) hours by United States mail or hand delivery. In case of high school students, written notice of suspension may be hand delivered in the care of the student.

The school staff shall notify the Superintendent in care of the School Services Department within twenty-four (24) hours of the suspension and the reasons therefor. The school shall use the District-approved Notice of Suspension form. The Superintendent's designee shall review such suspension for compliance with the requirements of the Code.

The rules of evidence and judicial procedure do not apply to suspension procedures. The school's decision to impose suspension is not subject to further review beyond the Superintendent's designee.

2. Procedures for Placement in an Alternative School

The Superintendent shall appoint a District Discipline Committee to review all recommendations for placement in an alternative school and/or expulsion. If the school principal or designee shall recommend alternative placement, the principal or designee shall appear before the Committee and explain the facts and the rationale for the recommendation. After due deliberation, this Committee shall act upon the recommendation

and so advise the student and principal. The District Discipline Committee may accept, reject, or modify the principal's recommendation.

Students must register at the Gaines Alternative Center following placement by the District Discipline Committee. Students who do not attend Gaines Alternative Center may not attend any St. Johns County School District school until they have attended Gaines for the prescribed period.

3. Procedures for Appeal of Alternative School Placement

The student, parent or guardian may request an appeal of the Discipline Committee's decision to place the student in an alternative school to the District Discipline Appeal Committee. However, the student must enroll at the alternative school while the appeal is pending. The Appeal Committee may request, receive, and will consider such additional information from the parties as necessary to properly review the initial decision. After due deliberation, the Appeal Committee shall make a recommendation to the Superintendent, who may affirm, reject or modify the original decision.

The Superintendent may request, receive, and review such additional information from the parties as necessary to properly review the Appeal Committee's decision. After due deliberation, the Superintendent shall act upon the Committee's recommendation and so advise the student and principal. The Superintendent may affirm, reject or modify the Appeal Committee's recommendation. The decision of the Superintendent is final, conclusive and binding.

For all meetings under this section, with the exception of the initial meeting of the District Discipline Committee, the student shall attend with the student's parent(s) or guardian or other responsible adult. The student may also invite others to attend on the student's behalf including legal counsel or other representation. The student shall have an opportunity to explain his or her actions and provide any additional information, as the student may believe necessary. These are not legal proceedings, and the rules of evidence and judicial procedure do not apply. No transcript of testimony will be required or provided. The Superintendent's decision is final.

4. Expulsion

The principal's recommendation of expulsion shall include a detailed report explaining the basis for the recommendation and alternative measures to expulsion considered by the principal before making the recommendation.

The school principal may recommend to the District's Discipline Committee the expulsion of any student who has committed a serious breach of conduct, including any Level IV or other offense that is subject to expulsion under this Code or Florida law.

The District Discipline Committee shall review the recommendation for expulsion and either accept, reject or modify the principal's recommendation. The Committee's decision shall be communicated in writing to the Superintendent and the student's parents or guardian.

The Superintendent shall consider the Committee's recommendation and may adopt, modify or reject it. If the Superintendent recommends expulsion, the recommendation shall be forwarded to the School Board for final action.

The student or parent or guardian shall have the right to an expulsion hearing before the School Board. The hearing shall be conducted in accordance with the requirements and safeguards of School Board Rule 5.12.

5. Discipline Procedures for Students with Disabilities

The District complies with all federal and state laws pertaining to students with disabilities. A student identified as disabled under Section 504 of the Rehabilitation Act of 1973 (Section 504) shall be subject to the same disciplinary procedures prescribed by Department of Education Rule 6A-6.03312 and the District's Exceptional Student Program Policies and Procedures.

Students with disabilities may be subjected to short-term or long-term removals depending on the disciplinary infraction of the Code of Conduct. A short-term removal is one in which a student with a disability is removed from a school up to ten (10) school days within a school year. Short-term removals do not require the school to provide services identified in the student's Individualized Education Plan (IEP) or Section 504 plan, or to conduct a manifestation determination meeting.

A long-term removal is one in which a student with a disability:

- is suspended for a period of more than ten (10) consecutive days, or
- has been suspended for more than ten (10) cumulative days in the school year, or
- is subject to expulsion.

A long-term removal of a student with a disability requires the following:

- The school will schedule a manifestation determination meeting with the relevant members of the IEP or Section 504 team including the parent and student. At this meeting, the team reviews the student's IEP or Section 504 plan, the student's file, teacher observations, and relevant information provided by the student and student's parents. Following this review, the IEP or Section 504 team shall determine whether the student's behavior was a manifestation of his/her disability.
- If the behavior is not a manifestation of the student's disability, then the student may be disciplined in the same manner as non-disabled students. Additionally, the student may be removed to an alternative education setting if recommended by the District Discipline Committee. The District Discipline Committee will also serve as an IEP team to consider any educational placement issues relating to the student's disability. Students with disabilities may also be recommended for expulsion by the District Discipline Committee when appropriate.
- If the behavior is a manifestation of the student's disability, the District shall conduct a functional behavioral assessment (FBA) and implement a behavior intervention plan (BIP) for the student to address the behavior. The student may not be disciplined and shall be returned to his/her original placement unless the parent and District agree otherwise as part of the student's IEP. However, if recommended by the District Discipline Committee, a student may be removed to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the student's behavior is determined to be a manifestation of his/her disability if the student: (a) carries a weapon to or possesses a weapon at school, on school premises, or at a school function; (b) knowingly possesses or uses illegal drugs at school, or solicits the sale of a controlled substance while at school, on school

premises, or at a school function; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Additional requirements for the suspension and expulsion of students with disabilities are detailed in the District's Exceptional Student Program Policies and Procedures, and Florida Department of Education Rule 6A-6.03312. Any time a significant change in placement (such as an exclusion of more than ten (10) consecutive days) is being considered, the parent(s) or guardian of a student with a disability shall be provided a copy of the notice of procedural safeguards for parents of students with disabilities and written notice, or the procedural safeguards and parent rights for Section 504.

6. Procedures for Felony Suspension

A student may be suspended from all regular classes when formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on other than school property, but which is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. The procedures and requirements for felony suspensions are prescribed by Florida Statute 1006.09(2) and Department of Education rules.

7. Disruptive Students – Staff Intervention

An administrator or teacher shall have the authority, while on duty, to come into physical contact with a student or students to the degree necessary for the purpose of establishing or maintaining control of students, including to reasonably protect himself/herself, other people or property. The use of reasonable physical force must be consistent with federal and state laws, School District rules and School Board policy. Such physical contact shall not be construed to be corporal punishment.

SECTION 7: MISCELLANEOUS

1. School Attendance Zones and Student Assignment

Residency

In order for a student to be eligible to enroll in St. Johns County schools, the student's residence must be in St. John County.

An adult student's residence is his or her current permanent residence. A minor student's residence is the residence of his or her parent(s) or legal guardian(s). If a minor student's parents or legal guardians live in separate residences while sharing physical custody under the terms of a court order or otherwise, the student may attend the school zoned for either residence with appropriate residency documentation.

Full and Complete Current Residence

A person cannot have more than one permanent residence, and only the student's current residence as defined above may be used for enrollment purposes.

Proof of Residence

St. Johns County School District requires detailed proof of residency provided by a parent/guardian or adult student. These requirements are included on the Student Services website: <http://www.stjohns.k12.fl.us/student/residency/>

Change of Residence

The following items are evidence that a change of residence is full and complete:

- The former residence is not occupied for any purpose at any time by the student or any of the persons which whom the student has been living;
- All personal belongings are moved from the former residence;
- Mail is received at the new residence; and
- All utilities are transferred to the new residence.

If the student's permanent residence changes, notification and updated documentation must be provided to the school within 10 school days.

School Assignment

The School Board has established residential attendance zones for each school. Except as otherwise permitted by the District's Student Assignment, Enrollment and Choice Plan: <http://www.stjohns.k12.fl.us/choice/wp-content/uploads/sites/121/2016/11/Student-Assignment-Enrollment-and-Choice-Plan.pdf>, all students, shall attend the school serving the attendance zone where the student's residence, as defined above, is located.

Any student whose residence as defined above is outside the boundaries of St. Johns County may not be enrolled in any District school without the approval of the School Board. No student shall be permitted to cross district lines for the purpose of attending school in the St. Johns County School District or outside the St. Johns County School District, except as otherwise provided by the District's Student Assignment, Enrollment and Choice Plan.

In all cases, the Superintendent or designee reserves the right to make an independent investigation and to make the final determination as to the residence of a student.

Guardianship

Pursuant to School Board Rule 5.05(1) (e), when a student resides with a person who is not the student's parent seeks to enroll in school, the student shall present a court order appointing the person with whom they reside as either their legal guardian or legal custodian or shall present other proper documentation from a state or federal agency placing the child with the person with whom they reside. If such court order or documentation has not been issued at the time of enrollment, the person with whom the student resides shall present a notarized statement to the enrolling officer of intent to seek such court order and shall provide such documentation within thirty (30) days of the student's enrollment. Failure to present satisfactory proof, as outlined above, may result in the automatic withdrawal of the student.

Homeless

Homeless children shall have access to a free public education in St. Johns County schools and will be admitted to a school in accordance with School Board Rule 4.18, based on the McKinney-Vento Act governing education of homeless students.

Dependency or Delinquency

Students who have been adjudicated to be dependent or delinquent pursuant to Chapter 39, Florida Statutes, shall be assigned by the Superintendent to the school best meeting the special needs of the student in consultation with the Department of Children and Family Services or such other agency or person having responsibility for the student's welfare.

2. Administrative Assignment to an Alternative School

The Superintendent has the authority to administratively assign students to Gaines Alternative Center to facilitate their transition to a mainstream District school from a juvenile justice facility, an alternative school outside the District, or from another school district where serious disciplinary charges were pending at the time of the student's withdrawal or transfer, or whenever in the Superintendent's judgment and discretion such alternative placement would be in the District's best interest in terms of protecting student safety and welfare or maintaining an orderly school environment.

3. Educational Records - Directory Information

In accordance with School Board Rule 5.20, the School Board reserves the right to release selected personal information about students ("Directory Information") without the consent of the students or their parents or guardian. A student's parent(s) or an adult student, however, may notify the School Board that Directory Information concerning the student shall not be released. Such "opt-out" notice shall be in writing and filed annually with the principal of the student's school and with the District's office. Please refer to the "Release of the Student Directory Information Options" form at the end of this booklet.

Directory Information consists of the following data:

- Name;
- Address;
- Telephone number, if listed;
- Date and place of birth;
- Internally generated pupil number;
- Participation in officially recognized activities and sports;
- Weight and height, if an athletic team member;

- Most recent previous school or program attended;
- Dates of attendance at schools in the District;
- Degrees, awards and honors received;
- Major field of study; and
- Photographs and video.

Directory Information will be released to:

- Yearbook publishers, school ring vendors, school photograph vendors, as selected by each school;
- Law enforcement and other governmental agencies, both state and federal (official request only);
- U.S. Armed Forces recruiting officials (as required by federal law); and
- College and university recruiters

However, Directory Information will not be released when a parent or adult student has given an opt-out notice as provided above, except as required by law and except for photographs and video taken or other Directory Information presented at a public forum, public event or open house.

4. Educational Records - Notice of Rights

Federal and State law affords parents, guardians and students over 18 years of age ("eligible students") certain rights with respect to the student's educational records. These rights are:

- A.** The right to inspect and review the student's education records within forty-five (45) days of the day the School receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- B.** The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under federal law.

Parents or eligible students who wish to ask the school to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- C.** The right to privacy of personally identifiable information in the student's education records, except to the extent that federal law authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member

(including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); and a volunteer assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

- D. The St. Johns County School Board has designated student Directory Information and the conditions for its release. Please refer to paragraph 3 above and Board Rule 5.20 listed on the District's website for further information.
- E. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

5. Educational Records -- Divorced or Unmarried Parents

Regardless of who may have legal custody or parental responsibility for a student, both parents have the right of access to the student's educational records unless there is a judicial order limiting or prohibiting a parent's access.

6. Education Records -- Name Change

When a parent, guardian or any other person seeks to enroll a student under a name other than the legal name, or seeks to change the name of a student already enrolled, the parent or other person shall be informed that the name of the child as shown on the birth certificate or other supporting evidence as provided in Florida Statute 1003.21(4) of these regulations will be used until such time as a final court order verifies a legal change.

7. Discrimination Prohibited

St. Johns County School District prohibits discrimination against students, employees and job applicants on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs, national or ethnic origin and political beliefs. In accordance with the Boy Scouts of America Equal Access Act 20 U.S.C. 7905, the School Board shall not deny equal access to District facilities or discriminate against Boy Scouts of America or any youth group listed in Title 36A patriotic society. School Board Rule 2.15 as summarized below, contains the grievance procedure related to harassment and discrimination for employees, students and applicants.

8. Grievance Procedure for Students Alleging Unlawful Discrimination or Sexual Harassment

The Board and the Superintendent recognize that unlawful discrimination and sexual harassment are inappropriate in District schools and prevent students from achieving at their highest level. Whenever a student makes a complaint of unlawful discrimination or sexual harassment, every effort will be made to arrive at a satisfactory resolution of the problem on an informal basis. When this is not successful, a student can resort to the more formal procedures as provided herein.

Definitions

- **“Unlawful Discrimination”** - occurs when a student is excluded from participation in, is denied the benefits of, or is subjected to discrimination under any education program or activity conducted by this School District, on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, social and family background or a language other than English by Limited English Proficiency (LEP) students when allowed by law.
- **“Sexual Harassment”** - is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-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 education
 - Submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting such individual
 - Such conduct has the purpose or effect of unreasonably interfering with a student’s educational performance, or creating an intimidating, hostile or offensive school environment.
 - Such conduct places a student in reasonable fear to his or her person.
- **“Equity Committee”** - is a group of District administrators who are involved in resolving issues of unlawful discrimination and sexual harassment. The members of the Equity Committee and their telephone number(s)/e-mail(s) are:

Lisa Bell (547-7537 or lisa.bell@stjohns.k12.fl.us)

Cathy Hutchins (547-7600 or cathy.hutchins@stjohns.k12.fl.us)

Stacey Brown (547-7609 or stacey.brown@stjohns.k12.fl.us)

Kim Dixon (547-3948 or kim.dixon@stjohns.k12.fl.us)

Scott Sherman (547-7688 or scott.sherman@stjohns.k12.fl.us)

Members may also be contacted by mail at 40 Orange Street, St. Augustine, Florida, 32084.

Examples

Sexual harassment may include, but is not limited to, the following:

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Repeated remarks to a person with sexual or demeaning implications (e.g., a person’s body, clothes or sexual activity, etc.)

- Unwelcome or inappropriate physical contact (e.g., patting, pinching, or unnecessary touching)
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats.
- Display of sexually suggestive objects, pictures, or written materials.

Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.

Complaint Procedure

- **Informal discussion** - if a student believes there is a basis for a complaint, the student shall discuss the complaint with his or her immediate teacher or a school administrator (except in cases of discrimination or harassment allegations involving the teacher or a school administrator, in which case they can report and discuss the issue with a member of the Equity Committee) within sixty (60) days.
- **Level One** - if the student is not satisfied with the informal discussion, he or she may, within ten (10) days, file a formal complaint with his or her principal. If the complaint involves the principal, it may be filed with the Equity Committee. The principal, or the Committee, as the case may be, shall investigate the complaint and report in writing to the student within ten (10) days after receipt of the complaint. Complaints involving an administrator above the building level may be filed by the complainant at Level Two.
- **Level Two** - if the student is not satisfied with the resolution at Level One, student may, within ten (10) days of the report, file a copy of the complaint with the Superintendent. Within ten (10) days of receipt of the complaint, the Superintendent shall respond in writing to the student.
- **Board Appeal** - if the student is not satisfied with the resolution by the Superintendent, the student shall have the right to appeal the Superintendent's decision to the School Board, provided request for placement on Board agenda is filed within ten (10) days.

Investigations

Reports of sexual harassment and discrimination will be promptly and impartially investigated by appropriate District staff. During the investigation, both the alleged perpetrator and victim will have the opportunity to present witnesses and other evidence.

Disciplinary Consequences

Sexual harassment is a Level IV offense, subject to discipline that may include expulsion, mandatory suspension and placement in an alternative school, as prescribed in Paragraph 12, Section 4 of this Code.

Remedies and Support

The District will take steps to prevent recurrence of incidents of sexual harassment and to remedy the discriminatory effects of such harassment. In addition to taking disciplinary action against the perpetrator, the District, when appropriate, will work with victim to develop a safety plan designed to protect the victim from recurrence and to remedy the discriminatory effects of the harassment.

Confidentiality and Protection

Confidentiality and protection from retaliation will be provided to the extent possible to any student who alleges unlawful discrimination or harassment. A student who appropriately reports unlawful discrimination or sexual harassment will not be subjected to adverse educational action or retaliation in any form.

9. Homeless Students

The federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA), ensures that each homeless child and youth has equal access to the same free, appropriate public education, including a public pre-school education, as other children and youth.

Homeless children and youth must have access to the educational and other services that they need to enable them to meet the same challenging state student academic achievement standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment based on homelessness alone.

Children and youth who lack a fixed, regular and adequate nighttime residence are considered homeless. If, due to a loss of housing, a child must live in a shelter, motel, vehicle, or campground, on the street, in abandoned buildings or doubled-up with relatives or friends, then he/she is eligible to receive services provided under the McKinney-Vento Act.

For further information, please visit www.stjohns.k12.fl.us/homeless, or contact the SJCS Homeless Liaison at 904-547-7593.

10. Notification of Social Security Number Collection and Use

In compliance with Florida Statute 119.071(5), the District gives this notice regarding the purpose of the collection and use of student's Social Security number.

The District collects students' Social Security numbers for use in performance of the District's duties and responsibilities. To protect students' identity, the District will secure the Social Security number from unauthorized access. The District will never release a student's Social Security number to unauthorized parties; in addition, each student in the District will be issued a unique student identification number. A student's identification number is used for all educational purposes while enrolled in the District schools, including registration, access of your online record, etc.

In addition to the federal reporting requirements, the public school system in Florida uses the Social Security number as a student identifier. This use is authorized in Florida Statutes 229.559 and 1008.386. In a seamless K-20 educational system, it is beneficial for postsecondary institutions to have access to the same information for purposes of tracking and assisting students in the transition from one educational level to the next.

All Social Security numbers are protected by federal regulations and are never released to unauthorized parties.

11. Pledge of Allegiance

As provided by Florida Statute 1003.44(i) and School Board Rule 3.10, the Pledge of Allegiance shall be recited at the beginning of each day in St. Johns County public schools. A student

has the right to be excused from reciting the pledge, including standing and placing the right hand over his or her heart, upon written request of the student's parent.

SECTION 8

Student-Athlete Code of Conduct

1. Introduction to the Pursuing Victory With Honor Program

At its best, athletic competition can hold intrinsic value for our society. It is a symbol of a great ideal: victory with honor. The love of sports is deeply embedded in our national consciousness. The values of millions of participants and spectators are directly and dramatically influenced by the values conveyed by organized sports. Thus, sports are a major social force that shapes the quality and character of the American culture. In the belief that the impact of sports can and should enhance the character and uplift the ethics of the nation, we seek to establish a framework of principles and a common language of values that can be adopted and practiced widely. The essential elements of character-building and ethics in sports are embodied in the concept of sportsmanship and the six core principles: trustworthiness, respect, responsibility, fairness, caring, and good citizenship. (Preamble to the Arizona Sports Accord – Pursuing Victory with Honor)

Athletics is an important part of the total school program in the St. Johns County Schools and works in conjunction with the other educational experiences to provide students the environment and opportunity to develop the values of character and ethical decision-making. This opportunity to participate in interscholastic athletics is an extracurricular activity and privilege that carries with it responsibilities to the school, the sport, other students, the family, and the community, as well as the student-athlete.

The Student-Athlete Code of Conduct governs all student-athletes (including home school and virtual school students) in the District who participate in interscholastic athletics. These standards of conduct shall supplement, and not supplant or replace, the District's Student Code of Conduct or any additional or more stringent rules and standards of conduct that the Head Coach of each athletic team lawfully imposes as a condition of participation in such activity. Discipline imposed as a result of a violation of the Student-Athlete Code of Conduct shall not preclude additional discipline or consequences under the Student Code of Conduct or the rules and bylaws of the Florida High School Athletic Association (FHSAA). The Pursuing Victory with Honor Program and Student-Athlete Code of Conduct hold student-athletes to a higher standard of conduct than the general student body. Participation in interscholastic athletics is a privilege, not a right, and that privilege is conditioned upon the student-athlete's compliance with the Student Code of Conduct, FHSAA rules and by-laws, and, in addition, the Student-Athlete Code of Conduct. Student-athletes and their parents should be aware that the Student-Athlete Code of Conduct applies not only at school and school events and activities, but also off-campus and during non-school hours, including breaks and vacations.

It is the intent of the Student-Athlete Code of Conduct to provide a clearly defined course for student-athletes to follow, at school and in the community. It is also the intent that a onetime infraction should result in appropriate consequences without causing lasting hardship.

2. Parent and Student Contracts

In order to participate in the interscholastic athletics, student-athletes and their parents are required to execute the Pursuing Victory with Honor Contract and agree to abide by the terms and conditions of the Pursuing Victory with Honor program and the Student-Athlete Code of Conduct. These contract forms for student and parents are found within this Student Code of Conduct.

3. Prohibited Conduct

Each student-athlete is expected to display good sportsmanship, win or lose. This means that student-athletes must demonstrate the “Six Pillars of Character” Counts in both school and in the community at large during the time that the student is enrolled in the District. Student-athletes are subject to disciplinary action under the District’s Code of Conduct and Student-Athlete Code of Conduct, as well as FHSAA rules and by-laws. Such disciplinary action may include suspension or termination of the privilege of participating in any or all extracurricular activities. Sanctions may apply to all practices and meetings and at all times before, during and after games or school-sponsored events, as well as to bus trips to and from games or school sponsored events. Ejection from any contest or event will result in a suspension from subsequent contests under the rules and bylaws of FHSAA and the Student-Athlete Code of Conduct. The following are violations of the Student-Athlete Code of Conduct:

A. Violations of the Student Code of Conduct.

B. Disrespectful, derogatory, harassing comments and/or conduct (verbal, written, electronic), disruptive conduct, and insubordination by a student-athlete directed toward any other person or group, including but not limited to game officials, coaches, advisors, teammates, athletes or members of opposing teams or schools, fans, spectators, other students, and the general public.

C. Conduct at school, at related activities, on school transportation, or in the community which is clearly beyond the bounds of what is acceptable and tolerable. Any misconduct in the community that would constitute a Level III or Level IV offense if committed at school constitutes a violation of this standard of conduct.

D. No student-athlete shall knowingly attend any party or other social gathering where underage drinking and drug use occurs. This rule is intended to apply to gatherings that consist primarily of students and student age individuals where underage drinking is occurring, usually without the knowledge or acquiescence of the parents, and shall not apply to events such as a wedding, family reunion, or the like. **It shall not be a defense to this rule that a gathering of students at which alcohol and drugs are consumed was sanctioned by any parent, or held with parental consent. It is the attendance at such gatherings that is prohibited by this rule. Actual consumption of alcohol or use of drugs is not a prerequisite to establish a violation of this rule. Any student-athlete who is found to have voluntarily remained in the vicinity of a gathering prohibited by this section shall be guilty of a violation of this rule whether or not he or she consumes or uses any prohibited substance.** No student-athlete will be deemed to have violated this rule if he or she can show to the satisfaction of the school Principal, Athletic Director and Head Coach that, immediately upon becoming aware that underage drinking and/or drug use is present at a party or social gathering, he/she completely removed himself/herself from the place where the party or social gathering was held, including parking areas.

E. A student-athlete’s use, distribution and possession of alcohol (including hosting a party where alcohol is available) drugs or controlled substance, possession of drug paraphernalia, use of performance enhancing substances; use of tobacco products or any other misconduct that, if committed at school would violate the rules governing drug and alcohol use, as set forth in Section 4 of the Student Code of Conduct, or misuse of prescription medication, as set forth in Section 4 of the Student Code of Conduct. For purpose of this provision, the definition of “drugs” in Section 4 of the Student Code of Conduct applies.

F. Felony arrest.

4. Disciplinary Procedure

Student-athletes who are accused of a violation of the Student Code of Conduct shall be subject to the disciplinary procedures specified in Sections 4 and 6 of the Student Code of Conduct. In conjunction with that disciplinary process, the principal or designee shall impose such athletic sanctions as may be appropriate under the paragraph below.

Some offenses under the Student-Athlete Code of Conduct may not be subject to Student Code of Conduct discipline because the alleged offense occurred off-campus, after school hours or for some other reason. In those cases, the principal or the principal's designee shall give the student-athlete oral notice of the allegations and an opportunity to explain or defend the conduct. The principal or designee shall then determine whether the student-athlete violated the Student-Athlete Code of Conduct. If a violation is found, the principal or designee shall impose such sanctions as may be appropriate under paragraph 5 below. The sanctions and the reason for the sanctions should be communicated in writing to the student-athlete's parent or guardian within twenty-four (24) hours by United States mail or hand delivery, including hand delivery in the care of the student-athlete, following the conclusion of the school-based investigation.

The school should notify the Superintendent in care of the Office of School Operations within twenty-four (24) hours of the Student-Athlete Code of Conduct disciplinary action and the reasons therefor. The Superintendent's designee shall review the case for compliance with the requirements of the Student-Athlete Code of Conduct.

A student-athlete may appeal disciplinary action imposed under the Student-Athlete Code of Conduct to the Student-Athlete Disciplinary Review Committee, by scheduling a hearing through the Office of School Operations. However, the pendency of the appeal shall not delay the commencement of any sanctions, including suspension from athletic contests.

The rules of evidence and judicial procedure do not apply to disciplinary proceedings under the Student-Athlete Code of Conduct. The decision of the Student-Athlete Disciplinary Review Committee shall be final and shall not be subject to further review.

5. Responses and Sanctions

The following are the sanctions for student-athletes who are found to have violated the Student-Athlete Code of Conduct. The sanctions listed shall not be construed as a promise or guarantee of any particular form of discipline. The District retains the right to take disciplinary action under this policy that is deemed to be appropriate under the individual circumstances of each case. These penalties can be assessed in addition to those assessed under the Student Code of Conduct.

All game(s) suspensions will be served during the athlete's current-year season of participation. In the event that a sanction is assessed at the end of the current season, the sanction will be carried over into the next sport season in which the student-athlete participates. Student athletes will begin serving sanctions immediately upon imposition. In the event a student-athlete files an appeal of a disciplinary action imposed as a result of a code violation, the game(s) suspension will be immediately served upon imposition and/or during the appeals process.

A. Minor Violation - A coach shall be responsible for assessing penalties for violation of team and attendance rules. Such penalties may range from a verbal warning to expulsion from the team for repeat offenses. Coaches shall generally practice progressive discipline, depending on the facts and

circumstances. A coach's decision to remove a student-athlete from a team will be approved by the Athletic Director prior to the imposition of the penalty. The coach shall notify the parents of the imposition of any sanction including the nature of the offense and the reason(s) for the disciplinary action.

- B. Level 1 Violation** - Any student-athlete found to have engaged in prohibited conduct unless otherwise indicated at another Level. For a Level 1 violation, suspension from participation, probation and successful completion of educational component may be required.
- C. Level 2 Violation** - Any student-athlete found to have committed a second Level 1 violation while on probation or any student-athlete found to have hosted a party where alcohol is served or where drugs are present, or who participates in any bullying, harassment or hazing. For a Level 2 violation, suspension from participation, probation, and successful completion of educational component may be required. The commission of any drug or alcohol offense while serving probation for a current drug or alcohol offense will result in loss of participation for one calendar year.
- D. Level 3 Violation** - Any student-athlete found to have engaged in prohibited conduct while serving a Level 2 probation or to have committed a second Level 2 violation during his/her enrollment in the District. For a Level 3 violation, loss of participation for 1 calendar year, probation and successful completion of educational component may be required.
- E. Level 4 Violation** - Any student who is charged with or convicted of, a felony. Such a student-athlete will be suspended from participation (includes practices and meetings) until the case has been adjudicated after which a review will be conducted to determine eligibility. Level 4 also includes repeated violations while on probation. For a Level 4 violation, loss of athletic eligibility while enrolled in the District.

Drug testing may be required as part of a sanction at student or parent expense.

- **Probation** is a stipulated period of time (1 calendar year) assessed to an athlete as a consequence for violations of the Student-Athlete Code of Conduct. This period of time may be extended (extended probation) until the athlete has successfully fulfilled all requirements of the assessed for a violation. The **Educational Component** is a rehabilitative activity intended to reinforce the athlete's personal adherence to the policies and rules that govern the interscholastic program and is designed to educate the athlete about the violation committed and its impact on reaching personal and team goals. Following a meeting with the District Director for Athletics, this component will occur after school hours and will take place at the location of the provider in partnership with the St. Johns County School District. The Educational Component will be required for any student-athlete that is found to be in violation of the drug and alcohol policy outlined in the Student-Athlete Code of Conduct. Suspensions from team participation may continue until this meeting is held.

Participation Penalty

Sports	Number of Games	Level 1 Participation Penalty	Level 2 Participation Penalty
Baseball, Basketball, Soccer, Softball, Volleyball and Water Polo	25	3	5
Lacrosse, Tennis and Wrestling	18	2	4
Golf	14	1	3
Swimming and Diving, Track and Field, Weightlifting and Cross Country	13	1	3
Football	10	1	2
Cheerleading (Competitive and/or Spirit)	To be determined by the interscholastic athletic season in which Cheerleading is participating.	To be determined by the interscholastic athletic season in which Cheerleading is participating.	To be determined by the interscholastic athletic season in which Cheerleading is participating.

If an athlete misses games due to school suspension for a disciplinary infraction, the games missed shall be counted toward the Student-Athlete Code of Conduct participation sanction. Cheerleading sanctions may also result in the loss of competitive events and/or cheer competitions.

SECTION 9

Acceptable Use Procedures (AUP) for Students and Visitors

Digital Network and Technology Resources

A. Acceptable Use of the Digital Network of the St. Johns County School District

- Students' use of the District's digital network, internet service and other electronic resources is a privilege. As a condition of that privilege, students must comply with this Acceptable Use Policy ("AUP"). The following general rules govern students' use of the District's digital network and technology resources:
- The use must be in support with the District's educational goals and policies.
- The use must comply with this Acceptable Use Policy ("AUP").
- The use must comply with the instructions of teachers and staff.
- The use must comport with the six pillars of CHARACTER COUNTS!
- Require that students who access our network with district or personally owned electronic equipment ANNUALLY sign this Acceptable Use Agreement which is to be kept on file at each school or district department.
- The use must comply with applicable laws and regulations, including (a) bullying and harassment and (b) copyright laws.

B. Prohibited Activities

The following are prohibited:

- Use that violates the Code of Conduct.
- Use of another individual's account or providing individual account information to another person.
- Use of the network for financial gain or for political or commercial activity.
- Attempting to send or sending anonymous messages of any kind or pretending to be someone else while sending a message.
- Attempting to access, modify, harm or destroy another user's data on the network.
- Harassing, insulting, ridiculing, attacking or defaming others via network communications.
- Attempting to subvert, defeat or disable installed web or network access filters, workstation security software, antivirus software or other features, network firewalls or other measures in place to secure the School District's technology resources.
- Users of unauthorized methods of access to St. Johns County School District technology resources such as modems and virtual private networks (VPN's), including the use of remote access software or services to access remote computer networks, workstations or servers from the district system.
- Use of remote access software or services to access remote computer networks, workstations or servers from the district system.
- Attempting to transmit damaging agents (e.g., computer viruses, Trojan horses, worms) or otherwise willfully damaging or disrupting any computer facility, software, or data.
- Attempting to interfere with the normal operation of computers, terminals, peripherals, or networks.
- Usage invades the privacy of others.
- Use or experimentation with software or hardware without written approval from the CIO.

- Willfully publishing, storing, displaying, transmitting, playing, or editing material that is obscene, threatening, profane, prurient, sexually suggestive or otherwise inappropriate.
- Changing, deleting or modifying Internet browser settings including hiding or deleting Internet history or records of Internet use.
- Use of the system for an unauthorized purpose.
- Broadcasting a WiFi signal or operating personal Hotspots from personal devices.

C. Enforcement

Students who violate these procedures may be denied access to St. Johns County School District computing or technology resources and may be subject to disciplinary action, including possible expulsion. Alleged violations will be subject to the St. Johns County School District disciplinary procedures.

D. No Expectation of Privacy

Students and visitors have no expectation of privacy in their use of the District system.

E. AUP Agreement

As a condition of the privilege of using the District system and technology resources, students are required to annually execute the District AUP Agreement found in the Forms Section of this Code of Conduct.

F. The Use and Operation of Personally Owned Technology Devices or Electronic Property (BYOD)

Students and visitors may utilize personally owned devices on the SJCSB Digital Network provided they adhere to the BYOD Policies noted in paragraph G., below. These policies are also listed on the District website.

G. Additional Guidelines for Students

Student users must adhere to the following additional guidelines:

- Students will follow teacher instructions regarding the use of the St. Johns County digital network.
- Students must observe and adhere to all regulations when using any digital device on school campus or during sponsored events including cell phone use as outlined in the Student Conduct Code.
- Students will comply with the St. Johns County Digital Citizenship Guidelines.

Additional Rules Governing the Use of Video, Photo and/or Audio Recording Devices at School:

This section addresses the use of devices that can record audio, photo or video content in the school environment, particularly the classroom. Such recording devices include:

- Smart Pen (i.e. Livescribe Echo), Personal audio recorder
- Mobile/Smart Phone (i.e. iPhone), Personal Media Player/MP3/MiniDisc Player (i.e. iPod)
- Mobile Tablet or Slate Device (i.e. iPad, Nexus), eReader (i.e. Nook, Kindle)
- Mobile Computer System capable of recording video, photo, audio (i.e. notebook, netbook)
- Digital or film-based Camera or video recorder
- Digital or film-based Audio Recorder (i.e. Cassette player)

General Rule: Except at open house and public events as discussed below, students, parents and visitors are not allowed to videotape, photograph or make audio recordings while on school premises. All recording devices must be turned off at school. The purpose of this general rule is to foster an

appropriate educational environment, prevent unwarranted disclosure of student images and information, and to comply with the requirements of the negotiated agreement with the St. Johns Education Association.

Open House and Public Events Exception: Open house and public events are events where school premises are opened to the public or a segment of the public at the direction of the principal. They include: open houses, sporting events, plays, musicals, contests, fairs, fund raisers, awards/recognitions and theatre performances. They also include off campus events such as graduations, contests, fund raisers and other school sponsored public events.

In the exercise of judgment and discretion, a principal may also allow videotaping or photographing under other circumstances, provided that appropriate steps are taken to prevent unwarranted disclosure of student images contrary to their directory information opt-out election and to avoid disruption of the educational environment.

H. Web Content Developed by Students

As part of class/course projects, students may be developing content on web page(s) that are published on the Internet.

The following procedures apply:

- No web page content shall allow people accessing the web page enough information to contact any student directly or locate by providing a student's phone number, email address, location or any other private (non-directory) student information.
- As a precaution, teachers should avoid identifying students by using students' first names, initials, or other codes, or listing the teacher's name and a number for each student, within the web page and with all file names.
- Blogs in use by St. Johns County School District students must be registered with their local school or department and must have a designated teacher who is responsible for approving and/or publishing all content posted to the blog.
- Students are not authorized to share or post personal photos and other profile information to public or School District websites when using District or personally owned electronic devices on school property or during any school sponsored activities.
- The St. Johns County School District Information Technology Department does not warrant nor guarantee access or data integrity of student developed web content. Any and all web content created for class projects or course work should be backed up frequently using local resources.

FORMS

Forms from this booklet which must be completed and returned to school by Student Athletes:

1. Pursuing Victory with Honor Parent Contract
2. Pursuing Victory with Honor Student-Athlete Contract

Forms from this booklet which must be completed and returned to school by ALL students:

1. Acceptable Use Procedures Agreement Form
2. Waiver for Personal Electronic Property Form
3. Parent/Student Acknowledgements

****All forms listed above must be signed by parent/guardian and student and returned to school 5 days upon receiving the Student Code of Conduct.***

Form from this booklet which is optional:

1. Student Directory Form



St. Johns County School District

Pursuing Victory with Honor Parent Contract

Athletic competition of interscholastic age children should be fun and should also be a significant part of a sound educational program. Everyone involved in sports programs has a duty to assure that their programs impart important life skills and promote the development of good character. Essential elements of character building are embodied in the concept of sportsmanship and six core ethical values: trustworthiness, respect, responsibility, fairness, caring and good citizenship (the "Six Pillars of Character"). The highest potential of sports is achieved when all involved consciously Teach, Enforce, Advocate and Model (T.E.A.M) values and are committed to the ideal of pursuing victory with honor. Parents/guardians of student-athletes can and should play an important role and their good-faith efforts to honor the words and spirit of the Student-Athlete Code of Conduct and this Contract can dramatically improve the quality of a child's sports experience.

TRUSTWORTHINESS

- ❖ **Trustworthiness-** Be worthy of trust in all you do.
- ❖ **Integrity-** Live up to high ideals of ethics-sportsmanship and encourage players to pursue victory with honor. Do what's right even when it's unpopular or personally costly.
- ❖ **Honesty-** Live honorably. Don't lie, cheat, steal or engage in any other dishonest conduct.
- ❖ **Reliability-** Fulfill commitments. Do what you say you will do.
- ❖ **Loyalty-** Be loyal to the school and team; put the interests of the team above your child's personal glory.

RESPECT

- ❖ **Respect-** Treat all people with respect at all times and requires the same of your student-athletes.
- ❖ **Class-** Teach your child to live and play with class and be a good sport. He/She should be gracious in victory and accept defeat with dignity, compliment extraordinary performance, and show sincere respect in pre- and post-game rituals.
- ❖ **Disrespectful Conduct-** Don't engage in disrespectful conduct of any sort including profanity, obscene gestures, offensive remarks of a sexual nature or actions, trash-talking, taunting, hazing, boastful celebrations, or other actions that demean individuals or the sport.
- ❖ **Respect for Officials-** Treat game officials with respect. Don't complain or argue about calls or decisions during or after an athletic event.

RESPONSIBILITY

- ❖ **Importance of Education-** Support the concept of "being a student first." Commit your child to earning a diploma and getting the best possible education. Be honest with your child about the likelihood of getting an athletic scholarship or playing on a professional level. Reinforce the notion that many universities will not recruit student-athletes who do not have a serious commitment to their education. Be the lead contact for college and university coaches in the recruiting process.

- ❖ **Role Modeling-** Remember, participation in sports is a privilege, not a right. Parent/guardians should also represent the school, coach, and teammates with honor, on and off the court/field. Consistently exhibit good character and conduct yourself as a positive role model.
- ❖ **Self-Control-** Exercise self-control. Don't fight or show excessive displays of anger or frustration.
- ❖ **Healthy Lifestyle-** Promote to your child the avoidance of all illegal or unhealthy substances including alcohol, tobacco, drugs, and some over-the-counter nutritional supplements, as well as unhealthy techniques to gain, lose or maintain weight.
- ❖ **Integrity of the Game-** Protect the integrity of the game. Don't gamble or associate with gamblers.

FAIRNESS

- ❖ **Fairness and Openness-** Live up to high standards of fair play. Be open-minded, always willing to listen and learn.

CARING

- ❖ **Caring Environment-** Consistently demonstrates concern for student-athletes as individuals, and encourages them to look out for one another and think and act as a team. Helps promote the well-being of student athletes by reporting any unhealthy or dangerous or illegal conduct to a school authority (coaches, administrators, teachers, etc.)

CITIZENSHIP

- ❖ **Spirit of the Rules-** Honor the spirit and the letter of rules. Teach your children to avoid temptations to gain competitive advantage through improper gamesmanship techniques that violate the highest traditions of sportsmanship.

I have read and understand the requirements of the Student-Athlete Code of Conduct and this Contract. I acknowledge that my child may be disciplined or removed from a team if he/she violates any of their provisions.

Parent/Guardian Signature **Date**

Print Name **Date**

Sport **Student's Name**

Our athletic program endorses "Pursuing Victory with Honor" and the "Six Pillars of Character", a project of the Josephson Institute of Ethics. www.charactercounts.org/sports



St. Johns County School District

Pursuing Victory with Honor Student-Athlete Contract

Athletic competition for interscholastic age student-athletes should be fun and should also be a significant part of a sound educational program, embodying high standards of ethics and sportsmanship while developing good character and other important life skills. Essential elements of character building are intrinsic in the concept of sportsmanship and six core ethical values: trustworthiness, respect, responsibility, fairness, caring and good citizenship. (the "Six Pillars of Character"). The highest potential of sports is achieved when learning from the T.E.A. M. concept (Teaching, Enforcing, Advocating and Modeling these values) and by committing to the ideal of pursuing victory with honor. Good-faith efforts to honor the words and spirit of the Student-Athlete Code of Conduct and this Contract will improve the quality of our programs and the well-being of all teammates.

TRUSTWORTHINESS

- ❖ **Trustworthiness** –Be worthy of trust in all you do.
- ❖ **Integrity**- Live up to high ideals of ethics and sportsmanship and always pursue victory with honor.
- ❖ **Honesty**- Live and compete honorably. Don't lie, cheat, steal or engage in any other dishonest or unsportsmanlike conduct. Plagiarism or cheating is not acceptable.
- ❖ **Reliability**- Fulfill commitments. Do what you say you will do. Be on time to practices and games.
- ❖ **Loyalty**- Be loyal to your school and team. Put the team above personal glory.

RESPECT

- ❖ **Respect**- Treat all people, including the teacher-coach, with respect at all times. Demonstrate an appropriate demeanor that reflects self-control and an unwavering commitment to fair play.
- ❖ **Class**- Live and play with class. Be a good sport. Be gracious in victory and accept defeat with dignity. Help fallen opponents, compliment extraordinary performance, and show sincere respect in pre- and post-game rituals.
- ❖ **Disrespectful Conduct**- Don't engage in disrespectful conduct of any sort including profanity, obscene gestures, offensive remarks of a sexual nature, trash-talking, taunting, hazing, boastful celebrations, or other actions that demean individuals or the sport.
- ❖ **Respect for Officials**- Treat game officials with respect. Don't complain about or argue with calls or decisions during or after an athletic event.

RESPONSIBILITY

- ❖ **Importance of Education**- The primary responsibility of a student-athlete is academic achievement. Be a student first, and commit to earning your diploma and getting the best education you can. Be honest with yourself about the likelihood of getting an athletic scholarship or playing on a professional level, and remember that many universities will not recruit student-athletes who do not have a serious commitment to their education, the ability to succeed academically or the character to represent their school honorably. Not achieving passing grades will result in your suspension from the team until the deficiency is corrected.

- ❖ **Role Modeling**- Remember, participation in sports is a privilege, not a right, and that you are expected to represent your school, coach and teammates with honor, on and off the field. Consistently exhibit good character and conduct yourself as a positive role model.
- ❖ **Self-Control**- Exercise self-control. Don't fight or show excessive displays of anger or frustration. Have the strength to overcome the temptation to retaliate.
- ❖ **Healthy Lifestyle**- Safeguard your health. Don't use any illegal or unhealthy substances, including alcohol, tobacco, drugs and nutritional supplements, or engage in any unhealthy techniques to gain, lose or maintain weight. Be informed about the health risks involved in the use of recreational and performance-enhancing drugs, tobacco and alcohol, as well as eating disorders.
- ❖ **Integrity of the Game**- Protect the integrity of the game.

FAIRNESS

- ❖ **Fairness and Openness**- Live up to high standards of fair play. Be open-minded, always be willing to listen and learn.

CARING

- ❖ **Concern for Others**- Demonstrate concern for others. Never intentionally injure any player or engage in reckless behavior that might cause injury to yourself or others.
- ❖ **Teammates**- Help promote the well-being of teammates through positive counseling and encouragement, and by reporting any unhealthy or dangerous or illegal conduct to a school authority (coaches, administrators, teachers, etc.)

CITIZENSHIP

- ❖ **Playing by the Rules**- Have a thorough knowledge of and abide by all applicable game and competition rules. Demonstrate and demand integrity.
- ❖ **Spirit of Rules**- Honor, observe and enforce the spirit and the letter of rules. Avoid temptations to gain competitive advantage through improper gamesmanship techniques that violate the highest traditions of sportsmanship. Do not engage in or allow any conduct designed to evade the rules governing fair competition.

I have read and understand the requirements of the Student-Athletic Code of Conduct and this Contract. I acknowledge that I may be disciplined or removed from a team if I violate any of their provisions.

Student Signature

Date

Print Name

Date

Sport

Our athletic program endorses "Pursuing Victory with Honor" and the "Six Pillars of Character", a project of the Josephson Institute of Ethics. www.charactercounts.org/sports

Case 3:17-cv-00739-TJC-JBT Document 152-14 Filed 12/13/17 Page 64 of 66 PageID 8865
Student Acceptable Use Procedures (AUP) Form and Student Bring Your Own Device (BYOD) Form

(Applies to students or visitors who wish to use the District's digital network)

(Optional): Applies to students or visitors who wish to Bring their own personal device in schools/offices)

Student or Visitor User (Applies to Student and Visitors)

I have read and agree to follow the St. Johns County School District's Acceptable Use Procedures for Students and Visitors.

Student/Visitor Name: _____ (please print)

School or Visitor Affiliation: _____ (school name)

Student/Visitor Signature: _____ Date: _____

Parent/Guardian Permission

(Required for Students to operate or access the District's digital network)

As the parent or guardian of this student, I have read, understand, and agree to the School District Acceptable Use Procedures for Students and Visitors for use of the District's Digital Network and the Internet. I give permission for my child to use the District's Digital Network in accordance with the Acceptable Use Procedures.

Parent/Guardian's name: _____ (please print)

Parent/Guardian's signature: _____ Date: _____

(Optional) Student or Visitor Bring Your Own Device (BYOD)

(Required for Students or visitors to operate personally owned technology devices in school)

As a student or visitor, I wish to bring my personal electronic device(s) to School or on District premises. I understand that responsibility for the care and use of this device belongs solely to me.

Requested Student Device(s): _____ (If applicable)

(Computer or mobile device make/model that can access the District network) (Excludes: Smartphones/cell phones)

School Administrator's Approval (School Designee)

The administrator verifies the user and approves their access to the St. Johns County School District Digital Network. Approval is also granted to use a personal electronic device, noted below (if applicable).

School Administrator's name/position: _____ (please print)

Administrator's signature: _____ Date: _____

**ST. JOHNS COUNTY SCHOOL DISTRICT
Release of Student Directory Information Options**

In conjunction with Section 7, Paragraph 3: Educational Records – Directory Information and School Board Rule 5.20, this section provides the parent or adult student the opportunity to opt-out of the release of Student Directory Information. Parents should check the box(es) below that apply to opt-out of the release or publication of Student Directory Information:

- 1. I request that Student Directory Information not be released to Armed Forces, Military Recruiters or Military Schools.

Federal public law 107-110, Section 9528 or the ESEA, “No Child Left Behind Act”, requires school districts to release student names, addresses, and phone numbers to military recruiters upon request. The law also requires school districts to notify you of your right to Opt-Out from this by requesting that the district not release your information to military recruiters.

And/or

- 2. I request that Student Directory Information not be released to the school’s PTO like organization (if applicable). Many schools have a PTO support organization. PTO’s typically create and distribute a PTO directory that includes the student’s/parent’s name, address and phone number. Once released, this PTO directory is generally considered public.

Or

- 3. I request that **NO** Student Directory Information, including photographs and video (as outlined in Section 7 of the Student Code of Conduct) be released. **This option would prevent Student Directory Information from being published (in yearbooks, school newspapers, school websites, etc.) or released to 3rd parties (i.e. PTO’s, Armed Forces, Military Recruiters, Military Schools, approved school ring or yearbook vendors, etc.)** by schools or District departments except where required by law, and except for photographs or video taken or other Directory Information presented at a public forum, public event, or open house.

If any parent/guardian or adult student exercises any opt-out option(s) above (by checking any box), this form must be signed by the parent or adult student and returned to the school.

Printed Parent or Adult Student’s Name

Parent or Adult Student Signature

Print Student’s Name

School Name

Grade

Date: _____

**St. Johns County School District
2017-2018 STUDENT CONDUCT CODE**

**Parent/Student Acknowledgment
Student's Rules and Regulations of Operation**

Your signature means that you have received this Code of Student Conduct booklet and you know what the rules are.

Student Name (please print)

Date of Birth

Teacher

Grade

Students, parents/guardians, teachers, counselors, administrators, and office staffs all have important roles to play in our schools. With so many people working together, problems may occur from time to time. Rules have been made to address these problems. Like laws, rules apply to everyone, and they work only when everyone knows what they are.

This booklet lists the district rules for students in St. Johns County. The rules apply to all activities occurring on school grounds, on other sites being used for school activities and for any vehicles authorized for the transporting of students. Please read them. Since parents/guardians can be held responsible for the actions of their children, it is important that they are aware of the rules and consequences if the rules are broken. Parents, students, school faculty and staff need to know the rules.

Parents need to become involved in the education of their children and have the responsibility to provide the school with the current emergency contact person and/or telephone numbers. They also have the responsibility to notify the school of anything (such as medical information) that may affect their child's ability to learn, to attend school regularly, or to take part in school activities. As a parent, you also authorize designated St. Johns County School District personnel and St. Johns County Health Department School Health personnel to provide emergency care for your child and to exchange medical information as necessary to support the continuity of care of your child. Parents should also take special notice of the Attendance section of this Booklet as well as the Suspension and Expulsion provisions, which are in accordance with School Board Rule.

Signed forms must be part of every student's record. Your signature means that you have read this booklet and understand the rules. (It does not mean that you agree or disagree with them.)

All forms must be signed by parent/guardian and student and returned to school.

Parent/Guardian Signature

Date

Parent/Guardian Signature

Date

Student Signature

Date

Jessica DeVoe

From: Sallyanne Smith
Sent: Friday, October 03, 2014 1:39 PM
To: Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Kyle Dresback; Clay Carmichael; Steve McCormick; Dawn Sapp; Cathy Mittelstadt; Randy Johnson; Jessica DeVoe
Subject: RE: LGBTQ task force meeting



Correction... Wednesday, November 5, not 6 for the meeting below. Sorry. It's been a long week...

NOV 5 8:00 AM

From: Sallyanne Smith
Sent: Thursday, October 02, 2014 4:57 PM
To: Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Kyle Dresback; Clay Carmichael; Steve McCormick; Dawn Sapp; Cathy Mittelstadt; Randy Johnson; Jessica DeVoe
Subject: LGBTQ task force meeting

Club Sponsors,

Yesterday you received a message (Students Services secretary Jessica DeVoe) regarding a meeting to be held with you and our LGBTQ task force. We have formed this district task force to discuss what protocols and/or procedures may be necessary to help meets the needs of our students. We would like you to share with us (informally) what you think might be helpful. The date we planned to meet, October 22, is not convenient for several of the task force participants. Keeping in mind that Wednesday is a late start date for you, we are continuing to try to meet on a Wednesday morning at 8:00 a.m. If there is a better time frame for you, please let me know as we don't want to disrupt your schedule as much as is possible. At this time, we are looking at a rescheduled meeting for Wednesday, November 6 at 8:00 a.m. We can do our best to finish by 9:00 a.m.

Please let me know if you are able to confirm this date and time.

Thanks so much. We are looking forward to speaking with you.

Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

Jessica DeVoe

From: Sallyanne Smith
Sent: Monday, October 06, 2014 11:55 AM
To: Laura Barkett; Michelle Curtin; George Freeman; Leslie Shugart; Paul Abbatinuzzi; Denise Faulk; Phyllis Ingram
Cc: Jessica DeVoe; Tim Forson
Subject: LGBTQ Task Force

Task Force,

We did our best to reschedule the next LGBTQ Task Force meeting when it is convenient for you and for our guests (high school diversity club sponsors). The best time for the sponsors to attend is **Wednesday, November 5**. We will meet in the Welu Room promptly at 8:00 a.m. and will conclude no later than 9:00 a.m. so they can get back to their classes. Please let me know if you will be in attendance. Hoping you can all make it!

Thanks,
Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

Jessica DeVoe

From: Paul Abbatinozzi
Sent: Monday, October 06, 2014 1:28 PM
To: Sallyanne Smith; Laura Barkett; Michelle Curtin; George Freeman; Leslie Shugart; Denise Faulk; Phyllis Ingram
Cc: Jessica DeVoe; Tim Forson
Subject: RE: LGBTQ Task Force
Attachments: SSOPS-KMB4514100613190.pdf

Sallyanne, as you know I will be unavailable to attend on that day. I did want to provide you with the FHSAA policy (4.3) on Gender Identity Participation. The FHSAA started looking at this issue back in late 12/13. The policy is quite comprehensive and provides all levels of review, required documentation and structure of the committee.

Thanks,
Paul

From: Sallyanne Smith
Sent: Monday, October 06, 2014 11:55 AM
To: Laura Barkett; Michelle Curtin; George Freeman; Leslie Shugart; Paul Abbatinozzi; Denise Faulk; Phyllis Ingram
Cc: Jessica DeVoe; Tim Forson
Subject: LGBTQ Task Force

Task Force,

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Thanks,
Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

Jessica DeVoe

From: Sallyanne Smith
Sent: Thursday, September 25, 2014 3:29 PM
To: Jessica DeVoe
Subject: LGBTQ

Jessica, We need to schedule the next mtg. of the LGBTQ Task Force and the high school club sponsors. We would like an early start Wednesday (need to find out the time from the high schools) . Would like it to be on October. The following need to be included :

Paul Abba, Leslie Shugart, Laura Barkett, George Freeman, Denise or Phyllis, Michelle Curtain.

The club sponsors to invite are : Michael Beaman (SAHS), Gwen Westfall (PMHS), Erin Kidwell (BTHS), Joe Kilmer (PVHS), Amber Linskey (NHS),. I Don't have an response back form Randy Johnson at Creekside. Gave tomorrow as a deadline so you may need to call him tomorrow. Copy these school principals. Meeting to last one hour. Try for Welu room.

Thanks,

*Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536*

Jessica DeVoe

From: George Freeman
Sent: Tuesday, September 16, 2014 10:08 AM
To: Jessica DeVoe
Subject: RE: LGBTQ

That is the plan ☺

George Freeman, MA, FL-CBA
ESE Program Specialist
St Johns County School District
Office (904) 547-7704
Fax (904) 547-7544

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From: Jessica DeVoe
Sent: Tuesday, September 16, 2014 10:06 AM
To: George Freeman
Subject: RE: LGBTQ

All of you will be attending?

From: George Freeman
Sent: Tuesday, September 16, 2014 10:04 AM
To: Jessica DeVoe
Subject: RE: LGBTQ

Hi Jessica!

Me
Pilar Hale
Rick Garrett
Will Butler
Suzanne Sinnwell

George Freeman, MA, FL-CBA
ESE Program Specialist
St Johns County School District
Office (904) 547-7704
Fax (904) 547-7544

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From: Jessica DeVoe
Sent: Tuesday, September 16, 2014 9:48 AM
To: George Freeman; Michelle Curtin; Leslie Shugart; Denise Faulk; Paul Abbatinozzi
Cc: Sallyanne Smith; Laura Barkett; Renee Baker; Susan Gould
Subject: LGBTQ

Good afternoon,

Sallyanne has requested a LGBTQ meeting for Friday, September 19th from 1:00 p.m. to 2:00 p.m. Please let me know if you are available to attend. The meeting will be in the Welu Room.

Thank you.

*Jessica DeVoe
Executive Secretary
Student Services
St. Johns County School District
47 Orange Street
St. Augustine, FL 32084
904.547.7797
904.547.7595 Fax*

Jessica DeVoe

From: Sallyanne Smith
Sent: Wednesday, October 01, 2014 10:05 AM
To: Jessica DeVoe
Subject: FW: LGBTQ

From: Sallyanne Smith
Sent: Thursday, September 25, 2014 3:29 PM
To: Jessica DeVoe
Subject: LGBTQ

Jessica, We need to schedule the next mtg. of the LGBTQ Task Force and the high school club sponsors. We would like an early start Wednesday (need to find out the time from the high schools) . Would like it to be on October. The following need to be included :

Paul Abba, Leslie Shugart, Laura Barkett, George Freeman, Denise or Phyllis, Michelle Curtain.

The club sponsors to invite are : Michael Beaman (SAHS), Gwen Westfall (PMHS), Erin Kidwell (BTHS), Joe Kilmer (PVHS), Amber Linskey (NHS),. I Don't have an response back form Randy Johnson at Creekside. Gave tomorrow as a deadline so you may need to call him tomorrow. Copy these school principals. Meeting to last one hour. Try for Welu room.

Thanks,

Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

Jessica DeVoe

From: Sallyanne Smith
Sent: Wednesday, October 01, 2014 10:05 AM
To: Jessica DeVoe
Subject: FW:

From: Sallyanne Smith
Sent: Monday, September 29, 2014 12:58 PM
To: Jessica DeVoe
Subject:

Jessica, The sponsor of the Diversity Club at Creekside is Miriam Provisero. I'm guessing at the spelling based on what was verbally told to me. She should be included on the invite to the LGBTQ mtg. you are scheduling.

Thanks,

*Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536*

Jessica DeVoe

From: Laura Barkett
Sent: Friday, September 12, 2014 6:23 PM
To: Sallyanne Smith
Cc: Jessica DeVoe
Subject: LGBTQ

emailed
9/15-

Hey Sallyanne. I was asking about when you're thinking about getting the LGBTQ meeting set.. I forgot to tell you why... Apparently a student at BTHS has initiated a GSA club (Gay Straight Alliance) and Dawn is already getting some pushback from parents.. Just an FYI ☺

Laura Barkett, LMHC, NCC
District Mental Health Social Worker
St. Johns County District Schools
(904) 547-7757 (x17757)
Fax (904) 547-7595

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- Friday
9/19 @
1:00pm
9/22

~~Monday -
8:00am - 9:00
pm
held back~~

Sent email out
10/1/14-

Scheduled FOR 10/22/14 8:00am - 9:30

- 8:00am wed -
late start
none on
- a meeting has
been scheduled
Setup a
meeting 3 weeks
away

Lesbian
Gay
Bisexual
Transgender
Questioning
Task Force
Set up meeting
ASAP
(me)
Laura B.
George F.
Michelle Curtain
Leslie S.
Rep. from Guidance
(Denise or Phyllis I guess)
Paul A.
Laura will be
facilitating
Wetu Room is best. S.

Jessica DeVoe

From: Miriam B. Provisero
Sent: Monday, October 06, 2014 3:46 PM
To: Jessica DeVoe
Subject: RE: LGBTQ Meeting

Yes. I can attend.

Miriam B. Eisner-Provisero
Photography Teacher
Creekside High School

"Photography, as a powerful medium of expression and communications, offers an infinite variety of perception, interpretation and execution" Ansel Adams

From: Jessica DeVoe
Sent: Wednesday, October 01, 2014 10:50 AM
To: Laura Barkett; George Freeman; Michelle Curtin; Leslie Shugart; Denise Faulk; Paul Abbatinozzi; Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Sallyanne Smith; Renee Baker; Susan Gould
Subject: LGBTQ Meeting

Good morning,

Sallyanne Smith has requested a LGBTQ meeting for Wednesday, October 22nd from 8:00 a.m. to 9:30 a.m. Please let me know if you are available to attend. The meeting will be in the Welu Room.

Thank you.

*Jessica DeVoe
Executive Secretary
Student Services
St. Johns County School District
47 Orange Street
St. Augustine, FL 32084
904.547.7797
904.547.7595 Fax*

Cc: Sallyanne Smith; Renee Baker; Susan Gould

Subject: LGBTQ Meeting

Good morning,

Sallyanne Smith has requested a LGBTQ meeting for Wednesday, October 22nd from 8:00 a.m. to 9:30 a.m. Please let me know if you are available to attend. The meeting will be in the Welu Room.

Thank you.

*Jessica DeVoe
Executive Secretary
Student Services
St. Johns County School District
47 Orange Street
St. Augustine, FL 32084
904.547.7797
904.547.7595 Fax*

Jessica DeVoe

From: Sallyanne Smith
Sent: Thursday, October 02, 2014 4:57 PM
To: Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Kyle Dresback; Clay Carmichael; Steve McCormick; Dawn Sapp; Cathy Mittelstadt; Randy Johnson; Jessica DeVoe
Subject: LGBTQ task force meeting

Club Sponsors,
Yesterday you received a message (Students Services secretary Jessica DeVoe) regarding a meeting to be held with you and our LGBTQ task force. We have formed this district task force to discuss what protocols and/or procedures may be necessary to help meets the needs of our students. We would like you to share with us (informally) what you think might be helpful. The date we planned to meet, October 22, is not convenient for several of the task force participants. Keeping in mind that Wednesday is a late start date for you, we are continuing to try to meet on a Wednesday morning at 8:00 a.m. If there is a better time frame for you, please let me know as we don't want to disrupt your schedule as much as is possible. At this time, we are looking at a rescheduled meeting for Wednesday, November 6 at 8:00 a.m. We can do our best to finish by 9:00 a.m.

Please let me know if you are able to confirm this date and time.

Thanks so much. We are looking forward to speaking with you.

Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536

Cancel
- wela Room for
Oct 22nd
Reserve for
Nov. 6th
@ 8:00
am

Jessica DeVoe

From: Laura Barkett
Sent: Friday, October 03, 2014 10:33 AM
To: Jessica DeVoe
Cc: Sallyanne Smith
Subject: RE: LGBTQ Meeting

Hey Jessica. Let me know once you get confirmation on the LGBTQ meeting so we can draft a follow up email to include details of the info we would like them to bring to the meeting. Thanks ☺

Laura

Laura, I think you know best what info is needed . Jessica is working on a date. As soon as we get that set we can send out the request for what to bring.. maybe send an agenda. I'll let you know when the date is confirmed. We are trying for a Wednesday in October.

From: Laura Barkett
Sent: Thursday, September 25, 2014 2:33 PM
To: Sallyanne Smith
Subject: LGBTQ club sponsor meeting

Hi Sallyanne. I know Jessica is going to start working on coordinating a date for us to meet with this group. I just remembered we discussed putting something in the email invite prepping them for what info to bring (student participation, club mission/goals, activities, areas we can support, etc)?

Do you want to draft something for Jessica to include or would you like me to?

Laura Barkett, LMHC, NCC
District Mental Health Social Worker
St. Johns County District Schools
(904) 547-7757 (x17757)
Fax (904) 547-7595

Laura Barkett, LMHC, NCC
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From: Jessica DeVoe
Sent: Wednesday, October 01, 2014 10:50 AM
To: Laura Barkett; George Freeman; Michelle Curtin; Leslie Shugart; Denise Faulk; Paul Abbatinuzzi; Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero

Jessica DeVoe

From: Sallyanne Smith
Sent: Friday, October 03, 2014 3:14 PM
To: Erin N. Kidwell
Cc: Jessica DeVoe
Subject: RE: LGBTQ task force meeting

Sorry about that Erin! The Welu Room is in the Yates building. It is the one story building located directly across the street from the three story district building. Looking forward to meeting you!

Sallyanne

From: Erin N. Kidwell
Sent: Friday, October 03, 2014 2:29 PM
To: Sallyanne Smith
Subject: RE: LGBTQ task force meeting

Hi, Sallyanne. I was wondering where the meeting would be held. I saw on the first email that it said the "Welu Room," however I do not know where exactly that is. Thank you for the clarification!

Erin Kidwell
English I (Standard & Honors)
Bartram Trail High School
Room N212

From: Sallyanne Smith
Sent: Friday, October 03, 2014 1:39 PM
To: Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Kyle Dresback; Clay Carmichael; Steve McCormick; Dawn Sapp; Cathy Mittelstadt; Randy Johnson; Jessica DeVoe
Subject: RE: LGBTQ task force meeting

Correction... Wednesday, November 5, not 6 for the meeting below. Sorry. It's been a long week.....

From: Sallyanne Smith
Sent: Thursday, October 02, 2014 4:57 PM
To: Michael C. Beaman; Gwendolyn Westfall; Erin N. Kidwell; Joseph R. Kemper; Amber L. Linskey; Miriam B. Provisero
Cc: Kyle Dresback; Clay Carmichael; Steve McCormick; Dawn Sapp; Cathy Mittelstadt; Randy Johnson; Jessica DeVoe
Subject: LGBTQ task force meeting

Club Sponsors,
Yesterday you received a message (Students Services secretary Jessica DeVoe) regarding a meeting to be held with you and our LGBTQ task force. We have formed this district task force to discuss what protocols and/or procedures may be necessary to help meets the needs of our students. We would like you to share with us (informally) what you think might be helpful. The date we planned to meet, October 22, is not convenient for several of the task force participants. Keeping in mind that Wednesday is a late start date for you, we are continuing to try to meet on a Wednesday morning at 8:00 a.m. If there is a better time frame for you, please let me know as we don't want to disrupt

your schedule as much as is possible. At this time, we are looking at a rescheduled meeting for Wednesday, November 6 at 8:00 a.m. We can do our best to finish by 9:00 a.m.

Please let me know if you are able to confirm this date and time.

Thanks so much. We are looking forward to speaking with you.

*Sallyanne Smith
Director for Student Services
St. Johns County School District
904-547-7536*

Laura Barkett

From: George Freeman
Sent: Wednesday, September 24, 2014 5:23 PM
To: Lisa Bell; Scott Sherman; Paul Abbatinozzi; Sallyanne Smith; Denise Faulk; Phyllis Ingram; Leslie Shugart; Laura Barkett; Holly L. Arkin
Subject: LGBTQA Meetings Summary

Hi Team!

This email contains my notes from attending presentations and meetings over the last couple of weeks.

1. **Collaboration** - Student Services & School Services & Guidance and Choice & ESE have been collaborating to determine the needs of students experiencing difficulty with LGBTQA (Lesbian, Gay, Bisexual, Transgender, Questioning and those Aligned with individuals experiencing these issues).
2. **Prevalence** – There are about 7 TG students in our district – all but 1 in high schools.
3. **Precedence** - Other states, as well as counties in Florida, have taken steps toward defining issues and appropriate school response. Broward has published a guide www.browardprevention.org/diversity/lgbtq that provides more information.
4. **Legal Issues** – Legal issues seem to have centered on discrimination/bullying/harassment related to the big three. These include: Gender Orientation (the gender you are attracted to), Gender Identification (the gender you call yourself – pronouns, name) and Gender Expression (how you present yourself – attire). School districts may be unprepared to address issues related to: which restroom is used, where students can change for PE or sporting events and what clothing can be worn.
5. **What Is Currently in Place** –
 - a. **High School Clubs** - Most of our high schools have related clubs that are student led with a staff sponsor. They focus on tolerance, increasing awareness and support to members.
 - b. **Student Code of Conduct** – SCC includes language addressing discrimination, bullying and harassment & may be updated to include new terms. SCC includes a dress code in which parameters for attire may be applied universally in unisex manner.
 - c. **Title IX** – Title IX includes language addressing discrimination.
 - d. **Bullying & Harassment Policies** – These are already part of district policy across the district (awareness, reporting, investigating, follow-up)
 - e. **Community Support** – Jacksonville has a private support group called Jasmyn (Jasmyn.org) that may be available to serve our area.
6. **Next Steps for SJCSB** –
 - a. **Research** – Meet with sponsors of high school clubs and school counselors to determine what students are reporting. Review current laws to learn what is

required. Determine the policy/procedures/protocols that other districts are using. Review the athletic section of our own SPP as it relates to LGBTQA.

- b. Sensitivity Training – This will be driven by research results. Determine what information would be part of sensitivity training and what training forum would be best. Target groups may include students, staff and families.
- c. Supports – This will be driven by research results. What are the challenges? What do schools and students need/want? What supports are already familiar and in place that could be fine-tuned to address needs?

7. **ESE Mental Health Counseling** – I have advised ESE MHCs to focus on the educational aspect of student difficulties (teaching the skill or coping strategy that is needed to successfully navigate the school environment). Example: Relationships regardless of gender are similarly formed and maintained. Example: Coping with rejection and/or bullying can be addressed regardless of gender. The MHCs have been encouraged to avoid driving a student deeper into LGBTQA or attempting to pull a student out of LGBTQA. All recommendations for outside supports are to be filtered through the parent. Staff at schools will be referred to supports that are already in place as starting points for problem-solving.

George Freeman, MA, FL-CBA
ESE Program Specialist
St Johns County School District
Office (904) 547-7704
Fax (904) 547-7544

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LGBTQ Task Force Meeting
February 18, 2015
2-4pm

Members: Sallyanne Smith, Laura Barkett, Leslie Shugart, George Freeman, Paul Abbatinuzzi, Michelle Curtin, Denise Faulk, Phyllis Ingram

2:00-2:20 Legal discussion/existing precedents

Guest Speakers: Allyson Currie, SJCSJ Legal Consultant
Megan Wall, Community Legal Aid

2:20-2:50 LGBTQ Power Point

Guest Speaker: Angie Fusco, SMS School Counselor

2:50-3:00 High School Club Feedback

Laura Barkett, District MHSW

3:00-3:30 Recent/Ongoing issues at schools

SJCSJ Staff Discussion

3:30-4:00 Potential Action Steps

SJCSJ Staff Discussion

- Inclusive language in policy
 - Education/training
- Case review staffings as needed
 - Best practice guidelines

LGBTQ Task Force Meeting

Wednesday, February 18, 2015

2:00 - 4:00 pm

Yates Building, Welu Room

2:00-2:20 Legal discussion/existing precedents

Allyson Currie, SJCS D Legal Consultant

Megan Wall, Community Legal Aid

2:20-2:50 LGBTQ Power Point

Angie Fusco, SMS School Counselor

2:50-3:00 High School Club Feedback

Laura Barkett, District MHSW

3:00-3:30 Recent/Ongoing issues at schools

SJCS D Staff Discussion

3:30-4:00 Potential Action Steps

SJCS D Staff Discussion

Broward County Public Schools Lesbian, Gay, Bisexual, Transgender, &
Questioning Critical Support Guide:

<https://asp-us.secure-zone.net/v2/index.jsp?id=115/186/1331&lng=en>

Title 9 - no discrimination on basis of sex
- 1st amendment - dress

- student requests should be honored

"that's so gay" think b4you speak.com

Club Sponsors
High schools - diversity or GSA
Redro - 60-70 kids
SAHS

Language in bullying policies
=> expand sexual harassment language

20 calls

- Sensitivity training
training - educate faculty & staff
responsibility?

add three
gender identity

LGBTQ FOCUS GROUP
MEETING FEBRUARY 18, 2015
MINUTES

Participants:

Sallyanne Smith, Laura Barkett, Leslie Shugart, Lin Biller, Christy McKendrick, Holly Arkin, Jan Caban, Dana Chapman - SJCSD Student Services
Paul Abbatinozzi – SJCSD School Services
Phyllis Ingram – SJCSD Guidance & Choice
Christina Langston – SJCSD – Community Relations
Danielle French – SJCSD – Risk Management
Brennan Asplen – SJCSD – Human Resources
Michelle Curtin – SJCSD – Intervention Services
Angela Fusco – Sebastian Middle School
Jeanette Murphy – Fruit Cove Middle School
Allyson Currie – Upchurch, Bailey and Upchurch
Megan Wall – SJC Legal Aid

Discussion:

Reviewed contents of folder.

Florida has very few related laws. Only 13 states have laws.

Allyson – Title 9 – no person should be excluded on basis of sex/gender.

Civil rights laws to include transgender and being discriminated against

LGBTQ have right to GSA clubs

Bathrooms – add partitions

Provide choices for bathrooms but can't be required to use

Athletics – FHSAA has section in place

Pronouns – use term student wants

Our district has had several situations and Sallyanne has dealt with the families.

Student at FCMS - transgender – student only wants to use the boy's bathroom. Two clinic bathrooms and a faculty bathroom have been offered (gender neutral).

Teachers are calling student by requested male name.

We got directive from Executive Cabinet that if parent requests us to call student by different name and gender pronoun, we do it.

Rights to privacy – if student has NOT come out to parents, what do you call student?

Megan – respect student and newfound identity – lean toward that. 1st amendment right of privacy.

Parents might object.

If parents are divorced and have two different opinions, have the judge work it out. Parent needs to get court documentation to school.

If parents are at odds, we side with the student. Can't "out" a student to parents if they don't already know.

If parent doesn't know or have court order, we go with student's wishes.

Whatever student wants we try to accommodate. Educating students is the focus.

If a teacher objects and says "no" they will not call student by requested name – should teacher then be disciplined? It is being looked at.

We need to educate teachers on student's feelings so they understand, sensitivity training

Broward County School Resource Manual – by law, teachers cannot be required to call student by new name.

Here there is no law, but there is an expectation of employees – we can have internal rules where teachers are disciplined for not following internal rules even though it is not a "law."

Sensitivity issue

Formal records – diplomas – can we change them at student/parent request? It is up to the Superintendent, but most records require legal documentation to change. If there is nothing legal, then the name remains as stated on their birth certificate.

Angela Fusco gave a PowerPoint presentation on “Becoming an Ally to LGBTQ Students,” which is attached.

Gender Identification – how they identify

Gender Expression – how they express themselves

Sexual Orientation – who they are attracted to

We are there for support.

JASMYN is having 101 Speech at Unitarian Church on Thursday, February 19, 2015 at 7:30 p.m.

Go back to civil rights – what trends are/what the future holds

Megan’s husband is architect and he would re-design the bathrooms/showers for free!

Huge stumbling block is room accommodations for overnight field trips.

Two to a bed

Example: Two gay girls share a bed/transgender male student presenting as a female in bed with other females.

Situation at a school – Principal paid for mother to go on field trip with transgender because of mental health issues.

These are the kind of calls the district is now getting from the schools. They are looking for answers to these situations.

It would be cost prohibitive to have separate rooms for students. Need to put 4 in a room.

Sit down with the child to discuss best plan

Case in California – school district had to settle lawsuit – transgender male should be able to room with males

Keep the students safe

Equal protection clause

Guidelines, not laws – unless student is legally a transgender, they need to stay with the people (gender) they legally.

Students handle situations much better than parents.

We need to stop being afraid and to create safe school environment.

Parents will always complain and we need to support what is the good of most.

Must deal with it on a case by case basis.

Leslie – law vs. best practice – very helpful

Conversation with parents of “other” students in room (not transgender parent) – very delicate situation.

Don’t believe it should be put into a policy. Should be handled on a case by case basis.

Transgender student at FCMS was offered 2 clinic bathrooms and a faculty bathroom. Now the faculty is complaining because there are “too many people using the bathroom.” May be some concern about waiting in room alone with student in bathroom.

High School Clubs Update:

Met with club sponsors (with exception of Ponte Vedra High School and Bartram Trail High School).

Feedback – Gay male teacher talked about club equality – protections and policies for students AND teachers. Am I supported by District?

PMHS – GSA 60-70 students (been in existence for three years) presentation phenomenal – quoting research

We have come a long way but not there yet.

Training for teachers and all staff is needed.

Common language – gay, fag – has to be stopped. Teachers brush it off and that makes targeted students “not OK.”

Students are thrilled there is a task force in place.

Middle School is the hardest. Students are scared to come out. Kids are experimenting.

Elementary – students sometimes don’t understand what is happening.

High School – student’s research and FIND resources and support – kids are more mature in high school

Students want language and policy to support us.

Language is in bullying policy in Flagler County as well as all other surrounding counties which include:
Gender Identity
Gender Expression
Sexual Orientation in their bullying harassment policy

We are ruled to a certain extent by bills that come out of the House.

Does sexual harassment capture what we are dealing with?

Data collection tracks sexual orientation

Student Code of Conduct change – open forum

Revised annually at a workshop with the Board for a June Board approval

3.021 Bullying policies (School Board policies) to change through legal

Dr. Joyner wants recommendation to go to Executive Cabinet

Code of Conduct will redirect you to Board policy

Is it just a matter of time?

Sensitivity training for teachers and staff

Maybe Laura and Leslie could do something on Bullying and Harassment at beginning of year under Student Services umbrella along with Mental Health.

Suggest a team for individual cases: Leslie Shugart, Paul Abbatinuzzi, social worker

Add extra support

Have Administration do it at faculty meetings

Concept is great, but the follow thru is difficult

Hard to get people to attend – can't mandate

Danger of teacher calling parent without proper knowledge of how to handle situation and "outing" student – could be dangerous when the teacher was just trying to be helpful

We need to heighten awareness

Sensitivity – protect rights but still educate

The videos we have to watch at beginning and sign for – add some information about LGBTQ discrimination

Sensitivity to ALL with other opinions

Would we be opening a can of worms?

We have to handle in a very deliberate focused manner

Videos – if you sign and then violate could be discipline

Present at Principal meetings

Have to be very careful with media

Situations are way ahead of law

How about a FAQ (frequently asked questions) guideline?

No Middle Schools have GSA groups

Students in GSA group at PMHS said no to Middle School group – not ready to handle it

Second recommendation – some kind of training to faculty and staff

Explore possibility of developing training opportunities – go slowly

What makes this difficult? Higher risk of suicide

We have nothing to refer to

Need answers for parents/administrators

We have information needed to start moving slowly/conservatively

Do I tell parents about support groups – safety of kids?

If child gets beaten up by boys and girls parent says "Why?" – We have to be very careful to not "out" student if parent does not know.

Safety issues/violence – need to talk to child

The students we are talking about are minimal number – collectively we can figure out solution to the field trip issue

Opposing parents will be a bigger issue than the allied parents

Principals and teachers have to be prepared to deal with situations that will arise.

Unchartered water – we need to brainstorm on how to make it work

We are doing the right thing here – collectively we can chip away at the problems that come up.

Our students will do much better than us at acceptance

What applies to students, applies to faculty – we have transgender employees

Teachers need to have a no bad language tolerance – easy and in place

Our job is to protect the kids, make them happy, and avoid nonsense from outside

All schools are different – take into consideration the population – what works in the North end of the county does not necessarily fly in the South end of the county – so many different scenarios

Create a culture of acceptance where students feel free to come forward to tell guidance counselors and parents

Have inservice to train teachers to be “safe zone” for LGBTQ students

Glsn – safe zone kits – you can order materials – will help protect students

Safe Zone definition – It is a silent indicator you are an ally to students in need

Must be trained to have a “safe zone” sticker

LGBTQ TASK FORCE AGENDA

November 5, 2014

8:00 a.m. Welcome and Introductions Sallyanne Smith

Current number of participants Club Sponsors

Club Goals

Club Activities

Club Needs (specific support, concerns, etc.)

Discussion to follow

All

9:00 a.m. What Are Other Districts Doing? Laura Barkett

How Does This Impact Athletics? Laura Barkett

9:30 a.m. Next Steps/Next Meeting



**LGBTQ FOCUS GROUP
MEETING NOVEMBER 5, 2014
MINUTES**

Participants:

Sallyanne Smith, Laura Barkett, Leslie Shugart, Dana Chapman, Kathleen Anderson –
SJCS Student Services
Phyllis Ingram – SJCS Guidance & Choice
Amber Linskey, Michelle Sterling – Nease High School
Gwen Westfall – Pedro Menendez High School
Mike Beaman – St. Augustine High School
Miriam Provisero, Laura Strickland – Creekside High School

Discussion:

To the Group: What do you need from the District to help support LGBTQ students?

Response: The students knowing that the District is going to get involved is a great start; staff need to know this support is from the top down (starting w/ the District level) backed by written policies and procedures.

CHS – “Knights of Diversity”, 1st year, umbrella to all minorities and religion, 5-20 students at meetings Their first activity was a booth at carnival – rainbow cupcakes, had “mix it up” at lunch day – teaching tolerance. Activity @ each lunch period, Mr. Johnson participated, students responded positively. They need to advertise more details of what Diversity Club is. Goal is to celebrate differences in diversity, making posters, awareness.

Concerns of conservative neighborhood

Discussed how club was named, were the students OK with the name of the club? Students want it called GSA/LGBTQ but further discussion led to agreement to initially start with a bigger umbrella. Principal wants club to be embraced, not labeled “Gay Club.”

Jasmyn (Jacksonville Area Sexual Minority Youth Network) - scheduled to speak to school in December and Task Force was invited (12/10)

Julie Durden — speaker coming to CHS, has coordinated Challenge Day @ schools (Bullying presentation)

NHS – GSA, 1st year, agree that students are at higher risk, higher need for supports; 20 students in club – more straight students; Principal – very supportive

Would like to have JASMYN come speak to Task Force

Link Crew program at NHS – very successful, also at SAHS and PMHS

PMHS – Gwen has been GSA sponsor for 3 years. They meet every 2 weeks, the students love it. Teachers are very supportive. Discussed support from administration and invitation for Task Force to come out and hear student presentation. Sallyanne will coordinate.

When club writes announcements saying Gay Straight Alliance, the school changes it to GSA, which makes it difficult because students don't know what it is. The girls in club fought for the legal right to call it Gay Straight Alliance.

The principal is in full support since club presented at staff meeting and since then the staff support has been great. The students have educated the teachers.

PMHS sponsor offered to have her group talk to CHS club students.

SAHS – Club Equality- Mike Beaman – SAHS is a more diverse environment resulting in a higher level of tolerance among student population. The support needed is less for students, more for staff and responding to parent concerns. They partner with other groups (Best Buddies). Students marched in local demonstration.

SAHS club has many straight students.

Phyllis/Guidance – Angie Fusco did a great training/Power Point on the subject at summer guidance in-service. Discussed having Angie come present to Task Force.

How do we compare to other Florida districts? Duval and Flagler both already have language (i.e. sexual orientation, gender identity, gender expression) included in their policies, mostly included w/ bullying language.

Leslie reports:

Duval – 13 of 21 priority high schools (most high-risk) have GSA
3 of 28 middle schools have GSA

Student Services follows up on Baker Acts, suicide attempts, works with families. LGBTQ - students do NOT always have suicide or mental health issues, but they need support as research shows that are at higher risk for depression, anxiety and much higher rate of suicide attempts

Challenges:

Some students want club called GSA, feel that calling it a “diversity club” – sends message that it is shaming to call it a GSA club

NHS, PMHS, and BTHS – all call their groups GSA

Teacher sponsors get some resistance from other staff and parents saying “I hear you are starting a gay club.”

Some students have torn down club posters. Sponsors suggest putting another one up until they stop.

Example given of a straight student who felt uncomfortable because of club poster in classroom, resulted in parent complaint call.

At NHS, teacher has policy that if any student says something inappropriate, teacher has them write an essay on respect. Recently parent refused to enforce, claiming child was joking with a friend calling him “gay”.

Some students are afraid to speak out and they seek gay teachers. Some teachers are afraid of what they can and can't say, should or shouldn't say, for fear of losing their job. The silence is shaming for these students and gay staff. We need something in the policy/procedures to protect students AND staff at the district level.

Counselors/sponsors advise students to make sure support is in place when they tell their parents due to statistics of rejection putting them at higher risk. Many students are afraid to tell parents.

Challenge for staff having transgender in class and what to call student (gender pronoun).

In Drama – plays often are written by gay and Jewish people –push back from parents saying they are pushing the “gay agenda”

Sensitivity in doing scenes – student doesn’t want to play a part because the character is gay – saying it is against their religion.

Challenge – finding a balance

How do you have a conversation about these things without risking your job?

When the PMHS club students presented to teachers, they talked about homophobic comments made in classroom & bullying – students WANT teachers to address it as they would a derogatory racial remark. Students can be offensive in classroom when they say these slurs and it should not be minimized as a “joke”.

Need books available in Media Center that represent all groups

There is a religious club (FCA)... This should be no different

Middle schools need more support as well, more students are identifying LGBTQ more recently.

What is district position on what we can post in classroom, i.e. rainbow triangle of support?

General Discussion

Club students want to get together as often as possible for support & bonding.

Sponsors say we are here for all children; all students are welcome in these clubs.

NHS – has a community business offering to sponsor club. How would this work? Is it possible to have an outside sponsor?

What can we do at the District?

Get clear verbiage in teacher/student handbook in harassment/bullying section, specifying coverage to gender identity, gender expression and sexual orientation

It will be a challenge to discuss this issue in the community. Possible presentation to School Board members – should we bring the students to do presentation for them?

Athletics – Paul Abbatinozzi provided us w/ FHSAA policy.

No transgender in our athletic programs (to his knowledge)

FHSAA – way ahead and supporting – could consider use of their verbiage to put in our policies

ACTION STEPS

Schedule time to meet with PMHS club students, invite Task Force to meet

Angie Fusco – Power Point presentation @ Task Force meeting

Suggestion for sponsors to write down the questions parents are asking and share w/ Task Force

Educate school counselors – you may be uncomfortable with subject, but need to be addressed.

Invite JASMYN to Task Force

Proceed in phases:

Phase 1: research and information gathering- current

Phase 2: developing action plan

67 school districts in Florida. How many have policy?
Leslie will attempt to gather information from DOE

S. Florida might have data tracking?

Should HR be part of Task Force?

8.19.15 DRAFT

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<p>Official Documents Documentation from a Florida court is required to reflect a name change <u>in name</u> and/or gender in a student's official school records.</p>	<p>Official Documents Schools will only modify student records to reflect a name change <u>in name</u> and/or gender upon receipt of such documentation from a Florida court. <u>While official student records must contain the student's legal name, schools should permit the use of "_____ " in unofficial student records to assist staff in calling the student by the preferred name.</u></p>
<p>Names and Pronouns There is no federal or Florida state law that requires schools to call a student by a requested name or use gender pronouns consistent with their gender identity.</p>	<p>Names and Pronouns Schools will use the name and gender pronoun corresponding to his/her consistently asserted gender identity upon request of the parent <u>or student</u>.</p>
<p>GSA Clubs at School Under the Federal Equal Access Act, a public school permitting any non-curricular club must also allow students to form a GSA. The school must also treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.</p>	<p>GSA Clubs at School Schools will permit students to form GSA clubs. The clubs will comply with S.B. Rule 4.06 "Student Clubs and Organizations".</p>
<p>Coming Out Federal courts have found students have a constitutional right to be "out" at school if they want to be. Although students have the First Amendment right to free speech, a school can restrict a student's free speech when it causes significant disruption in the classroom.</p>	<p>Coming Out Schools will not try to silence students who are open about their sexual orientation or gender <u>transgender</u> identity, <u>or who question their orientation or gender identity</u>. Restricting a student's free speech may occur if it: causes significant disruption in the school setting- <u>(1) causes, substantial disruption</u></p>



8.19.15 DRAFT

	<p><u>with the school’s work or material interference with school activities; (2) impinges upon the rights of other students to be secure and let alone; or (3) the school reasonably forecasts it will cause a substantial disruption with the school’s work or material interference with school activities.</u></p>
<p>Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy, which extends to students in a school setting. Students have the constitutional right to share or withhold information about their sexual orientation or gender identity from their parents, teachers, and other parties, and it is against the law for school officials to disclose, or compel students to disclose that information.</p>	<p>Privacy School personnel will not <u>gratuitously</u> disclose any information about a student’s sexual orientation, or gender<u>transgender</u> identity <u>or questions they may have about their sexual orientation or gender identity to third parties.</u> anyone including parents, other teachers, and other parties without the permission of the LGBTQ student.</p>
<p>Restrooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the restroom corresponding to their consistently asserted <u>gendertransgender</u> identity.</p>	<p>Restrooms <u>Transgender S</u>students will be given access to a gender-neutral restroom and will not be <u>required</u>forced to use the restroom corresponding to their biological sex.</p>
<p>Athletics The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014). No federal or Florida state law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression. Florida High School Athletics Association (FHSAA) policy provides transgender students with the opportunity to seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>	<p>Athletics FHSAA policy was updated stating transgender students should have the opportunity to participate in athletics consistent with their gender identity and expression and a student may seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>
<p>Locker Rooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted <u>gendertransgender</u> identity.</p>	<p>Locker Rooms Schools will provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their biological sex.</p>
<p>Dress Gender expression is protected by the U.S. Constitution and Title IX. This right to</p>	<p>Dress Schools will allow transgender students to wear clothing in accordance with their</p>

8.19.15 DRAFT

<p>free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their <u>biological</u> gender.</p>	<p>consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.</p>
<p>Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.</p> <p>The ACLU states that at present, there have been no reported court decisions on this issue, but the First Amendment and the Equal Protection Clause should protect the right to freely express gender identity as a prom king or queen candidate.</p>	<p>Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances.</p> <p>Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses.</p> <p>Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.</p>
<p>Gender Segregation There is no Federal or Florida state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)</p>	<p>Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.</p>
<p>Safe Zones There is no Federal or Florida state law requiring school personnel to display posters/stickers indicating a safe zone for LGBTQ students.</p>	<p>Safe Zones Teachers and other school-based staff have the option to display a small sticker or poster in their classroom to designate a safe zone for LGBTQ students. A mandatory training must be completed before a safe zone symbol is displayed.</p>
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Researched and compiled by Student Services staff

DRAFT

From: Cathy Mittelstadt
To: Frank Upchurch
Subject: draft of guidelines
Date: Wednesday, August 12, 2015 3:36:19 PM
Attachments: draft_best_practice.docx

Hi Frank-

Dr. Joyner ask that my team develop guidelines for Principals to follow in serving LGBTQ students. Last year Sallyanne's group presented a very comprehensive plan to the cabinet. At this time I would propose we use some of her team's research to develop a guideline for Principals. Attached is a draft of Best Practices. Please review. Dr. Joyner would like a guideline to be presented at the Principal's meeting on 8/20. If you think this is a starting point I can bring it to cabinet on Friday.

Thanks Frank....

-Cathy

Cathy Mittelstadt

Associate Superintendent of Student Support Services

St. Johns County School District

47 Orange Street, St. Augustine, Florida 32084

904-547-7723

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<p>Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy, which extends to students in a school setting. Students have the constitutional right to share or withhold information about their sexual orientation or gender identity from their parents, teachers, and other parties, and it is against the law for school officials to disclose, or compel students to disclose that information.</p>	<p>Privacy School personnel will not disclose any information about a student's sexual orientation or gender identity to anyone including parents, other teachers, and other parties without the permission of the LGBTQ student.</p>

<p>Restrooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the restroom corresponding to their consistently asserted gender identity.</p>	<p>Restrooms Students will be given access to a gender-neutral restroom and will not be forced to use the restroom corresponding to their biological sex.</p>
<p>Athletics The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014). No federal or Florida state law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression. Florida High School Athletics Association (FHSAA) policy provides transgender students with the opportunity to seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>	<p>Athletics FHSAA policy was updated stating transgender students should have the opportunity to participate in athletics consistent with their gender identity and expression and a student may seek review of his/her eligibility through the FHSAA Gender Identify Eligibility Review Process.</p>
<p>Locker Rooms There is no specific federal or Florida state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted gender identity.</p>	<p>Locker Rooms Schools will provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their biological sex.</p>
<p>Dress Gender expression is protected by the U.S. Constitution and Title IX. This right to free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their gender.</p>	<p>Dress Schools will allow transgender students to wear clothing in accordance with their consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.</p>
<p>Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances. The ACLU states that at present, there have been no reported court decisions on this issue, but the First Amendment and the Equal Protection Clause should protect the right to freely express gender identity as a prom king or queen candidate.</p>	<p>Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances. Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses. Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.</p>

<p>Gender Segregation There is no Federal or Florida state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)</p>	<p>Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.</p>
<p>Safe Zones There is no Federal or Florida state law requiring school personnel to display posters/stickers indicating a safe zone for LGBTQ students.</p>	<p>Safe Zones Teachers and other school-based staff have the option to display a small sticker or poster in their classroom to designate a safe zone for LGBTQ students. A mandatory training must be completed before a safe zone symbol is displayed.</p>
<p>Overnight Field Trips There is no Federal or Florida state law requiring school personnel to adhere to the requests of an LGBTQ student.</p>	<p>Overnight Field Trips Because of the complexity of field trip issues, these cases will be handled on a one to one basis.</p>

Researched and compiled by Student Services staff

DRAFT



U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights



Dear Colleague Letter on Transgender Students
Notice of Language Assistance

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

給英語能力有限人士的通知: 如果您不懂英語, 或者使用英語有困難, 您可以要求獲得向大眾提供的語言協助服務, 幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊, 請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線: 1-800-877-8339), 或電郵: Ed.Language.Assistance@ed.gov。

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), hoặc email: Ed.Language.Assistance@ed.gov.

영어 미숙자를 위한 공고: 영어를 이해하는 데 어려움이 있으신 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 1-800-USA-LEARN (1-800-872-5327) 또는 청각 장애인용 전화번호 1-800-877-8339 또는 이메일주소 Ed.Language.Assistance@ed.gov 으로 연락하시기 바랍니다.

Paunawa sa mga Taong Limitado ang Kaalaman sa English: Kung nahihirapan kayong makaintindi ng English, maaari kayong humingi ng tulong ukol dito sa inpormasyon ng Kagawaran mula sa nagbibigay ng serbisyo na pagtulong kaugnay ng wika. Ang serbisyo na pagtulong kaugnay ng wika ay libre. Kung kailangan ninyo ng dagdag na inpormasyon tungkol sa mga serbisyo kaugnay ng pagpapaliwanag o pagsasalin, mangyari lamang tumawag sa 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o mag-email sa: Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights

May 13, 2016

Dear Colleague:

Schools across the country strive to create and sustain inclusive, supportive, safe, and nondiscriminatory communities for all students. In recent years, we have received an increasing number of questions from parents, teachers, principals, and school superintendents about civil rights protections for transgender students. Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance.¹ This prohibition encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender status. This letter summarizes a school's Title IX obligations regarding transgender students and explains how the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) evaluate a school's compliance with these obligations.

ED and DOJ (the Departments) have determined that this letter is *significant guidance*.² This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you have questions or are interested in commenting on this guidance, please contact ED at ocr@ed.gov or 800-421-3481 (TDD 800-877-8339); or DOJ at education@usdoj.gov or 877-292-3804 (TTY: 800-514-0383).

Accompanying this letter is a separate document from ED's Office of Elementary and Secondary Education, *Examples of Policies and Emerging Practices for Supporting Transgender Students*. The examples in that document are taken from policies that school districts, state education agencies, and high school athletics associations around the country have adopted to help ensure that transgender students enjoy a supportive and nondiscriminatory school environment. Schools are encouraged to consult that document for practical ways to meet Title IX's requirements.³

Terminology

- Gender identity* refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.
- Sex assigned at birth* refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
- Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.

- *Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Compliance with Title IX

As a condition of receiving Federal funds, a school agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations.⁴ The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.⁵

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.⁶ Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.⁸

1. Safe and Nondiscriminatory Environment

Schools have a responsibility to provide a safe and nondiscriminatory environment for all students, including transgender students. Harassment that targets a student based on gender identity, transgender status, or gender transition is harassment based on sex, and the Departments enforce Title IX accordingly.⁹ If sex-based harassment creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. A school's failure to treat students consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX. For a more detailed discussion of Title IX

requirements related to sex-based harassment, see guidance documents from ED's Office for Civil Rights (OCR) that are specific to this topic.¹⁰

2. Identification Documents, Names, and Pronouns

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

3. Sex-Segregated Activities and Facilities

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

- **Restrooms and Locker Rooms.** A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.¹⁴ A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so. A school may, however, make individual-user options available to all students who voluntarily seek additional privacy.¹⁵
- **Athletics.** Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport.¹⁶ A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (*i.e.*, the same gender identity) or others' discomfort with transgender students.¹⁷ Title IX does not prohibit age-appropriate, tailored requirements based on sound, current, and research-based medical knowledge about the impact of the students' participation on the competitive fairness or physical safety of the sport.¹⁸
- **Single-Sex Classes.** Although separating students by sex in classes and activities is generally prohibited, nonvocational elementary and secondary schools may offer nonvocational single-sex classes and extracurricular activities under certain circumstances.¹⁹ When offering such classes and activities, a school must allow transgender students to participate consistent with their gender identity.
- **Single-Sex Schools.** Title IX does not apply to the admissions policies of certain educational institutions, including nonvocational elementary and secondary schools, and private undergraduate colleges.²⁰ Those schools are therefore permitted under Title IX to set their own

sex-based admissions policies. Nothing in Title IX prohibits a private undergraduate women's college from admitting transgender women if it so chooses.

- **Social Fraternities and Sororities.** Title IX does not apply to the membership practices of social fraternities and sororities.²¹ Those organizations are therefore permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Nothing in Title IX prohibits a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.
- **Housing and Overnight Accommodations.** Title IX allows a school to provide separate housing on the basis of sex.²² But a school must allow transgender students to access housing consistent with their gender identity and may not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students. Nothing in Title IX prohibits a school from honoring a student's voluntary request for single-occupancy accommodations if it so chooses.²³
- **Other Sex-Specific Activities and Rules.** Unless expressly authorized by Title IX or its implementing regulations, a school may not segregate or otherwise distinguish students on the basis of their sex, including gender identity, in any school activities or the application of any school rule. Likewise, a school may not discipline students or exclude them from participating in activities for appearing or behaving in a manner that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity (*e.g.*, in yearbook photographs, at school dances, or at graduation ceremonies).²⁴

4. Privacy and Education Records

Protecting transgender students' privacy is critical to ensuring they are treated consistent with their gender identity. The Departments may find a Title IX violation when a school limits students' educational rights or opportunities by failing to take reasonable steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth.²⁵ Nonconsensual disclosure of personally identifiable information (PII), such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA).²⁶ A school may maintain records with this information, but such records should be kept confidential.

- **Disclosure of Personally Identifiable Information from Education Records.** FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information.²⁷ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) PII from education records to the school community may

violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity.

- **Disclosure of Directory Information.** Under FERPA's implementing regulations, a school may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy.²⁸ Directory information may include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.²⁹ School officials may not designate students' sex, including transgender status, as directory information because doing so could be harmful or an invasion of privacy.³⁰ A school also must allow eligible students (*i.e.*, students who have reached 18 years of age or are attending a postsecondary institution) or parents, as appropriate, a reasonable amount of time to request that the school not disclose a student's directory information.³¹

- **Amendment or Correction of Education Records.** A school may receive requests to correct a student's education records to make them consistent with the student's gender identity. Updating a transgender student's education records to reflect the student's gender identity and new name will help protect privacy and ensure personnel consistently use appropriate names and pronouns.
 - Under FERPA, a school must consider the request of an eligible student or parent to amend information in the student's education records that is inaccurate, misleading, or in violation of the student's privacy rights.³² If the school does not amend the record, it must inform the requestor of its decision and of the right to a hearing. If, after the hearing, the school does not amend the record, it must inform the requestor of the right to insert a statement in the record with the requestor's comments on the contested information, a statement that the requestor disagrees with the hearing decision, or both. That statement must be disclosed whenever the record to which the statement relates is disclosed.³³
 - Under Title IX, a school must respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records.³⁴ If a student or parent complains about the school's handling of such a request, the school must promptly and equitably resolve the complaint under the school's Title IX grievance procedures.³⁵

* * *

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

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

Vanita Gupta
Principal Deputy Assistant Attorney General for Civil Rights
U.S. Department of Justice

¹ 20 U.S.C. §§ 1681–1688; 34 C.F.R. Pt. 106; 28 C.F.R. Pt. 54. In this letter, the term *schools* refers to recipients of Federal financial assistance at all educational levels, including school districts, colleges, and universities. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that compliance would not be consistent with the religious tenets of such organization. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a).

² Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf.

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

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

⁵ See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989); *Oncale v. Sundowner Offshore Servs. Inc.*, 523 U.S. 75, 79 (1998); *G.G. v. Gloucester Cnty. Sch. Bd.*, No. 15-2056, 2016 WL 1567467, at *8 (4th Cir. Apr. 19, 2016); *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011); *Smith v. City of Salem*, 378 F.3d 566, 572-75 (6th Cir. 2004); *Rosa v. Park W. Bank & Trust Co.*, 214 F.3d 213, 215–16 (1st Cir. 2000); *Schwenk v. Hartford*, 204 F.3d 1187, 1201–02 (9th Cir. 2000); *Schroer v. Billington*, 577 F. Supp. 2d 293, 306–08 (D.D.C. 2008); *Macy v. Dep't of Justice*, Appeal No. 012012082 (U.S. Equal Emp't Opportunity Comm'n Apr. 20, 2012). See also U.S. Dep't of Labor (USDOL), Training and Employment Guidance Letter No. 37-14, *Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System* (2015), wdr.doleta.gov/directives/attach/TEGL/TEGL_37-14.pdf; USDOL, Job Corps, Directive: Job Corps Program Instruction Notice No. 14-31, *Ensuring Equal Access for Transgender Applicants and Students to the Job Corps Program* (May 1, 2015), https://supportservices.jobcorps.gov/Program%20Instruction%20Notices/pi_14_31.pdf; DOJ, Memorandum from the Attorney General, *Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964* (2014), www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf; USDOL, Office of Federal Contract Compliance Programs, Directive 2014-02, *Gender Identity and Sex Discrimination* (2014), www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html.

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

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

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

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

¹⁰ See, e.g., OCR, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001), www.ed.gov/ocr/docs/shguide.pdf; OCR, *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf; OCR, *Dear Colleague Letter: Sexual Violence* (Apr. 4, 2011), www.ed.gov/ocr/letters/colleague-201104.pdf; OCR, *Questions and Answers on Title IX and Sexual Violence* (Apr. 29, 2014), www.ed.gov/ocr/docs/qa-201404-title-ix.pdf.

¹¹ See, e.g., Resolution Agreement, *In re Cent. Piedmont Cmty. Coll., NC*, OCR Case No. 11-14-2265 (Aug. 13, 2015), www.ed.gov/ocr/docs/investigations/more/11142265-b.pdf (agreement to use a transgender student’s preferred name and gender and change the student’s official record to reflect a name change).

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

¹³ See 34 C.F.R. § 106.31.

¹⁴ 34 C.F.R. § 106.33.

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

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

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

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

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

²⁰ 20 U.S.C. § 1681(a)(1); 34 C.F.R. § 106.15(d); 34 C.F.R. § 106.34(c) (a recipient may offer a single-sex public nonvocational elementary and secondary school so long as it provides students of the excluded sex a “substantially

equal single-sex school or coeducational school”).

²¹ 20 U.S.C. § 1681(a)(6)(A); 34 C.F.R. § 106.14(a).

²² 20 U.S.C. § 1686; 34 C.F.R. § 106.32.

²³ See, e.g., Resolution Agreement, *In re Arcadia Unified Sch. Dist., CA*, OCR Case No. 09-12-1020, DOJ Case No. 169-12C-70, (July 24, 2013), www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf (agreement to provide access to single-sex overnight events consistent with students’ gender identity, but allowing students to request access to private facilities).

²⁴ See 34 C.F.R. §§ 106.31(a), 106.31(b)(4). See also, *In re Downey Unified Sch. Dist., CA*, *supra* n. 9; *In re Cent. Piedmont Cmty. Coll., NC*, *supra* n. 11.

²⁵ 34 C.F.R. § 106.31(b)(7).

²⁶ 20 U.S.C. § 1232g; 34 C.F.R. Part 99. FERPA is administered by ED’s Family Policy Compliance Office (FPCO). Additional Information about FERPA and FPCO is available at www.ed.gov/fpc.

²⁷ 20 U.S.C. § 1232g(b)(1)(A); 34 C.F.R. § 99.31(a)(1).

²⁸ 34 C.F.R. §§ 99.3, 99.31(a)(11), 99.37.

²⁹ 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

³⁰ Letter from FPCO to Institutions of Postsecondary Education 3 (Sept. 2009), www.ed.gov/policy/gen/guid/fpc/doc/censuslettertohighered091609.pdf.

³¹ 20 U.S.C. § 1232g(a)(5)(B); 34 C.F.R. §§ 99.3, 99.37(a)(3).

³² 34 C.F.R. § 99.20.

³³ 34 C.F.R. §§ 99.20-99.22.

³⁴ See 34 C.F.R. § 106.31(b)(4).

³⁵ 34 C.F.R. § 106.8(b).

CHAPTER 5.00 – STUDENTS

STUDENT NONDISCRIMINATION POLICY 5.10

I. Purpose

- A. The Seminole County School Board is committed to providing educational environments conducive to learning for all students and free of all forms of harassment or discrimination. No student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment in any academic program or extracurricular activity conducted or sponsored by Seminole County Public Schools on the basis of race, color, national or ethnic origin, gender, disability, marital status, ~~sexual orientation~~, age, religion, political or religious beliefs or any other basis prohibited by law. Nor shall any person be subjected to retaliation for reporting or complaining of alleged discrimination or harassment or participating in any way in the investigation of such allegations. The employees and students of Seminole County Public Schools shall not engage in such discrimination, harassment or retaliation, and such conduct is also prohibited for any third party while participating in any activity sponsored by Seminole County Public Schools.
- B. The District shall provide equal access to public school facilities for the Boy Scouts of America and other designated youth groups.

II. Definitions

- A. *Sexual harassment* consists of unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, nonverbal, written, graphic, or physical conduct of a sexual nature when
 - 1. Submission to that conduct is made a term or condition, either explicitly or implicitly, of obtaining an education or fully participating in the program or activity;
 - 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or participation in a program or activity; or

Seminole

Student Code of Conduct

NOTE: Students are prohibited from possession or being under the influence of or using any drug, narcotic, controlled substance or any substance that is represented to be represented to contain, mimics, or that looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, stimulant, depressant, intoxicant, or controlled substance of any kind under the law of Florida or federal law while on a school campus, a school bus, at a school or School Board sponsored function, or while at any School Board facility or on property owned or utilized by the School Board. Substance includes, but is not limited to, any substance that contains or is represented to contain chemicals, any substance that produces the same effect as or is represented to produce the same effect as a controlled substance, or any analogue of a controlled substance including, but not limited to, K2, also known as "Spice or legal weed"

Electronic Device Misuse – disruptive and inappropriate exposure/use of cell phones, text messaging, web access, mp3 players, digital cameras and like communication devices during the instructional day. Principals in cooperation with the School Advisory Council at each school have the option of permitting wireless/electronic devices for instructional purposes and/or in common areas during the school day.

The use of a computer/calculator to do the following is unauthorized and prohibited including, but not limited to: violating the Acceptable Use Policy for Network Access (File: EHAA), hacking into or accessing or breaking into restricted accounts or networks; modifying, or destroying files without permission; illegally copying software; and entering, accessing, viewing, distributing, or printing inappropriate/unauthorized files, programs, pornographic sites, or sites advocating hate or violence.

Extortion (S) (OMC) - the use of threat or intimidation to obtain or attempt to obtain anything of value from another person, including, but not limited to, money.

Failure to Report for Detention/Saturday School - not attending an assigned detention or Saturday School.

False Accusation Against a Staff Member - the intentional publication (oral or written) of untrue, injurious allegations against a staff member or school volunteer, or knowingly bringing false charges against a staff member or school volunteer.

Fighting (S) - (mutual combat, mutual altercation) when two or more persons mutually participate in use of force or physical violence that requires either a) physical restraint or b) results in injury requiring first aid or medical attention (does not include verbal confrontations, pushing, or minor confrontations).

Note: *Self Defense* – a student has the right to protect self from uninvited physical harm or injury. A valid claim of self defense requires the danger of bodily harm to have been imminent, that the student was unable to decline or escape the conflict, that the student did not say or do anything for the purpose of provoking another student, and that the student used reasonable force and restraint in protecting him/herself. Retaliation is not self-defense.

Forgery (S) (OMC) - making a false or misleading written communication to a school staff member with either the intent to deceive or under circumstances which would reasonably be calculated to deceive the staff member, or producing or possessing any false document, item, or record represented to be an authentic school document, item, or record.

Gambling (S) (OMC) - any participation in games or activities of chance for money or items of value.

Gang-Related Activity - engaging in any verbal, written, or physical act which is associated with becoming a member of a gang, being a member of a gang, or participating in gang identified rituals or behaviors on a school campus or at a school sponsored program or activity.

Harassment (S) – threatening, insulting or dehumanizing gesture placing another in reasonable fear of harm to his/her person or damage to his/her property; substantially interfering with a student’s educational performance, opportunities, or benefits; substantially disrupting the orderly operation of a school or any school or school district activity (refer to bullying/harassment policy).

Hate Crime – an act or acts that evidence prejudice based on race, religion, ethnicity, color ancestry, sexual orientation, or national origin.

Sarasota School Board Manual

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

UNLAWFUL DISCRIMINATION PROHIBITED 2.81+

- I. No person shall, on the basis of race, color, religion, gender, ~~sexual orientation~~, age, ethnic or national origin, genetic information, marital status, disability if otherwise qualified, or on the basis of the use of a language other than English by Limited English Proficient (LEP) students, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
- II. The School Board shall comply with the Americans with Disabilities Act of 1990 (ADA). This law makes it unlawful to discriminate against a qualified individual with a disability who can perform the essential functions of his/her job with reasonable accommodations.
- III. The Superintendent shall develop complaint procedures to be followed by anyone alleging unlawful discrimination.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.05, 1000.21, 1001.43, 1012.22, F.S.
34 CFR 200.43(C), 42 USC 12101 *et seq.*
P.L. 110-233,

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

HISTORY: ADOPTED: 8/21/01
REVISION DATE(S): 11/6/01; 4/7/09
FORMERLY: 2.120; 7.105, 2.81

NOTES:

Please Refer To: Equity Procedures Manual

Policy Requires Annual Review

Nassau

32.0 VIOLATIONS CLASS IV

32.1 The following incidents will be reported and may result in criminal prosecution. All victims have the right to seek charges against the offender. Parents will be notified if the victim is a minor.

XX denotes zero tolerance violations. Students found to have committed the XX offenses shall receive the most severe consequences provided for by School Board policy. Zero Tolerance Policy is located in Nassau County School Board Administrative Rule 2.42.

This code shall be enforced 24 hours a day, seven days a week on all school campuses/properties and at all school sponsored activities on and off school campuses, including transportation.

The Nassau County School Board may assign more severe consequences than normal when the offender appears motivated by hostility toward the victim's race or perceived race, religion, color, sex, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, social and family background, linguistic preference, or disability.

32.2 Definition

These acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school may result in the immediate removal of the student from school. All violations include acts which occur while the student is on school property, at school sponsored activities, on school buses, or at school bus stops. The Nassau County School Board will honor expulsion/suspension placements from other school districts unless the Superintendent recommends expulsion to be waived or the Board places the student in an

32.3 Examples of Violations

- Altering or disrupting district network services
- Repeated Class III infractions
- Knowingly making false accusation against a school board employee
- Selling counterfeit substances
- XX Capital Crimes
- XX Assault/Battery
- XX Possession of Weapon
- XX Robbery
- Theft
- Property Damage
- Disruption of School Life
- Drug & Alcohol
- Bullying and Harassment
- Hazing

32.4 Procedures

Documented Administrator verified offense, confers with staff involved and meets with student. Parents are notified. Student is immediately removed from school environment. Administrator contacts law enforcement agency and principal of school where student attends. Consider referral to outside agency. Complete and accurate report is submitted to the Superintendent for possible board action. Suspension and/or assigned to education-services.

32.5 Disciplinary

Options/Responses

- Loss of network privileges for school career; restitution
- Ten (10) days out-of-school suspension
- School bus suspension
- Referral to law enforcement and/or appropriate agency
- Administrative assignment to Alternative Education
- Recommended expulsion from the school bus
- Recommended expulsion
- Teen Court

Walton . Manual

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

V. Retaliation Prohibited

- A. Any act of retaliation against an individual who files a complaint alleging a violation of the District's antidiscrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.
- B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of, or filing a complaint of, discrimination.

VI. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment

A. Procedures for Filing Complaints

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on gender, marital status, sexual orientation, race, national or ethnic origin, religion, age or disability by an employee, volunteer, agent or student of the School District should within sixty (60) days of alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
2. The complaint should be filed with the School Principal, Site Administrator or supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the District's Equal Employment Opportunity (EEO) Officer within five (5) days of the filing of the complaint. If the complaint is against the Principal or Site Administrator, the complaint may be filed directly with the EEO Officer.
3. If the complaint is against the District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.

Walton: Code of Conduct

RIGHTS & RESPONSIBILITIES

lockers, motor vehicles, or seized electronic devices. Metal detectors or law enforcement trained narcotics detection dogs may also be used under certain conditions. Administrators have the authority to remove students from the area(s) that are being searched.

INTERVIEWING OF STUDENTS

The WCSD policy establishes guidelines for interviewing students by law enforcement agencies. By this notice, the policy will also serve as the guidelines used for interviews conducted by the Department of Children and Family Services (DCFS) with the exception of parent/guardian notification when that agency is investigating abuse/neglect complaints. The DCFS' employees will conduct all interviews with students in accordance with Florida Statutes.

POSTIVE BEHAVIOR SUPPORT (PBS)

PBS is a research-based, highly effective approach to creating, teaching and reinforcing students' social, emotional and academic learning skills that improves and sustains academic achievement and mental and emotional well-being.

PARENT/GUARDIAN RIGHTS

Parents and Guardians are afforded numerous statutory rights including:

- the entitlement to a high quality education for their child through a uniform, safe, secure, efficient and high quality system;
- the opportunity to request and be granted permission for the absence of the student from school for religious instruction or religious holidays of the specific faith of the student;
- the opportunity to request exemptions related to certain health issues, including school entry health exams, immunizations, participation in biological experiments, reproductive health and disease education and contraceptive services, if offered by the school;
- timely notification of any verified substance abuse violation by the student;
- a good faith effort by the school district to notify the parent/guardian by telephone of the student's suspension, the reason and a report in writing within 24 hours by U.S. mail;
- a written notification of a recommended expulsion including the charges against the student and a statement of the right of due process;
- victims and siblings of certain felony offenses by other students kept separate from the student

offender both at school and during school transportation;

- access to all educational programs, activities and opportunities offered by the District without discrimination on the basis of race, ethnicity, national origin, ~~sex/orientation~~, gender, disability or marital status;
- notice and due process for parents/guardians of public school students with disabilities including an Individualized Educational Plan (IEP);
- receipt of English for Speakers of Other Languages (ESOL) instruction and parental/guardian involvement for limited English proficient students;
- a written request to excuse a student from reciting the Pledge of Allegiance;
- access, waiver of access, challenge and hearing and privacy regarding student records of their children;
- an easy to read report card on a regular basis that clearly depicts and grades the student's academic performance in each class or course, the student's conduct and the student's attendance;
- an appraisal at regular intervals of the academic progress and other needed information about their child; and
- notification in writing requiring written consent before a student may be transported in a privately owned vehicle to a school function.

PARENTS AND GUARDIANS CAN HELP THEIR CHILDREN WITH PROPER DISCIPLINE IN SCHOOL BY MEETING THE FOLLOWING RESPONSIBILITIES:

- encouraging respect for the authority of teachers, principals, and other school staff members;
- showing interest in their child's school progress;
- working with school personnel to solve disciplinary and academic problems;
- getting to know their child's school, staff, programs, and activities;
- attending parent/guardian-teacher conferences and school/parent/guardian functions, such as PTO and/or School Advisory Committee meetings, and volunteering to help in the classroom;
- teaching their child to be clean, well groomed, and wear clothes which are appropriate for school;
- making sure their child gets to school on time, every day unless their child is ill or has a contagious disease;

RIGHTS & RESPONSIBILITIES

in Walton County Schools. Violence in the schools shall not be tolerated and students who engage in violent criminal acts on school property, on school sponsored transportation, or during school sponsored activities will receive the most severe consequences provided for by this policy.

1. **Students are expected to be in school and learning every day.**
2. **Students are expected to demonstrate appropriate and responsible behavior at all times.**
3. **Students are expected to demonstrate quality and pride in their academic work and co-curricular activities.**
4. **Students are expected to refrain from any conduct which interferes with another student's opportunity to learn.**
5. **Students are expected to contribute to a safe and orderly learning environment by respecting themselves and others, their property and school rules and regulations.**

Failure to meet the above expectations, in-school misconduct, or other inappropriate behavior on the part of the students shall require interventions and, when necessary, informal or formal consequences.

STUDENTS HAVE A RESPONSIBILITY TO:

- make an effort to learn;
- come to class prepared with required books and materials;
- complete all assignments;
- ask questions, seek help and make up missed work;
- become familiar with the Student Code of Conduct and the school student handbook;
- know and observe school rules and regulations related to conduct and behavior;
- express themselves in a manner which does not interfere with the orderly process of education, violate school rules, or infringe on the rights of others;
- conduct themselves and their activities consistently with the educational objectives of the school;
- not disrupt the educational process or endanger the health, safety, or welfare of other students or staff;
- not carry or conceal anything prohibited by law or that would detract from the educational process;
- abide by the rules for co-curricular or other school-sponsored activities;

- use the grievance procedures described within this Code and School Board Policy when a serious problem arises;
- treat others equitably, fairly, and with mutual respect;
- conduct themselves and their activities in such a manner that does not sexually harass or discriminate against others; and
- report occurrences of discrimination or sexual harassment to the principal or **District Equity Coordinator**.

STUDENTS HAVE A RIGHT TO:

- an education appropriate to their needs;
- a positive learning climate free of disruption;
- a copy of clearly defined rules of student conduct and rules enforced fairly, without discrimination;
- express their viewpoints in appropriate ways;
- print and distribute publications within the guidelines provided by the school and District
- meet together in accordance with school rules and scheduled use of facilities;
- participate in all eligible school programs and activities;
- be provided due process in all instances involving disciplinary actions or the exercise of their rights;
- attend a school where all students and adults are treated equitably without regard to race, color, religion, national origin, age, sex, sexual orientation, marital status, disability, perceived disability or record of disability as defined by the Americans with Disabilities Act and;
- participate and learn in an environment free from bullying, harassment, and sexual harassment because of race, national origin and disability.

DUE PROCESS FOR NON-DISABLED STUDENTS

A basic ingredient of due process of law is that one who is not satisfied with a decision may appeal it to a higher authority. Thus, the student may appeal a decision of a teacher to the principal, and the principal's decision to the Superintendent. Before any punishment is issued for a disciplinary referral, the school administrator **MUST** afford all students involved in the incident the right to be heard. The decision for the appropriate punishment will be made by the administrator only after gathering all information regarding the incident. The administrator will document that due process was conducted in writing on the referral form and in the notice to the parent/guardian (if applicable).

The WCSD adheres to the guidelines established by the Florida Educational Equity Act.

Calhoun County Manual

11. Threat to school personnel—a threat, whether spoken or written, to cause bodily injury to school personnel when made directly to such personnel, or when made outside the victim’s presence if it should reasonably be expected that the threatening statement will be intercepted by or reported to school officials so as to cause alarm or disruption of school operations. Possession of any object or device realistically resembling a firearm.
12. Harassment / discriminatory treatment—speech or written expression tending to insult or stigmatize others on the basis of their sex, race, color, disability, religion, ~~sexual orientation~~, ethnic group, or national origin or to promote extremist or “hate” groups that stigmatize or infringe upon the rights of others. Written expressions may include symbols or drawings.
13. Sexual Harassment – harassment based on sex, including unwelcome written or verbal propositions to engage in sexual acts or other unwelcome advances. (See Sexual Harassment Policy for further definition)
14. Altering official school documents or computer information and/or programs.
15. Tobacco—possession or use of tobacco products.
16. Fighting—conduct falling within the Alabama laws defining assault, menacing and reckless endangerment, disorderly conduct, or criminal coercion. (Discipline and law enforcement involvement shall comply with the No Fight Policy and requirements under “It’s the Law”.)
17. Group violence—conflict involving more than two students that results in physical harm. (See “It’s the Law”.)
18. Assault and battery upon a student. (See “It’s the Law”.)
19. Possession of gang-related writings, drawings, or symbols, as identified / verified under supervision of the Director of Safety and Security.
20. Threat to cause serious physical harm—any substantial threat, whether spoken or written, to inflict serious bodily injury when made with the apparent ability to carry out the threat or under circumstances where the threat is likely to cause fear of serious physical injury; OR any intentional display of force that gives the victim reason to fear or expect serious physical harm.
21. Oral or written communication related to or involving an attempt to sell, purchase or otherwise transfer drugs or other illicit substances.
22. Pornography – possession or distribution of pornographic materials. This includes accessing or downloading such materials on the computer.
23. Any other behavior that the principal may reasonably determine to be a major violation.

Disciplinary Action for Major Violations

The disciplinary action for major violations includes parental contact and two (2) to five (5) days out-of-school suspension.

If the charged violation has resulted in serious physical injury OR represents a continuing threat to the safety of students or personnel OR is otherwise deemed by the principal to be of an extremely serious nature so as to justify more serious discipline, the principal may refer the student to the Superintendent on a recommendation of Alternative School or expulsion. In such instances the student may be suspended pending a hearing. Major violations may necessitate the involvement of law enforcement officials as appropriate and as required by law.

At any school with an In-School Detention classroom, repeated major violations may result in an extended assignment to ISD for a period not to exceed 20 consecutive school days. Each extended ISD assignment (more than 5 consecutive school days) will require notification and approval of the Superintendent’s office in accordance with procedures established by the Superintendent. Appropriate considerations related to such decisions include the following: the nature of the offenses, whether the student presents a threat to safety, the length of time between the violations, prior disciplinary efforts, and similar factors. Students assigned to ISD

Union County

PROHIBITION AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT, AND BULLYING (Employees) 3-7
(Page 1 of 5)

The Board believes that all employees and students should be free of unlawful discrimination, including harassment and bullying, as a part of a safe, orderly and inviting working and learning environment. It commits itself to non-discrimination in all its educational and employment activities. The Board expressly prohibits unlawful discrimination, harassment, or bullying however motivated, directed toward any person or group, including, but not limited to acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender socioeconomic status, academic status, ~~gender identity~~, a physical appearance, ~~sexual orientation~~, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

The Board also prohibits retaliation against an employee, student or witness who has exercised any rights made available through state or federal law, including prohibiting retaliation for reporting violations of this policy.

Any violation of this policy is considered serious and appropriate action will be taken.

A. Application of Policy

All persons, (included but not limited to employees, students, and visitors), agencies, vendors, contractors and other persons, and organizations doing business with or performing services for the school district must comply with all applicable state and federal laws and regulations regarding non-discrimination. Visitors also are expected to comply with applicable laws, including the prohibition against harassment and bullying of students and employees. Any employee, student, or volunteer who witnesses or has reliable information that an employee has been subject to any act of bullying or harassing behavior shall report the incident to his/her supervisor or the building administrator.

This policy will apply in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any bus stop;
4. during any school function, extracurricular activity or other activity or event;
5. when subject to the authority of school personnel; and
6. any time or place when the behavior has a direct and immediate adverse effect on maintaining order and discipline in the schools.

Okaloosa County Manual

4-34 EQUITY POLICY FOR STUDENTS

- (A) It is the policy of the School Board of Okaloosa County to offer students the opportunity to participate in appropriate programs, services and activities without regard to race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, parenthood, pregnancy, disability, ~~sexual orientation~~, or social and family background.
- (B) Students, while they are in school or participating in school-related activities, are entitled to an environment free of discrimination and/or harassment by other students or adult employees or volunteers, or persons with whom the district contracts for services. Harassment includes, but is not limited to:
- (1) Slurs or innuendos or other verbal or physical conduct reflecting on an individual's race, ethnic background, gender or handicapping condition 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.
 - (2) The denial or the provision of aid, benefits, grades, rewards, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.
 - (3) 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 an individual's educational career; 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 unreasonably interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.
- (C) In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The investigation may appropriately be expanded to include other acts whenever violation appears to exist based on information received during the investigation. Additionally, the period of investigation will cover as much time as necessary to obtain sufficient evidence to make a finding on the merits, or if the alleged violation could constitute a continuing violation or a pattern or practice of discrimination, and/or in order to determine the extent of a violation and fashion appropriate remedial relief.
- (D) Students shall be informed of the appropriate procedure to report violations of this policy in the Code of Student Conduct and by school personnel.
- (E) In any case which involves initial reporting of alleged sexual harassment, nothing in this policy or in any other policy or procedure shall require the individual

Citrus Code of Conduct

CHAPTER 5.00 – STUDENTS

school personnel are aware of the School Board's zero tolerance policy on school violence.

- VI. The School Board may assign more severe consequences than normally authorized for violations of the *Code of Student Conduct* when the offender appears motivated by, including but not limited to, hostility toward the victims' real or perceived race, religion, color, ~~sexual orientation~~, ethnicity, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.
- VII. School officials will ensure that local law enforcement authorities are notified as soon as possible when one of the offenses listed in Section III. is committed on school property, on school-sponsored transportation, or during a school-sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim (and the victim's parents or legal guardian if the victim is a minor) of the offense and of the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of rights as provided by law.
- VIII. The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school discipline data with the school advisory council in developing school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.
- IX. The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the *Code of Ethics* (SBER 6B-1.001, FAC.) and the *Principles of Professional Conduct of the Education Profession in Florida* (SBER 6B-1006, FAC.), School District's *Code of Student Conduct*, and schools' policies.
- X. School administrators shall provide the following upon request by school personnel:
 - A. Information as to the disposition of their referrals to the administration for violation of classroom or school rules;
 - B. Assistance in behavior management if student(s) becomes uncontrollable or in case of emergency; and

Citrus - Manual

Malicious Harassment/Hate Crimes: intentionally intimidating or harassing another person because of that person's race, religion, color, ~~sexual orientation~~, ancestry, disability, marital status or national origin.

Sexual Harassment: any slur, suggestion, other verbal or physical conduct reflecting on an individual's gender which has the purpose of or effect of creating an intimidating, hostile or offensive educational environment. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

- q. HOMICIDE
To commit murder and non-negligent manslaughter, killing of one human by another or killing a person through negligence.

- r. INAPPROPRIATE BEHAVIOR
Lying, unsuitable or improper behavior, gestures, or language, leaving school grounds or class without permission, gambling.

- s. INAPPROPRIATE USE OF THE INTERNET
The use of the Internet, either through the School District's portal or by access through a cellular network on school property, on school-sponsored transportation, at school bus stops, on school buses or during school-sponsored activities is a privilege granted students of the Citrus County School District. Students shall only use their assigned username and password to access the District Internet or electronic resources. Internet access by any electronic device, which includes but is not limited to access to the following: the School District's protected files or programs; sites of pornography; sites that use profanity, obscenities, and/or promote hate crimes; sites that do not support the appropriate classroom lessons or curriculum; and/or sharing inappropriate or intentionally false information is prohibited. Any violation or inappropriate use of the Internet may cause this privilege to be revoked by the principal/bus driver or their designees, in their sole discretion. Additionally, inappropriate use of the Internet shall result in disciplinary action.

- t. POSSESSION/USE OF CELL PHONES
The possession of cell phones/wireless communication devices by students is a privilege granted to students by the Citrus County School District. Students may possess these devices on school property, on school-sponsored transportation, at school bus stops, on school buses or during school-sponsored activities, as allowed or defined by School Administration. It is the responsibility of the student and parent to ensure cell phones/wireless communications devices are used properly. Any use of these devices for access to the School District's protected files or programs, criminal intent or other inappropriate use may cause this privilege to be revoked by the principal/bus driver or their designees, in their sole discretion, confiscation of the device, and additional discipline upon further investigation. The Citrus County School District is not responsible for theft, loss, unauthorized use, or damage to cell phones or other wireless devices.

Pursuant to testing regulations as outlined in the Standard Test Administration Manual, [c]ell phones and/or any electronic devices are not



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Flagler schools expand policies on bullying and harassment

By *Annie Martin*

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BUNNELL -- The Flagler County School Board on Tuesday expanded its policies against bullying, harassment and discrimination against certain groups of people.

The School Board unanimously approved changes to the policies to state the district "prohibits bullying of any student or school district employee."

"More and more we're hearing about bullying and harassment, so the more clarification we can have on it, the better," Superintendent Janet Valentine said.

The School Board was required to consider, but not necessarily approve, the changes as part of an agreement with the American Civil Liberties Union. The ACLU of Florida represented Luke Herbert, a former Flagler Palm Coast High School student who said he was beat up at school and insulted by a teacher earlier in the school year. Herbert said he was targeted because he's gay.

The district policy against bullying, harassment and discrimination includes "sex, race, color, religion, national origin, age, disability (physical, mental and educational), marital status, socioeconomic background, ancestry, ethnicity, gender, [redacted] religion, linguistic preference, political belief [redacted] social/family background or being viewed as different in its education programs or admissions to education programs."

Other changes to the policy include defining and prohibiting cyber-bullying, which could include emails, personal websites and text messages that are intended to threaten or harm others.

The district has a link on its website where students can report bullying, Valentine said.

The School Board also voted on Tuesday to renew its iFlagler franchise agreement for the 2011-2012 school year. iFlagler is a franchise of Florida Virtual School, the state's online school, said Diane Dyer, the district's director of high school and virtual instruction. The Flagler County program served grades seven through 12 this school year, and will add grade six for the 2011-2012 school year.

The state requires districts to offer virtual instruction programs, she said.

iFlagler uses the same curriculum as Florida Virtual School but classes are taught by local teachers. The district pays \$50 to Florida Virtual School for each half-credit enrollment. Teachers receive \$500 in base pay and an additional \$100 for each student who successfully completes the course.

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CHAPTER 5 – STUDENTS

BULLYING AND HARASSMENT

511.2

I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Flagler County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
- B. The district upholds that bullying or harassment of any student or school employee is prohibited.
 - 1. During any education program or activity conducted by a public K-12 education institution;
 - 2. During any school-related or school-sponsored program or activity;
 - 3. On a school bus of a public K-12 educational institution; or
 - 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution.

II. Definitions

- A. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involved but is not limited to:
 - 1. Teasing;
 - 2. Social Exclusion;
 - 3. Threat;
 - 4. Intimidation;
 - 5. Stalking;

CHAPTER 5 – STUDENTS

6. Physical Violence;
 7. Theft;
 8. Sexual, religious, or racial harassment;
 9. Public humiliation; or
 10. Destruction of property.
- B. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that
1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property.
 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
 3. Has the effect of substantially disrupting the order of a school.
- C. Bullying and harassment also encompass
1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
 2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee.
 - a. Incitement
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

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- D. Cyber stalking as defined in s. 784.048(1)(d), F. S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- E. Cyberbullying is defined as the act of using information and communication technologies such as, but not limited to, e-mail, cell phone, pager, text messaging, instant messaging (IM), defamatory personal web sites and defamatory personal pooling web sites to support deliberate, repeated, and hostile behavior by an individual or group that is intended to threaten or harm others or which substantially disrupts or interferes with the operation of a school or an individual's academic performance.
- F. "Bullying", Cyberbullying", "Harassment", and "Discrimination" (hereinafter referred to as bullying for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental or educational), marital status, socio-economic background, ancestry, ethnicity, gender, ~~sexual orientation or expression~~, linguistic preference, political beliefs, ~~sexual orientation~~, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or school district employee by any board member, district employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the district.

III. Behavior Standards

- A. The Flagler County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parent/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior; treat others with civility and respect, and refuse to tolerate bullying or harassment.

Santa Rosa County School District

Resource Manual

A Code of Ethics

The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida/Professionalism Through Integrity (a Florida DOE publication)

- (1) The following disciplinary rule shall constitute the Principles of Professional Conduct of the Education Profession in Florida. ***State Board of Education Rule 6B-1.006, FAC THE PRINCIPLES OF PROFESSIONAL CONDUCT OF THE EDUCATION PROFESSION IN FLORIDA***
- (2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
- (3) Obligation to the student requires that the individual:
 - (a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
 - (b) Shall not unreasonably restrain a student from independent action in pursuit of learning.
 - (c) Shall not unreasonably deny a student access to diverse points of view.
 - (d) Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
 - (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - (f) Shall not intentionally violate or deny a student's legal rights.
 - (g) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
 - (h) Shall not exploit a relationship with a student for personal gain or advantage.
 - (i) Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- (4) Obligation to the public requires that the individual:
 - (a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.



MODEL SCHOOL DISTRICT POLICY REGARDING TRANSGENDER AND GENDER NONCONFORMING STUDENTS

PURPOSE

California law and District policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.

DEFINITIONS

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. Students might or might not use these terms to describe themselves.

- "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- "Transgender" describes people whose gender identity is different from their gender assigned at birth.
- "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.
- "Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.



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GUIDANCE

Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Official Records

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

Student Information Systems

The District has modified its student information system to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity. Instructions for using that system are attached to this policy.

Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Interscholastic Competitive Sports Teams

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See the "Related Resources" and the "Assistance" sections of this policy for further information regarding the filing of discrimination or harassment complaints.)

Transferring a Student to Another School (Opportunity Transfers)

In general, schools should aim to keep transgender and gender nonconforming students at the original school site. Opportunity transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent. The student or the student's parent or guardian must consent to any such transfer.

RELATED RESOURCES

[Include here related policies from the District concerning the topics covered in the policy, such as discrimination, harassment, bullying, reporting incidents of discrimination, dress codes, and opportunity transfers.]

Complaints about violations of this policy should be handled through the Uniform Complaint Procedures. Cal. Code Regs. tit. 5, §§ 4600-4687.

ASSISTANCE

[Include here contact information for relevant District offices that can provide assistance regarding educational equity compliance, SIS, athletics, or other issues.]

ATTACHMENTS

[Include here instructions for entering data in and getting data from the District's student information system to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.]

**Guidance for Massachusetts Public Schools
Creating a Safe and Supportive School Environment**

Nondiscrimination on the Basis of Gender Identity

An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011),¹ which became effective on July 1, 2012, amended several Massachusetts statutes prohibiting discrimination on the basis of specified categories, to include discrimination on the basis of gender identity. Among the statutes amended is G.L. c. 76, § 5, prohibiting discrimination on the basis of gender identity against students who enroll in or attend the public schools. G.L. c. 76, §5 now reads as follows:

Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. **No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.** (Emphasis added)

In June 2012, the Massachusetts Board of Elementary and Secondary Education (Board) adopted revised Access to Equal Education Opportunity Regulations, 603 CMR 26.00, and Charter School Regulations, 603 CMR 1.00, to reflect the broadened student anti-discrimination provision in G.L. c. 76, §5. The Board also directed the Department of Elementary and Secondary Education (Department) to provide guidance to school districts to assist in implementing the gender identity provision.

All students need a safe and supportive school environment to progress academically and developmentally. Administrators, faculty, staff, and students each play an important part in creating and sustaining that environment. This guidance is intended to help school and district administrators take steps to create a culture in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide equal educational opportunities for all students, in compliance with G.L. c. 76, §5 and the state regulations. The guidance sets out general principles based on the law, and addresses common issues regarding transgender and gender nonconforming students. It offers case studies based on experiences of schools and students in Massachusetts, and reflects the need to consider issues on a case-by-case basis. The list of issues is not exhaustive, and the examples are intended to be illustrative, not prescriptive.

In preparing this guidance, the Department reviewed policies and guidance from several states, organizations, and athletic associations and consulted with the field. We appreciate the input we received from school and district administrators, advocacy groups, parents, students, and other interested constituents.

¹ The Act can be found at <http://www.malegislature.gov/Laws/SessionLaws/Acts/2011/Chapter199>,

Definitions

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for students whose rights are protected under the law. The following terms appear in this document and are defined to assist in understanding the guidance presented. Although these are the most commonly used terms, students may prefer other terms to describe their gender identity, appearance, or behavior. The term “gender identity” is specifically defined in the Mass. General Laws, as amended by *An Act Relative to Gender Identity* (the gender identity law).

- *Gender expression*: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- *Gender identity*: as defined in part at G.L. c. 4, § 7, is “a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth...”
- *Gender nonconforming*: a term used to describe people whose gender expression differs from stereotypic expectations. The terms “gender variant” or “gender atypical” are also used.
- *Transgender*: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

The Law

The gender identity law amended G.L. c. 76, § 5,² to establish that no person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of *gender identity*, among other characteristics. The amended Access to Equal Educational Opportunity regulations, 603 CMR 26.00, and the non-discrimination provision of the Charter School regulations, 603 CMR 1.00, require schools to establish policies and procedures, provide training, and implement and monitor practices to ensure that obstacles to equal access to school programs are removed for all students, including transgender and gender nonconforming students.

All districts and schools should review existing policies, handbooks, and other written materials to ensure that they are updated to reflect the new law. At a minimum, this means including the category of “gender identity” within the identification of legally protected characteristics. For example:

The [] Public Schools strives to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. The [] Public Schools prohibits discrimination on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation and ensures that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study.

The gender identity law reflects the reality that transgender and gender nonconforming students are enrolled in Massachusetts public schools. These students, because of widespread misunderstanding and

² The Act amends several other statutes as well, including G.L. c. 151B (governing nondiscrimination in employment), to prohibit discrimination on the basis of gender identity.

lack of knowledge about their lives, are at a higher risk for peer ostracism, victimization, and bullying. The 2011 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN), found that 75.4% of transgender students had been verbally harassed in the previous year, 32.1% had been physically harassed, and 16.8% had been physically assaulted. Educators play an essential role in advocating for the well-being of these students and creating a school culture that supports them.

Understanding Gender Identity

The gender identity law defines “gender identity” to mean “a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.”³ The law also states that “[g]ender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.”⁴

Transgender youth are those whose assigned birth sex does not match their internalized sense of their gender (their “gender-related identity”), and gender nonconforming youth are those whose gender-related identity does not meet the stereotypically expected norms associated with their assigned sex at birth. A transgender boy, for example, is a youth who was assigned the sex of female at birth but has a clear and persistent identity as male. A transgender girl is a youth who was assigned the sex of male at birth but has a clear and persistent identity as female. Gender nonconforming youth range in the ways in which they identify as male, female, some combination of both, or neither.

The responsibility for determining a student’s gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent.⁵ One’s gender identity is an innate, largely inflexible characteristic of each individual’s personality that is generally established by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person’s social and familial social development.⁶ As a result, the person best situated to determine a student’s gender identity is that student himself or herself.

In one Massachusetts town, the parents of a pre-school-age biologically female child noted throughout the child’s early years that their child identified as a boy. For as long as the parents could remember, the child preferred to play with boys rather than girls, wanted a short haircut, rejected wearing any clothing that the child identified as “something a girl would wear,” and ignored anyone who called him by his stereotypically feminine name. When it was time for the child to enter kindergarten, the child said to his parents, “You have to tell them when I go to kindergarten that I’m a boy.”

³ Mass. Gen. Laws. Ch. 4, § 7 (2012).

⁴ *Id.*

⁵ When used in this document, the term “parent” refers to parent as well as legal guardian.

⁶ See Gerald P. Mallon, “Practice with Transgendered Children,” in *Social Services with Transgendered Youth* 49, 55-58 (Gerald P. Mallon ed., 1999). See also Stephanie Brill & Rachel Pepper, “Developmental Stages and the Transgender Child,” in *The Transgender Child*, 61-64.

Consistent with the statutory standard, a school should accept a student's assertion of his or her gender identity when there is "consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity." If a student's gender-related identity, appearance, or behavior meets this standard, the only circumstance in which a school may question a student's asserted gender identity is where school personnel have a credible basis for believing that the student's gender-related identity is being asserted for some improper purpose.

In most situations, determining a student's gender identity is simple. A student who says she is a girl and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of her life, should be respected and treated like a girl. So too with a student who says he is a boy and wishes to be regarded that way throughout the school day and throughout every, or almost every, other area of his life. Such a student should be respected and treated like a boy.

The statute does not *require* consistent and uniform assertion of gender identity as long as there is "other evidence that the gender-related identity is sincerely held as part of [the] person's core identity." Many transgender people experience discrimination, and some experience violence due to their status. Some environments may feel safe and inclusive, and others less so, challenging a person's ability to live consistently with one gender identity in all aspects of life. For example, it is possible that a biologically male student with a female gender identity who lives as a girl does not express her female gender identity all the time. In one case, such a student agreed to present as a boy when visiting relatives until the student's parents could explain the student's transgender identity to them. The fact that the student did not exclusively assert her female identity did not alter the fact that she had a female gender identity.

Confirmation of a student's asserted gender identity may include a letter from a parent, health care provider, school staff member familiar with the student (a teacher, guidance counselor, or school psychologist, among others), or other family members or friends. A letter from a social worker, doctor, nurse practitioner, or other health care provider stating that a student is being provided medical care or treatment relating to her/his gender identity is one form of confirmation of an asserted gender identity. It is not, however, the exclusive form upon which the school or student may rely. A letter from a clergy member, coach, family friend, or relative stating that the student has asked to be treated consistent with her/his asserted gender identity, or photographs at public events or family gatherings, are other potential forms of confirmation. These examples are intended to be illustrative rather than comprehensive.

In one Massachusetts middle school, a biologically male student explained to her guidance counselor that she was a transgender girl who expressed her female gender identity only at home. The stress associated with having to hide her female gender identity at school was having a negative impact on her mental health, as well as on her academic performance. The student and her parents asked if it would be okay if she expressed her female gender identity at school. The guidance counselor assured the student and her parents that she could do so. The fact that the student presented no documentation to support her gender identity was not a concern since the school had no reason to believe the request was based on anything other than a sincerely held belief that she had a female gender identity.

Gender Transition

Many, though not all, transgender youth undergo the experience of gender transition. The term “gender transition” describes the experience by which a person goes from living and identifying as one gender to living and identifying as another. For most youth, and for all young children, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as “social transition,” whereby they begin to live and identify as the gender consistent with their gender-related identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical intervention that may include hormone suppressants, cross-gender hormone therapy, and, for a small number of young people, a range of gender-confirming surgeries. The decision about whether and how to undergo gender transition is personal and depends on the unique circumstances of each individual. There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school.

Some transgender and gender nonconforming students are not openly so at home for reasons such as safety concerns or lack of acceptance. School personnel should speak with the student first before discussing a student’s gender nonconformity or transgender status with the student’s parent or guardian. For the same reasons, school personnel should discuss with the student how the school should refer to the student, e.g., appropriate pronoun use, in written communication to the student’s parent or guardian.

Names and Pronouns

The issue of the name and pronoun to use in referring to a transgender student is one of the first that schools must resolve to create an environment in which that student feels safe and supported. Transgender students often choose to change the name assigned to them at birth to a name that is associated with their gender identity. As with most other issues involved with creating a safe and supportive environment for transgender students, the best course is to engage the student, and in the case of a younger student, the parent, with respect to name and pronoun use, and agree on a plan to initiate that name and pronoun use within the school. The plan also could include when and how this is communicated to students and their parents. In the case of a transgender student who is enrolling at a new school, it is important that the school respect the student’s privacy (see the following section) and chosen name.

In one situation where a transgender girl was entering high school, she and her parent asked the principal to inform her teachers that even though her school records indicate that her name is John, she goes by the name Jane and uses female pronouns. The school principal sent the following memorandum to the student’s classroom teachers: “The student John Smith wishes to be referred to by the name Jane Smith, a name that is consistent with the student’s female gender identity. Please be certain to use the student’s preferred name in all contexts, as well as the corresponding pronouns. It is my expectation that students will similarly refer to the student by her chosen name and preferred pronouns. Your role modeling will help make a smooth transition for all concerned. If students do not act accordingly, you may speak to them privately after class to request that they do. Continued, repeated, and intentional misuse of names and

pronouns may erode the educational environment for Jane. It should not be tolerated and can be grounds for student discipline. If you need any assistance to make sure that Jane Smith experiences a safe, nondiscriminatory classroom atmosphere, please contact me or Ms. O'Neill. – Mr. Jones, Principal.”

Massachusetts' law recognizes common law name changes. An individual may adopt a name that is different from the name that appears on his or her birth certificate provided the change of name is done for an honest reason, with no fraudulent intent. Nothing more formal than usage is required.⁷ Hence, when requested, schools should accurately record the student's chosen name on all records, whether or not the student, parent, or guardian provides the school with a court order formalizing a name change.

The Department has a procedure in place to update name changes and gender markers in the Student Information Management System (SIMS) upon request. The document *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students*, which may be found at <http://www.doe.mass.edu/infoservices/data/sims/sasid/>, guides schools through changing names and gender markers on school records.

In sum, school personnel should use the student's chosen name and pronouns appropriate to a student's gender identity, regardless of the student's assigned birth sex. For those students who have been attending a school and undergo gender transition while attending the same school, it is important to develop a plan for initiating use of the chosen name and pronouns consistent with the student's gender identity.

Privacy, Confidentiality, and Student Records

Under state law, information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, regardless of its form, is part of the individual's student record (see Massachusetts Student Records Regulations, 603 CMR 23.00), is confidential, and must be kept private and secure, except in limited circumstances. 603 CMR § 23.04.⁸ One circumstance is when authorized school personnel require the information to provide administrative, teaching, counseling, or other services to the student in the performance of their official duties. For transgender students, authorized school personnel could include individuals such as the principal, school nurse, classroom teacher(s), or guidance or adjustment counselor.

When a student new to a school is using a chosen name, the birth name is considered private information and may be disclosed only with authorization as provided under the Massachusetts Student Records Regulations. If the student has previously been known at school or in school records by his or her birth name, the principal should direct school personnel to use the student's chosen name. Every effort should be made to update student records (for example, Individualized Education Programs) with the student's chosen name and not circulate records with the student's assigned birth name. Records with the student's assigned birth name should be kept in a separate, confidential file.

⁷ For certain transactions, such as banking and applying for governmental benefits or licenses, it may be necessary to have a formal legal document establishing one's change of name for identity and other purposes.

⁸ The federal Family Educational Rights and Privacy Act, 20 USC 1232g, also protects the privacy of education records and requires that personally identifiable information be kept secure and confidential.

One school nurse dealt with information in the student's file by starting a new file with the student's chosen name, entered previous medical information (for example, immunizations) under the student's chosen name, and created a separate, confidential folder that contained the student's past information and birth name.

When determining which, if any, staff or students should be informed that a student's gender identity is different from the assigned birth sex, decisions should be made in consultation with the student, or in the case of a young student, the student's parent or guardian. The key question is whether and how sharing the information will benefit the student.

In one case, parents of a transgender male-to-female elementary school student requested that only the school principal and the school nurse be aware that the student was assigned the sex of male at birth. After a discussion with the school principal, the parents agreed that the student's teacher, the school secretary, and the district superintendent would also be informed. In this situation, the school principal kept the student's birth certificate in a separate, locked file that only the principal could access, and put a note in the student's other file saying that the principal had viewed the student's birth certificate. In another situation, where a biological male came to school after April vacation as a girl, the school principal and guidance counselor, in collaboration with the student and her parents, developed a plan for communicating information regarding the student's transition to staff, parents, and students. The plan included who was going to say what to whom, and when the communication would take place.

Transgender and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from his or her student record. If a student is under 14 and is not yet in the ninth grade, the student's parent (alone) has the authority to decide on disclosures and other student record matters.⁹

Gender Markers on Student Records

A gender marker is the designation on school and other records that indicates a student's gender. For most students, records that include an indication of a student's gender will reflect a student's assigned birth sex. For transgender students, however, a documented gender marker (for example, "male" or "female" on a permanent record) should reflect the student's gender identity, not the student's assigned sex. This means that if a transgender student whose gender identity is male has a school record that reflects an assigned birth sex as female, then upon request by the student or, in the case of young students not yet able to advocate for themselves, by the parent or guardian, the school should

⁹ See 603 CMR §§23.01 and 23.07. If a student is from 14 through 17 years of age or has entered ninth grade, both the parent and the student may make decisions concerning the student record, or either the student or the parent acting alone may decide.

change the gender marker on the record to male.¹⁰ Schools are advised to collect or maintain information about students' gender only when necessary.

One school reviewed the documentation requests it sent out to families and noticed that field trip permission forms included a line to fill in indicating the student's gender. Upon consideration, the school determined that the requested information was irrelevant to the field trip activities and deleted the line with the gender marker request.

In addition, transgender students who transition after having completed high school, may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, and when satisfied with the gender identity information provided, schools should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

Restrooms, Locker Rooms, and Changing Facilities

All students are entitled to have access to restrooms, locker rooms and changing facilities that are sanitary, safe, and adequate, so they can comfortably and fully engage in their school program and activities. In meeting with the transgender student (and parent) to discuss the issues set forth in this memorandum, it is essential that the principal and student address the student's access to the restrooms, locker room and changing facility. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. In all cases, the principal should be clear with the student (and parent) that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others will not be comfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may not be comfortable undressing in the changing facilities that correspond to the student's gender identity. The following are examples of ways in which school officials have responded to these situations:

In one elementary school, a transgender second-grader socially transitioned from female to male. The principal informed the staff: For the remainder of this year, he will use Nurse Margaret's restroom, and toward the end of the year we will make future determinations of restroom use in consultation with his family.

In one middle school, a male-to-female transgender sixth-grader socially transitioned after spring break. For the rest of the school year, she used the nurse's restroom and the other unisex restrooms at the school. Beginning in seventh grade, she used the girls' restroom.

In one high school, a transgender male-to-female student was given access to the female changing facility, but the student was uncomfortable using the female changing facility with

¹⁰ As discussed in the section on Names and Pronouns, the Department's publication *Assigning State Assigned Student Identifiers (SASIDs) to Massachusetts' Public School Students* guides district staff through the process of adding or revising SIMS data.

other female students because there were no private changing areas within the facility. The principal examined the changing facility and determined that curtains could easily be put up along one side of a row of benches near the group lockers, providing private changing areas for any students who wished to use them. After the school put up the curtains, the student was comfortable using the changing facility.

Some students may feel uncomfortable with a transgender student using the same sex-segregated restroom, locker room or changing facility. This discomfort is not a reason to deny access to the transgender student. School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students.

The Department strongly recommends that districts include an appropriate number of gender-neutral restrooms commensurate with the size of the school, and at least one gender-neutral changing facility, into the design of new schools and school renovations.

School staff as well as students and their families may find the use of restrooms and changing facilities to be among the more challenging issues presented by the gender identity law, perhaps due to issues of personal privacy. As emphasized in other sections of this guidance, these issues should be resolved on a case-by-case basis, through dialogue with students and parents, and through leadership in creating safe and supportive learning environments.

Physical Education Classes and Intramural and Interscholastic Athletic Activities

Physical education is a required course in all grades in Massachusetts' public schools, and school-based athletics are an important part of many students' lives. Most physical education classes in Massachusetts' schools are coed, so the gender identity of students should not be an issue with respect to these classes. Where there are sex-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity. With respect to interscholastic athletics, the Massachusetts Interscholastic Athletic Association will rely on the gender determination made by the student's district; it will not make separate gender identity determinations.

At one school, a transgender girl joined the girls' cheerleading squad. The school supported the student's participation on the team. When the team was going to a regional competition, however, several of the team members raised a concern that the school would be made to compete in the coed cheerleading portion of the competition rather than in the all-girls portion for which they prepared. With the permission of the student, the principal wrote a letter that she gave to the coach to take to the competition in case officials at the competition questioned the team's participation in the all-girls' portion of the event. The letter explained: "Student, Jane Smith, is a transgender girl who has been a member of the girls' team since (date). Jane has a sincerely held female gender identity and, therefore, according to state law must be permitted to participate as a girl on the girls' cheerleading team." The team participated in the regional competition without incident.

Other Gender-Based Activities, Rules, Policies, and Practices

As a general matter, schools should evaluate all gender-based policies, rules, and practices and maintain only those that have a clear and sound pedagogical purpose. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not. In some circumstances, these policies, rules, and practices may violate federal and state law. For these reasons, schools should consider alternatives to them.

Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity.

The new law on gender identity provides a good opportunity for schools to review their gender-distinct policies. For example, some schools require students to wear gender-based garb for graduation or have gender-based dress codes for prom, special events, and daily attire. Schools should eliminate gendered policies and practices such as these. For example, one school that previously had blue graduation gowns for boys and white ones for girls switched to blue gowns for all graduates. The school also changed its gender-based dress code for the National Honor Society ceremony, which had required girls to wear dresses.

Similarly, some classroom teachers may routinely include gender-based practices in the classroom. For example, some teachers may have boys and girls line up separately to leave the classroom to go to lunch, the gymnasium, restrooms, or recess, and may never have considered the educational value of non-gendered alternatives, such as having students line up in the order of their birthdays, or alphabetically by name, or in the order in which they are sitting.¹¹

Education and Training

In order to further a safe and supportive school environment for all students, schools should incorporate education and training about transgender and gender nonconforming students into their anti-bullying curriculum, student leadership trainings, and staff professional development.

As with other efforts to promote a positive school culture, it is important that student leaders and school personnel, particularly school administrators, become familiar with the gender identity law, regulations, guidance, and related resources, and that they communicate and model respect for the gender identity of all students.

Professional development for school staff could include topics on gender identity and gender nonconformity such as: the *Massachusetts Student Anti-discrimination Law and Regulations*; the *ESE Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*; key terms related to gender identity and expression; the development of gender identity; the experiences of transgender and other gender nonconforming students; risk and resilience data regarding transgender and gender nonconforming students; ways to support transgender students

¹¹ Gender and Children: A Place to Begin for Educators www.welcomingschools.org

and to improve the school climate for gender nonconforming students; gender-neutral language and practices; and this guidance.

Communication with School Community and Families

Superintendents and principals need to review existing policies, handbooks, and other written materials to ensure that they are updated to reflect the inclusion of *gender identity* in the student antidiscrimination law, and may wish to inform all members of the school community, including school personnel, students, and families, of the recent change to state law and its implications for school policy and practice. This could take the form of a letter that states the school's commitment to being a supportive, inclusive environment for all students, as well as the school's legal obligation to provide equal educational opportunities for all students. Such a letter might include the definitions provided at the beginning of this document and some basic information about transgender and gender nonconforming youth; a link to the school's anti-bullying and anti-harassment policies; a link to this guidance; and other resources, including individuals to contact with additional questions.¹²

Conclusion

This guidance cannot anticipate every situation in which questions may come up in the implementation of this law, and the needs of each transgender or gender nonconforming student should be assessed and addressed on a case-by-case basis. The Department will continue to provide assistance, support, and resources as we work together to create a safe and supportive school environment for all students.

For further information or questions about the content of this guidance, please contact Center for Student Support at (781) 338 – 6303 or email ssca@doe.mass.edu.

¹² For example, a letter from one principal explained: “All people have a gender identity. For most people, their gender identity matches their assigned sex at birth. For transgender people, that is not the case. Transgender girls are individuals who were assigned the male sex at birth but whose lived experience of who they are is female. Transgender boys are individuals who were assigned the female sex at birth but whose lived experience of who they are is male. As a school community, we want to provide a safe environment and support all of our students so they can achieve academically. That means making sure that our school's policies and practices are inclusive and respectful of all students, including transgender students. Toward that end, we have ...[describe steps taken to implement the law].”

District/School Administration > Administration >
Education Laws and Regulations**603 CMR 26.00: Access To Equal Educational Opportunity****Section:**

- 26.01: Purpose and Construction; Definition
- 26.02: School Admissions
- 26.03: Admission to Courses of Study
- 26.04: Career and Educational Guidance
- 26.05: Curricula
- 26.06: Extra-Curricular Activities
- 26.07: Active Efforts
- 26.08: Notification and Complaint Procedure
- 26.09: Private Right of Action
- View All Sections

Most recently amended by the Board of Elementary and Secondary Education: June 26, 2012

26.01: Purpose and Construction; Definition

- (1) 603 CMR 26.00 is promulgated to insure that the public schools of the Commonwealth do not discriminate against students on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools. 603 CMR 26.00 shall be liberally construed for these purposes.
- (2) The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association that would limit the eligibility or participation of any student on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation.
- (3) For purposes of 603 CMR 26.01, gender identity shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

26.02: School Admissions

- (1) All public schools in the Commonwealth shall admit students without regard to race, color, sex, gender identity, religion, national origin, or sexual orientation. This includes, but is not limited to charter, elementary, secondary, trade, regional vocational-technical schools and selective academic high schools.
- (2) No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, gender identity, religion, national origin, or sexual orientation. Written materials and other media used to publicize a school shall specifically affirm that the school does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation.
- (3) The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extra-curricular activities.
- (4) Any standards used as part of the admissions process, including but not limited to testing, the use of recommendations and interviewing, to any public school (as referred to in 603 CMR 26.02 (1)) shall not discriminate on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation. A student's limited English-speaking ability (as defined by M.G.L. c. 71A) shall not be a deterrent to or limitation on a student's admission to a public school.
- (5) In determining whether a student satisfies any criteria for admission to selective academic high schools, regional vocational technical schools, trade schools and charter schools, or in making any offer of admission to such a school, public school officials shall not treat a student differently from another based on the student's race, color, sex, gender identity, religion, national origin, or sexual orientation. Public schools shall not use admission criteria that have the effect of subjecting students to discrimination because of their race, color, sex, gender identity, religion, national origin, or sexual orientation.
- (6) Nothing in 603 CMR 26.00 shall control the interpretation of or interfere with the implementation of M.G.L. c. 71, § 37C and related statutes, providing for the elimination of racial imbalance in public schools, or M.G.L. c. 71A, providing for the establishment of transitional bilingual education programs in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

26.03: Admission to Courses of Study

- (1) All courses of study offered by a public school shall be open and available to students regardless of race, color, sex, gender identity, religion, national origin, or sexual orientation.
- (2) A public school shall determine what courses or units of study are required of a student without regard to the race, color, sex, gender identity, religion, national origin, or sexual orientation of that student.
- (3) A public school shall not schedule students into courses or units of study on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation.
- (4) No student, on the basis of race, color, sex, gender identity, religion, national origin, limited English-speaking ability or sexual orientation, shall be discriminated against in accessing the courses of study and other opportunities available through the school system of the city or town in which he or she resides.
- (5) Nothing in 603 CMR 26.03 shall be construed to prevent schools from providing separately to each sex those segments of a program of instruction dealing exclusively with human sexuality.

26.04: Career and Educational Guidance

- (1) Guidance counselors and other personnel shall represent to students a broad spectrum of education and career opportunities. School personnel shall not present race, color, sex, gender identity, religion, national origin or sexual orientation as limiting factors in career determination.

(2) No materials, tests or procedures shall be employed for guidance purposes that discriminate and/or limit choices on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation.

26.05: Curricula

- (1) All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
- (2) Teachers shall review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials shall be used to provide balance and context for any such stereotypes depicted in such materials.
- (3) Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.

26.06: Extra-Curricular Activities

- (1) Advantages and privileges of public schools include all extra-curricular activities made available, sponsored or supervised by any public school. No school shall sponsor or participate in the organization of outside extra-curricular activities conducted at such school that restrict student participation on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. 603 CMR 26.06 (1) does not prohibit school committees from allowing use of school premises by independent groups with restrictive membership.
- (2) No student shall be denied the opportunity in any implied or explicit manner to participate in an extra-curricular activity because of the race, color, sex, gender identity, religion, national origin or sexual orientation of the student except as provided in 603 CMR 26.06(5). Participation in extra-curricular activities shall be actively encouraged by each school for all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
- (3) Each school system shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports.
- (4) In order to provide equal athletic opportunity, public schools that operate or sponsor intramural or interscholastic sports teams shall ensure that budgetary allocations and the provision of athletic activities and services are fairly distributed between students of both sexes based upon student interests and abilities.
- (5) A school may establish or sponsor separate teams for males and females for interscholastic and intramural competition in a particular sport where selection for the team is based upon competitive skill provided that the requirements of 603 CMR 26.06(6) are satisfied. A student shall have the opportunity to participate on the team that is consistent with the student's gender identity.
- (6) Teams comprised primarily or solely of students of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment and opportunities to practice and compete as teams engaged in a similar activity comprised primarily or solely of students of the opposite sex.

26.07: Active Efforts

- (1) The school committee of each school district shall establish policies and procedures, and implement monitoring and evaluation practices that insure that all obstacles to equal access to school programs for all students regardless of race, color, sex, gender identity, religion, national origin, limited English-speaking ability or sexual orientation, are removed. Such policies shall include a requirement for an annual evaluation of all aspects of the K through 12 school program to insure that all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation are given an opportunity to participate in all programs offered by the school including athletics and other extra-curricular activities.
- (2) All public schools shall strive to prevent harassment or discrimination based upon students' race, color, sex, gender identity, religion, national origin or sexual orientation, and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence.
- (3) The school committee and the superintendent shall provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting.
- (4) The superintendent, as an agent of the school committee, shall promote and direct effective procedures for the full implementation of 603 CMR 26.00, and shall make recommendations to the school committee for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to 603 CMR 26.00.
- (5) The superintendent of each school system shall require employers who recruit new employees in and through the schools of that district to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices.
- (6) Adults serving on athletic regulatory boards shall fairly represent the interest of all students regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.
- (7) Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school by any person, group or organization shall be free from any restrictions based upon race, color, sex, gender identity, religion, national origin or sexual orientation. Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.
- (8) The opportunity to receive guidance and counseling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

26.08: Notification and Complaint Procedure

- (1) The superintendent shall be responsible for ensuring that all school handbooks and codes of conduct reference M.G.L. c. 76, § 5 and affirmatively state and explain the school's obligations under M.G.L. c. 76, § 5. In order to ensure that such obligations are fulfilled, all school handbooks and codes of conduct shall also contain the following:
 - a) A nondiscrimination policy that is consistent with M.G.L. c. 76, § 5 and affirms the school's non-tolerance for harassment or discrimination, including that based upon race, color, sex, gender identity, religion, national origin or sexual orientation; and
 - b) The school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
 - c) The disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.
- (2) The principal shall ensure that the applicable school handbook and district code of conduct are annually distributed to students, parents and school personnel and, when requested, ensure that such school handbook and district code of conduct are available in the primary language of a parent or student whose primary language is not English.

26.09: Private Right of Enforcement

- (1) Nothing in 603 CMR 26.00 shall abridge or in any way limit the right of a parent, guardian, or person as defined in 603 CMR 26.00(1) to

M.G.L. c. 76, § 5 in any court or administrative agency of competent jurisdiction.

Regulatory Authority:

603 CMR 26.00: M.G.L. c. 76, § 5.

Disclaimer:

For an official copy of these regulations, please contact the State House Bookstore, at 617-727-2834 or visit <http://www.state.ma.us/sec/spr/sprin/infocode.htm>

*Massachusetts Department of
Elementary & Secondary Education*

Sallyanne Smith

From: Denise Palazzo <degowest@gmail.com>
Sent: Tuesday, January 22, 2013 3:45 PM
To: Amalio Nieves; Teri S. Williams
Cc: Denise Palazzo
Subject: Found-- SFUSD Transgender Policies
Attachments: Attach0.html

Amalio and Teri,

Last email (I promise.)

Here are SFrancisco Unified's transgender policies, written in 2006 or 2003 (Wow.)

Their policies seem to stem from the state of California's law about gender based harassment, but--they do site their school district harassment policy regarding gender based harassment as well.

Of course, we can use our school based policy on bullying related to gender.

Possibly some of the below could be included in our SBBC Student Code of Conduct because the challenges from gender nonconforming students and supportive families are coming, and I know we want to be ahead of the curve.

De

BOARD OF EDUCATION ADMINISTRATIVE REGULATION

Regulation

No: R5163a

Page 1 of 3

ARTICLE 5: STUDENTS

SECTION: Non-Discrimination for Students and Employees

This regulation implements Board Policy 5163.

This regulation is meant to advise school site staff and administration regarding transgender and gender non-conforming student concerns in order to create a safe learning environment for all students, and to ensure that every student has equal access to

all components of their educational program.

California Law Prohibits Gender-Based Discrimination in Public Schools

The California Education Code states that “all pupils have the right to participate fully in the educational process, free from discrimination and harassment.” Cal. Ed. Code Section 201(a). Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The Code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. Cal. E& Code Section 201(b).

The California Code of Regulations similarly provides that “No person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’.

. .that receives or

benefits from any state financial assistance.” 5 CCR Section 4900(a).

The California Code of Regulations defines “gender” as: “a person’s actual sex or perceived sex and includes a person’s perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth.” 5 CCR Section 49 10(k).

SFLJSD Board Policy Prohibits Gender-Based Harassment

SFUSD Board Policy 5163 requires that “All educational programs, activities and

employment practices shall be conducted without discrimination based on.

. sex, sexual

orientation, [or] gender identity.

. “ Board Policy 5162 requires that “students should

treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person” based on sex or sexual orientation.

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Therefore, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system. Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

Names/Pronouns

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to an intentional and persistent refusal to respect a student’s gender identity. The requested name shall be included in the SIS system in addition to the student’s legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

Official Records

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil, as well as the pupil's gender. 5 Cal. Code Reg. 432(b)(1)(A). (D). The District shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently asserted at school. Where available, a single stall bathroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a single stall bathroom shall be a matter of choice for a student, and no student shall be compelled to use such bathroom.

Locker Room Accessibility

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth. In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity exclusively and consistently asserted at school will be provided with the available accommodation that best meets the needs and privacy concerns of all students involved. Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);

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Page4of4

- A separate changing schedule (either utilizing the locker room before or after the

other students); or

- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).

Sports and Gym Class

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case by case basis.

Dress Codes

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the Dress/Appearance standards articulated in the Student and

Parent/Guardian Handbook, page 21

Gender Segregation in Other Areas

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

any such concerns.

HISTORY/AUTHORIZATION

2003

Gwen Chan

Interim Superintendent of Schools

1852

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De Palazzo

www.perspectivesunlimitedinc.com

"Out beyond ideas of wrongdoing and rightdoing, there is a field. I'll meet you there." -Rumi

The Boston Globe

Metro

Schools get guidelines on transgender students

Officials say they are ready to put rules into place

By **Travis Andersen** | GLOBE STAFF FEBRUARY 17, 2013

Public school officials said on Saturday that they are ready to implement new state guidelines that allow transgender students to use bathrooms and play on sports teams designated for their preferred genders, among other provisions.

The state Department of Elementary and Secondary Education released the guidelines on Friday, following passage of a Massachusetts law that took effect in July barring discrimination of transgender students in public schools.

The department's commissioner, Mitchell D. Chester, and his spokesman could not be reached for comment on Saturday.

Tom Scott, executive director of the Massachusetts Association of School Superintendents, said in a phone interview that his members have known about the impending guidelines for some time and that he does not expect districts to have any significant problems implementing them.

"These are complicated issues, and we need to respect every child," Scott said. "We need to ensure that everybody has a right in school to feel that they have a place. . . . In that regard, it's absolutely imperative."

The education department's 11-page

Scott said he presumed they are effective immediately. The department issued the guidelines after soliciting input from administrators, parents, and other stakeholders.

place. . . . In that regard, it's absolutely imperative'

The guidelines call for school officials to assess cases individually, and they allow for flexibility in making accommodations.

For example, transgender students may use bathrooms, locker rooms, and changing areas for the gender with which they identify, but those who are not comfortable doing so should be provided with alternatives, such as a unisex or nurses station's bathroom.

But transgender students cannot be denied access to their preferred bathroom or locker room because of other students' discomfort.

"School administrators and counseling staff should work with students to address the discomfort and to foster understanding of gender identity, to create a school culture that respects and values all students," the guidelines state.

Also, transgender students must be allowed to participate in sports "in a manner consistent with their gender identity," and the Massachusetts Interscholastic Athletic Association, the state regulatory body for school sports, must defer to "the gender determination made by the student's district."

An association spokesman could not be reached for comment on Saturday.

Matthew Wilder, a spokesman for the Boston Public Schools, said in an e-mail that the district does not track the number of enrolled transgender students. He also could not provide details on any such students who are currently playing on sports teams for their preferred gender, or using appropriate changing areas.

"I'm sure there are, but that is information that is extremely confidential, and

He said the city already exceeds the requirements for accommodating transgender youth.

“We feel as though we are actually well ahead of these guidelines in Boston,” Wilder said. “This is nothing new for our school leaders, and we want to be able to support them any way we can in this area. We updated our internal guidelines last year, and Superintendent [Carol] Johnson has appointed an internal committee to ensure we are meeting and exceeding all requirements.”

Deborah Peeples of Shrewsbury, whose 23-year-old son is transgender, was part of a group that helped the state craft the guidelines.

“I think that guidance like this is really critical to students’ well-being and will really save lives,” said Peeples, who facilitates a support group for parents of transgender children.

The guidelines also call on schools to use transgender students’ preferred names and gender-specific pronouns, and reflect their preferred genders on transcripts.

“I think that most of the schools I’ve heard of are doing a pretty good job, but it takes a great deal of work between the parents and the schools to figure things out,” she said. “Each time a school system is faced with this for the first time . . . it’s kind of been like reinventing the wheel.”

Since their release on Friday, the Massachusetts guidelines have drawn praise from transgender advocates and fierce criticism from detractors.

Gunner Scott, executive director of the Massachusetts Transgender Political Coalition, said in a recent statement that his group “is grateful to [the department] for issuing such practical guidance and identifying the steps that schools can take to create a safer and more welcoming environment for transgender youth in our Commonwealth’s schools.”

Kris Mineau, president of the Massachusetts Family Institute, countered on

The guidelines state that a school should accept a student's transgender identity when there is "consistent and uniform assertion" of it or "any other evidence that the gender-related identity is sincerely held as part of a person's core identity."

Schools can question the assertion only if officials have "a credible basis" for suspecting that the identity is being used for "some improper purpose."

The guidelines do not elaborate on that point, nor do they outline an appeal process for students and families.

Scott, of the superintendent's association, said he was not aware of any specific avenues for appeal outside of litigation.

"No school district is going to want to deal with the issue in that way," he said, adding that principals, guidance counselors, and other school employees must use "a high degree of sensitivity" when making judgments on individual cases.

Massachusetts is one of 13 states, along with Washington, D.C., that have laws prohibiting discrimination in schools based on sexual orientation and gender identity, according to the Gay, Lesbian & Straight Education Network, a New York-based advocacy group.

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Globe correspondent Jeremy C. Fox contributed to this report. Travis Andersen can be reached at tandersen@globe.com. Follow him on Twitter [@TAGlobe](https://twitter.com/TAGlobe).

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stonewall

national education project

It's a fact that topics involving the gay, lesbian, and transgender community have made their way into America's classrooms. All too often, teachers are caught like deer in headlights, unsure of what they're supposed to say or what they're *allowed* to say. Vulnerable LGBTQ youth end up being marginalized and alienated, much to the detriment of academic performance and emotional health.

As such, I am writing to invite you to the 2nd national symposium on LGBTQ issues in schools, hosted by the Stonewall National Education Project.

This is a unique networking opportunity, available to a select number of districts.

WHEN: March 3-5, 2014

WHERE: The Sheraton Gateway Hotel, Los Angeles, CA

WHAT: A second national symposium for school districts doing progressive work around the safety of LGBTQ students & staff. Workshops will address policy, diversity programs, curriculum, and outreach to parents and faith communities. Attendees will benefit from the best practices of other school districts, as well as obtain model policy language and school climate evaluation tools.

At the conclusion of the symposium, attendees will have the option of continuing their learning, networking, and in-district program development via SNEP's password-protected website.



For more information or to receive an application, please contact Jessica Herthel by December 6, 2013 at jessica@stonewall-museum.org.

What is the Stonewall National Education Project?

In early 2012, in response to the lack of support surrounding the inclusion of gay, lesbian, bisexual, and transgender (LGBTQ) youth in schools, the Stonewall National Museum & Archives (a nationally-recognized archive located in Fort Lauderdale, FL) and Broward County Public Schools (the 6th largest district in the country) came together to form a partnership called the Broward Stonewall Education Project. In 2013 we changed our name to the **Stonewall National Education Project**, or SNEP.

It was a natural match: Stonewall National Museum & Archives had the knowledge but no youth with whom to share it; Broward County Public Schools had the youth seeking knowledge but no resource by which to provide it. Through this synergistic relationship, both added value to the other. This union of a private niche museum and a public school district was groundbreaking.

SNEP established a national presence with its first major event: **“The Kids Are Not All Right” Symposium**, held February 20-22, 2013, at the Hyatt Place 17th Street Convention Center, Fort Lauderdale, Florida.



Broward County Superintendent Robert W. Runcie, far right

The fourteen attending school districts were:

Anoka, MN	Boston, MA	Broward, FL
Denver, CO	Los Angeles, CA	Madison, WI
Miami, FL	New York, NY	Minneapolis, MN
Palm Beach, FL	San Diego, CA	San Francisco, CA
Seattle, WA	Washington, DC	

The cumulative reach of the representatives in the room spanned more than 3,000,000 students.

This first-of-its-kind event was funded largely by private donors (with sponsorship contributions from both GLSEN and HRC Welcoming Schools), and it brought together **leading school districts from across the country** for an unprecedented three-day conference.

Recognizing that collaboration is more productive than isolation, this conference allowed the leaders of LGBTQQ-inclusive efforts in schools to **meet and share best practices, tackle common obstacles, and learn from each other's successes and failures.**

Some highlights of the Symposium included:

- A keynote presentation by GLSEN founder and former White House Assistant Deputy of Education, Kevin Jennings;



- Multiple breakout sessions in which school district representatives shared successful best practices surrounding school board policy, family outreach and student support, and inclusive curriculum;
- A reception and tour of the Stonewall National Museum & Archives;
- A performance of the student-written musical, "The Weight of Words," in conjunction with the Lovewell Institute;



- A panel discussion that included Robert Runcie, Broward County Schools Superintendent, and Laurie Rich Levinson, Broward County's Board Chair;
- And presentations by the Executive Directors of Welcoming Schools (an education-based project of the Human Rights Campaign Foundation); the Education Director of GLSEN; and 12-year-old transgender activist, Jazz.



Symposium feedback from attendees included the following:

"Unbelievable- absolutely one of the best I ever experienced in 29 years."

"I would like to say how inspired and energized I feel moving forward with the LGBTQ work that I do in my district. The conference was very well organized; great topics; opportunities to network and to know other school districts and organizations; balanced heart & head space; great facilitators; great energy."

"This event was outstanding!!! It brought together a group of professionals that are very passionate about this important work and will hopefully create a network of support for us and others."

If you believe that your school district is a good fit for the SNEP Symposium, and could benefit from 3 days of networking, training, and information on making schools safer for LGBTQ youth and staff, please contact Jessica Herthel via email by DECEMBER 6, 2013 for an application.

Thank you greatly for your consideration. We look forward to hearing from you!

Best wishes,

Jessica Herthel
Director, Stonewall National Education Project
www.StonewallNationalEducationProject.org
jessica@stonewall-museum.org

expression is a continuum, with feminine at one end and masculine at the other. In between are gender expressions that are androgynous (neither masculine nor feminine) and those that combine elements of the two (sometimes called gender bending). Gender expression can vary for an individual from day to day or in different situations, but most people can identify a range on the scale where they feel the most comfortable. Some people are comfortable with a wider range of gender expression than others.

Sexual orientation indicates who we are erotically attracted to. The ends of this scale are labeled "attracted to women" and "attracted to men," rather than "homosexual" and "heterosexual," to avoid confusion as we discuss the concepts of sex and gender. In the mid-range is bisexuality; there are also people who are asexual (attracted to neither men nor women). We tend to think of most people as falling into one of the two extreme categories (attracted to women or attracted to men), whether they are straight or gay, with only a small minority clustering around the bisexual middle. However, Kinsey's studies showed that most people are in fact not at one extreme of this continuum or the other, but occupy some position between. For each scale, the popular notion that there are two distinct categories, with everyone falling neatly into one or the other, is a social construction. The real world (Nature, if you will) does not observe these boundaries. If we look at what actually exists, we see that there is middle ground. To be sure, most people fall near one end of the scale or the other, but very few people are actually at the extreme ends, and there are people at every point along the continuum.

Gender identity and sexual orientation are resistant to change. Although we don't yet have definitive answers to whether these are the result of biological influences, psychological ones, or both, we do know that they are established very early in life, possibly prenatally, and there are no methods that have been proven effective for changing either of these. Some factors that make up biological sex can be changed, with more or less difficulty. These changes are not limited to people who change their sex: many women undergo breast enlargement, which moves them toward the extreme female end of the scale, and men have penile enlargements to enhance their maleness, for example. Gender expression is quite flexible for some people and more rigid for others. Most people feel strongly about expressing themselves in a way that's consistent with their inner gender identity and experience discomfort when they're not allowed to do so.

The four scales are independent. Our cultural expectation is that men occupy the extreme left ends of all four scales (male, man, masculine, attracted to women) and women occupy the right ends. But a person with male anatomy could be attracted to men (gay man), or could have a gender identity of "woman" (transsexual), or could have a feminine gender expression on occasion (crossdresser). A person with female anatomy could identify as a woman, have a somewhat masculine gender expression, and be attracted to women (butch lesbian). It's a mix-and-match world, and there are as many combinations as there are people who think about their gender.

This schema is not necessarily "reality," but it's probably closer than the two-box system. Reality is undoubtedly more complex. Each of the four scales could be broken out into several scales. For instance, the sex scale could be expanded into separate scales for external genitalia, internal reproductive organs, hormone levels, chromosome patterns, and so forth. An individual would probably not fall on the same place on each of these. "Biological sex" is a summary of scores for several variables.

There are conditions that exist that don't fit anywhere on a continuum: some people have neither the XX (typical female) chromosomal pattern nor the XY pattern typical of males, but it is not clear that other patterns, such as just X, belong anywhere on the scale between XX and XY. Furthermore, the scales may not be entirely separate: if gender identity and sexual orientation are found to have a biological component, they may overlap with the biological sex scale.

Using the model presented here is something like using a spectrum of colors to view the world, instead of only black and white. It doesn't fully account for all the complex shadings that exist, but it gives us a richer, more interesting picture. Why look at the world in black and white (marred by a few troublesome shades of gray) when there's a whole rainbow out there?

Center for Gender Sanity www.gendersanity.com



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

June 2015

Transgender and Gender- Nonconforming Policy Guidance

Submitted by: Office of Youth Engagement

Message from the Chancellor



Dear DC Public Schools Community,

We are excited to be working to ensure all DCPS students, including transgender and gender-nonconforming students, reach their fullest potential by creating safe and supportive environments in our schools. This is a key component of our five-year strategic plan, “A Capital Commitment.”

A Capital Commitment is a roadmap for building a high-quality, vibrant school district that provides all DCPS students a world-class education. The plan identifies the following five goals that are key to our success:

1. Improving achievement rates;
2. Investing in struggling schools;
3. Increasing the graduation rate;
4. Improving satisfaction; and
5. Increasing enrollment.

Within DCPS, the Office of Youth Engagement (OYE) strives to build the capacity of school communities to coordinate student supports and ensure that students are healthy, present and positive members of a safe learning community. In support of the Capital Commitment goals, OYE acknowledges that it is responsible for promoting safe and welcoming schools for all students, regardless of sexual orientation, gender identity, or gender expression. Supporting the OYE mission and the Capital Commitment goals can only be achieved by promoting equitable treatment for all students, including transgender and gender-nonconforming students, and ensuring that they have the same protections and resources as their peers.

The DCPS Transgender and Gender-Nonconforming Policy Guidance is intended to be a tool for schools, parents and students to effectively navigate existing laws, regulations and policies that support transgender or gender-nonconforming DCPS students. It provides guidance to ensure that all students are treated equitably and with dignity at school. Resources include the following:

- Direction to schools on meeting our federal/district obligations to ensure equitable treatment of transgender/gender-nonconforming students;
- Insight for families, students, and school staff who may have questions; and
- Templates, tools, and resources for administrators, school staff, families, and students.

We also know that we can best support students by supporting the adults in their lives, so we’ve included direction schools to ensure staff and community members also receive equitable treatment. We hope you will find the information helpful. For further assistance, please contact the Office of Youth Engagement at (202) 442-5103 or dcps.lgbtq@dc.gov.

Kaya Henderson
Chancellor

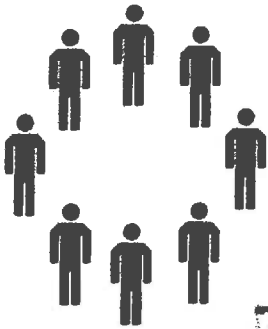
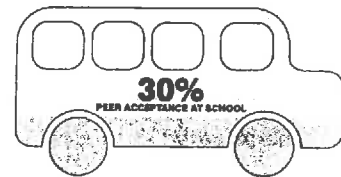
The Need

According to the national 2013 Gay Lesbian and Straight Education Network (GLSEN) School Climate Survey, transgender and gender-nonconforming students in schools were more likely than students whose gender expression conformed with societal expectations to feel victimized and miss more days of school due to feeling unsafe. A 2009 study by GLSEN that focused solely on experiences of transgender and gender-nonconforming students, found that nearly six out of 10 students experienced verbal harassment in the last year, compared to only 29 percent of their peers. Because these students are harassed and ostracized, they have low satisfaction with their educational environment and are less likely to attend school, which creates barriers to their academic achievement.¹

“Supporting and Caring for Our Gender Expansive Youth,”² a 2013 report by the Human Rights Campaign and Gender Spectrum, encountered similar findings, as illustrated below.

School Acceptance

Less than one-third (30 percent) of gender-expansive students report “strongly agreeing” that most of their peers do not have a problem with their LGBT identity.



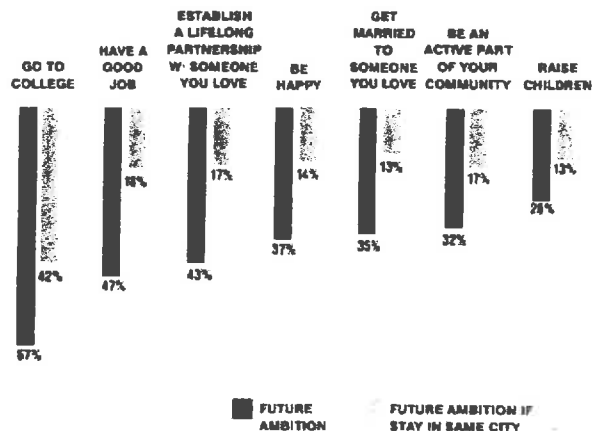
Exclusion and Harassment

Approximately 40 percent of transgender or gender-nonconforming students report being:

- Excluded frequently or often by their peers
- Verbally harassed and called names at school
- Called names involving anti-gay slurs frequently or often at School.

Ambitions

For all seven ambitions, as noted on the figure to the right, students reported a significant drop in the likelihood of it happening if they stayed in the same city/town in which they currently lived. Of particular interest to DCPS, nearly 70 percent of students are interested in going to college, but only 42 percent think it will happen if they stay where they are.



¹ Harsh Realities: <http://www.glsen.org/sites/default/files/Harsh%20Realities.pdf>

² Supporting and Mentoring Gender Expansive Youth: <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Gender-expansive-youth-report-final.pdf>

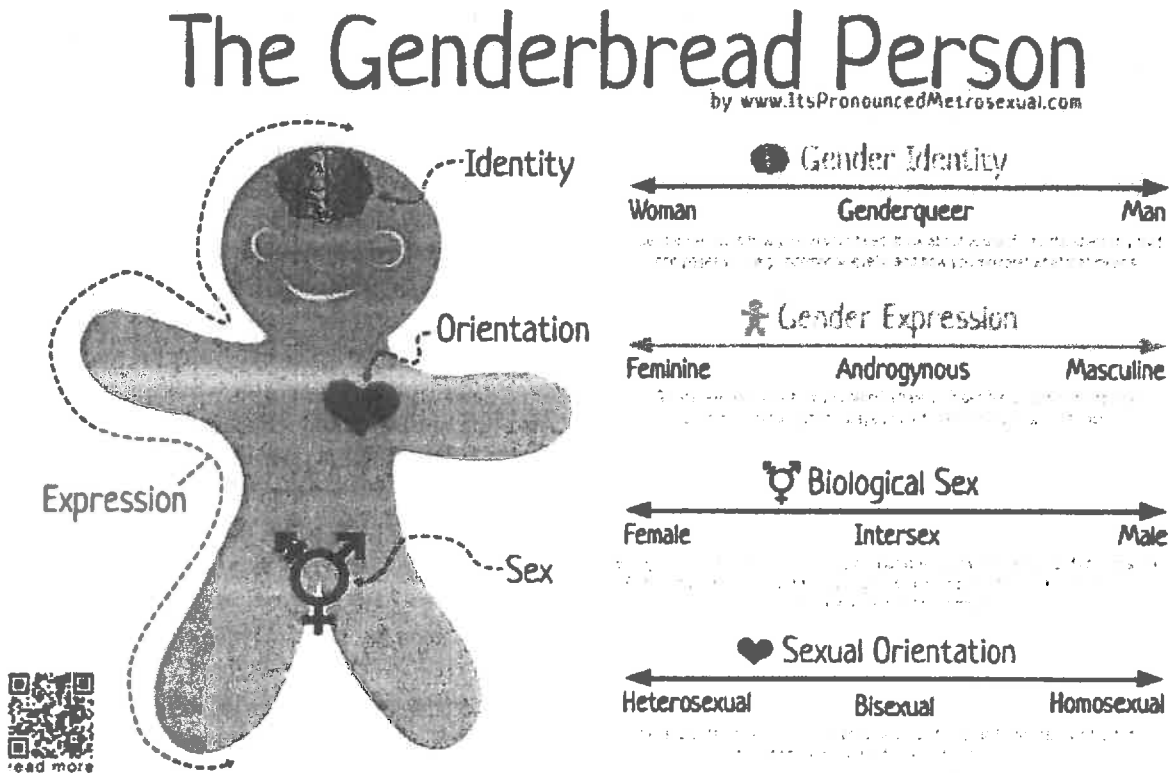
Definitions

These definitions are intended to assist in understanding this policy guidance and the legal obligations of DCPS staff. Students may or may not use these terms to describe themselves. Additional definitions can be found in **Appendix II**.

- **Cisgender:** Refers to people whose sex assignment at birth corresponds to their gender identity and expression (*Cis-* from Latin meaning "on the same side [as]" or "on this side [of]").
- **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
- **Gender Identity:** A person's deeply held internal sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- **Gender-nonconforming:** An umbrella term that will be used throughout this guidance for people whose gender expression differs from stereotypical expectations of the sex they were assigned at birth
- **LGBTQ:** An acronym for the Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning community.
- **Queer:** Deemed an offensive term historically and still by some people today, queer has been reclaimed by many members of the LGBT community as a term of empowerment. The term can have different meanings to different people, but in this context it generally refers to a member of the lesbian, gay, bisexual, or transgender community. This term may be used by a member of the LGBT community, who may not identify themselves by any of the other letters in that acronym. Since this term has a negative history, it should only be used to describe those individuals who identify themselves as queer and give permission for others to use that term to describe them.
- **Transgender:** An umbrella term describing a person whose gender identity or expression is different from that traditionally associated with their assigned sex at birth.
- **Preferred Gender Pronouns:** The pronoun a person prefers to have used when referred to in conversation (i.e., a person with a traditionally male gender identity likely prefers he, him, and his). Please note that young people may choose to go by they, ze, or no pronouns.
- **Transition:** The process in which a person goes from living and identifying as one gender to living and identifying as another. Transitions are not linear and may include any combination of physical, social and medical processes. Not all transgender or gender-nonconforming people transition or desire to transition in the same way. And most importantly, transitions are private and personal information about a transition should not be discussed unless conversation is initiated and led by the transgender or gender-nonconforming student.

The Genderbread Person

“The Genderbread Person”³ provides a visual aid in explaining some definitions.



Quick Tip for School-Based Staff: There are some words that should NEVER be used to describe a transgender or gender-nonconforming student. These include:

- “He-She”
- “Boy-Girl”
- “Hermaphrodite”
- “Tranny”
- “it”
- “Transgender-ed”
- “Transvestite”

³ <http://itspronouncedmetrosexual.com/wp-content/uploads/2012/01/Genderbread-Person.pdf>

Student Transitions

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

In most cases, transitioning is a very private matter. Students may choose to have their parents participate in this process; however parental participation is not required. When appropriate, schools should work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student's transgender status. A sample school planning tool is included in **Appendix III**. This planning tool provides a list of topics for a transitioning student to review with a trusted adult in the school and/or a school administrator. Please note that the student chooses who should be involved in these meetings. Privacy considerations also may vary with the age of the student. Please see below for additional guidance specific to elementary-aged students. The contents of the plan should be discussed only with the persons who are responsible for implementing the plan. For example, the PE teacher should be notified that a student who had previously used a boys locker room would move into the girls area.

Information in the school planning tool contains personal notes about the student and is maintained by school officials involved in developing the school plan. Information should not be considered an official educational record under the *Family Educational Rights and Privacy Act (FERPA)*. This means that information from the school planning tool may be shared with the student's parents or guardians only if the student has expressed the desire to have their involvement, but parents are not entitled to access this information under FERPA.

DEVELOPMENTALLY APPROPRIATE PROTOCOLS

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish—but are not required—to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmentally appropriate protocols. These protocols are guidelines, but each student situation should be handled according to the maturity of each individual student, while still respecting that student's rights.

Grades PK3-5

Generally, the parent or guardian will inform the school of an impending transition. However, it would be appropriate to approach the family of an elementary school student if school staff believes that a gender identity or expression issue is presenting itself at school and creating difficulty for the student. Together, the family and school can then identify appropriate steps to support the student. A guide of community resources can be found in **Appendix VII** and a school-level planning document can be found in **Appendix III** of this document.

Transgender and Gender-Nonconforming Policy Guidance

Grades 6-12

Generally, notification from the student's parents or guardians about their gender identity, gender expression, or transition is unnecessary, as they may already be aware and supportive. In some cases, however, notifying parents or guardians carries risks for the student, such as being **kicked out** of the home. **Prior to notification** of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student.

Quick Tip for School-Based Staff: Since students are likely to be more comfortable in some areas of school than others, their transition, particularly in the early phases, may be "site-specific," meaning they choose to go by one name or have one pronoun used in one place and another name or pronoun used in another. For example, a student may feel more comfortable expressing their gender identity in a student club or small group, but not to the larger school community or at home. Whatever the student prefers should be acknowledged and respected. Be aware of the preference of the student and always use their preferred reference when you are speaking to the student and about the student to another person. Being sensitive about where the student is open about their identity is crucial to being an effective ally.

Transgender and Gender-Nonconforming Policy Guidance

Names/Pronouns

Students have the right to be addressed by the name and pronoun that correspond to the student’s gender identity. A court-ordered name or gender change is **not** required, and the student does not need to change their official records. If a student wishes to go by another name, the school’s registrar can enter that name in the “Preferred First” name field of the STARS/Aspen database. The image below provides a screenshot from the STARS database that illustrates how an unofficial name change can be entered in the system after discussion with the school registrar.

Legal Last Name	<input type="text"/>	Stx	<input type="text"/>
Legal First Name	<input type="text"/>		
Usual Last Name	<input type="text"/>	Stx	<input type="text"/>
Preferred First	<input type="text"/>		
Legal Middle	<input type="text"/>		
Third Initial	<input type="text"/>		

Please note that the name in the database is part of an official educational record and is therefore covered by the Family Educational Rights and Privacy Act (FERPA), meaning that if a parent or guardian requests access to see their student’s records, they will have access to the student’s preferred name. If a student transitioning at school is not ready to share with their family about their transgender status, this should be respected. In this scenario, school staff should make a change socially, calling the students by the preferred name, while their official STARS/Aspen information remains the same.

If the student does obtain a legal name change, the appropriate fields should be updated in STARS/Aspen. This will, in turn, generate a new DC ONE Card for the student. Please note that a student’s diploma must be the legal name of the student. The counselor or graduation point of contact for the school will meet with each student to ask what their name preferences are, such as the arrangement, or use, of initials for first and middle names. Schools should work with students on a case-by-case basis to ensure that their individual needs are met and respected.

Generally, if a student wishes for their name to be changed at school, despite whether or not a student has brought in a legal name change, all unofficial records should reflect their preferred name. Examples of unofficial school documents include yearbooks, team and class rosters, and newspapers/newsletters.

Quick Tip for School-Based Staff: It is always appropriate to ask a student their preferred name and gender pronoun. This can set the tone for a more respectful and trusting relationship.

School Facilities and Requirements

Bathrooms

Having safe access to restroom facilities is important to the health and wellbeing of all people, including those who identify as transgender and gender-nonconforming. Students are allowed to use the same bathrooms as their peers, unless they request alternate accommodations. **This means that transgender and gender-nonconforming students are entitled to use the bathroom that matches their gender identity.** Any student, transgender or otherwise, who has a need or desire for increased privacy, regardless of underlying reasons, also has the right to access a single-user restroom, such as a staff bathroom or the bathroom in the nurse's office. However, the single-user bathroom **may not** be given as the *only* option for transgender or gender-nonconforming students.

Locker Rooms

Schools may maintain separate locker room facilities for male and female students. However, all students must have access to the locker room facility that corresponds to their gender identity. If there is a request for increased privacy, *any* student should be offered access to a reasonable accommodation, such as:

- A separate changing schedule
- Use of a private area in the facility (e.g., a restroom stall with a door or an area separated by a curtain)
- Use of a nearby private area (i.e., nearby restroom or health suite)
- Assignment of student locker in close proximity to staff office or a supportive peer group.

Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to engage the school LGBTQ liaison or another designated ally in the building.

Quick Tip for School-Based Staff: Some students may feel uncomfortable using shared facilities. Facilities that are currently designed for single users must be designated as gender-neutral.

Dress Code

Schools may enforce dress codes, but any dress code must be gender-neutral. Students must have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff must not enforce a school's dress code more strictly against transgender and gender-nonconforming students than other students.

Quick Tip for School-Based Staff: Gender-neutral dress code guidelines apply to regular school days as well as any special events, such as graduation ceremonies and prom. For example, schools may require formal attire for all students at a ceremony, but may not specify that girls must wear dresses and boys must wear ties.

Gender-based Activities

Intramural/Interscholastic Athletics

DCPS athletics are managed and operated by the DC Interscholastic Athletics Association (DCIAA); athletics activities at the District level are managed and operated by the District of Columbia State Athletic Association (DCSAA). Both the DCIAA and the DCSAA support the participation of transgender and gender-nonconforming students in all athletics activities in alignment with the *DC Human Rights Act*, Title IX, and other laws and regulations prohibiting discrimination or promoting participation in interscholastic programs and activities. All students should have the opportunity to participate in DCIAA and DCSAA activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records or identification documents.

Physical Education

All students must be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

A Note to School Staff

Wherever arbitrary gender dividers can be avoided, they should be eliminated. For example, when dividing the class into two lines based on male and female, perhaps the students could be divided by the first letters of their last names, type of shoe, color clothing, etc. Lunch divisions can be handled similarly, by dividing the students in half by last name as opposed to gender. Simple things, such as calling students "students" or "scholars" instead of "boys and girls," may seem insignificant but actually make a notable difference to students who feel alienated because they may not identify as being part of either of the two binary categories.

Privacy and Confidentiality

Privacy

All persons, including students, have a right to privacy, and this includes the right to keep one's gender identity private at school. Information about a student's transgender status, transition process, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, guardians, or other third parties may violate privacy laws, such as FERPA. This is why schools must use caution when sending out any notification to other parents about a student who is transitioning. The District must ensure that all medical information relating to transgender and gender-nonconforming students will be kept confidential in accordance with applicable DC and federal privacy laws. School staff may not disclose information that may reveal a student's transgender status or transition process to others, including parents, guardians, and other school staff, unless legally required to do so (e.g., such information is contained in an educational record under FERPA), or unless the student has authorized such disclosure. The only exception is when working with elementary-aged students. For more information, please refer to the discussion regarding Developmentally Appropriate Protocols beginning on Page 7 of this guidance.

Transgender and gender-nonconforming students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom, and how much to share. When contacting the parent or guardian of a transgender or gender-nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Outside Media and Community Communication

When communicating to the media or community about issues related to gender identity, schools should contact the DCPS Press Secretary. Rather than directly commenting on the issue, DCPS staff should direct inquiries from families or the immediate school community to the principal.

A Note About Staff, Parent/Guardians and Visitors

As with young people, not all gender nonconforming adults identify as being transgender, so transition may look very different for each staff member, parent, guardian or school visitor, and not all people who undergo a transition desire the same outcome. Staff members, parents, guardians and visitors in our schools also have the right to keep their transgender identity private and confidential, be addressed by the name and pronoun that correspond to their gender identity, and dress in accordance with their gender identity. They also have the right to use the bathrooms and locker rooms that match their gender identity. See **Appendix V** and **VI** for sample letters to school communities regarding staff and family transitions.

Frequently Asked Questions

What do we do about bathrooms?

Transgender and gender-nonconforming students have the right to utilize the restroom that corresponds with their gender identity. Students cannot be required to utilize a single use restroom or the nurse's office. DC nondiscrimination laws protect students; students are eligible to file a complaint with the DC Office of Human Rights against an individual or entity who deny them access to school facilities for a discriminatory reason.

How do we manage locker rooms and sports participation?

The DCIAA is currently creating specific guidance for its athletics programs consistent with the general policy that students can participate in athletics and use locker facilities in a manner consistent with their gender identity. The DCSAA handbook states that students are eligible to petition to compete in gender-specific sports according to their gender identity when they are denied the right by a coach or other person. With this in mind, the general protocol should be to allow transgender and gender-nonconforming students to participate in the PE classes and join the sports teams that align with their gender identity. As a part of this inclusion, accommodations should be made to facilitate transgender students entering and using the locker room that aligns with their gender identities. Specifics on how to make this accommodation must be dealt with on a case-by-case basis in coordination with the student, the student's family (if applicable) and school staff. For example, a student who expresses discomfort with changing or showering around other students, transgender or not, should be offered alternative facilities (e.g., a changing stall separated by a shower curtain or single-user restroom).

What do I call the student?

When talking both to and about transgender students, these students should be addressed by their preferred name and gender pronoun. If you are unsure about a student's preferred name or pronoun, it is appropriate to privately and tactfully ask the student what they prefer to be called. Additionally, when speaking about a student, it is rarely necessary to label them as being transgender, as they should be treated the same as the rest of their peers. If, for administrative reasons, it is necessary to acknowledge the student's gender identity or transition, use the term the student uses to identify themselves. If you don't know how they identify, say "gender-nonconforming" or "gender variant." Transsexual is a clinical term used to describe people who have transitioned from one gender to another through gender reassignment surgeries or sex affirmation surgeries. Some people identify in this way **but it can be considered offensive**, since this was a term that the medical profession imposed on the community. Always ask a person first before assuming they identify as transsexual. Transgender is an umbrella term—more questions are needed to be able to accurately address an individual. Asking for their preferred name and pronouns is a first step.

I'm an elementary school teacher with a gender-nonconforming student. Should I talk to their parents about this?

Generally, it will be the parent or guardian who informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believes that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it is appropriate to approach the parents about the issue. The family and school can then identify appropriate steps to support the student.

My student asked that I call him Tim, but the name in STARS is Tina. What name should I use?

Always call the student by their preferred name. If an issue arises from the school or family, this can be negotiated, but the best course of action for the safety and support of the student will be to use the student's preferred name. You may also change the student's "preferred first name" in STARS/Aspen (see "Names and Pronouns" on page 10 for more details).

Our school requires boys to wear blue and girls to wear gold for graduation. How can we be gender neutral without breaking school tradition?

If the school wishes to maintain this tradition, administrators may consider dividing the dress by another arbitrary marker, such as last name (e.g., last names from A-M wear blue and last names from N-Z wear gold), to ensure that any gender-nonconforming students are alleviated from the anxiety of finding out where they fit in.

There is a boy who has begun wearing skirts, makeup and heels to school. It is a distraction for the other students. We don't allow heels or short skirts to be worn by girls, why should he get away with it?

Dress code must be upheld to the same standard for all students. Anything that would not be acceptable for a student of one gender should not be accepted for any other student. However, dress codes must be gender neutral (for example, it is unlawful not to allow a male student to wear a skirt purely because of his sex) and the dress code may not be enforced more diligently for transgender and gender-nonconforming students than for any other.

One of my students has a transgender parent, and the other kids have started making comments and asking questions. How do I talk to them about this?

We recommend starting by talking to the student and their parent about how they would like to frame the conversations. One possible action that the school can assist with, if desired by the parent who is transitioning, is to send a letter home to the parents of other students to inform them of this change. This should only be done in cases where the parent gives the school explicit written permission to release this information to other parents. A sample letter to students and their families can be found in **Appendix VI**. For additional guidance or assistance in a specific situation, please contact the Office of Youth Engagement at (202) 441-5103.

A staff member in my school recently transitioned. How can we communicate this to the students, staff and families?

Please see **Appendix V** for a sample letter regarding staff transitions. Please keep in mind that this is a very personal matter, and you should work closely with the staff member to determine how much and which information is appropriate to share with the school community. Please also remember that DCPS, as an employer, is very limited in what information it legally can share with others without the employee's consent. Conversations should happen with administrators and the teacher to determine what information the employee/teacher is comfortable sharing. At no point should the employee/teacher feel forced or coerced to disclose any information.

Sustainability

DCPS is committed to promoting safe schools where all students, including transgender and gender-nonconforming students, are able to succeed. DCPS is eager to strengthen our efforts for years to come through the support of its LGBTQ Steering Committee, community partners, essential school staff, administration, and student supporters.

For additional guidance and assistance with individual situations, please contact:

DCPS Office of Youth Engagement

Email: dcps.lgbtq@dc.gov

Phone: (202) 442-5103

Website: <http://dcps.dc.gov/DCPS/In+the+Classroom/Health+and+Wellness>

DCPS Office of General Counsel

Phone: (202) 442-5000

To file a complaint, please contact:

DCPS Title IX Coordinator

Phone: (202) 442-5638

DC Office of Human Rights

Phone: (202) 727-4559

Website: <http://ohr.dc.gov/page/complaints>

US Department of Education: Office of Civil Rights

Email: ocr@ed.gov

Phone: (800) 421-3481

Website: <http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>

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New York City Department of Education
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DCPS Office of Family and Public Engagement (OFPE)
DCPS Office of General Counsel (OGC)
DCPS School Staff and Administration
DCPS Office of Youth Engagement
Gay Straight Alliance Network
Latin American Youth Center (LAYC)
Supporting and Mentoring Youth Advocates and Leaders (SMYAL)
The DC Center
The Trevor Project

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Appendices

Transgender and Gender-Nonconforming Policy Guidance

Appendix I: Policies and Laws

Appendix I: Policies and Laws

The following laws, regulations and policies apply to DCPS and each of its schools, and are in place to eliminate discrimination, support gender-nonconforming people and protect student safety and privacy. This section has been organized to highlight federal protections, DC laws and DCPS-specific policies.

Federal Laws:

Family Educational Rights and Privacy Act of 1974 (FERPA)

This law allows parents of students under 18 years of age to obtain their child's educational records and seek to have the records amended. This law also gives parents the right to have disclosure of identifiable information from the records Information in the STARS/Aspen database, even the "Preferred Name" Field (See **Transitions** section) is an official educational record. Former or current students have the right to seek to amend their records if the information in present records is "**inaccurate, misleading, or in violation of the student's rights of privacy**" (34 C.F.R. § 99.7(a)(2)(ii)). Transgender students who wish to change their name and gender marker on their educational records have the right to seek such an amendment under this federal law, provided the amendment must be pursued by the student's parent if the student is under 18 years of age.

Title IX, Education Amendments of 1972

Title IX ensures that no person is discriminated against because of their gender in any academic program including, but not limited to, admissions, financial aid, academic advising, housing, athletics, recreational services, health services, counseling and psychological services, classroom assignment, grading and discipline. Although Title IX does not expressly address gender identity or expression directly, this law has been used in the protection of transgender and gender-nonconforming citizens against discrimination because discrimination based on gender identity qualifies as sex discrimination. In the April 2014 guidance on **Title IX and Sexual Violence**, the Department of Education clarified the protection of all students, including transgender and gender nonconforming students, under Title IX.

DC Laws and Regulations:

DC Human Rights Act of 1977

This law prohibits discrimination of individuals on the basis of gender, gender identity and gender expression, among other characteristics. The *DC Human Rights Act* ensures that every person has the opportunity to participate in the activities of the District, including the right to attend educational institutions. Furthermore, it is illegal in the District to restrict access to the use of any area, facility, service or program based on actual or perceived gender or gender identity.

DC Youth Bullying Prevention Act of 2012

The Bullying Prevention Act requires each youth serving agency within the District of Columbia to develop and implement a bullying prevention policy that includes nine elements of the law:

- 1) The legal definition of Bullying (see below);
- 2) A statement prohibiting Bullying;

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- 3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;
- 4) The expected code of conduct;
- 5) A list of consequences that can result from an identified incident of bullying;
- 6) A procedure for reporting bullying;
- 7) An investigation procedure that include the name and contact for people charged with investigating bullying;
- 8) An appeal process; and
- 9) A statement that prohibits retaliation for reporting incidents of bullying.

The legal definition of bullying is:

“Bullying,” means any severe, pervasive, or persistent act or conduct, whether physical, electronic or verbal that:

A. May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and

B. Shall be reasonably predicted to:

- Place a student in reasonable fear of physical harm to his or her person or property;
- Cause a substantial detrimental effect on the student’s physical or mental health;
- Substantially interfere with the student’s academic performance or attendance; or
- Substantially interfere with the student’s ability to participate in or benefit from school activities or services; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

Bullying also occurs when a student or group of students organize a campaign against another student or when a student or group of students maliciously spread rumors about another student. In most circumstances bullying does not include a mutual fight between two students who are angry with each other. Such fights are subject to discipline as a violation of Chapter 25 as defined in the District of Columbia Municipal Regulations (DCMR).

DC Municipal Regulations Title 4 Chapter 4-8

The following regulations clarify the prohibitions regarding discrimination based on gender identity or expression.

- **4-801 General Prohibitions of Gender Identity or Expression Discrimination:** It is unlawful for educational institutions to: limit the opportunity of students, engage in verbal or physical harassment, create a hostile environment, or to deny access to restrooms and other gender-specific facilities to a student based on actual or perceived gender identity or expression.
- **4-802 Restrooms and Other Gender Specific Facilities:** Transgender and gender-nonconforming persons must be permitted to use gender-specific restrooms, dressing rooms and other facilities

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that align with their gender identities. Furthermore, any single-user restroom facility in the District must have gender-neutral signage and not be labeled as accessible to a single gender alone.

- **4-804 Dress and Grooming Standards:** Students may not be required to dress or groom themselves in a manner that is inconsistent with their gender identity or expression. While schools have the right to require students to abide by standards of dress (dress codes), these may not be enforced if they have a discriminatory effect on an individual due to his or her gender identity or expression.
- **4-805 Gender Specific Facilities Where Nudity in the Presence of Others is Customary:** Schools shall make reasonable accommodations so that all students have access to facilities that align with their gender identities, regardless of whether students have provided documentation of their gender identity or expression. Requiring such documentation or other proof of an individual's gender identity is prohibited, except in situations where *all* participants are asked to provide documentation of their gender for business or medical purposes. This regulation applies to all school locker rooms.
- **4-806 Recording Gender and Name:** Transgender and gender-nonconforming students will suffer no consequences if they provide a name or gender that is consistent with their gender identity on any documentation. There may be situations in which students are required, for legal or medical reasons, to provide their legal name and sex assigned at birth, but in situations outside of legal or medical settings this information is considered private. No application shall require an applicant to state that they are transgender.
- **4-808: Harassment and Hostile Environment:** Behavior or language that creates a hostile environment based on gender identity or expression is not allowed. This section lays out some specific behaviors that may be evidence of unlawful harassment, including the following:
 - Misusing an individual's preferred name or gender pronoun on purpose;
 - Asking personal questions about a person's body, gender identity, expression or gender transition;
 - Disclosing private information, such as telling others that an individual is transgender; and
 - Using the Internet to post offensive pictures or sending any form of offensive communications.

DC Health Education Learning Standards (2008)

The standards for health education in DCPS provide a comprehensive and age-appropriate curriculum that supports the importance of gender identity and expression as well as sexual orientation.

DCPS Policies:

DCPS Notice of Nondiscrimination Policy

This policy safeguards that all DCPS employees act in conformity with federal and DC nondiscrimination laws including Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act, the District of Columbia Human Rights Act of 1977, and the Genetic Information Nondiscrimination Act of 2008. Accordingly, DCPS does not discriminate or tolerate discrimination against employees, applicants for employment, or students on the basis of actual or perceived race, color, religion, national origin, sex (including pregnancy), age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an interfamily offense, or place of residence or business.

DCPS Bullying Prevention Policy (2013)

This policy, adopted in reaction to the *DC Youth Bullying Prevention Act of 2012*, creates a comprehensive approach to dealing with bullying in schools and preventing future harassment from occurring. The policy defines bullying as any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal. The policy explicitly supports compliance with DC's Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of sex, marital status, persona appearance, sexual orientation, gender identity or expression, familial status, among other factors.

Appendix II: Additional Definitions



A Word About Words...

The power of language to shape our perceptions of other people is immense. Precise use of terms in regards to gender can have a significant impact on demystifying many of the misperceptions associated with gender. However, the vocabulary of gender continues to evolve and there is not universal agreement about the definitions of many terms. Nonetheless, here are some working definitions and examples of frequently used (and misused) terms.

Biological/Anatomical Sex. The physical structure of one's reproductive organs that is used to assign sex at birth. Biological sex includes chromosomes (XX for assigned females; XY for assigned males); hormones (estrogen/progesterone for assigned females, testosterone for assigned males); and internal and external genitalia (vulva, clitoris, vagina for assigned females, penis and testicles for assigned males). Given the potential variation in all of these, biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options (see "Intersex").

Gender Identity. One's innermost concept of self as male or female or both or neither—how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different than the sex assigned at birth. Research shows that individuals become conscious of this between the ages 18 months and 3 years. Most people develop a gender identity that matches their biological sex. For some, however, their gender identity is different from their biological or assigned sex. Some of these individuals choose to socially, hormonally and/or surgically change their physical appearance to more fully match their gender identity.

Gender Expression. Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation. Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Sometimes, transgender people seek to match their physical expression with their gender identity, rather than their birth-assigned sex. Gender expression should not be viewed as an indication of sexual orientation.

Gender Role. This is the set of roles, activities, expectations and behaviors assigned to females and males by society. Our culture recognizes two basic gender roles: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.

Transgender. Sometimes used as an umbrella to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender). Therefore, transgender people may additionally

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identify as straight, gay, lesbian, bisexual, pansexual, etc.

Sexual Orientation. Term that refers to being romantically or sexually attracted to people of a specific gender or sex. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

Genderqueer. This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to pre-adolescent children.

Gender Normative/Cisgender. Refers to people whose sex assignment at birth corresponds to their gender identity and expression (*Cis*- from Latin meaning "on the same side [as]" or "on this side [of]").

Gender-nonconforming/Gender variant. Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned sex at birth. Someone who identifies as "gender-nonconforming" is not necessarily transgender. While their expression of gender may fall outside of those considered typical for their assigned birth gender, they may identify as that gender nonetheless. Some distinguish between these two terms by how an individual is perceived. That is, a "gender-nonconforming" individual may have their atypical expression experienced by others either neutrally or even positively. "Gender variant" might be used to identify an individual whose gender expression is viewed negatively by others.

Cross Gender. Used to describe children who have adopted attributes that transgress the usual socially assigned gender roles or expectation, or who do not identify as either of the two sexes as currently defined.

Gender Fluidity: Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may change, even from day to day. Gender fluid children do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys. In other words, a child may feel they are a girl some days and a boy on others, or a combination, or possibly feel that neither term describes them accurately.

DSD/Intersex: Disorders/Differences of Sexual Development. About 1 percent of children are born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society. In most cases, these children are at no medical risk, but most are assigned a biological sex (male or female) by their doctors and/or families.

FtM (Female to Male)/Affirmed male/transboy. A child or adult who was born anatomically female but has a male gender identity.

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MtF (Male to Female)/Affirmed female/transgirl. A child or adult who was born anatomically male but has a female gender identity.

Gender. A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures. Gender is often used synonymously with sex, but this is inaccurate because sex refers to physical/biological characteristics and gender refers to social and emotional attributes.

Transition: The process by which a transgender individual strives to have physical presentation more closely align with identity. Transition can occur in three ways: *social transition* through non-permanent changes in clothing, hairstyle, name and/or pronouns; *medical transition* through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or *surgical transition* in which an individual’s body is modified through the addition or removal of gender-related physical traits.

Transsexuals. Individuals who do not identify with their birth-assigned genders and physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, sex reassignment surgery.

Transphobia. Fear or hatred of transgender people; transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

www.genderspectrum.org || 510-567-3977 || info@genderspectrum.org

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Appendix III: School Planning Guide



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

School Planning Guide for Transgender and Gender-Nonconforming Students

Directions: This planning tool should be reviewed with the student and relevant parties as a way to ensure the school environment is both safe and supportive of the student. Please file this in-house with the school principal. If there is anything that you are unsure about or have questions about, please call the Office of Youth Engagement on (202) 442-5103.

School: _____ Date: _____

Preferred name/gender identification: _____

Is a gender change for STARS/Aspen being requested?
____ yes ____ no

Current name in the STARS/Aspen database:

Current gender marker in the STARS/Aspen database: _____

Parent/guardian name(s) and Contact Information:

School contact person: _____

Is the parent aware of the student's preferred name and gender identification? ____ yes ____ no

Should the parent or guardian be informed as part of this process? ____ yes ____ no

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Plan Checklist:

- Meeting of the interested parties is scheduled for: _____

- Who will be attending?

- | | |
|--|---|
| <input type="checkbox"/> Administrator | <input type="checkbox"/> LGBTQ Liaison |
| <input type="checkbox"/> Parent/Guardian | <input type="checkbox"/> Homeless Liaison |
| <input type="checkbox"/> School Contact Person | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Teacher | _____ |
| <input type="checkbox"/> Nurse | _____ |
| <input type="checkbox"/> Community Provider | |

- Which staff person will be the student's "go-to" POC in the building? (Weekly check-ins are expected for the first few weeks, as needed after.)

Name of staff person: _____

Phone number: _____

Email address: _____

- Who else in the building will be able to support the student?

- Plan for bathroom (*where they are, which will be used, do a walk-through with student to ensure that they know where facilities are located*):

- Plans for changing for PE:

- Plan for field trips (*who is responsible for seeing the plan in place for each field trip?*):

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- Plan for gendered activities (*such as sports*):

- Staff training plan (*all or selected staff?*):

- Date for follow-up check-in meeting: _____

Please share relevant resources with the student. Additional resources can be found in **Appendix VII**:

- Housing:
- Mental health:
- Legal:
- Sexual health:
- Social support services:

Appendix IV: Sample Letter About Student Transition

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NOTE: This letter should ONLY be sent after a discussion with the parents/guardians and/or student, and with their permission.

Dear Parents/Guardians,

With permission, I am writing to share some information with you. As some of you are aware, a student in [INSERT GRADE] grade has recently socially transitioned from a girl to a boy. This student's gender (his sense of himself as a boy) is different from his assigned sex at birth. *Social transition* means that he is now living as a boy, and is being referred to by his preferred name and with male pronouns. He lives as a boy at home, school and sports and in our community.

Although this is new to most of us, we will, as we have always done at [INSERT SCHOOL], continue to be kind and respectful to everyone, and to support, accept, and appreciate this student and his family as valued members of our community.

The [INSERT GRADE] grade classroom teachers will share this information with their students during the school day on [insert date]. We will tell the students that we will be referring to this student as a boy, because that is who he is and how he feels comfortable being addressed. We also will say that there are many ways boys and girls express themselves, and families and children together decide who children are and what name they would like to be called. We will remind students that at [INSERT SCHOOL], we treat everyone with respect and kindness, as those are our core values.

Some of you may wonder how best to talk to your children in the event that they ask you questions. The simplest response is often the best: *There are different ways boys and girls express themselves. He is happiest and feels most comfortable as a boy.*

As with all medical and academic information, details regarding this specific student are confidential. If you have any questions, please feel free to speak with [NAME OF LGBTQ LIAISON], LGBTQ Liaison; [NAME OF AP], Assistant Principal; or myself.

Sincerely,

[PRINCIPAL NAME], Principal

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Appendix V: Sample Letter For Teacher/Staff Transition

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NOTE: This letter should be sent ONLY if the teacher/staff member asks to do so or gives their consent.

Dear Parents/Guardians,

With permission, I am writing to share some information with you. As some of you are aware, a teacher for [INSERT GRADE OR SUBJECT] grade has recently socially transitioned from male to female. This staff member's gender (his internal sense of himself as a man) is different from his assigned sex at birth. *Social transition* means that he is now living as a male, and is being referred to by his preferred name and with male pronouns.

Although this is new to most of us, we will, as we have always done at [INSERT SCHOOL], continue to be kind and respectful to everyone, and to support, accept and appreciate this staff member as a valued member of our community. As a school community, we are focused on ensuring that our students have a positive educational experience. Our mission to [INSERT APPLICABLE SCHOOL MISSION STATEMENT] certainly fits into this situation. This is an opportunity to learn and grow as people living in an increasingly diverse world.

The transition for a transgender individual is a lengthy one that is guided by professionals. As a school, we have reached out to area professionals and worked with the DCPS Office of Youth Engagement on how best to support our school community and [INSERT NAME] in this transition.

Certainly, having a transgender teacher may be somewhat confusing to children (and their parents); however it is not harmful to the healthy development of children. While we will not be engaging in conversations about gender transition during class time, having developmentally appropriate conversations about gender with your child may be something you wish to do at home. As always, our guidance and counseling staff is here to help should you need information on how to start such a conversation. [INSERT NAME], [INSERT TITLE], will be our point person for having such conversations with your child in school. I have also attached a list of resources to explore. In order to support your student, the school, and [INSERT TEACHER NAME], I ask you to consider the following:

- Even if you are feeling somewhat uncomfortable with XXX's transition, we ask that you do not communicate that discomfort to your children. Children will reflect your attitudes, and we are striving to make XXX School safe for all its members.
- Remember that this is a personal decision for XXX and we are letting you, as parents know, so you can support your children. Please respect XXX's privacy.

If you have any questions, please feel free to speak with [NAME OF LGBTQ LIAISON], LGBTQ Liaison; [NAME OF AP], Assistant Principal; or myself.

Sincerely,

[INSERT NAME], Principal

Appendix VI: Sample Letter About Parent/Family Transition

Transgender and Gender-Nonconforming Policy Guidance

NOTE: This text should be sent ONLY if the parent explicitly requests that you do so. This can be included in a school newsletter or regularly scheduled notice to families.

Dear Parents/Guardians:

As you may be aware, we have a [school name] parent who has socially transitioned from a male to a female. This parent's gender is different from her assigned sex at birth. *Social transition* means that we refer to this parent with female pronouns, as she identifies as a female.

Through our guidance and social curriculums, which are informed by Welcoming Schools and Responsive Classroom, we explicitly teach our students to treat everyone with respect and kindness, as those are our core values as a school community. Some of you may wonder how to talk to your children in the event that they ask you questions. The simplest response is often the best: *There are different ways people choose to express themselves. This parent is happiest and feels most comfortable as a female.*

The [school name] administrative team recently consulted with staff from the DCPS LGBTQ–Office of Youth Engagement to provide guidance around continued education and support for our diverse school community. We ask for your patience and understanding as we learn more about the topics of *Gender Identity* and *Social Transition* as a community, so that we may continue to embrace the great diversity [school name] has to offer.

Sincerely,

·[INSERT PRINCIPAL NAME], Principal

Appendix VII: Relevant LGBTQ Resources

Relevant LGBTQ Resources

The below resources provide guidance and tools for different populations. Please also visit the DCPS Educator's Portal for additional LGBTQ resources to be used in and out of the classroom. For assistance, training, or specific questions, please call the Office of Youth Engagement—Health and Wellness team on (202) 442-5103. The resources listed below are only included in this guidance as a representative sampling of the types of organizations available for students and families. DCPS does not support or endorse these organizations, their website content, any of their expressed views, or any services they offer.

Category	Organization	Website
Families	Children's National Medical Center (CNMC)	http://childrensnational.org
	Family Acceptance Project	http://familyproject.sisu.edu
	Family Pride Coalition	www.familypride.org
	Rainbow Families DC	www.rainbowfamiliesdc.org
	True Child	www.truechild.org
Students	Gay, Lesbian, Straight Education Network (GLSEN)	www.glsen.org
	Gay Straight Alliance Network	www.gsanetwork.org
	The Trevor Project	www.thetrevorproject.org
School Staff	Gay, Lesbian, Straight Education Network (GLSEN)	www.glsen.org
	Human Rights Campaign—Welcoming Schools	www.welcomingschools.org
	Gay Straight Alliance Network	www.gsanetwork.org
Local Resources	DC Trans Coalition	www.dctranscoalition.org
	Transgender Health Empowerment	www.theincdc.org
	La Clínica del Pueblo	www.LCOP.org
	Latin American Youth Center	www.layc-dc.org
	Supporting and Mentoring Youth Advocates and Leaders (SMYAL)	www.smyal.org
	Wanda Alston Foundation	www.wandaalstonfoundation.org
	Whitman-Walker Health/Metro Teen AIDS	www.whitmanwalker.org
Additional Helpful Organizations	National Center for Lesbian Rights	www.nclrights.org
	Transgender Law Center	http://transgenderlawcenter.org
	Transgender Law and Policy Institute	www.transgenderlaw.org
	Lambda Legal	www.lambdalegal.org
	National Center for Transgender Equality	www.transequality.org
	National LGBTQ Task Force	www.thetaskforce.org
Gay and Lesbian Advocates and Defenders	www.glad.org	