

Fairness

**ST. JOHNS COUNTY SCHOOL DISTRICT
ASSISTANT PRINCIPALS' MEETING AGENDA
Fullerwood Learning Center
September 10, 2015 8:00 AM – 12:00 PM**

Learning Goal:

The Assistant Principals will work collaboratively to address common professional learning priorities aligned with the needs of their students and teachers.

Breakfast and Coffee:

Doors open at 7:30 AM for Networking and Collegiality

Opening Comments:

8:00 – 8:20

Welcome and Celebrations

County Lock-Down Procedures, Communication – Paul Abbatinuzzi, Steve Ray

8:20 – 8:40

Social/Emotional Curriculum Used by Itinerant Teachers – Cathy Hutchins, Helen DiMare

8:40 – 9:00

Overview of Best Practices Guidelines – Cathy Mittelstadt

9:00 – 9:10

Baker Act and Mobile Crisis Unit Update – Laura Barkett, Holly Arkin

9:10 – 9:25

½ Cent Sales Tax Update – Beth Sweeny

9:25 – 9:45

Mindset Book Study Chapters 1 & 2 – Jeanette Murphy

Break to Role-Alikes

Elementary Role-Alike:

9:45 – 10:00

Auditorium; Facilitator is Marci Knight; Notes – Jesse Gates

10:00 – 10:15

MFAs and DE Reports – Donna Frank

10:15 – 10:30

eSchool Plus Basics for New APs – Deb Sheets

10:30 – 10:40

VAM Calculation – Dave Morell

10:40 – 10:50

Destiny Textbook Update – Kim Dixon, Lorrie Cosgrove

10:50 – 11:00

Language Concerns without Language Screenings – Lisa Bell

Mental Health Services for Students without 504s or IEPs – Sallyanne Smith

Middle Role-Alike:

9:45 – 10:00

Back of Auditorium; Facilitator is Craig Davis; Notes – Gina Middaugh

10:00 – 10:15

Look of a Learning Strategies Curriculum – Lydia Yeoman

10:15 – 10:30

Character Counts! /LINK/WEB Programs – Christina Langston, Bill Spaedt

10:30 – 11:00

Implementation of CC! And PBS in Middle School – Peer Discussion

Middle School Midterms and Finals – Dave Morell

High School Role-Alike:

9:45 – 10:00

Kitchen; Facilitator is Jill Lee; Notes – Kristin Bozeman

10:00 – 10:15

Specific Questions Concerning Transgender Guidelines – Laura Barkett, Holly Arkin

10:15 – 11:00

Midterm and Final Exam Schedules – Dave Morell

Brainstorm Ideas to Increase AP, IB, DE, AICE Classes – Peer Discussion

LEA Training:

11:00 – 12:00

Auditorium; Facilitator is Lisa Bell, Director for Exceptional Student Education. Includes Best Practices for Inclusive Education Assessment (BPIE) by Beth Scanlan from the Florida Inclusion Network



**CHILDREN'S BEHAVIORAL HEALTH FOCUS GROUP
MEETING OCTOBER 8, 2014
MINUTES**

Participants:

Sallyanne Smith, Lin Biller, Jan Caban, Dana Chapman – SJCS Student Services
 Megan Laubacker – SJCS – Community Relations
 Beth Sweeny – SJCS – Government Relations
 Susan Abramowitz - SJTHS
 Sandi Jackson, Melissa Weekley - Stewart Marchman Act
 Deborah Dungan – Psychological Svcs. of St. Augustine
 Maren Villavisanis – Betty Griffin House
 Frank Morelli – Private Practice
 Karen Burns – EPIC
 Maura Lacey – SAYS
 Devon Obier, Jeff Swartek, Department of Juvenile Justice
 Jennifer Wills – Flagler CROP
 Crystal Wilder – Alpha-Omega Miracle Home
 Brandon Merkley – Children's Home Society
 Angela Minett – Adapt Behavior Services

Discussed:

- October is Domestic Violence Awareness Month, wear purple!
- State of the Schools
 2013-14 school year – 200 mental health hospitalizations – (132 from home, 68 from school)
 This year to date – 45 (29 from home, 16 from school)
- Creekside High School assembly – How to get help/school broken up into 4 assemblies, asked for by principal. Student Services staff conducted assembly for entire school body on mental health awareness.
- School Board supporting the fact that “mental health” needs to be addressed and Dr. Joyner has put \$1.5 million into extra staff for schools to help. Result is multiple new school counselors, two new social workers for Student Services, some schools have hired their own licensed mental health counselor.
- Student Services had a presentation for School Board members regarding Baker Acting, mental health. St. Augustine Record was doing a follow up article.
- Student Services new employees are Holly Arkin (Licensed Mental Health Counselor), and Christy McKendrick (Social Worker); two new interns: Kathleen Anderson and Becka Ferm. They are working on masters in social work from FSU. Kathleen will be with us full time for the first semester and Becka will be with us all year part-time.
- We now have three private providers providing therapy to our students in our schools: Children's Home Society, Stewart Marchman Act, and Youth Crisis Center
- Some of our high schools with accelerated programs (IB, ACE) have students with anxiety due to the high level of academics. Looking at possibly offering group therapy.
- LGBTQ (Lesbian, Gay, Bi-sexual, Transgender, Questioning) task force – A task force was formed to determine how to handle the needs of LBGTQ students. There is a meeting in two weeks – the sponsors of the clubs (relating to LGBTQ) at high schools will share the needs at their school. Sub-committees will most likely be formed.
- February 2, 2015 inservice – looking for those interested in presenting that day for mental health related training
 Mental Health First Aid – SMA
 OCD – Frank Morelli - 90 minute session
 Trauma Informed Care – Carl Coalson

- HeartMath – Carl Coalson was able to purchase enough units for us so that each school guidance department has one. Student Services purchased one for each school clinic. School psychologists have the opportunity to check out a unit to use for 30 days.
 - Wrap Around Training – Jan Caban and Melissa Weekley attended 4 day conference. Two kinds of treatment plans: Systems of care and wrap around. The program is family driven and youth centered. Only 25% people on the “wrap around team” can be from agencies as formal support. The other 75% has to be non-agency informal support. Family takes the lead
Gives family self sufficiency
Sets goals
Focuses on strengths of the family
“A need is not a service”
If family is involved with DCF, DJJ, or Education system, they HAVE to be invited to sessions.
St. Johns County is trying to get a Wrap Around Program approved. Needs to be approved by the state. SMA is interested in providing this care.
Crystal Wilder said we may want to look into Casey Foundation - Lots of dollars available.
 - Angela Minett – Adapt Behavior Services – Interested in providing therapy to SJC students. Accepts Medicaid, private insurance, sliding scale fees, ages 2-17 years and adults, dual diagnosis
Will go to the home and meet with parents, will go to daycares, 2-5 yrs. old - behavior specialists, will also go to schools
All in home unless home not safe or can meet somewhere in the community
Behavior Specialist – in classroom, collaborates with teacher, empowers parents
1 hr. a week based on severity, sometimes 2 times a week
Take students on probation
Caseworkers get monthly report
DO NOT do medication management, see patients up to 6 months, longer if necessary
Sexual abuse therapists
Office in Ormond Beach
Social skills training
Could do group therapy
Services Autism/Asperger students
aminett@adapt-fl.com
 - Discussion about changing from “Mental” to “Behavioral” in wording of mission statement, change made
 - Megan Laubacher – the District is adopting Link and Web Crew at schools
Link is the high school program (started at NHS). Has been very successful. A freshman is paired with a senior as a mentor.
Training is very expensive and recommend 2 trained personnel per school. \$2-3K per person
Ullmann Financial sponsored at PVHS
Stu Cabe, CEO and founder of The Ovation Company, specializes in promoting improved school climate and cultivating positive interactions with all who share the school environment. Stu is scheduled to give a one hour presentation at 8 St. Johns County schools during Character Counts week. Sponsors are:
Ameris Bank, Sheriff’s Dept. and All American Air Foundation
-
- Ancient City Kids Day is on October 25 in Frances Field
 - Beth Sweeny – talked to Executive Cabinet about making sure the students are safe in schools with mental health issues.
Students discussed coming back to school without their meds – we can’t turn away

NEXT MEETING: January 14, 2015 10:00 a.m. – 12:00 noon in the Welu Room at Yates Building, 47 Orange Street, St. Augustine, FL 32084

From: Frank Upchurch
Sent: Monday, August 17, 2015 11:54 AM
To: Robert J. Sniffen <rsniffen@sniffenlaw.com>
Subject: FW: Draft Best Practices (fdu 8.17.15)

My proposed revisions

From: Cindy Strickland
Sent: Monday, August 17, 2015 11:45 AM
To: Frank Upchurch <fdupchurch@ubulaw.com>
Subject: Draft Best Practices (fdu 8.17.15)

See attached.

Cindy Strickland
Assistant to Frank D. Upchurch III
& Sidney F. Ansbacher
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
Telephone: (904) 829-9066
Facsimile: (904) 825-4862
Email: cindy@ubulaw.com

FDU DRAFT 8.17.15

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**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.</p>
<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 and/or</u> 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 <u>gendertransgender</u> 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 <u>gendertransgender</u> 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</p>	<p>Privacy School personnel will not disclose any information about a student's sexual orientation or <u>gendertransgender</u> identity to anyone including parents, other teachers, and other parties without the permission of the LGBTQ student.</p>

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<p>information.</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 gendertransgender identity.</p>	<p>Restrooms Transgender Students will be given access to a gender-neutral restroom and will not be requiredforced 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 gendertransgender 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 gendertransgender 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 gendertransgender 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 gendertransgender 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 gendertransgender identity as a prom king</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</p>

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<p>or queen candidate.</p>	<p>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 complied by Student Services staff

DRAFT

From: Cindy Strickland
Sent: Tuesday, August 18, 2015 4:15 PM
To: Frank Upchurch <fdupchurch@ubulaw.com>
Subject: FW: Confidential and Privileged - Transgender Student Best Practices

Frank – I incorporated Terry’s comments (see attached).

Thanks,
Cindy

From: Frank Upchurch
Sent: Tuesday, August 18, 2015 3:09 PM
To: cathy.mittelstadt@stjohns.k12.fl.us
Cc: Cindy Strickland <cindy@ubulaw.com>
Subject: FW: Confidential and Privileged - Transgender Student Best Practices

Thoughts/ I’ll go ahead and incorporate

Frank D. Upchurch III
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From: Terry Harmon [<mailto:tharmon@sniffenlaw.com>]
Sent: Tuesday, August 18, 2015 2:38 PM
To: Frank Upchurch <fdupchurch@ubulaw.com>
Cc: Robert J. Sniffen <rsniffen@sniffenlaw.com>
Subject: Confidential and Privileged - Transgender Student Best Practices

Good afternoon Frank:

If possible, do you have any free time this afternoon to discuss the best practices document? Here are a few general comments:

- **Bullying and Harassment** – Consider adding, “...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-discrimination policy.”).
 - o This is to ensure instances of discrimination based on a protected class are investigated pursuant to Board policy (the Board has to consider whether other civil rights laws are violated - not just bullying laws).

- **Official Documents** – Consider adding, “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 their preferred name.”
- **Names and Pronouns** – add “or student” at the end of the paragraph.
- **Coming Out** – Revise the grounds for discipline to be in-line with the Tinker standard under the First Amendment. Instead of “causes significant disruption in the school setting,” consider adding:
 - (1) causes an actual, 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.
- **NEW – Training** – Consider adding training on LGBTQ issues to employee training sessions.

I am in the rest of the afternoon if you are free to discuss.

Terry

Terry J. Harmon, Esquire
Shareholder
SNIFFEN & SPELLMAN, P.A.
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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 and/or</u> 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 their preferred name.</u></p>
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<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. Restricting a student's free speech may occur if it: causes significant disruption in the school setting. <u>(1) causes an actual, substantial disruption with the school's work or material interface with school activities;</u> <u>(2)</u></p>

	<p><u>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 interface 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 gendertransgender 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 gendertransgender 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 gendertransgender identity.</p>	<p>Restrooms <u>Transgender S</u>tudents will be given access to a gender-neutral restroom and will not be requiredforced to use the restroom corresponding to their biological sex.</p>
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<p>Dress Gender expression is protected by the U.S. Constitution and Title IX. This right to free expression includes choice of clothes.</p>	<p>Dress Schools will allow transgender students to wear clothing in accordance with their consistently asserted gendertransgender</p>

<p>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>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<u>transgender</u> 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</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>Because of the complexity of field trip issues, these cases will be handled on a one to one basis.</p>
	<p><u>Training</u></p> <p><u>Consider adding training on LGBTQ issues to employee training sessions.</u></p>

Researched and complied by Student Services staff

Defendant's Exhibit 133
(Video - Not Scanned - Filed Separately)

**Defendant's Exhibit 142
(Under Seal)**

**Defendant's Exhibit 143
(Under Seal)**

**Defendant's Exhibit 144
(Under Seal)**

**Defendant's Exhibit 145
(Under Seal)**

Broward County Public Schools LGBTQ Critical Support Guide

APPENDIX F

Critical Support Guide Summary

- **THE NUMBERS**

Statistics concerning LGBTQ students suggest a problem we can no longer ignore: 9 of 10 LGBTQ youth have been harassed at school; 2 of 3 feel unsafe there; 1 of 3 skip school as a result. Harassment results in lower grade-point averages, and LGBTQ kids are at a dramatically increased risk for self-harm and attempted suicide (especially those with unsupportive families).

- **THE VOCABULARY**

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

- **DISCRIMINATION IS ILLEGAL**

LGBTQ harassment/discrimination is forbidden under federal law (Constitutional Equal Protection) as well as local Broward County policies (Non-Discrimination Policy 4001.1 and Anti-Bullying Policy 5.9). In a public school environment, a person can't be treated differently just because he/she is, or is perceived to be, LGBTQ.

- **LGBTQ STUDENTS HAVE LEGAL RIGHTS**

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

- **INTERVENTION IS REQUIRED**

Under Broward County Public School Board Policy 4000.1 (Anti-Discrimination) and Policy 5.9 (Anti-Bullying) our schools must intervene when witnessing or having been informed of anti-LGBTQ harassment and/or bullying.

- **MANY WAYS TO HELP**

Create a safer environment:

- Intervene in "That's so gay"
- Display Safe Space stickers/posters
- Express compassion to students who "come out" to you
- Keep such information strictly confidential, even from parents

Broward County Public Schools LGBTQ Critical Support Guide

- Use inclusive language and diverse family examples
 - Support your GSA
 - Embrace more inclusive curriculum/books/historical figures (as required by SBBC Policy 1.5 on Diversity)
 - Accommodate an openly transgender student's requests re: name, gender pronoun, bathrooms, locker rooms, and sports teams
- **WE HAVE YOUR BACK**
Do not fear parental backlash. Response examples:
 - LGBTQ students are disproportionately at-risk.
 - The District has an obligation to keep all students and staff safe.
 - We are not teaching about sex when discussing identity and family diversity.
 - We are focusing on outward demonstrations of mutual respect and not challenging any personal religious beliefs.
 - We cannot have a great school without a great school culture in which every student feels welcome and valuable.

Broward County Public Schools LGBTQ Critical Support Guide

APPENDIX G

Federal Support Letter

June 14, 2011

Dear Colleagues:

Harassment and bullying are serious problems in our schools, and lesbian, gay, bisexual, and transgender (LGBT) students are the targets of disproportionate shares of these problems. Thirty-two percent of students aged 12-18 experienced verbal or physical bullying during the 2007-2008 school year;¹ and, according to a recent survey, more than 90 percent of LGBT students in grades 6 through 12 reported being verbally harassed — and almost half reported being physically harassed — during the 2008-2009 school year.² High levels of harassment and bullying correlate with poorer educational outcomes, lower future aspirations, frequent school absenteeism, and lower grade-point averages.³ Recent tragedies involving LGBT students and students perceived to be LGBT only underscore the need for safer schools.

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

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

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

¹ Dinkes, R., Kemp, J., and Baum, K. (2010). Indicators of School Crime and Safety: 2010. (NCES 2010-012/NCJ 228478). 42 National Center for Education Statistics: Washington, DC.

² Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools, 26, New York: GLSEN.

³ GLSEN, at 46-8.

Broward County Public Schools LGBTQ Critical Support Guide

student-initiated groups of all types. As one of my predecessors, Secretary Richard W. Riley, pointed out in guidance concerning the Equal Access Act and religious clubs more than a decade ago, we “protect our own freedoms by respecting the freedom of others who differ from us.”⁴ By allowing students to discuss difficult issues openly and honestly, in a civil manner, our schools become forums for combating ignorance, bigotry, hatred, and discrimination.

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

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

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

GSA's
★

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

The process of revising or developing an equal-access policy offers an opportunity for school officials to engage their community in an open dialogue on the equal treatment of

⁴ U.S. Department of Education, “Secretary’s Guidelines on Religious Expression in Public Schools,” August 1995, <http://www2.ed.gov/Speeches/08-1995/religion.html>.

Broward County Public Schools LGBTQ Critical Support Guide

all noncurricular student organizations. It is important to remember, therefore, that the Equal Access Act's requirements are a bare legal minimum. I invite and encourage you to go beyond what the law requires in order to increase students' sense of belonging in the school and to help students, teachers, and parents recognize the core values behind our principles of free speech. As noted in our October 2010 Dear Colleague Letter and December 2010 guidance regarding anti-bullying policies, I applaud such policies as positive steps toward ensuring equal access to education for all students.

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

Sincerely,
Arne Duncan

Broward County Public Schools LGBTQ Critical Support Guide

A. THE NECESSITY OF THE GUIDE

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

Some key figures include the following, which come to us courtesy of the Gay and Lesbian Student Education Network (GLSEN):

STATS

- In a 2011 survey of 8,584 middle and high school students, 8 out of 10 LGBTQ students experienced harassment at school in the past year. Nearly two-thirds felt “unsafe” because of their sexual orientation. Nearly one-third of them, “skipped school at least one day in the past month because of safety concerns.”
- Approximately 82% of LGBTQ students reported being “verbally harassed”, 38% reported being “physically harassed”, and almost 18% reported being “physically assaulted at school in the past year because of your [their] sexual orientation.”
- Approximately 12% reported being, “physically assaulted at school in the past year” because of their gender expression.
- Approximately 72% heard homophobic remarks, such as “faggot” or “dyke,” “frequently” or “often” at school.
- Nearly two-thirds of students reported they felt unsafe in school because of their sexual orientation, and more than a third felt unsafe because of their gender expression.
- Thirty percent of LGBTQ students missed a class at least once and also missed at least one day of school in the past month because of safety concerns, compared to only 8.3% and 6.7% respectively, of a national sample of secondary school students.
- Reported grade point average of students who were frequently harassed because of their sexual orientation or gender expression were almost half a grade lower than students who were less often harassed.
- Increased levels of victimization corresponded with increased levels of depression, anxiety, and decreased levels of self-esteem.
- Being “out” in school had both positive and negative repercussions for LGBTQ students. Ninety-six percent said being “out” led to higher levels of victimization. However, the majority also reported higher levels of psychological well-being.

Locally, in Broward County, 80 students were recently polled at the 2011 Gay-Straight Alliance Student Leadership Summit. Ninety-two percent stated, their “greatest support

Broward County Public Schools LGBTQ Critical Support Guide

system was from friends”, with teachers ranking second at 38%. Sixty percent of youth said they “frequently or often heard homophobic remarks at school.” These youth further reported homophobic remarks were heard most often in their classrooms, with negative hallway remarks ranking a close second.

Perhaps most disturbing, the rates of attempted suicide for LGBTQ youth, ranging from 20% to 42% depending on the survey, are consistently found to be greater than among the general population of youth. Slightly more than 50% of transgender youth report “having attempted suicide.”⁶ In our own local Broward youth groups, data gathered in March 2012 indicates 60% of respondents admitted to engaging in self-harm. Almost one-third did not seek help after attempting suicide.

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

⁶ The National Transgender Discrimination Survey, http://transequality.org/PDFs/Executive_Summary.pdf.

Home » Briefing Room » Justice News

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, July 24, 2013

United States Reaches Agreement with Arcadia, California, School District to Resolve Sex Discrimination Allegations

The United States entered into a settlement agreement with the Arcadia Unified School District in Arcadia, Calif., to resolve an investigation into allegations of discrimination against a transgender student based on the student's sex. Under the agreement, approved by the district's school board unanimously last night, the school district will take a number of steps to ensure that the student, whose gender identity is male and who has consistently and uniformly presented as a boy at school and in all other aspects of his life for several years, will be treated like other male students while attending school in the district.

The agreement, joined by the Department of Education's Office for Civil Rights, which participated in the investigation, resolves a complaint filed in October 2011. The complaint alleged that the district had prohibited the student from accessing facilities consistent with his male gender identity, including restrooms and locker rooms at school, as well as sex-specific overnight accommodations at a school-sponsored trip, because he is transgender. The United States investigated this complaint under Title IX of the Education Amendments of 1972 and Title IV of the Civil Rights Act of 1964. Both Title IX and Title IV prohibit discrimination against students based on sex.

Under the settlement agreement, the district will:

- work with a consultant to support and assist the district in creating a safe, nondiscriminatory learning environment for students who are transgender or do not conform to gender stereotypes;
- amend its policies and procedures to reflect that gender-based discrimination, including discrimination based on a student's gender identity, transgender status, and nonconformity with gender stereotypes, is a form of discrimination based on sex; and
- train administrators and faculty on preventing gender-based discrimination and creating a nondiscriminatory school environment for transgender students.

Additionally, the district will take a number of steps to treat the student like all other male students in the education programs and activities offered by the district. The district-wide provisions of the agreement will be in place until the end of the 2015-2016 school year. The student-specific provisions of the agreement will be in place as long as the student is enrolled in the district.

"All students, including transgender students, have the right to attend school free from discrimination based on their sex," said Jocelyn Samuels, Acting Assistant Attorney General for the Civil Rights Division. "We commend the district for taking affirmative steps to ensure that this student and his peers can continue to learn and thrive in a safe and nondiscriminatory environment."

"Our commitment to civil rights enforcement runs deep and nowhere is that commitment more meaningful than in our schools," said André Birotte, Jr., United States Attorney for the Central District of California. "This agreement helps ensure continued advancement towards equal rights under the law for all students."

In recent years, the Justice Department and the Department of Education resolved a number of cases involving gender-based harassment in public schools. In 2012, the departments entered into a consent decree addressing harassment against students who do not conform to gender stereotypes in the Anoka-Hennepin School District, Minn. In 2011, the departments entered into an agreement with the Tehachapi Unified School District, Calif., to resolve a similar complaint of harassment against a gay student who did not conform to gender stereotypes.

Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 each prohibit harassment based on sex. The enforcement of Title IV and Title IX are top priorities of the Justice Department's Civil Rights Division. Additional information about the Civil Rights Division is available on its website at www.justice.gov/crt.

13-838

Civil Rights Division



TITLE IX

FACT SHEET

Title IX Protections from Bullying and Harassment in Schools: FAQs for LGBT or Gender Nonconforming Students and Their Families

October 2012

Under Title IX you have a right to be protected from sex-based harassment in school. Your school must work to prevent harassment and stop any harassment that does occur. Below are answers to frequently asked questions from LGBT and gender nonconforming students about how Title IX can be used to make them safer in school.

Are LGBT and gender nonconforming students protected by federal law from bullying and harassment?

In some cases, yes. Title IX is a federal law that prohibits discrimination on the basis of sex in education. The U.S. Department of Education's Office of Civil Rights (OCR), the agency that enforces Title IX, has clarified that Title IX does not explicitly cover discrimination on the basis of sexual orientation, but it has clarified whether Title IX covers discrimination on the basis of actual or perceived gender identity.

However, it is clear that bullying and harassment of LGBT or gender nonconforming students that is based on their gender identity or expression is covered by Title IX. Harassment—meaning harassment or bullying—of a student does not conform to stereotypical notions of masculinity or femininity—is covered by Title IX, depending on where you live, you may be covered by your state anti-discrimination law on the basis of sexual orientation or gender identity, as well as the federal Student Non-Discrimination Act, pending. Title IX is an important federal law that would extend protections to students from discrimination in K-12 public schools.

What is Title IX and how does it apply to schools?

Title IX, passed in 1972, is a federal law that prohibits discrimination on the basis of sex—including harassment and bullying, as well as sexual harassment—in schools that receive federal funding. Under Title IX, schools must protect students from sex-based harassment at school, on the school bus, and at school activities.

FAQs for Legal LGBTQ

① What legal precedents are there re: transgender students in school? (name, pronoun, bathroom, overnight field trips)

② What does Title IX cover re: transgender students + how does this translate to school settings?

③ Right to Privacy vs. School obligations to parents re: LGBTQ issues manifesting at school?

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TITLE IX

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Are LGBT and gender nonconforming students protected by federal law from bullying and harassment?

In some cases, yes. Title IX is a federal law that bans discrimination on the basis of sex in education programs. The U.S. Department of Education's Office for Civil Rights (OCR), the agency that enforces Title IX, has explained that Title IX does not explicitly cover discrimination on the basis of sexual orientation, but it has not yet clarified whether Title IX covers discrimination on the basis of actual or perceived gender identity.¹

However, it is clear that bullying and harassment of LGBT or gender nonconforming students that is gender-based harassment—meaning harassment or bullying because a student does not conform to stereotyped notions of masculinity or femininity—is covered by Title IX. Also, depending on where you live, you may be protected by state anti-discrimination law on the basis of sexual orientation or gender identity, as well as sex. And the Student Non-Discrimination Act, pending in Congress, is an important federal law that would explicitly protect LGBT students from discrimination in K-12 public schools.

What is Title IX and how does it apply here?

Title IX, passed in 1972, is a federal law that prohibits discrimination on the basis of sex—including sex-based harassment and bullying, as well as sexual assault—in schools that receive federal funding. Under Title IX, schools must protect students from sex-based harassment at school, on the school bus, and on field trips

or at any school-sponsored events. If such harassment by your peers, teachers, or other adults is so serious that it interferes with your education and it is encouraged, tolerated, not adequately addressed, or simply ignored by school employees, your school may be violating Title IX.

What exactly is "harassment"?

Conduct that you may think of as "bullying" may actually be harassment. Harassment can take many forms. It can be verbal acts, like name-calling; images and graphics; written statements; or other actions that may be physically threatening, harmful, or humiliating. Harassment can include the use of cell phones or the internet (sometimes known as "cyberbullying"). The harassing student and target do not have to be of the opposite sex.

Examples of prohibited harassment:

- A female student, who has short hair and wears T-shirts, baggy jeans, and sneakers, had a relationship with another girl at school, and now a group of students are repeatedly texting her and tweeting about her at school, calling her a "slut," "whore," "dyke," and "butch."
- A male student has mostly female friends, he sings Lady Gaga songs in the hallway and is on the dance team. Fellow students call him a "fairy," "gay boy," or "queer," both in-person and online, and knock his books out of his hands in the hallway. He has also been physically assaulted and threatened on the school bus.

TITLE IX PROTECTIONS FROM BULLYING AND HARASSMENT IN SCHOOLS • FACT SHEET

- Students maliciously use “she” and “her” to refer to a transgender classmate, even though they know he identifies as a boy. The principal has told him to “just act like a girl.” The student enrolled in an auto shop class, and is being taunted by classmates, who make sexually suggestive jokes about the student’s “tool” and ask what’s “under the hood.”
- In the locker room at school a group of boys surround a younger boy, grab his genitals, and tell him that they “heard he liked that.”

What should I do if I’m experiencing harassment?

Harassment often escalates if ignored. Report the behavior to a teacher, counselor, or administrator and, if you feel safe doing so, tell the harasser or harassers to stop. If your school knows or should know about the harassment, it must investigate and do something about it. It must also protect you from being retaliated against because you stood up for your rights. Find out if your school or district has a Title IX coordinator and if they have a policy on harassment with instructions on what students should do or to whom they should complain.

What can my school do to help if I’m experiencing harassment or bullying?

There are many ways that your school can respond to harassment and do all it can to stop it and eliminate the harm it caused. It could separate you and your harasser, provide counseling for you and/or the harasser, and provide training to the school community as a whole so that all students, families, and school staff can recognize harassment and know what steps to take. Your school should not discipline you because you have been bullied or harassed, nor should it require you to change your class schedule or activities to avoid the harasser. And your school must take steps that are effective, so if it tries something that does not work, it must try something else to stop the harassment.

What if my school already has an anti-bullying policy?

Having an anti-bullying policy—even one that specifically applies to bullying based on sexual orientation or gender identity—does not mean the school’s work is done. Even if it has policies in place that prohibit bullying and harassment, your school is responsible for investigating, ending, and preventing harassment, as well as remedying the harm done.

What if my school says it can’t do anything because of the bully’s right to free speech?

In many cases that will not be true, even in a public school where some free speech rights apply. Students, especially students in K-12 schools, have fewer free speech rights than adults, and schools may restrict speech that

threatens to substantially interfere with the school environment. Schools may also restrict vulgar, lewd, or offensive speech, or “true threats.” A federal court of appeals has explained that “[i]ntimidation of one student by another, including intimidation by name calling, is the kind of behavior school authorities are expected to prevent. There is no constitutional right to be a bully.”²

Are there any other laws that might protect me?

Very likely, yes. Almost every state has its own anti-bullying law, which may add additional protections and requirements to Title IX’s, and a handful of states have laws that specifically protect LGBT students from discrimination based on sexual orientation and/or gender identity. In addition, some cities and counties have antidiscrimination policies or laws that include sexual orientation and/or gender identity. You might also be covered by local anti-bullying laws. Check your state anti-bullying laws on stopbullying.gov and your state’s antidiscrimination laws at the Human Rights Campaign’s website, contact your state’s Department of Education, contact us, or ask a local attorney to find out if you have additional protections.

But even if there aren’t any anti-discrimination laws that expressly include sexual orientation or gender identity in your area, the United States Constitution guarantees “equal protection of the laws” to all people. Some courts have said that employees at public schools may not treat you differently based on prejudice against LGBT people. For example, courts have explained that public schools can’t take claims of bullying and harassment of LGBT students less seriously than they take similar allegations by straight students.

What are my legal options?

Schools are responsible for complying with Title IX, and this responsibility can be enforced by the U.S. Department of Education’s Office for Civil Rights—you can file a complaint with OCR online without a lawyer—or through a lawsuit in federal court. You may want to contact us or talk to a lawyer about these options, particularly if you’re thinking about filing a lawsuit, since there are time limits on your ability to file. Depending on where you live, state or local laws may provide additional protection and a lawyer could also help assess whether you have a claim under the various state, local, and federal laws that may apply.

Where can I get more information?

Read our FAQs about Title IX and bullying and harassment for more information about your legal rights and options. If you have further questions or need help, please contact the National Women’s Law Center at info@nwlc.org, or (202) 588-5180.

¹ Other agencies have determined that “sex” includes gender identity.

² *Sypniewski v. Warren Hills Regional Bd. of Educ.*, 307 F.3d 243, 264 (3d Cir. 2002).



BRICK BY BRICK: Building Safe and Supportive Schools for LGBTQ Youth

Tentative Symposium Schedule as of 1/21/15
(all programming and titles subject to change)

DAY ONE – May 13, 2015

Introductions / Program overview

Ice Breakers

Self-Assessment Activity

KEYNOTE: “Where We Came From, Where We’re Going” – Lesléa Newman, author of “Heather Has Two Mommies,” “October Mourning: A Song for Matthew Shepard,” and 65 other books

WORKSHOP A: LGBTQ Homelessness & Risk (Jama Shelton, Forty to None, project director)

WORKSHOP B: LGBTQ 101 (Gender Spectrum / De Palazzo, Broward Schools)

WORKSHOP C: Supporting “Out” Staff (GLSEN, and others)

MENTOR LUNCH DISCUSSIONS: TOPICS TBD

GUEST SPEAKER: “Federal Law and Policy: How Does It Protect LGBTQ Students?”
– Robert Kim, Office of Civil Rights

WORKSHOP A: Inclusive Professional Development (Jenny Betz, GLSEN, Education Director)

WORKSHOP B: School Board / Community Outreach Roundtable (Ryan Schwartz, Groundspark)

SPECIAL WORKSHOP: Florida District Collaborative (3 hrs)

SPECIAL WORKSHOP: State Agency Collaborative (3 hrs)

DAY THREE - May 15, 2015

Day Two digest / Workbook updates / Action plans

PLENARY PANEL SESSION: State Department of Education representatives

WORKSHOP A: Student Data as a Vehicle for Change (Dr. Carol Goodenow, MA Department of Elementary and Secondary Education)

WORKSHOP B: Roundtable discussion on Developing Effective Policies

WORKSHOP C: Energizing GSA Clubs (Dr. Chris White, GSA Network; Dr. Paul Poteat, Boston College School of Education)

MENTOR LUNCH DISCUSSIONS: TOPICS TBD

WORKSHOP A: Three Different Roads to Success (HRC Welcoming Schools)

WORKSHOP B: The Power of Storytelling (Jessica Fields, Beyond Bullying Project)

WORKSHOP C: Empowering the Change-Agents and Overcoming Fear (TBD)

PLENARY DISCUSSION: wrap up and evaluation

DAY TWO – May 14, 2015

Digest of Day One / Workbook updates / Action plans

KEYNOTE: “Faith and Family: Outreach Efforts that Save Lives” – Dr. Caitlin Ryan, Family Acceptance Project, project director

Breakout discussions facilitated by Dr. Ryan

Plenary wrap-up facilitated by Jeff Perrotti, MA

MENTOR LUNCH DISCUSSIONS: TOPICS TBD

GUEST SPEAKER: “Race, Privilege, LGBT” – Zeam Porter, transgender athlete and youth activist

PANEL: Legal Landscape for Transgender Accommodations, facilitated by Jennifer Levi, Gay & Lesbian Advocates and Defenders

WORKSHOP A: Successful Student Transitions (Gender Spectrum)

WORKSHOP B: Supporting Transgender Athletes (Jazz Jennings, youth activist, GLSEN)

WORKSHOP C: Effective Transgender Policy (Tim Kordic, LAUSD)

EVENING ACTIVITY: Reception at Stonewall Gallery on Wilton Drive

NIGHT ACTIVITY: Out in Wilton Manors
(Alternative activity: Screening of “The Year We Thought About Love” back at hotel)



TRANSGENDER AND GENDER NON- CONFORMING STUDENTS: YOUR RIGHTS AT SCHOOL

April 2014

Bullying, harassment, or discrimination against transgender or gender nonconforming students is covered by Title IX, a federal law that prohibits sex discrimination in schools. This resource outlines the rights trans and gender nonconforming students have in schools and how to file formal complaints. While NCTE does not provide legal services, we encourage anyone who cannot resolve issues through the complaint processes discussed here to seek legal counsel.

WHAT LAWS PROTECT YOU AT SCHOOL?

The following laws offer protection for trans and gender non-conforming students:

- **Title IX** is a federal law prohibiting sex discrimination in schools. The U.S. Department of Education, as well as many courts, have concluded that discrimination or harassment because a person is transgender or gender non-conforming is illegal sex discrimination. Title IX applies to all schools (K-12 and post-secondary) that accept federal funds, including nearly all public schools. Complaints of discrimination or harassment can be filed with the U.S. Department of Education.
- **State laws and school district policies** in many jurisdictions also explicitly prohibit discrimination in schools based on gender identity or expression as well as sexual orientation. California, Colorado, Connecticut, the District of Columbia, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Jersey, Oregon, Vermont and Washington State have such laws, which are enforced by state civil or human rights agencies. Many school districts also have policies prohibiting discrimination based on gender identity or expression or sexual orientation.
- **The Equal Access Act** requires all school-affiliated student organizations, such as a Gay-Straight Alliance or Pride Alliance, to be treated equally. This means that schools cannot ban certain types of groups or single them out for worse treatment.
- **The Family Educational Rights and Privacy Act** protects personal information about students in school records, and in most circumstances prohibits release of this information without consent.
- **The First Amendment** of the U.S. Constitution protects the right of students to free speech and freedom of expression, including expression of one's gender identity.

WHAT ARE YOUR RIGHTS AT SCHOOL

You have the right not to be targeted for bullying or harassment because you are transgender or gender non-conforming. If school administrators become aware of bullying or harassment they have an obligation to take action to stop it.

You have the right to equal educational opportunities regardless of your gender identity or expression. This includes not being disciplined or excluded from school, athletic or extracurricular activities, or other school events because you are transgender or gender non-conforming.

WHAT ARE YOUR RIGHTS AT SCHOOL? (CONTINUED)

You also have the right to be free from discrimination based on your race, color, national origin, or disability.

You have the right to wear clothing and otherwise present yourself in a way that is consistent with your gender identity, so long as you follow rules for appropriate dress that apply to all students. Disciplining you for doing so may constitute discrimination or violate your right to free expression.

You have the right to privacy concerning your transgender status and gender transition. Any such information that is recorded in school records must be treated as confidential and not disclosed to others without your consent. You have the right to form and participate in student groups, such as a Gay-Straight Alliance or Pride Alliance, and to have your group treated like other student groups.

WHAT CAN YOU DO ABOUT DISCRIMINATION AT SCHOOL?

If you or someone close to you has experienced bullying, harassment or intimidation, you can start by bringing your concerns to school and district officials. Contact your school district, find out about its nondiscrimination and anti-bullying policies, and to try to reach an appropriate resolution.

If you cannot resolve the issue at the district level or if you fear retaliation, filing a formal complaint of discrimination is one major action you can take. These complaints can lead to actions by schools to stop ongoing problems, change policies, train staff, and take other steps to protect students. They also help build a record of discrimination against trans and gender non-conforming students, which can be used to advocate for stronger protections at the local, state and national level.

The U.S. Department of Education, through its Office for Civil Rights (OCR), is charged with enforcing Title IX. Complaints of gender-based bullying, harassment, or discrimination at school, you can file a complaint directly with OCR. In cases where OCR declines to pursue a case, state and local laws may offer additional protections.

In addition to addressing individual complaints, OCR's field offices also engage in a variety of activities to help schools better address bullying, harassment, and discrimination. Parents, students and community organizations can contact OCR field offices to see how they can work with you to enhance your local schools' capability to prevent and respond to bullying, harassment and discrimination.

HOW DO I FILE A COMPLAINT?

You can file a complaint with OCR by filling out a complaint form online at: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>. You can also download a complaint form to submit by mail or email here: <http://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>.

There are a few important things to know about filing a complaint:

- **File as soon as possible.** A complaint must be filed within 180 days of when the discrimination or bullying and harassment occurred. If the complaint is not filed on time, you should provide the reason for the delay and request a waiver of the deadline.
- **Report it as "sex discrimination."** In order to for the claim to be covered under Title IX, It is important to report "sex "as the basis of the discrimination.
- **Complete the entire form.** Incomplete complaints won't be investigated. If OCR needs more information in order to process the complaint, it may contact you for more information. You will then have 20 calendar days within which to respond to OCR's request for information.

HOW DO I FILE A COMPLAINT? (CONTINUED)

- **Provide details.** Include in your complaint as many details as you can regarding the people and events involved, and when and where events occurred.
- **Complaints are confidential.** Information about your complaint will not be shared without permission.
- **Family, friends, or other supporters can file a complaint.** Complaints do not need to be filed by the person(s) experiencing the bullying, harassment or discrimination. Anyone, including friends, family, and school staff, can file the complaint.
- **The school can't retaliate against you.** It is illegal for a school to retaliate in any way because a person made a complaint, or testified, assisted, or participated in any manner in a complaint under Title IX.

WHAT HAPPENS AFTER I FILE A COMPLAINT?

The Office for Civil Rights will investigate and attempt to resolve the complaint, provided it involves some form of harassment or discrimination based on sex, race, color, national origin or disability. If OCR finds that discrimination has occurred, it will work with the school to develop a voluntary agreement to resolve the problem. Such agreements can involve adopting anti-bullying policies, training for staff and students, and specific actions to address the specific incidents that occurred and help the student(s) affected. Most cases are resolved voluntarily. In the rare event that it cannot obtain a voluntary agreement, OCR has the power to cut off federal funding for the school, or to refer the case to the Department of Justice for legal action.

In some situations where OCR dismisses a complaint, state or local laws or policies may offer greater protection. For example, if your state explicitly prohibits gender identity and sexual orientation discrimination in schools, you can file a complaint with your state's human or civil rights enforcement agency on that ground. The U.S. Department of Justice keeps a list of contact information for state human rights agencies.

CAN I FILE A LAWSUIT?

You may choose to file a discrimination claim in federal or state court, regardless of OCR's findings. You do not have to first go through the OCR process in order to file a lawsuit. However, filing a lawsuit first means you cannot use the OCR complaint process. This type of lawsuit is complex and you will probably need to hire a lawyer to help you.

GET HELP

We strongly encourage you to contact the national offices of GLSEN (Gay, Lesbian and Straight Education Network) at <http://www.glsen.org> or PFLAG at <http://www.pflag.org> with any questions regarding the OCR complaint process or for help with crafting a complaint.

If you are considering filing a lawsuit, we strongly encourage you to seek legal counsel. While NCTE does not provide legal services or referrals, there are many other groups that may give you referrals or maintain lists of local lawyers. Local legal aid or legal services organizations may provide free help for certain types of legal problems if your income is below a certain threshold. There are many larger groups – such as Lambda Legal, the National Center for Lesbian Rights, the ACLU, the Transgender Law Center, and others listed on NCTE's website – that may help if they feel that your case is particularly strong and fits within their priorities and strategy; however, they usually hear about many more cases than they can pursue. If they cannot help you directly these organizations may give you referrals or maintain lists of local lawyers with expertise in LGBT issues.

SHARE YOUR STORY

If you are facing discrimination, consider sharing your story with NCTE so we can use it in advocacy efforts to change policies and improve school environments for trans and gender nonconforming people. If you successfully resolve issues in your school, and especially if any of the material here helped, we want to hear from you as well.

Additional Resources

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

OCR "Dear Colleague" Letter to School Administrators: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

Claim Your Rights resources from PFLAG and GLSEN: <http://community.pflag.org/claimyourrights>

Model School District Policy on Transgender and Gender Nonconforming Students from NCTE and GLSEN: [http://transequality.org/Resources/Model District Trans and GNC Policy FINAL.pdf](http://transequality.org/Resources/Model%20District%20Trans%20and%20GNC%20Policy%20FINAL.pdf)

Gender Spectrum: <http://www.genderspectrum.org>

Trans Youth Family Allies: <http://www.imatyfa.org>

Links to State and Local Human Rights Agencies: <http://www.justice.gov/crt/legalinfo/stateandlocal.php>

Links to LGBT Legal Organizations: <http://transequality.org/Resources/links.html#legal>

Links to Legal Services Organizations: <http://www.lsc.gov/map/index.php>

**District Response to the Needs of LGBTQ Students:
Legal Rights and Ethical Responsibilities
Evaluation Summation**

According to your evaluation (thank you for completing!), below is a summation of your thoughts.

What are the ideas you heard in sessions that you plan to use?

1. Need to develop a district guide
2. Establish district GSAs
3. Entire format will be helpful in training with our key admin, faculty, staff, students and parents
4. Advocate, give youth a voice, youth led activity
5. Ask assistance from Broward. Ask EQFL to do policy review (borrow policies)
6. Continue moving forward
7. Student led training through drama
8. Policy and procedures
9. Ideas, strategies to approach executive levels in the district regarding lgbtq issues. Start efforts at the top and bottom (grassroots). Possible climate survey. Work issues into current policies and practices.
10. GSA networking. Reaching out with the "Why" behind the importance of this topic. Protecting population to stakeholders.
11. Staff training specific to LGBTQ needs. Networking and supporting GSAs in my district.
12. Creating guidelines for admin on lgtq policies, issues and adding additional opportunities for professional development. Further involvement of youth in the process.
13. How to tie into the already existing bullying procedures
14. Will use the guide for training. Developing ideas around the sexual minority network.
15. Establish a sexual minority network. Become more involved in GSAs, Continue planning and advocating for district level policy changes.
16. GSA/Support Groups
17. Take back ideas regarding GSAs
18. States to present to teaches and school board
19. Creation of local sexual minority network
20. Ideas to develop a network or district team with monthly training and topics. Will steal from PB and the museum!
21. Use the guide as a model for our district. Get buy in from the top. Use students to inform. Make sure students know who on campus is their support
22. Ideas from the Critical Support Guide, GSA and exploration of the specificity of policies.
23. Update bullying policy to include LGBTQ language
24. Increase professional development opportunities
25. Propose the Weight of Words project to our arts academies
26. Health education policy
27. Sexual minority youth network and interagency collaboration
28. Cultivating school board members who will be champions for this work at the highest levels
29. Be fearless, don't give up, you are not alone; change comes from the top and the bottom at the same time. The story is powerful. Use the data.

4.2.2 Elimination is Final. Elimination from a Florida High School State Championships competition of individuals or teams is final. Defeat by individuals or teams that are later ordered to forfeit their victory, place and/or points, or are vacated from the bracket, will not bring about reinstatement or advancement in the Florida High School State Championships competition on the part of the individual or team that has been eliminated.

4.2.3 Championship is Final. Championships or other placements in Florida High School State Championships competitions are final. Championships or other placements ordered vacated by individuals or teams, will not bring about advancement in placements or receipt of awards for those placements.

4.3 GENDER IDENTITY PARTICIPATION

All eligible students should have the opportunity to participate in interscholastic athletics in a manner that is consistent with their gender identity and expression, irrespective of the gender listed on a student's birth certificate and/or records. Should any situation arise regarding a student's request to participate in a gender-segregated athletic event consistent with his/her gender identity and expression, a student may seek review of his or her eligibility for participation through the procedures set forth below:

4.3.1 Notice to the School. The student and parent(s) or guardian(s) shall contact the school administrator or athletic director, prior to the official start date of the sport season as listed on the FHSAA Website, indicating the student has a consistent gender identity and expression different than the gender listed on the student's school registration records and the student desires to participate in a gender-segregated athletic sport in a manner consistent with his/her gender identity and expression.

4.3.2 Documentation. The appealing student must provide the principal or athletic director, and the FHSAA, the following documentation and information:

4.3.2.1 Current transcript and school registration information;

4.3.2.2 All information required for participation and eligibility in FHSAA athletics (i.e. birth certificate, proof of residency, EL2, EL3 and EL3CH);

4.3.2.3 A written statement from the student affirming the consistent identity and expression to which the student self-relates;

4.3.2.4 Documentation from individuals such as, but not limited to, parents /legal guardians appointed by a court of competent jurisdiction, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression;

4.3.2.5 A complete list of all the student's prescribed, non-prescribed or over the counter, treatments or medications;

4.3.2.6 Written verification from an appropriate health-care professional (doctor, psychiatrist, and psychologist) of the student's consistent gender identification and expression; and

4.3.2.7 Any other pertinent documentation or information which the student or parent(s) /legal guardian(s) appointed by a court of competent jurisdiction believe relevant and appropriate.

4.3.3 Notice to the FHSAA. The school administrator shall contact the FHSAA, which will assign a facilitator who will assist school and student in preparation and completion of the FHSAA "Gender Identity Eligibility Review Process".

4.3.4 First Level of Review. The student will be scheduled for a review hearing before a committee specifically established to preside over gender identity reviews. The FHSAA will schedule a hearing as expeditiously as possible but in no case later than fifteen (15) school/business days after the first practice date for the sport which is the subject of the petition, or within a reasonable time thereafter in cases of emergencies or extenuating circumstances. Such hearing may be held telephonically. Any costs associated with such hearing shall be equally shared by the student's school and the association. A written determination of the student-athletes eligibility to participate in a gender-segregated athletic sport consistent with his or her gender identity and expression will be provided by the association.

4.3.4.1 The Gender Identity Eligibility Committee. The committee will be comprised of a minimum of three of the following categories, one of which must be from the physician or mental health profession category:

- (a) Physician with experience in gender identity health care and the World Professional Association for Transgender Health (WPATH) Standards of Care.
- (b) Psychiatrist, psychologist or licensed mental health professional familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care
- (c) School administrator from outside the member school's FHSAA administrative district
- (d) Athletic Director from outside the member school's FHSAA administrative district
- (e) An athletic coach, of the sport in which participation is desired, from outside the member school's FHSAA administrative district
- (f) An Individual selected by the FHSAA familiar with Gender Identity and Expression issues

4.3.5 Second Level of Review. Any school, on behalf of a student-athlete, which was denied participation at the First Level of Review wishing for a Second Level of Review of the Gender Identity Eligibility Committee's decision shall file notice with the Executive Director of the FHSAA on or before the tenth (10th) school/business day following the date of receipt of the written decision



of the Gender Identity Eligibility Committee. The Executive Director shall schedule a Second Level of Review hearing to commence on or before the fifteenth (15th) school/business day following the date of receipt of the written notice, or within a reasonable time thereafter in cases of emergencies or extenuating circumstances. Written notice of the time and place of the hearing shall be delivered to petitioner's school, for personal delivery to the student-athlete and parent(s) /legal guardian(s) appointed by a court of competent jurisdiction. Such hearing may be held telephonically. Any costs associated with such hearing shall be equally shared by the student's school and the association. A written determination of the student-athletes eligibility to participate in a gender-segregated athletic sport consistent with his or her gender identity and expression will be provided by the association.

4.3.6 Final Determination of Review. When there is sufficient documentation and confirmation of a student's consistent gender identity and expression, the eligibility committee will affirm the student's eligibility to participate in FHSAA athletics consistent with the student's gender identification and expression. Once the student has been granted eligibility consistent with his/her gender identity and expression, the eligibility is granted and binding for the duration of the student's participation in every sport season of every school year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

The Florida High School Athletic Association will assist and facilitate the provision of resources and training for any member school seeking assistance regarding gender identity and expression procedures and requirements.

4.3.7 Exemption. This policy shall not apply to a private school member of the Association which, because of it strongly held religious beliefs, would be entitled to the exemption provided to educational institutions of religious organizations by USCA Title 20, Section 1681(a)(3). Any school claiming this exemption shall notify the Executive Director, or his/her designee, of such claim on the proper form provided by the Association. The school shall make the claim of exemption at its own risk of litigation and shall hold the Association harmless from any and all actions that may be taken against the Association by a student of the school, or his/her behalf or in his/her parent(s) or legal guardian(s), who sues the Association over his/her school's right to claim an exemption.

POLICY 5

MEMBERSHIP

5.1 Attendance at Compliance Seminar

5.1.1 Senior High School Required to attend. Member senior high schools are required to attend a compliance seminar held in their administrative section.

5.1.2 Rotating Seminars Every Two Years. Compliance seminars will be conducted every school year in two of the four administrative sections. Seminars in administrative sections 1 and 3 will occur in odd years, and compliance seminars in administrative sections 2 and 4 will occur in even years.

5.1.3 Continuing Full Member Schools. A continuing full member senior high school required to attend a compliance seminar must be represented by its principal or athletic director or FHSAA representative.

5.1.4 First Year Provisional Member Schools. A senior member high school in its first year of provisional membership must be represented at a compliance seminar by its principal and athletic director and FHSAA representative.

5.1.5 Continuing Provisional Member Schools. A continuing provisional member senior high school must be represented at a compliance seminar by its principal or athletic director or FHSAA representative until full membership is achieved.

5.1.6 First Time Athletic Directors. Schools that have an athletic director who is in the position for the first time in the state of Florida will be required to attend a compliance seminar that year. Attending a compliance seminar in an administrative section that is not the same as the school's will not alter the rotation for required attendance at future compliance seminars.

5.1.7 Unlisted Athletic Director. Schools that do not have an athletic director listed on its application for continuing membership and have not alerted the FHSAA an athletic director has been hired by July 1 must send its principal or FHSAA representative to a compliance seminar that year. Attending a compliance seminar in an administrative section that is not the same as the school's will not alter the rotation for required attendance at future compliance seminars.

5.1.8 Choice of Seminar Site. Schools attending a compliance seminar may choose from any compliance seminar held in the state that year.

5.1.9 Required Attendance. Schools attending a compliance seminar in a year not required to attend will not alter the rotation for required attendance at future compliance seminars.

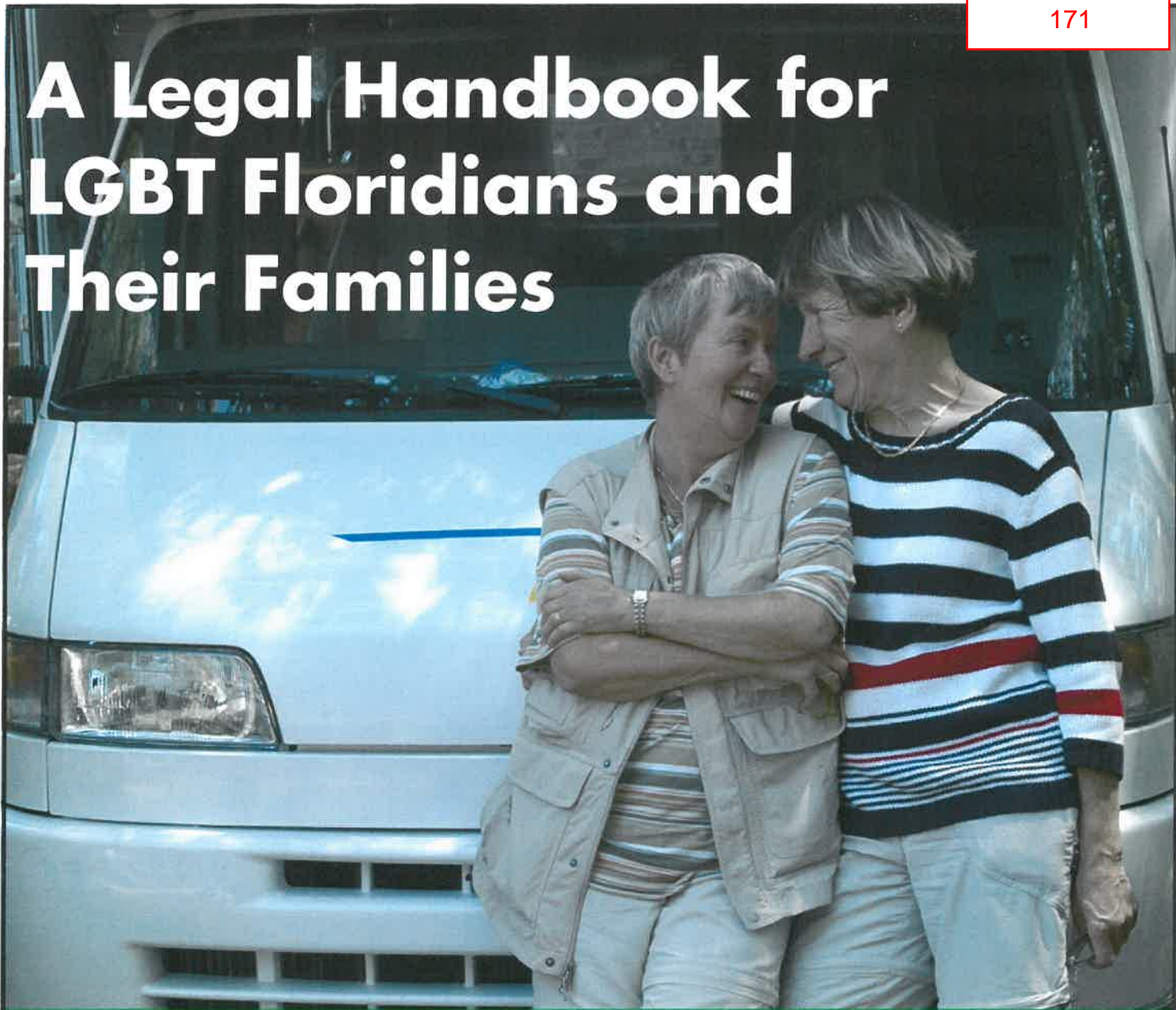
5.1.10 Failure to Attend. Failure to attend a required compliance seminar will subject the school to a minimum \$250 monetary penalty.

5.2 Membership Applications

5.2.1 Continuing Membership. A completed membership packet must be on file at the FHSAA office on or before April 30. A school whose form is not received by May 15 may not be considered for reelection to membership for the following school year.



A Legal Handbook for LGBT Floridians and Their Families



A Resource for Lesbian, Gay, Bisexual and Transgender Families

**CARLTON
FIELDS**
ATTORNEYS AT LAW

 **Equality
Florida**
www.EQFL.org





PREFACE

This first edition of **A Legal Handbook for LGBT Floridians and Their Families** was a *pro bono* project of the law firm of Carlton Fields. Portions of the Handbook were derived from the 5th Edition of the *Older Floridians Handbook: Laws and Programs Affecting Older Floridians (2007)*, which was a joint project of Carlton Fields and the Florida Justice Institute. Copyright in the *Older Floridians Handbook*, and all unchanged portions of the *Older Floridian Handbook* included in this Handbook, are owned by the Florida Justice Institute and are included with the permission of the Florida Justice Institute. Carlton Fields and Equality Florida Institute thank the Florida Justice Institute for its cooperation in the use of certain materials of general interest that are included.

Primary funding for this Handbook was provided by Carlton Fields. In order to facilitate access to this publication, the Handbook also will be available on the Internet through the websites for Equality Florida Institute and Carlton Fields.

Equality Florida Institute and Carlton Fields welcome comments and suggestions for future editions.

First Edition.....December 1, 2010

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**Welcome Letter from
Nadine Smith, Equality Florida Executive Director**

Friends,

Even as we continue the work of securing full equality for the lesbian, gay, bisexual and transgender community, we know it is important that our members understand how to protect themselves and their loved ones under the laws that *currently exist*.

This Handbook is intended to be an easy reference source for same-sex couples in Florida – particularly with respect to long-term planning related to health, family and financial considerations. It contains useful legal and practical information on topics of special interest to our community, but its use is by no means limited to LGBT couples. **Single Floridians, including unmarried couples, should find this booklet informative and helpful.**



The material provided is based on the laws and practices of the State of Florida and its agencies, and in some cases, the laws and practices of the federal government. This Handbook cannot answer every question, nor can it replace the advice and counsel of an attorney when needed. Rather, it provides information of a general nature and answers to some of the more common questions that LGBT Floridians often have.

This Handbook deals with laws and policies that may change often, particularly in the area of LGBT rights. Consequently, when the Handbook directs you to a particular statute, rule or agency, please check to make sure that the information is current.

Equality Florida Institute, Inc. is a tax-exempt, nonprofit organization that relies on the support of our member through annual memberships and legacy gifts. Please consider our organization in your giving plan.

We'd like to thank our partner, Carlton Fields, for their generous support in producing this valuable guide. We hope you find this to be a useful tool in navigating the challenges that gay couples face. Thank you for supporting Equality Florida Institute as we work toward the day when this handbook is no longer necessary.

Sincerely,



**Nadine Smith
Executive Director**

NOTICE: Equality Florida and Carlton Fields make no express or implied warranties or guarantees concerning the contents of this publication. Laws and regulations frequently change. Coverage is as of the date of publication. You are strongly encouraged to seek the services, if needed, of a lawyer. A list of places to contact when you need the services of a lawyer but do not know how to find one or cannot afford one is provided in the **Reference and Referral Information** section toward the end of the Handbook.



A LEGAL HANDBOOK FOR LGBT FLORIDIANS AND THEIR FAMILIES

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“When I moved to the Tampa Bay area and researched non-profits, Equality Florida stood out as a organization making a real impact for everyone. As a longtime member, I'm proud to be a part of what Equality Florida has accomplished.”

- Eunice Fisher, St. Petersburg

I. WHAT ARE YOUR LEGAL RIGHTS IN FLORIDA?

Miscellaneous Civil and Criminal Laws Affecting LGBT Rights

A. DISCRIMINATION LAWS

1. Federal and State Laws

Civil rights laws have been passed by the U.S. Congress and by the Florida Legislature that provide legal protections against discrimination in areas such as employment, education, housing, and public accommodations, on the basis of certain specified categories, including race, national origin, sex, age, disability, and others. There are a number of different federal laws that provide these protections, including the Civil Rights Acts of 1964 and 1991. The Florida Civil Rights Act is found at Chapter 760, Florida Statutes. The federal anti-discrimination laws are administered and enforced by the Equal Employment Opportunity Commission (www.eeoc.gov). The Florida anti-discrimination laws are administered and enforced by the Florida Commission on Human Relations (<http://fchr.state.fl.us>).

Currently, the federal and Florida anti-discrimination laws provide very little legal protection to LGBT citizens subjected to discrimination. Neither the federal nor Florida anti-discrimination laws include “sexual orientation” or “gender identity” in the list of classifications protected from discrimination. There is pending legislation, the Employment Non-Discrimination Act, which would add these classifications to the federal laws if passed by Congress and signed into law.

In some jurisdictions, courts have interpreted the laws prohibiting “sex” discrimination to include same-sex sexual harassment and “gender stereotyping,” which may provide a potential basis for relief to LGBT citizens under some circumstances. Same-sex sexual harassment occurs when one or more co-workers of the same-sex as you target you because of your sex and create a hostile work environment or demand that you perform sex acts as a condition of your employment. Gender stereotyping occurs when you are discriminated against in the terms of your employment because you are perceived as not conforming to the generally accepted “norms” of your gender, e.g., a man who is perceived as effeminate or a woman who is perceived as masculine. If you believe you may have been subjected to either of these forms of discrimination, you should promptly contact a qualified attorney to advise you of your rights.

There are a few Florida laws that provide protection on the basis of sexual orientation in specific limited circumstances. With regard to applications to purchase insurance coverage and to subscribe to an HMO, Section 627.429 and Section 641.3007 of the Florida Statutes provide that sexual orientation shall not be used in the underwriting process or in the determination of which subscribers or applicants for enrollment shall be tested for exposure to the HIV infection, and that information disclosed during the underwriting process shall not be used to establish an applicant’s sexual orientation. Section 400.6095 of the Florida Statutes provides that hospice facilities shall make their services available to all terminally ill

"I think Equality Florida does great work fighting for LGBT civil rights and, as someone who came out later in life, I'm glad to do what I can to support this important work."

- Stephen Gundlach, Lantana

persons and their families without regard to sexual orientation, and Section 397.501 similarly provides that service providers may not deny an individual access to substance abuse services on the basis of sexual preference.

2. Municipal Laws

Although the federal and Florida anti-discrimination laws do not specifically prohibit discrimination against LGBT citizens, some cities and counties in Florida have passed their own anti-discrimination ordinances that do prohibit such discrimination within their geographic boundaries. Some of these municipalities include Broward County, Miami-Dade County, Leon County, Monroe County, Palm Beach County, Orlando, Tampa, Gainesville, Jacksonville, Miami Beach, Sarasota, West Palm Beach, St. Petersburg, and others. Additional information on ordinances existing as of the date of this publication are included in Section III, below. If you believe that you have been subjected to discrimination because of your sexual orientation or gender identity, you should check your local municipal codes to see if they include anti-discrimination ordinances covering those categories. If so, the ordinance will describe how to go about asserting a claim for discrimination to the appropriate investigative authority. You can contact an attorney, or contact Equality Florida at www.eqfl.org, for assistance in determining whether your municipality has a relevant ordinance.

3. Hate Crimes/Bullying Laws

There is a federal hate crimes law, the Matthew Shepard Act, which makes it a federal crime to commit a physical assault or property damage based on bias against someone because of their sexual orientation or gender identity, among other classifications. Florida has a hate crimes law that includes sexual orientation (but not gender identity). Section 775.085, Florida Statutes. Florida's hate crimes law does not create a separate chargeable offense, as does the federal version, but is merely a penalty enhancement that can result in the reclassification of a charged offense to a more serious offense. Florida's hate crimes law further provides that a person or organization that establishes that it has been coerced, intimidated or threatened in violation of the hate crimes law has a civil cause of action for treble damages, an injunction or any other appropriate relief. As part of the Criminal Gang Prevention Act, criminal gangs include "hate groups." Section 874.03 of the Florida Statutes defines a "hate group" to include organizations whose primary purpose is to promote animosity, hostility, and malice against a person or persons or against the property of a person or persons because of sexual orientation. Similar to the hate crimes law discussed above, the criminal gang statute provides penalty enhancements for offenses under this statute and establishes civil remedies for victims. Florida law requires the state to collect and disseminate data on hate crimes based on sexual orientation.

"My thanks to everyone would not be complete without a special shout out to Equality Florida donors and volunteers. Your tremendous support has allowed me to stand up to an opponent who sought to divide our community, to weaken our bullying policy and play politics with students' safety."

- April Griffin, Hillsborough School Board Member

As a direct result of Equality Florida's efforts, Florida protects 1.7 million students from bullying and harassment based on sexual orientation and 1.1 million of those are also protected from bullying and harassment based on gender identity and expression.

Florida also has an "anti-bullying" law that requires school districts to adopt and enforce strict policies against bullying. Section 1006.147, Florida Statutes. This law does not separately list out classifications of protected groups, but the legislative history provides a strong case that anti-gay bullying is covered by the law. A number of counties and school districts have also adopted anti-bullying policies (for example, Hillsborough County). Ironically, Florida law requires that school districts, if they provide instruction or course material on human sexuality,

teach "the benefits of monogamous heterosexual marriage." Section 1003.46, Florida Statutes.

B. PUBLIC/PRIVATE EMPLOYERS

Even if your municipality does not have an anti-discrimination ordinance that covers sexual orientation and gender identity, some public and private employers have internal policies that prohibit such discrimination. Public employers with such policies include many of the same cities and counties identified above that have enacted anti-discrimination ordinances for their general population, as well as a majority of Florida's public universities. Many private employers have also enacted such policies, including such prominent Florida companies as Walt Disney Co. and Blue Cross Blue Shield of Florida. Review your employer's policies or check with your employer's Human Resources Department to see if your employer has such a policy. Such internal policies do not have the force of law, and therefore cannot be enforced in formal legal proceedings, but they may provide an internal complaint procedure that potentially could afford you some relief.

In addition, many professions have governing bodies that regulate the conduct of their members which include protections from discrimination on the basis of sexual orientation. For example, Section 4-8.4 of the Rules Regulating The Florida Bar (which governs the conduct of all lawyers licensed to practice law in the state of Florida) prohibits lawyers from disparaging or discriminating against litigants, jurors, witnesses, court personnel, or other lawyers on the basis of sexual orientation. If you believe that you have suffered discrimination or unfair treatment by someone acting in a professional capacity, check to see if that person's profession is governed by a code of conduct that might afford you a course of action to make a complaint.

C. MARRIAGE/RELATIONSHIP RECOGNITION LAWS

Florida's Constitution (Article I) and Section 741.212 of the Florida Statutes effectively ban "gay marriage" by defining marriage as the legal union of only one man and one woman, and Florida's Constitution further mandates that "no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized." (Fla.

Florida law provides increased penalties for hate crimes based on sexual orientation and has been interpreted to include hate crimes targeted at the transgender community. Adding specific protections for gender identity to our hate crimes law continues to be a priority.



Const. Article I, Section 27) These same laws prohibit Florida from recognizing valid same-sex marriages performed in other jurisdictions. Currently, Florida does not have any form of statewide recognition of same-sex relationships. However, similar to municipal ordinances banning discrimination on the basis of sexual orientation and gender identity, some Florida municipalities as well as public and private employers offer domestic partner benefits to their employees, and some municipalities provide domestic partner registries that allow same-sex couples within their jurisdiction to register and receive certain benefits.

Among many other considerations, the inability to enter into a legally recognized marriage means that same-sex partners do not automatically have authority to make healthcare, childcare, and related life decisions with respect to each other, nor will they automatically inherit each other's property upon death. Nonetheless, various legal documents are available in order to insure that a partner's wishes are followed in these matters and the various mechanisms and related considerations are discussed in greater detail in later sections of this Handbook.

If you are a gay couple, legally married in a state or country that performs such marriages, one significant issue that arises is the ability to file your federal income tax return as married even though the federal government refuses to acknowledge your marriage. Many tax advisers have warned same-sex married couples not to file as married (either jointly or separately) because of the possible imposition of penalties for doing so. Yet the federal return requires you to swear under penalties of perjury that all statements in the return are true. If you object to signing this statement on a return in which you have been forced by the federal government to lie about your marital status, there are some things you can do.

- You could file separately, but include an asterisk by the single box and a statement at the bottom of the form or on an attachment to the form indicating that you are only single as defined in the Defense of Marriage Act.
- You could file two single returns (including the attachment affirming the marriage) and then file an amended return, filing jointly. This option would avoid penalties because your original return would be filed according to the statute.
- You could submit two returns to the IRS, one filed jointly, showing the tax due on a joint return, and one filed as a single taxpayer, showing the tax due on a single return. Explain your constitutional and moral theory entitling you to file a joint return. Pay whatever amount is due on the single return and ask the IRS to choose which return to accept.

If you are concerned about your federal income tax filing status, you should seek legal advice. If you cannot afford legal assistance, contact your nearest legal services, legal aid, or bar association low fee or pro bono referral panel. (See References and Referral Information.) Equality Florida also has a more detailed memorandum regarding this issue available upon request.

D. ADOPTION

On September 22nd, the Florida Third District Court of Appeal held as unconstitutional, a state law, that for more than 33 years had expressly forbid gay men and lesbians from becoming adoptive parents.

Both the Florida Department of Children and Families ("DCF") and the Florida Attorney General declined to appeal the Third District's decision in Gill to the Florida Supreme Court. As a result, the Third District decision is binding on every trial court in the State of Florida and though the statute (Florida Statutes Section 63.042(3)) remains on the books DCF announced that it had changed its forms and procedures to comply with the Third District decision, removing all references to sexual orientation.

The lawsuit centered around Martin Gill's effort to adopt his foster sons and has paved the way for individuals to adopt regardless of sexual orientation. Because second parent adoptions raise different legal questions, couples interested in pursuing a second parent adoption should seek advice from a lawyer who is knowledgeable about this issue.

For those who have adopted out-of-state, it is important to note that a valid adoption by a gay parent in another state must be recognized and given effect in Florida. *Embry v. Ryan*, 11 So. 3d 408 (Fla. 2d DCA 2009).

1. [Fla. Dep't of Children & Families v. In re: Matter of Adoption of: X.X.G & N.R.G., Case No. 3D08-3044 (Fla. 3d DCA Sept. 22, 2010)(referred to as the "Gill" case)].

E. ISSUES FACED BY TRANSGENDER INDIVIDUALS

Transgender individuals may encounter difficulties when their records and documents do not reflect their current name and gender. Transgender individuals may have their privacy violated and transgender identity revealed without their permission in the workplace through the customary practices of their employers or the Social Security Administration (SSA). For example, the SSA compares its records with employee-provided information. If the employee-reported gender and the gender in the SSA records do not match, then the SSA will notify employers of the discrepancy. These notifications often reveal an employee's transgender identity to an employer without the employee's consent. In some circumstances, employers will fire employees whose employee-provided information is not the same as the SSA information if the discrepancy is not resolved within a short period of time. Another situation transgender individuals often face is an inability to travel, especially if using commercial airlines. The Transportation Flight Administration (TSA) instituted a secure flight program that went into effect for both domestic and international flights on October 31, 2009. Under this program, the TSA mandates that all passengers present their name, gender, and date of birth when making an airline reservation.



Transgender individuals may encounter delays, embarrassment, or discrimination if the gender listed on their passport or driver's license is not the same as the gender indicated when the reservation was made.

Transgender individuals, therefore, have a growing need to ensure that their documents and records are uniform and mirror their current name and gender. Changes in federal and state laws have made it increasingly hard for transgender individuals to maintain privacy and to change their driver's licenses, birth certificates, passports, and Social Security records. This guide, however, should help to explain the current status of federal and Florida laws and their effect on the requirements for name and gender designation change on documents and records.

1. Passports: 2010 State Department Policy Should Loosen Requirements

In June 2010, the State Department implemented a new policy for applicants seeking a gender change on their passports. The State Department no longer requires that an applicant has undergone sexual reassignment surgery. Instead, an applicant can submit a certification from a physician confirming that the applicant has undergone treatment for gender transition. The certification must include:

- Physician's full name;
- Physician's medical license or certificate number;
- Issuing state of medical license/certificate;
- DEA registration number;
- Name of the patient;
- Indication that the physician is either an internist, endocrinologist, gynecologist, urologist, or psychiatrist;
- Indication that the patient had appropriate clinical treatment for gender transition to the new gender;
- And a written oath signed by the physician stating: I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

The State Department does not require any specific treatment or details about the type of treatment undergone. If an applicant is just beginning gender transition and needs to travel abroad, the State Department will issue a two-year provisional passport. The temporary passport has the same force as a regular passport. After the applicant has completed the appropriate clinical treatment the applicant can obtain a full, regular passport.

The applicant procedures for passport name change are unaffected by this new legislation. An applicant must still submit a completed DS-19 form along with a certified copy of the applicant's Final Judgment of Name and his or her current valid passport.

Government officials hoped that this new policy should alleviate the danger and anxiety transgender individuals face when traveling with a passport that does not state the individual's correct gender. Despite this new policy, however, many transgender individuals

have yet to secure name and gender changes on their passport. As a result, these individuals may be unable to travel outside of the United States.

2. Florida Driver's License, Identification Card, and Birth Certificates: Proof of Sex Reassignment Surgery Necessary for Change in Gender Designation

Florida allows for a change in sex designation on birth certificates, driver's licenses, or identification cards only if the applicant has undergone sex reassignment surgery. Section 382.016, Florida Statutes; Fla. Admin. Code Ann. R. 64V-1.003.

The applicant must provide:

- A sworn affidavit from the physician who performed sex reassignment surgery;
- The medical license number of the physician;
- A statement that the applicant has completed sex reassignment surgery in accordance with appropriate medical procedures;
- A statement that the applicant is now considered a member of the reassigned gender;
- And the required fee.

A transgender individual may circumvent this law by establishing residency in one of the twenty-six states without the sex reassignment surgery requirement and having his or her gender designation changed there. When the individual moves back into the state of Florida, the changed records are transferred without any additional paperwork or requirements. Most individuals, however, are unable or do not wish to move to another state for this purpose.

3. The Federal "Real ID Act"

The Real ID Act was signed into law under President Bush in 2005, but has yet to go into effect. Pursuant to the Real ID Act, the state Departments of Motor Vehicles must maintain digital copies of the documents each person presents when establishing their identity to attain a driver's license or identification card. The Real ID Act also provides that these records, including gender designation, are linked into one shared database. Law enforcement officers and others will have complete access to this database. The new regulations established by the Real ID Act will make personal information more freely available and may disrupt the privacy of transgender individuals. The Real ID Act has yet to affect the procedures of state DMV's, but it is important to be aware of its likely future impact on privacy.

4. More Information

There are many other legal challenges facing transgendered persons that are beyond the scope of this handbook – particularly relating to immigrants, refugees and arising from differences between states on appropriate "standards" for determining "gender." For more information about new and existing laws or the procedures for changing name or gender designation on a passport, driver's license, identity card, social security card, or birth certificate, consult the following websites:



I added Equality Florida to my will years ago because I want to make a lasting, permanent contribution to ending discrimination. I am thrilled at the launching of the Legacy of Equality Society and hope it inspires many others to include Equality in your will or estate plans as well.

-Thom Leffler

- National Center for Transgender Equality - this website contains information regarding federal requirement for changing information on Social Security cards and passports: http://www.transequality.org/Issues/federal_documents.html#ss_gender
- Equality Florida – step by step guide to changing name and gender on birth certificates, driver’s licenses, social security cards, passports, and identity cards: <http://eqfl.org/issues/namechange.doc>
- Travel Tips for Transgender Individuals: <http://transequality.org/Issues/travel.html>

II. PLANNING FOR THE FUTURE

A. WILLS, TRUSTS, GIFTS AND ESTATE PLANNING

Because Florida law does not allow same-sex partners to marry and does not recognize any legal rights of life partners, it is especially important to do all that you can through written, binding documents to protect yourself during your lifetime and to be sure that to the extent you wish, your partner and other loved ones have access to you and your property upon your death or incapacity. “Estate planning” is the process of planning for and documenting wishes for the disposition of assets and the care of a partner and children upon your death in a manner that will be honored under applicable law. In the following sections of the Handbook, we look at each of the major areas of “estate planning,” and explain the issues facing same-sex partners under current Florida law, then provide some options, tools, forms and considerations for insuring your wishes are met.

From a legal standpoint, there are several classes of property: real property (for example, land, interests in land such as easements and buildings), tangible personal property (for example, cars, or other personal belongings) and intangible personal property (for example, cash, bank accounts, leases and other contract rights). Even in the absence of a right to same-sex marriage, there are a wide variety of legal documents available and recognized under Florida law that can be used to facilitate the orderly transfer of various types of property upon death, in the event of incapacity, or to otherwise avoid the “default” disposition of those assets upon death under existing law.

1. Wills

Why do I need a Will? – The law of Intestate Succession in Florida

It is sometimes said that if you die without a Will, “the State will get it all.” That is not necessarily true, but if you die owning anything in just your name alone and for which you have named no beneficiary, and if you have no Will, then Florida law designates who inherits from you - and under Florida law, that list does not include a same-sex life partner.



Dying without a Will is legally known as “dying intestate” (ie, without a “testament”). If you die without a Will, all of your property will be distributed by the Probate Court among your surviving relatives, as set forth in the law. The “probate process” has a terrible reputation among many. It is important, however, to understand what “probate” is. First, it has nothing to do with whether estate taxes will be owed. It is simply the process by which a court determines the disposition of property which the decedent owned in his or her own name alone and for which there were no beneficiaries named. While there has been substantial reform over the years in Florida in regard to the probate process, nevertheless many people wish to avoid it in any event.

According to Florida law, the property of a person who dies without a Will passes as follows:

IF DECEASED IS SURVIVED BY

Spouse & No Lineal Descendants:	spouse receives entire estate
Spouse & Lineal Descendants: (who are also descendants of spouse):	spouse gets the first \$60,000 of the intestate estate plus ½ the balance of the estate. The rest, if any, to the descendants
(who are not descendants of spouse):	½ of the intestate estate to spouse and remainder to the descendants
Lineal Descendants But No Spouse:	estate distributed among descendants as follows: to decedent's lineal descendants in equal shares; if none, to decedent's father and mother equally, or to the survivor of them; if none, to decedent's brothers and sisters and descendants of deceased brothers and sisters

In Florida, any intestate property distributed among lineal descendants (children, grandchildren, etc.) is distributed *per stirpes* or by representation. *Per stirpes* means that the children of a deceased beneficiary receive equal shares. If a child of a deceased has died before his parent, the children of that child will receive the share to which their parent would have been entitled. An adopted child is considered a lineal descendant of the adopting parent and a natural kin of all members of the adopting parent's family; the child is not considered a lineal descendant of his or her natural parents nor an heir of any member of his or her

natural parent's family. An exception to this is when a child is adopted by a natural parent's partner. This adoption has no effect on the relationship between the child and the natural parent or the natural parent's family.

A person born out of wedlock is a lineal descendant of his or her mother and a natural kin of all members of his mother's family. This child is also a lineal descendant of the father. A child born out of wedlock also may inherit from his or her father if the paternity of the father is established by adjudication in court before or after the father's death or if the father acknowledges paternity of the child in writing.

Beyond those persons, other more remote family members are named (see Section 732.103, Florida Statutes, for the entire list), but, needless to say, the list never gets beyond the "family" as the law has traditionally defined it. Only if there is no "family" will the decedent's property pass to the State of Florida.

Thus, having a legally executed and binding Will in place is of the greatest importance. In your Will you can provide for bequests to your partner, as well as family members, and anyone else (persons or charities) you wish; and only a legally recognized spouse or minor children have rights that can trump your bequests.

If you have minor children, you can and should designate in your Will the person (or persons) to serve as guardian for your minor children (whether "naturally" born or adoptive). Also, you should designate the Personal Representative (the term Florida gives to the person responsible to administer the Will upon your death – sometimes called an "executor" in other states). As with guardians, personal representatives must be Florida residents, or financial institutions having trust powers in Florida, or, as to non-residents, the same limitations are as set forth for pre-need guardians discussed below. **Note that you can name your partner as your Personal Representative, so long as your partner is a Florida resident, even if your partner is a named beneficiary of your Will.**

If you are concerned about the distribution of your estate, you should seek legal advice. If you cannot afford legal assistance, contact your nearest legal services, legal aid, or bar association low fee or pro bono referral panel. (See References and Referral Information.)

Legal Requirements

To be valid, a will must meet certain requirements. The requirements vary from state to state. These are the requirements in Florida:

1. the maker (called the testator for a man, or testatrix for a woman) must be at least 18 years or an emancipated minor;
2. the testator must be of sound mind at the time the will is prepared;



3. the will must be **in writing (either typed or hand-written)**. It cannot be oral;
4. the will must be signed by the testator at the **end** of the will, and **in the presence of two witnesses**;
5. the witnesses do not need to know the contents of the document, but they must acknowledge that the testator knows he is signing his will, and the competent witnesses must sign the will in the presence of each other and of the testator; and
6. it is also advisable to have your will notarized in Florida. This makes the probate process simpler. A form for self proving signatures on a Will is provided by Section 723.503, Florida Statutes, a copy of which is attached (**Form C**).

If you move out of Florida, your will may still be valid, but you should check the requirements of your new state.

Use of Form Wills

While there are various form books available in print and online for wills, you will benefit from the counsel of a lawyer who is experienced in estate planning who can help you decide what documents are appropriate given your personal circumstances. The idea that there is a magical "simple will" form is often shown to be misguided. Probate matters can be very complicated and it is always best to consult an attorney when drafting a will. Each individual's personal and real property assets, tax considerations, circumstances, and testamentary wishes are unique. Therefore, it is appropriate to consult an attorney to draft a will and other estate planning documents that are customized to your needs and wishes.

How Long Does a Will Remain Valid?

A validly executed will remains valid until you change or revoke it. If you are of sound mind, you have the right to revoke or change your will at **any time** prior to your death, but you must follow specific legal procedures. In Florida, if you change or revoke your will through the use of another will or written instrument, the new will must be executed with the same formalities required for the original will.

It is important to regularly reexamine your will and update it if necessary to account for any changes in the tax laws, the death or change in status of a beneficiary, changes in your property holdings, or the value of those holdings, or other important matters.

You may revoke your **entire** will by **burning, tearing, canceling, defacing, obliterating, or otherwise destroying** it if, at the time of your act, you have a **present intent** to revoke it. However, it is best **not** to revoke your will by these methods. Burning, tearing or scratching through a will often leaves your intentions somewhat unclear. The best way to cancel a will and the only valid way to alter your will is the execution of another will or separate written instrument, signed and witnessed. **Note: The same formalities required for the execution of a will are required for an instrument which revokes or alters a**



will. You should consult an attorney to obtain details about the most effective ways to revoke or alter your will.

Restrictions on Distributing Property by Will

Generally, in Florida you may distribute your property by will as you wish. However, there are certain types of property which cannot be freely transferred by will. For example, there are certain restrictions on, or conditions to, the devise of homestead, jointly held property, property held in trust, many retirement accounts, and life insurance.

Homestead laws are designed to preserve the home. Homestead property is the place of residence owned by any natural person. **A homestead may not be conveyed by will (devised) by the owner if he or she is survived by a legally recognized spouse or any minor children.** If you do not make a will, any legal spouse will have the right to reside in your home for his or her life and then your children will own it.

Property that is owned jointly -- with the right of survivorship -- also cannot be distributed by will. The law provides that the last surviving joint owner automatically becomes the sole owner of all jointly owned property (such as real estate, bank accounts, motor vehicles, and household goods) when the joint tenant dies. **You can change the devise of jointly owned property by removing or changing the co-owner with their consent by court action; but not through your will.**

Making a Bequest to Equality Florida

Equality Florida relies on the generosity of its constituents to support its work. If you are interested in making a bequest to Equality Florida, please contact us and we will be happy to assist you. Suggested language for wills follows:

Specific Bequest

I devise and bequeath to Equality Florida, Inc., a Florida not-for-profit corporation, having its principal office at 2549 37th Avenue North, St. Petersburg, Florida 33713, the sum of \$_____ to be used for its general purposes.

Residual Bequest (Percentage/General Purposes)

I devise and bequeath to Equality Florida, Inc., a Florida not-for-profit corporation, having its principal office at 2549 37th Avenue North, St. Petersburg, Florida 33713, an amount which is _____% (_____ percent) of my residuary estate, to be used for its general purposes.



“My wife and I know Equality Florida will never stop fighting for justice and fairness, and we want to be sure our support never stops either. We recently amended our wills and life insurance policies to include Equality Florida. It was easy to do and now our dedication to Equality will live on forever.”

- Matt Solan, St. Petersburg

Residual Bequest (Percentage/Endowment)

I devise and bequeath to Equality Florida, Inc., a Florida not-for-profit corporation, having its principal office at 2549 37th Avenue North, St. Petersburg, Florida 33713, an amount which is _____% (_____ percent) of my residuary estate, to establish an endowment fund, from which a unitrust amount of 5% is to be allocated annually by

its board of directors for the most appropriate needs at the time.

2. Joint Ownership and Beneficiary Designations

Joint Ownership

Property held in joint ownership with rights of survivorship remains with the surviving joint owner and does not pass through probate. Therefore, it is possible to use joint ownership of various forms of property, instead of a will, to distribute assets to a partner upon death, and thus spare the partner probate court proceedings or other issues posed by death without a will (but not necessarily estate taxes). Assets which are titled in your name along with your partner, so long as it is clearly specified that you hold the asset as joint tenants with right of survivorship (and not as tenants in common), will at the death of one of the owners pass by “operation of law” to the surviving owner and not be subject to probate.

Depending on your circumstances, joint ownership may or may not be advisable. If you are considering joint ownership as a way to bypass probate, be aware that it gives your partner **equal control during your lifetime over the joint property**. For example, a joint owner of a bank account can withdraw all of the money from the account **while you are living**, without permission, even if you only intended that person to have the money in the account after your death, or if you had an “understanding” about limitations or access to the account.

While joint ownership can be very helpful, **be very wary**. Other owners may “infect” your property with their creditor problems. Also, if you have a difference of opinion as to the disposition of the asset (say, you wish to sell it and your partner does not) you will be stymied or may need to seek a court order to govern the outcome. Further, unless disposition of proceeds upon sale is otherwise governed by a binding contract between the parties, the joint owner will be legally entitled to an equal share of the proceeds.

Remember, using joint ownership as a means of helping your partner to avoid probate proceedings after your death may cause considerable problems during your lifetime and is difficult to “un-wind” if necessary. Additional issues related to real estate are discussed below. If used wisely in conjunction with a will, however, joint ownership can be a useful legal device in helping distribute your estate after you die. **It is wise to consult an attorney.**

Beneficiary Designation

It has been common practice for life insurance policies to have beneficiaries listed, and it is important that you keep the beneficiary designations on your life insurance policies current and up to date. Upon death of the insured, the proceeds will pass to the named beneficiaries in the shares and as specified in the beneficiary designation. You may name your partner, or anyone else, as a beneficiary. If you name no beneficiary, or if the beneficiaries you named have predeceased you, then by default the beneficiary is your estate – your probate estate – and the proceeds of the policy will pass through the law of intestate succession described above – perhaps defeating your intentions.

In addition to life insurance policies, other investments, including retirement accounts (both IRAs and employer sponsored accounts) and annuities which allow beneficiary designations, increasingly bank accounts and brokerage accounts often also allow beneficiary designations, with such options as P.O.D. (“payable on death”) or T.O.D. (“transfer on death”) designation.

By all means, take advantage of these simple, inexpensive means of estate planning, but just be sure they are consistent with your overall estate plan and that you periodically review your designations to insure consistency with your plan. For example, if you wish to make provision for your partner and other family members through your estate plan, you may make provisions for your partner and/or family members through your Will and various beneficiary designations in life insurance, bank accounts and retirement plans based upon the relative value of those assets at the time the estate plan was established. As we have seen in recent years – there can be significant fluctuations in both the real estate and stock markets. As a result, it is recommended that you establish regular evaluation of any estate plan and related document to insure that they capture your current estate planning goals given the relative value of your assets and current situation.

Special Considerations Regarding Real Estate

As noted above generally, you can hold title to real estate (a house, condominium, unimproved land, etc.) with your partner as *Joint Tenants with Rights of Survivorship*, so that both you and your partner own the property while alive, and upon the death of one partner, the surviving partner will have sole title without the need to go through the probate process.

Advantages:

1. Upon your death title passes automatically and immediately to the surviving owner and does not pass through probate. Note, however, this may be of lesser benefit if the property is subject to an existing mortgage and the joint owner is not a signatory to the mortgage.
2. If the joint owner dies before you, you become the sole owner again since you are the surviving joint owner.
3. If the joint owner is living at the time of your death, he or she will be certain to get the property. For example, if a home is left by will to a non-relative there is always the danger that it may have to be sold in order to cover debts or

expenses of the estate. It should be noted that any mortgage or lien on the property remains.

Disadvantages:

1. You lose sole control of your property. If you should wish to sell the property or give it to someone else, you need the joint owner's permission.
2. If the joint owner should become incompetent, difficulties may arise because you may need to establish a guardianship to obtain their permission to transfer or mortgage the property.
3. A co-owner can demand a partition or sale of the property, and half of the property would be subject to claims of creditors of the co-owner.

One frequently hears that adding a partner on the title to real property can be done simply by the owning partner signing and recording a quit-claim deed conveying his or her interest into the names of both partners "as joint tenants with a right of survivorship." **Beyond the general warnings discussed above regarding jointly held property, there are other considerations particular to the conveyance of real estate that should be carefully considered before proceeding:**

- **Documentary Stamp Tax.** A documentary stamp tax is payable to the State upon the conveyance of an interest in real property in the amount of \$0.70 for each \$100 of the fair market value of the interest being conveyed. Valuation of the interest in the absence of a current appraisal is beyond the scope of this Handbook.
- **Gift Tax.** The conveyance of the interest in real estate (or any other property) constitutes a "gift" which has federal tax consequences – both for the grantor and for the person receiving the interest. As of 2010, you can give up to \$1,000,000 during your lifetime, plus another unrestricted \$13,000 per year per person to anyone you want, without negative tax consequences. In other words, if the value of the interest in real estate exceeds \$13,000, or if you place restrictions on the \$13,000 gift, you should consult a tax adviser to fully consider the tax implications of the transfer. Beyond that, federal tax issues, generally, are beyond the scope of this Handbook.
- **Violation of Existing Mortgage.** Unless property is owned "free and clear" (i.e. without a mortgage) in most cases it is likely that the conveying partner will have purchased the home or property using conventional bank financing. Most conventional bank mortgages and loan documents prohibit the conveyance of any interest in the property by the owner while the mortgage remains outstanding. Further, such an act constitutes an "event of default" entitling the bank to all remedies specified under the mortgage, which generally include acceleration of the loan and foreclosure. While it may be unlikely that a bank would take such a step if the loan is otherwise in good standing, it is possible and should be taken into consideration.
- **Repayment Obligation and Refinancing.** Despite a conveyance to a partner "as joint tenants with a right of survivorship," the conveying partner remains liable on any existing note and mortgage. The bank is under no obligation to accommodate a request to add the life partner to the existing note and mortgage obligation, and any request to do so will



likely require complete refinancing of the property under current loan underwriting and market conditions (for example, taking into consideration the salaries and debts of both partners, the current property value, current interest rates, etc.).

- **Homestead Exemption.** To alleviate the property tax burden, Florida grants its homeowners relief under a homestead exemption provision. This exemption is available to any person who holds legal title to real property in Florida and uses the property as his or her **permanent** residence. Currently, the homestead exemption allows the homeowner to subtract \$25,000 from the assessed value of the home. For example, if the home is assessed at \$75,000, the owner pays taxes only on \$50,000 once the homestead deduction has been claimed. The homestead tax exemption also caps the rate at which the assessed value of the real property may be increased each year to the lesser of 3% or the rate of inflation. (This is commonly known as Amendment 10 or the "Save Our Homes" amendment). **Note that the addition of a partner onto title after the initial purchase of a residence can cause a partial loss of the cap on increases in taxable assessed value (assuming value of the property has otherwise increased since original acquisition).** Other exemptions are available for disabled persons, veterans, and widows or widowers as long as they remain unmarried, for senior citizens and certain persons with physical disabilities.

Application for homestead exemptions for next year's taxes must be made at the Property Appraiser's Office of your county **prior to the March 1 deadline**. The applicant must have resided in the home before January 1 of that year. If a new deed has been filed with respect to your property -- for example in the event that a partner is added to the title -- you will lose your homestead exemption unless you reapply in person. Each taxpayer wishing to apply for an exemption should contact the county property appraiser's office. The property appraiser's offices have detailed information concerning eligibility and the necessary documents and forms required to apply for each exemption.

Note that unmarried couples (including LGBT couples) that jointly own and reside at the same permanent Florida residence, but who jointly own other Florida real property, cannot claim the homestead exemption on both properties. The homestead exemption may be claimed only once for the permanent residence.

If you have any questions on how to obtain these exemptions, you should call your Property Appraiser's office listed in the white pages of your telephone directory under your county's name. A list of the property appraiser's offices can be found at <http://dor.myflorida.com/dor/property/appraisers.html>.

For these reasons as well as those discussed above, regarding general considerations regarding joint ownership of property as a means of avoiding probate, it is advisable to consult an attorney and tax professional, as applicable, to advise on the best approach to take, given your particular circumstances.

Life Insurance

A life insurance policy is a contract between the insured and the insurance company to pay the amount specified in the policy upon the death of the insured. As the insured, you must tell the insurance company who should receive the money (the insurance proceeds) when you die, i.e., who you want to be the "beneficiary." There is no legal restriction limiting who can be designated as beneficiary (or beneficiaries). **Generally, the insurer requires the insured to complete a form or write a letter naming the specified persons, and the nature of the interest to be granted to each (for example, what percentage each is to receive).** You can also name *alternate or contingent* beneficiaries, in case your first named beneficiary dies before you do. If a named beneficiary predeceases you, and you have not named an alternative or contingent beneficiary, then the interest intended to pass to that person will pass to your probate estate. Of course, you must remember to change the named beneficiaries on the policy in the event you change your mind or in the event of the death of any named beneficiary.

Bank and Brokerage Accounts, Pension Plans, IRAs and Retirement Plans

There are a variety of options available for jointly managing your banking affairs, and for making provision for orderly transfer of your bank account or right to manage your accounts to your partner upon death, including: (a) joint account, (b) joint account with right of survivorship, or (c) an account payable on death ("POD") or transfer on death ("TOD"). **Most bank or brokerage firms will have their own specific forms to be filled out in order to accommodate the desired arrangement.**

Motor Vehicles

When you acquire a motor vehicle, you complete an application for certificate of title. On that form, you can provide the owner's and the co-owner's names, so that the vehicle will be co-owned by both persons. You can also check a box indicating "with rights of survivorship," so that the surviving co-owner will be entitled to the vehicle upon the other co-owner's death. Note, however, that if the vehicle is not owned "free and clear" the lender will hold the certificate of title. Also, it should be noted that joint ownership exposes both owners to possible significant liability in the event of an accident, or, given the times in which we live, a "staged" accident.

3. Trusts

Basic Information About Trusts

A trust enables an individual to transfer his or her property to others via a legal document that is different from a will. Wills are only in effect after the death of the maker, but a trust may be in effect prior to one's death. In Florida, in order to be valid, a trust must be written and signed by the creator in the presence of two attesting witnesses.



A trust is established by a settlor (sometimes also called the “grantor” or “trustor”), the one who transfers property to the trust via the written document. These assets become the “corpus” (body) of the trust. Ownership of the corpus is then given to a trustee for beneficiaries selected by the settlor in the trust agreement. Although title to the corpus rests with the trustee, the trustee’s ownership is merely a fiduciary function. The settlor may select a life-partner, trusted friend, relative, or a financial institution, to serve as trustee over the trust. Note, however, that financial institutions charge an annual fee to administer the trust.

The settlor can direct the trustee to distribute the trust income and corpus in a variety of ways. The structure of the trust can be tailored to meet your specific needs and circumstances. The amount of control you retain over the trust property will vary depending upon what type of trust you choose and how you design the trust. There are different tax consequences depending on the form of trust you select. The creator of a trust may limit the investment vehicles in which the assets of the trust may be invested.

Revocable Trusts (Living Trusts)

It has become very popular to encourage everyone to have a so-called “Living Trust” in addition to a will. There are many different kinds of trusts for many different purposes and with many different terms and outcomes, but the popularity of the “Living Trust” is that it is revocable as long as you are living; so you can revoke it, amend it, add property to it and take property from it if your wishes or your circumstances change.

Some, in their exuberance about Living Trusts, promote them inaccurately. They do not offer creditor protection, and while they can be written to save estate taxes, typically wills (without Revocable Trusts) can be written to save estate taxes as well. However, there are two elements to a Living Trust that are in fact helpful to many people:

- assets effectively transferred into a trust existing at your death are not subject to the court probate process.
- a Living Trust properly prepared (which would normally name you as the initial trustee) can name successors -- such as your life-partner -- who can seamlessly step into the office of trustee in the event of your incapacity. (See also the discussion regarding Durable Powers of Attorney, sometimes called “the poor man’s trust” utilized by many persons perfectly capable of having trusts if they wished).

As noted above, there are a number of ways to avoid the probate process if you wish to do so. A good way to do that is to execute a Living Trust and then, very importantly, follow through and be certain that you transfer all of your assets into the trust.

It is disheartening how often people go to the expense of establishing revocable trusts but then fail to “fund” them (fail to transfer assets effectively to the trustee), and as a consequence their estates are subject to probate anyway. Accountants, financial planners, trust officers and others may advise you to execute a revocable

trust agreement; you will want also to consult with a lawyer to be certain that the document you sign is effective and carries out your wishes.

Other Trusts – for Minor Children, Disabled Persons, or Charitable Purposes

It is beyond the scope of this discussion to cover all of the various trusts that may be appropriate for you. Certainly for minor children or other minor beneficiaries, or for beneficiaries who may not handle property and money well, trusts [whether testamentary trusts established through your Will or your Living Trust, or trusts that you may fund during your lifetime (“inter vivos” trusts)], may be an important part of your estate plan. Beneficiaries suffering from disabilities, particularly if they are entitled to government benefits, ought to be remembered through “special needs” trusts. You may wish to provide for charities while at the same time provide for an income stream to individual beneficiaries through “Charitable Remainder Trusts” or provide an income stream to a charity with the remainder to individuals (“Charitable Lead Trusts”). There are discount opportunities (thus a potential savings of estate taxes) through Qualified Personal Residence Trusts and through some limited partnerships and other like entities. These are just examples but offer important opportunities for you. A lawyer experienced in estate planning can guide you.

4. Social Security Payments – the Representative Payee

You can designate a person to receive your Social Security checks if you are not able to manage your own affairs. That person is known as a **representative payee**. The representative payee must use the Social Security money only for your basic or personal needs including food, shelter and uncovered medical needs.

The representative payee is usually a spouse or parent (in the case of children receiving benefits) but may be a life partner, friend or legal guardian. An institutional administrator can also be designated the representative payee.

This process begins when a friend or relative notifies the Social Security office that an individual is incapable of handling his or her own affairs. A doctor's statement to that effect also must be filed. The Social Security Administration then determines whether or not the individual is capable of receiving their checks. **NOTE that a power of attorney is not effective for Social Security purposes.** Any appointment can be challenged. For more details, call or visit your local Social Security.

5. Organizing Your Personal Records

Getting your financial and personal records in order will save time and energy in your daily affairs. Basic personal information is necessary for almost any application for benefits and legal transactions. Financial records can be useful for budgeting your income, for making investments, or for retirement and estate planning.



People are at a high risk of failing to meet their legal claims and responsibilities when their personal documents are not adequately maintained. Organizing your records can also alleviate your loved ones from bureaucratic burdens. During an emergency situation, your partner, a friend or relative caring for your health or legal affairs, will spend less time digging for papers if he or she knows the location of the necessary documents.

A simple way to organize your records is to write down an inventory of important papers. Describe the document and include its location, whether it is in a safe deposit box at the bank or a file box in your closet. Location is particularly important when referring to your will (remember you do not have to reveal the contents of wills or trusts), birth certificates, and certificates of marriage and citizenship.

Depending on your personal situation, there will be additional items you should include in your document inventory. The following is a list of basic items that your personal and financial records file should contain:

Personal Records:

- Full legal name
- Social Security number
- Legal residence
- Date and place of birth
- Names and addresses of spouse and children (or location of death certificates if any are deceased)
- Names of parents
- Location of will and trust
- Location of birth certificate and certificates of marriage, divorce, and citizenship, including passports and visas
- Combinations to safes or lock boxes or location of keys
- Names and addresses of other relatives, close friends, doctors, and lawyers or financial advisors
- List of employers and dates of employment
- Education and military record
- Religious affiliation, name of church or synagogue, and name of clergy (if desired)
- Living will, anatomical gifts
- Preferences or prearrangement for burial

Financial Records:

- Social Security and Medicare information
- Investment income (stocks, bonds, property)
- Sources of income and assets (pension funds, interest income, etc.)
- Insurance information (life, health, and property), with policy numbers
- Bank accounts (checking, savings, and credit union), including information about any automatic payments
- Utilities and manner of payment (particularly if payments are made automatically)
- Credit cards

- Location of safe deposit boxes and keys
- Copy of most recent income tax return
- Power of attorney
- Liabilities - what is owed to whom and when payments are due
- Mortgages and other debts - how and when paid
- Property taxes
- Location of personal items such as jewelry or family treasures

Today, 5.7 million Floridians have access to Domestic Partner benefits and protections either through DP registries or public employee benefits programs. Equality Florida will keep working to secure protections for all LGBT families in Florida.

6. DOMESTIC PARTNERSHIP AGREEMENTS

A domestic partnership agreement is a contract between unmarried persons (not limited to same-sex couples) living together. A domestic partnership agreement expresses in a contract how parties wish to define their property and support rights during the course of their relationship or upon the end of their relationship during their lifetime or upon death. With a domestic partnership agreement, parties can set forth in an enforceable, binding contract, procedures for handling their support, expenses and finances while they are together and support if they separate, can provide for the division of their assets and liabilities when they separate and can define their rights in each other's estate upon death or disability. Such agreements work much the way premarital (prenuptial) agreements or postnuptial agreements do for parties who are marrying or have married. In a domestic partnership agreement, parties can set forth their rights, obligations, emotional commitment, financial interdependence and, if applicable, co-parenting responsibilities.

The benefits of having domestic partnership agreements include:

- Certainty as to the disposition of property of each partner during the partnership, as well as upon separation, disability or death;
- Reduced chance of litigation upon separation, disability or death;
- Clear understanding of the duties and rights of each partner both during and after the relationship;
- Documenting the parties' desire to be in a committed and equal partnership.

Enforceability of Domestic Partnership Agreements in Florida

Florida courts have recognized and upheld domestic partnership agreements as valid and enforceable, so long as there is sufficient consideration for the agreements. If the primary consideration for the agreement is not sexual intercourse, then the mere fact the parties are not married does not preclude them from contracting according to law for permanent sharing of and participating in one another's lives. For example, cohabiting parties may enter into a valid contract to purchase property with their joint or separate funds.

In *Posik v. Layton*, 695 So. 2d 759, 761 (Fla. 5th DCA 1997), the Florida Fifth District Court of Appeal held that a "support agreement" entered into by a lesbian couple was binding



and enforceable. The court described the agreement as, “a nuptial agreement entered into by two parties that the state prohibits from marrying” and held that, even though Florida has prohibited same-sex marriages and same-sex adoptions, “it has not prohibited this type of agreement.”

The agreement provided that, in consideration for on woman giving up her job, selling her home, moving with the other woman and maintaining and caring for her home, the other woman would provide all the support for both women, would make a will leaving her estate to the woman who gave up her job and would, maintain bank accounts and other investments in the moving woman’s name. The agreement further provided for payment of a monthly sum upon termination of the parties’ relationship for various triggering events.

Prior to entering into a domestic partnership agreement, each party should fully disclose to the other their assets, debts and income. Domestic partnership agreements must be in writing and should be signed by both parties before two witnesses and a notary with the same formalities of a will. Each party to a domestic partnership agreement should be represented by independent counsel.

Contents of the Agreement

A partnership agreement should address obligations during the partnership as well as upon separation, disability or death. The agreement should identify each party’s separate property and how they plan to own property they may acquire together. The agreement should address how joint expenses will be handled during the relationship (e.g., mortgage, household expenses), support and division of assets and debts upon conclusion of the relationship and should provide for vacating, selling or otherwise disposing of the home in which the parties may have been residing together upon the termination of the parties’ relationship.

Obligations during the partnership

A domestic partnership agreement should include the date the relationship began and the names of the parties. The agreement should describe the financial arrangements during the partnership. For instance, how will living expenses be divided? The parties should also define how assets acquired during the partnership will be treated. If the parties have children or intend to have children (for example, through a legal out-of-state adoption that Florida would be required to recognize), then the parties should consider entering into a separate “Parenting Plan” that can address various aspects of time-sharing, decision-making and support of the child. The components of a parenting plan are beyond the scope of this Handbook, but, for guidance, parenting plan forms approved by the Florida Supreme Court for use in family law cases can be found at www.flcourts.org (see Family Law Form 12.995(a) and 12.995(b)).

Obligations upon separation, disability or death

The agreement should state what types of property (bank accounts, life insurance policies, retirement benefits, real property, tangible personal property, intangible personal

property, property acquired by gift or inheritance, or an interest in a trust or family business) should be treated as separate property or jointly owned property. If property is to be shared, the parties should describe how such property will be divided upon separation or death. For example, upon separation each party may share all bank accounts equally regardless of the amount of contribution during the relationship. Another choice is to share according to how jointly owned property will be titled. Additionally, the agreement should state whether property acquired in the future should be divided or remain separate when the relationship ends. Responsibility for each party's debts and jointly acquired debts during the relationship (e.g., mortgage, loans, credit cards, taxes) should also be discussed in the agreement as well as who will be responsible for payment.

The agreement should state whether either partner will be entitled to financial support similar to alimony upon separation, disability or death. The parties should also decide which partner will own or continue to reside in the primary residence or disposition of the residence upon separation or death. The parties may wish to include provisions in the domestic partnership agreement for obtaining and maintaining life insurance or disability insurance under certain conditions.

The parties may wish to consider including confidentiality provisions in their agreement to protect their privacy.

Finally, like all contracts, the domestic partnership agreement should include an enforcement provision. This provision should indicate what law will apply in the event of a lawsuit, whether the prevailing party will be entitled to attorneys' fees and costs and whether the parties will mediate the dispute prior to filing a lawsuit.

Execution and Consideration

In order to be enforceable under Florida law, a partnership agreement must be in writing. In addition, it is crucial that domestic partnership agreements be supported by "consideration" in order to be valid. In this context, "consideration" means some right, interest or benefit to one party or some detriment, loss, forbearance or obligation undertaken or given by the other party. The consideration may not consist solely of a promise for sexual services and may not be a promise to commit an illegal act. One form of consideration is cash contributions, i.e. one partner agrees to pay \$500 a month in exchange for utilities and rent.

If the partnership agreement includes provisions to take effect post-death of one or more of the partners, it is essential that the agreement be signed with the same formality as one would sign a will – it must be signed by the partners and by two witnesses, as to each signature, who were in the presence of the persons executing the agreement, and those witnesses must sign and print their names. Even if the partnership agreement does not include post-death provisions, the better practice would be to have it witnessed in any event.



B. HEALTHCARE ADVANCED DIRECTIVES

Under current Florida law, a same-sex partner has no right to participate in decision making in the area of health, life, and death decisions and has no right to obtain or provide healthcare information in the event of an emergency or life-threatening condition. In the absence of written directives to the contrary, only your biological family is entitled to make life and death decisions for you if you are unable to do so.

An advance directive is a witnessed written document or oral statement by a person expressing their instructions about health care, through documents including, but not limited to, the:

- designation of the health care surrogate;
- a living will; or
- a do-not-resuscitate order.

A competent adult has the fundamental right of self-determination regarding decisions pertaining to his own health, including the right to choose or refuse medical treatment. This right is subject to certain interests of society, such as the protection of human life and the preservation of ethical standards in the medical profession. If one is unable to provide or withhold consent to a medical procedure, one can delegate these decisions to another person (a "surrogate") to direct the course of his or her medical treatment, or by making a living will.

The execution of an advance directive does not affect the sale, purchase, or issue of the terms of any policy of life insurance, or modify the terms of an existing policy (in spite of provisions to the contrary). A person cannot be required to make or waive an advance directive as a condition for obtaining or receiving health care services or insurance.

Should you decide to write an advance directive, be sure to advise your family, friends and physician that such a directive has been made. You can write your own advance care directive by using the forms that follow. To be certain you are complying with Florida law, you may want to seek the advice of an attorney.

An advanced directive may be revoked by a competent principal at any time by a signed, dated writing; physical cancellation or destruction of the document; an oral expression of intent to revoke; or by a materially different subsequently executed declaration.

1. End of Life Decisions – the "Living Will"

A "living will" or "advance directive" is a written document that provides guidance as to your wishes at the end of your life, when the addition or enhancement or withdrawal of a treatment would simply prolong your dying rather than your living. A "life prolonging procedure" means any medical procedure, treatment, or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a spontaneous bodily



function (including the provision of nutrition and hydration. The living will instructs the principal's physician to provide, withhold or withdraw life-prolonging procedures, or to designate another to make the treatment decision for him, in the event that such person should be found to be incompetent and diagnosed as suffering from a terminal condition.

By directing that life prolonging procedures be withdrawn or withheld, the writer of a living will is **not** instructing that medical procedures which provide comfort or alleviate pain be withheld. There are many forms of living wills (not to be confused with so-called "living trusts" discussed above). Section 765.303, Florida Statutes, suggests, but does not require, the following format:

LIVING WILL

Declaration made this _____ day of _____, 20__, I, _____, willfully and voluntarily make known my desire that my dying not be artificially prolonged under the circumstances set forth below, and I do hereby declare that, if at any time I am incapacitated and

____(initial) I have a terminal condition

or ____ (initial) I have an end-stage condition

or ____ (initial) I am in a persistent vegetative state

and if my attending or treating physician and another consulting physician have determined that there is no reasonable medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

It is my intention that this declaration be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and to accept the consequences for such refusal.

In the event that I have been determined to be unable to provide express and informed consent regarding the withholding, withdrawal, or continuation of life-prolonging procedures, I wish to designate, as my surrogate to carry out the provisions of this declaration:

Name: _____



Address: _____

_____ Zip Code: _____

Phone: _____

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Additional Instructions (optional):

IN WITNESS WHEREOF, I have signed this Declaration on the day and year first above written.

_____ (signature)
Print Name: _____

The declarant is known to me and I believe [him/her] to be of sound mind. I am neither the spouse nor a relative of the declarant.

The declarant is known to me and I believe [him/her] to be of sound mind. I am neither the spouse nor a relative of the declarant.

_____ (signature)

Print Name: _____

Witness

Address: _____

Telephone: _____

_____ (signature)

Print Name: _____

Witness

Address: _____

Telephone: _____

You may wish to add the following language as to whether you wish nutrition and hydration be continued or withheld (the Florida Legislature several years ago came within a vote or two of providing that if you did not specifically authorize the withholding of nutrition and hydration, they could not be withheld – the bill did not pass – but be forewarned if this is important to you):

I desire that nutrition and hydration (food and water) be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying.

Some prefer a more detailed advance directive, with many specific directions in various circumstances. A popular one is called "Five Wishes". Information about that form

may be obtained online from www.agingwithdignity.org. A copy of the statutory form including the above language is attached (**Form A**).

Note that the statutory form allows you to name another person who can be the advocate for your directions. That person is called a “surrogate” and may be a life partner or other friend.

An original signed copy of your living will should be provided to your physician and health care facility (if you are currently in the care of such a facility). You may also wish to provide several original, signed copies of your living will to your partner, or whomever you choose to name as your surrogate, so that in the event you are incapacitated, the Living Will can be provided to your physician and health care facility.

2. Designation of a Health Care Surrogate

Under current Florida law, a same-sex partner has no inherent right to participate in decision making in the area of health, life, and death decisions and has no right to obtain or provide healthcare information in the event of an emergency or life-threatening condition, or in the event of temporary or permanent incapacity.

A Health Care Surrogate can be designated to act for you if you are unable to act for yourself in matters relating to your health. Sometimes this is confused with a “living will”, but a living will is designed to be used only at the end of life. A Health Care Surrogate may need to make health care decisions for you having nothing to do with impending death.

You can name anyone, including your partner, as your “health care surrogate.” Also, you can name *alternate* surrogates, in case your first choice is unable or unwilling to perform his or her duties.

Rights and Responsibilities of the Surrogate

A Health Care Surrogate, unless your document expressly limits his or her authority, will have the authority:

- to make all health care decisions for you while you are incapacitated, including consulting with health care providers to provide informed consent for treatment or the withholding of treatment, the authority to provide consent to a physician’s order not to resuscitate
- to be provided access to your medical records
- to apply on your behalf for public benefits, including Medicare and Medicaid





- to have access to information regarding your income and assets and your financial and banking records sufficient to make such application and may authorize the release of information and medical records to insure the continuity of your health care, and
- to authorize your admission, transfer or discharge from health care facilities.

It is the duty of the health care surrogate to make the health care decisions the surrogate believes the principal would make under the circumstances if he or she were capable of making the decision.

What Events Trigger the Authority of the Surrogate

An attending physician can enter an evaluation in your medical records that it is believed that you do not have the capacity to provide informed consent in regard to health care questions. If an attending physician has a question as to whether you lack capacity, another physician will evaluate you, and if the second physician agrees that you lack the capacity to make health care decisions or provide informed consent, the health care facility enters both physicians' evaluations into your medical records and is required then to notify your Health Care Surrogate, if one has been designated and that is made known to the facility, that his or her authority under the Designation instrument has commenced. A surrogate steps in and makes decisions **only** after the principal is incapacitated and unable to make health care decisions. Once the principal regains capacity, the surrogate's decision-making authority ceases.

Requirements of a Health Care Surrogate Designation

Section 765.203, Florida Statutes, sets out a form for a Designation of Health Care Surrogate which reads as follows:

DESIGNATION OF HEALTH CARE SURROGATE

Name: _____ (Last) _____ (First) _____ (Middle Initial)

In the event that I, have been determined to be incapacitated to provide informed consent for medical treatment and surgical and diagnostic procedures, I wish to designate as my surrogate for health care decisions:

Name: _____
Address: _____ Zip Code: _____
Phone: _____

If my surrogate is unwilling or unable to perform his duties, I wish to designate as my alternate surrogate:

Name: _____
Address: _____ Zip Code: _____
Phone: _____



I fully understand that this designation will permit my designee to make health care decisions and to provide, withhold, or withdraw consent on my behalf; to apply for public benefits to defray the cost of health care; and to authorize my admission to or transfer from a health care facility.

Additional instructions (optional):

I further affirm that this designation is not being made as a condition of treatment or admission to a health care facility. I will notify and send a copy of this document to the following persons other than my surrogate, so they may know who my surrogate is.

_____ (signature)
Print Name: _____
Designator

The foregoing Designation of Health Care Surrogate was acknowledged before us by the Designator, whose signature appears above, on the ___ day of _____, 20__.

(signature)
Print Name: _____
Witness
Address: _____

Telephone: _____

(signature)
Print Name: _____
Witness
Address: _____

Telephone: _____

Florida law does not require that the Section 765.203 form be followed, saying that it "may, but need not be" in that form. The advantage of executing a Designation in the statutory form, or something very close to it, is that health care providers in Florida will be accustomed to it. In any event, to be effective your Designation of Health Care Surrogate must be in writing and must be signed by you and also two subscribing adult witnesses who were in your presence when you signed it. (Notarization is not required.) An exact copy of the Designation must be provided to your surrogate (and to any alternate surrogate whom you name). The surrogate may not be one of the witnesses, and at least one witness must not be a blood relative of yours.

There is anecdotal evidence that some providers have refused to give surrogates access to medical records, citing privacy laws. Accordingly, you may wish to add the following language to your Designation:



HIPAA Release Authority

I intend for my surrogate (and alternate surrogate) to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (a/k/a HIPAA), 42 U.S.C. 1320d and 45 C.F.R. 160-164. I authorize:

any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care provider, any insurance company and the Medical Information Bureau, Inc., or other health-care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services,

to give, disclose and release to my surrogate, without restriction,

all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, including all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness, and drug or alcohol abuse.

The authority given my surrogate shall supersede any prior agreement that I may have made with my health-care providers to restrict access to or disclosure of my individually identifiable health information. The authority given my surrogate has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health-care provider.

You may also wish to include a specific statement in your Designation of Health Care Surrogate that your surrogate (and anyone else your surrogate names) shall have the right to visitation while you are confined in any health care facility – hospital, rehabilitation facility, assisted living facility and nursing home. Hopefully, this will become less of an issue once President Obama’s April 15, 2010, Memorandum and the resulting rules from Health and Human Services take effect.

A form of Health Care Surrogate Designation, including the express right of visitation and HIPAA Release Authority, is attached (**Form B**).

At least one original executed copy of your Designation of Health Care Surrogate should be provided to each named surrogate. If you designate someone other than your partner as your Health Care Surrogate, you may also wish to provide your Designation of Health Care Surrogate to your partner or other trusted person, so that in the event you are incapacitated, your partner can contact the surrogate and provide a copy to your physician and/or health care facility.

3. Do Not Resuscitate Order

In addition to designating a surrogate and executing a living will, a person may choose to issue a "do not resuscitate order." Emergency medical service personnel will honor a "do not resuscitate order" if the appropriate Department of Health Do Not Resuscitate Order, or "yellow form," is signed by the individual or the individual's health care representative and by a physician and is presented to the emergency medical services personnel when responding to a call for assistance. Unless it is revoked, it is legally valid and does not need to be periodically renewed. Every person is presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless there is consent to the issuance of a do-not-resuscitate order as provided by Florida law.

4. Durable Power of Attorney

The importance of a "durable" power of attorney, which is established by statute, as contrasted with a common law power of attorney is that the durable power is in force (if not revoked by the person who gave it) unless and until a court of competent jurisdiction declares the person to be legally incapacitated. The common law power of attorney, on the other hand, could be questioned at any time, forcing the person who gave it to prove that he or she still had mental capacity. Florida law has recognized durable powers of attorney since 1974 (Florida Statutes, Section 709.08). Initially, they were referenced as durable family powers of attorney, limiting those who could serve as attorneys-in-fact. There is not that limitation today. Any "natural" person who is 18 years of age or older and is of sound mind can serve as an attorney-in-fact under a durable power of attorney, as can any financial institution having a place of business in Florida and authorized to conduct trust business in the State.

Legal Requirements

Durable powers of attorney must be witnessed by two persons and also notarized and can be recorded in the public records of any county in Florida (but there is no requirement for recording). You should seek assistance from a lawyer licensed to practice law in Florida to prepare a durable power of attorney for you. Discuss with the lawyer the powers that you wish to give your attorney-in-fact. It is usually wise to give very broad powers so that your attorney-in-fact can act under whatever circumstances may occur. Examples of powers are listed in Section 709.08 Florida Statutes, and include the authority to execute stock powers or similar documents in the name of the principal and the authority to convey real property in the name of the principal.

As noted, a number of powers are presumed, but the better practice is to spell out in detail the powers you wish your attorney-in-fact to have. It is permissible to include specifically among the powers given to your attorney-in-fact in a durable power of attorney the power to make all health care decisions on your behalf, but the better practice is to execute a separate Designation of Health Care Surrogate which is discussed above.



Unless you expressly authorize your attorney-in-fact to create, amend, modify or revoke any document or other disposition that would be effective at your death and to have the right to transfer assets to a trust you created, the durable power of attorney will not include those rights. See Section 709.08(7)(b), Florida Statutes, for other limitations on the attorney-in fact's powers.

In terms of planning ahead, it is helpful to execute a power of attorney so that if you are not able to conduct your business on your own, whether through travel or illness, someone else whom you designate would be able to do so for you.

Durable powers of attorney are very powerful documents. Accordingly, do not name an attorney-in-fact in whom you do not have great confidence! Because of the wide and financial power granted to an attorney-in-fact, and because an attorney-in-fact can act on your behalf from the grant of authority specified in the document, extreme caution should be used before you grant someone else the power of attorney. You only should grant a power of attorney if you fully trust that your attorney-in-fact will not misuse the power over your property, now or ever.

Revocation

You may revoke any durable power of attorney you make, but for the revocation to be effective, it must be in writing and must be served (by any form of mail that requires a signed receipt or by personal delivery in the same manner as service of process for a law suit) upon the attorney-in-fact and any third persons relying upon the durable power of attorney. Particularly if you have previously recorded your power of attorney in the public records, be certain that you also record the revocation (in which case it should be witnessed and notarized as was the power of attorney).

Even though you execute a Durable Power of Attorney in accordance with Florida law, still you may find that some banks, brokerage houses, real estate title insurance companies, or other entities will not honor it. Frequently this is because they have their own forms that have been approved by their management or general counsel, and the "line" person you are dealing with is uncomfortable with anything other than the form in the corporate manual. Thus, it is highly recommended that in addition to executing a Durable Power of Attorney in accordance with Florida law you should take a copy of it to your banks or brokers, show it to them and ask if they will honor it. If they say "no" because it is not on their form, then sign their form as well – just be sure that it is consistent with the statutory form you signed (i.e., you do not want to name one attorney-in-fact on the statutory form and someone else on the bank form).

5. Declaration of a Pre-Need Guardian

If you have in place an effective Durable Power of Attorney and an effective Health Care Surrogate Designation, hopefully it will never be necessary that a court appoint a guardian for you. However, any Florida resident, believing that you lack capacity, mental or

physical or both, to handle yourself and your affairs, can petition a court to have you declared "incapacitated" (a term that replaced "incompetent" in Florida law some years ago). While you will have a right to a lawyer, this petition will trigger the appointment of a three-person examining committee (made up of health professionals and appointed by the court) to advise the court as to whether you are in fact incapacitated, and if the court finds that you are, the court will appoint a guardian for you. In that case, it may be very important that you, while competent, have previously signed (in the presence of at least two attesting witnesses present at the same time) a written declaration naming a pre-need guardian. You may name a guardian for your "person" (to make personal decisions for you) and/or for your "property" (to handle your "business" affairs), and it need not be the same person. You may (but are not required) to file the Pre-Need Guardian Declaration with the Clerk of the Court (in most counties, with the Probate Division, sometimes with a "Mental Health Division"), but in any event it should be produced to the court if someone files a petition alleging your incapacity. Production of such a declaration in a proceeding for incapacity "shall constitute a rebuttable presumption that the preneed guardian is entitled to serve as guardian" (Section 744.3045, Florida Statutes). The court is not bound to appoint that person but only if the preneed guardian is found to be unqualified to serve as a guardian.

Qualifications of the Pre-Need Guardian

A very important limitation in Florida regarding guardians is that while any resident of Florida who has not had his/her own rights removed and is 18 years of age or older may serve as a guardian, a non-resident may only be appointed a guardian of a Florida resident if related by lineal consanguinity to that person, a legally adopted child or adoptive parent of the person, a spouse, brother, sister, uncle, aunt, niece or nephew of the person, or someone related by lineal consanguinity to any such person or the spouse of a person otherwise so qualified. In other words, an out-of-state friend or partner may not serve as your guardian if you are a Florida resident. If your choice for guardian is out of state and not a "relative" as defined above, you have a heightened need for an effective Durable Power of Attorney and an effective Designation of Health Care Surrogate as discussed above (for neither of which is there a residency requirement) so that hopefully there will never be a need for a guardian to be appointed for you even though you become, in fact, incapacitated.

Designating Pre-Need Guardians for Minor Children

You should consult with a lawyer if you wish to designate a pre-need guardian. If you have minor children, you can, and probably should, sign pre-need guardian designations for them as well. If their other parent is living, the court will almost always prefer that other parent to anyone else you name, but still you should consider making a designation because at your death the other parent may not be qualified to serve, may decline to serve or may not be living.

6. Planning Your Own Funeral

There are good reasons for same-sex partners to make and pay for your own burial arrangements. Most importantly, it increases the likelihood that your wishes will be honored in death, particularly if they are at odds with those of your biological family. Also, you relieve

your partner and family of a financial burden at a time when they are most vulnerable, as all too often bereaved partners and family members feel guilty about economizing on a funeral of a relative.

Although most funeral directors and cemetery representatives operate ethically, some do not. Some funeral directors may try to insist that you purchase services you do not need to increase their profits. Even the wisest person is vulnerable to exploitation at a time of loss. It is always wise to consult someone who is not grieving when making decisions concerning funeral arrangements. Do not allow yourself to be rushed into making decisions. You have the **right** to take all contracts and informational brochures home with you for close examination. **Never** sign anything you have not examined closely or do not **fully** understand.

Funeral Expenses

The ceremony you choose can be based upon religious and practical considerations. For many, the simplest and least expensive way is by cremation with your ashes either returned to your next of kin or scattered.

If you choose a traditional burial, you may need to make two contracts - one with the funeral home and one with the cemetery. Many cemeteries operate their own funeral homes enabling you to take care of funeral requirements with only one contract, eliminating secondary and hidden costs. Funeral home expenses are usually divided into two portions; charges for professional services (such as preparation of the body) and the cost of a casket. Embalming is not required by law. Because professional service fees vary you should shop around for a funeral home. Ask to see the least expensive casket if you wish, as it may not be on display. How expensive the funeral is will be largely determined by the price of the casket you choose. In addition to the casket, the funeral home will charge you for removal of the body, embalming, any private viewing, transportation to and from funeral services outside the funeral home, transportation to the cemetery and for attendants. Funeral directors are required by State law to give you an itemized cost breakdown of **all** funeral expenses. Be sure to ask for it before you contract for services.

Cemetery Expenses

Many people choose below-ground burial. This type of interment is costly because it includes expenses for opening and closing the grave, grave vault or liner, marker for the grave, and endowment care (future grave-site maintenance fees).

The grave site is priced according to its location in the cemetery. The gravestone can be purchased at a private monument firm, but make sure that it meets cemetery specifications. The cemetery will charge a setting fee.



Different Ways of Paying

As you can see, traditional below-ground burial is costly (approximately \$5,000) and can require complex decision making by your family at a time of great emotional stress. Accordingly, you may want to consider cremation to protect your survivors from both financial and emotional distress. As with every other contract you enter into, a burial contract needs to be negotiated very carefully to make sure that the final payment is not more than anticipated. Take a friend with you for support when you go to the funeral home so that you are not intimidated into spending more than planned.

Preneed contract: Florida law requires that all money paid for preplanned funerals be placed in trust. The money from the trust fund will be paid to the funeral director upon receipt of proof that services were carried out in conformance with your wishes. By law you must be able to get your money back from the trust if you decide to cancel the contract within 30 days. Thereafter the refund may be subject to liquidated damages in certain percentage amounts allowable by state law and stated in the contract. Likewise, if the funeral services are not performed, the entire amount shall be reimbursed within 30 days.

Membership in a Burial Society: There are both for-profit and not-for-profit burial societies that provide simple ceremonies (usually cremation) for a membership fee. The balance of the purchase price can be negotiated either as a pre-paid or post-paid contract, with the bulk of the money to be paid out of your estate after death.

7. Organ and Body Donation

You can perform a public service and avoid costs by donating your body to a medical school and your organs to someone that needs them. Organ donation means that you can live on in a special way by saving the life of someone in need of an organ transplant. You may be able to donate a heart, kidneys, or some other organ if you so request. Organ transplants are done at no cost to the donor; the recipient hospital will cover the cost of donation. Following organ donation, the family of the deceased may hold funeral and memorial services. To become part of the donor program, you may sign the State of Florida Organ Donor Registry form in the presence of two subscribing witnesses. It must then be returned to the Department of Motor Vehicle Office or returned to the Tallahassee address on the Florida Organ Registry brochure. That brochure is available online at www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/Organ_Donors/Regform.html, or by calling the Agency for Healthcare Administration at (888) 419-3456. A donor card can be found online at www.myflorida.gov. You may also indicate such intent on your driver's license at time of renewal. In addition, you may register for organ donation on-line Donate Life Florida - a non-profit 501(c)3 organization contracted by the State of Florida, Agency for Health Care Administration to create the state's organ, tissue and eye donor registry (<https://www.donatelifeflorida.org>). Where you register on-line or via license renewal or otherwise, you may change your mind or the terms of your donation at any time.

C. CHILDREN

1. Declaration of a Pre-Need Guardian for Minor

Just as you can make a declaration of who you wish the Court to appoint as your Guardian in the event of your incapacity, you can also declare who your minor child's guardian should be upon your death or incapacity. This declaration must provide the minor's name, date of birth, and social security number, and must be filed with the Clerk of Circuit Court. A guardian can be designated for the minor's person, the minor's property, or both. Residency restrictions apply to anyone who is not a Florida resident. A guardian must be a Florida resident or a legally recognized "family" member as discussed in the qualifications of pre-need guardians above.

2. Medical Power of Attorney for Minor

A medical power of attorney allows a parent to designate other persons who are authorized to consent to medical care or treatment of his or her minor child. This document, authorized by Florida Statutes Section 743.0645, is used only if the treatment provider, after a reasonable attempt, is unable to reach the parent with legal power to consent to medical care. A medical power of attorney gives the designee power to consent to medically necessary surgical and general anesthesia services for the minor child, unless such services are specifically excluded by the individual executing the power of attorney.

3. Children and Financial Resources

Even if you declare a guardian for your minor child before your death, there remains a concern as to how to ensure that your financial resources go to your minor child's care. If you have a minor child and have financial resources or insurance that you want to be sure benefit your child in the event of your death, it is strongly advised that you consult an attorney to carry out your wishes.

4. Non-Biological Children

Florida's limitations on a gay parent adopting a child are discussed at the beginning of this Handbook. Obviously, however, a same-sex couple's family unit may include the individual partners' biological children. Granting the non-biological parent authority over and access to the children will vary depending upon the family's circumstances, including whether the children have another biological parent whose parental rights have not been terminated.

The partner's concerns with the children likely encompass the practicalities of day-to-day life. The biological parent may want to contact the children's schools, day-cares, health care providers, religious centers, after-school lesson providers, activity directors, and even friends' parents and carpoolers, and give the biological parent's permission to release the child and





the child's records to the biological parent's partner. Many of these entities will have their own forms that they will ask to be completed, by either or both of the children's biological parents. Ask for the forms, and be sure to keep copies of the completed forms for your records.

5. Other Practical Considerations

Because of the inability to adopt and marry, gay parents should consider obtaining life insurance – or increasing the limits of existing coverage -- if they can afford it. Keep in mind that in the event of the death of a partner with children, the surviving partner will not get survivor benefits from Social Security – which could be quite substantial – particularly when taken over a long period of time. There's also the consideration that a surviving partner and non-biological children are not "survivors" under Florida law, so if a parent is killed, for example in an accident of some kind where another party is at fault, the surviving partner and children will not be able to sue and recover for their own damages (the estate of the deceased partner could -- but damages would be much less than providing for partner and minor children). Thus, a complete financial analysis may suggest that adoption in another state overall could be cost effective when you consider all the attendant factors, costs and risks.

III. REFERENCE AND REFERRAL INFORMATION

Guardianship

Guardianship, often confused with the Guardian Ad Litem program, is the process designed to protect and exercise the legal rights of individuals whose functional limitations prevent them from being able to make their own decisions, and they have not made plans for this time in their life. People who need guardianship may have dementia, Alzheimer's disease, a developmental disability, chronic mental illness or other such conditions that generally cause functional limitations. Before a guardianship is established, it must first be determined that the alleged incapacitated person lacks capacity. Generally, there are three types of guardians in Florida. If a court determines a person needs a guardian and that person has family or friends that can serve, then the court may appoint that family or friend. Note, however, the restrictions on non-residents; the same limitations apply to non-residents who may serve as guardians as set forth in the qualifications for pre-need guardians above. These people are considered non-professional guardians. If the incapacitated person does not have a loved one that can and will serve but they have assets, the court may appoint a professional guardian. If the incapacitated person does not have family or friends and is of limited financial means, then the court may appoint a public guardian, if available. In Florida, the Statewide Public Guardianship Office designates Offices of Public Guardian.

A current list of local offices may be found on the Statewide Public Guardianship Office web page at: <http://elderaffairs.state.fl.us>



If you have further questions about public guardianship or would like information on how to become a professional guardian, you may contact the Statewide Public Guardianship Office at (850) 414-2000 or write to:

Statewide Public Guardianship Office
4040 Esplanade Way Suite 360-I
Tallahassee, Fl. 32399-7000
<http://elderaffairs.state.fl.us>

Legal Problems

Every citizen in Florida should seek representation by an attorney in a civil lawsuit, whether the citizen is suing to uphold a right they claim, or whether the citizen is being sued. Civil lawsuits are cases other than those in which a citizen is charged with criminal activity by the state or local government. If you have a civil legal problem, but cannot afford to hire a private attorney to represent you, you may be able to obtain an attorney through your local legal aid or legal services organization, which provides free legal services to those in need. In criminal cases, the court will appoint a lawyer if you qualify.

Remember, legal problems have time limits, after the expiration of which your rights may be lost. Therefore, immediately contact a lawyer for assistance. The following are places you may wish to contact.

Legal Services and Legal Aid

Legal Aid and Legal Services offices can advise you in most areas of civil law, for example: consumer cases; employment cases; landlord/tenant cases; food stamp cases; health cases; social security; public welfare benefits; and family law matters such as dissolutions of marriage.

Legal Aid and Legal Services are meant for persons of low income who cannot afford an attorney. Most Legal Aid and Legal Services offices base their eligibility criteria on both the income of the applicant and the size of the family of the person seeking assistance, and sometimes on other additional criteria, such as being **60 years old or older**. In order to determine whether or not you would qualify for Legal Aid or Legal Services, it is necessary for you to contact the local Legal Aid or Legal Services office. The best information on Legal Aid or Legal Services offices and whether it handles your particular legal need, addresses of all offices, hours of operation, financial qualifications, and other valuable information is found at www.FloridaLawHelp.org.



MUNICIPALITY ORDINANCE	PROTECTED CATEGORIES																				
	Sexual Orientation	Gender Identity	Sex / Gender	Age	Race	Racial Profiling	Physical Characteristics	Color	Mat. Origin / Ancestry / Ethnic Origin / Birth Place	Citizen	Marital Status	Familial Status	Domestic Relation Status	Parental Status	Pregnancy	Disability / Handicap	Source of Income	Political Affiliation	Religion / Creed	Veteran Status	Relation with Person Affected
Broward Chapter 16-1.2	X	X	S	X	X		X	N		X	X				D		X	R			
City of Miami City Charter "Citizen's Bill of Rights"	X	X	S		X	X	X	N			X	X	X				X	R	C		
Dunedin Chapter 42	X	X	S		X		X	NA											R		
Gainesville Chapter 8	X	X	G	X	X		X	N		X					D				R		
Gulfport Chapter 26	X	X	G	X	X	X	X	NA		X	X				D				R		
Juno Beach Res. 2007-02, Art. I, Sect. 8	X	X	S	X	X		X	N	X	X	X				D		X	R			
Key West Chapter 38	X	X	S		X		X	NAB		X	X		X		H	X			R		
Lake Worth Chapter 20	X	X	S	X	X		X	N		X					H				R		
Largo Chapter 14	X	X	S	X	X		X	NAB		X	X			X	X				R	X	
Leon Co. Chapter 9	X	X	S	X	X		X	NA		X	X				H				R		
Miami Beach Chapter 62	X	X	G S	X	X		X	N		X	X				D				R		
Miami-Dade Co. Chapter 11A	X		S	X	X		X	NA		X	X			X	D	X			R		
Monroe Co. Chapter 14	X	X	S	X	X		X	NA			X				D				R		
Oakland Park Chapter 2	X		S	X	X		X	AN									X	R	C		
Orange Co. Chapter 22	X	X	S	X	X		X	N			X				D				R	X	
Orlando Chapter 57	X		S	X	X		X	N		X	X		X		H				R		
Palm Beach Co. Chapter 15	X	X	S	X	X		X	N		X	X				D				R		
Pinellas Co. Chapter 70	X		S	X	X		X	N		X					D				R		
Sarasota Chapter 18	X		G	X	X		X	N		X	X				D				R	X	
St. Petersburg Chapter 15	X		S	X	X		X	NBA		X	X				H				R		
Tallahassee	X	X	S	X	X		X	NE		X	X				H				R		
Tampa Chapter 12	X	X	S	X	X		X	N		X	X				H				R		
Tequesta *	X	X	G	X	X		X	NA		X	X			X	D		X	R	X		
West Palm Beach Chapter 42	X	X	S	X	X		X	N		X	X				D				R		
Wilton Manors Chapter 2 Sec. 269-272	X	X	G	X	X		X	NA		X	X			X	D		X	R	C	X	X

* City or Village Employment Discrimination Policy includes sexual orientation and gender identity
FOR THE MOST UP-TO-DATE INFORMATION ON LOCAL POLICIES
PLEASE VISIT: [HTTP://EQFL.ORG/ISSUES/HRO.HTML](http://EQFL.ORG/ISSUES/HRO.HTML)



MUNICIPALITY ORDINANCE	WHAT'S COVERED									Public/ Private Empl	LINK TO ORDINANCE	
	Employment	Public Accommodations	RE Transactions	Housing	Credit / Financing	Education	Financial Assistance	City Contracts	All City Actions			Family Leave
Broward Chapter 16-1/2	X	X	X		X						Public/ Private	http://library.municode.com/HTML/10288/level2/PTIICOOR_CH16.5HURI.html
City of Miami City Charter "Citizen's Bill of Rights"										X	Public	http://library.municode.com/HTML/10933/level2/PI_SA.html#PI_SA_s52
Dunedin Chapter 42		X									Public/Private	http://library8.municode.com/default-test/home.htm?infobase=10668&doc_action=whatsnew
Gainesville Chapter 8	X	X	X	X	X						Private	http://library.municode.com/HTML/10819/level2/PTIICOOR_CH8DI.html
Gulfport Chapter 26	X	X	X	X		X					Public/ Private	http://library8.municode.com/default-now/home.htm?infobase=10976&doc_action=whatsnew
Juno Beach Res. 2007-02, Art. I, Sect. 8	X										Public	http://www.juno-beach.fl.us/vertical/Sites/%7B88BB90E0-AD94-4F43-B7CD-B77E19081932%7D/uploads/%7B8C14B998-A0F9-4E2D-8828-2993B96C1C20%7D.PDF
Key West Chapter 38	X	X		X	X						Public/ Private	http://library.municode.com/HTML/10053/level2/SA_C38.html
Lake Worth Chapter 20	X	X	X	X	X						Public/Private	http://library.municode.com/HTML/10091/level2/PII_C20.html
Largo Chapter 14	X			X							Public/Private	http://search.municode.com/html/13786/level1/PII.html
Leon Co. Chapter 9	X	X	X	X	X						Public/Private	http://library8.municode.com/default-now/home.htm?infobase=10008&doc_action=whatsnew
Miami Beach Chapter 62	X	X		X	X						Public/ Private	http://library.municode.com/HTML/13097/level2/SA_C62.html
Miami-Dade Co. Chapter 11A	X	X		X	X					X	Public (Dade Co. Empl. only) Public/ Private	http://library.municode.com/HTML/10620/level2/PTIICOOR_CH11ADI.html
Monroe Co. Chapter 14	X	X	X	X	X						Public/ Private	http://library.municode.com/HTML/14298/level2/PTIGEOR_CH14HURE.html
Oakland Park Chapter 2	X										Public	http://library.municode.com/index.aspx?clientId=10938&stateId=9&stateName=Florida
Orange Co. Chapter 22				X	X						Public/ Private	http://library.municode.com/HTML/10182/level2/PTIIOCOCO_CH22HURI.html
Orlando Chapter 57	X	X	X	X	X						Public/ Private	http://library.municode.com/HTML/13349/level2/PTIICICO_CH57DI.html
Palm Beach Co. Chapter 15		X	X	X	X						Public/ Private	http://library8.municode.com/default-test/home.htm?infobase=10323&doc_action=whatsnew
Pinellas Co. Chapter 70	X	X	X	X							Public/Private	http://library.municode.com/HTML/10274/level2/PII_C70.html
Sarasota Chapter 18	X	X	X	X	X						Public/ Private	http://library8.municode.com/default-test/home.htm?infobase=11553&doc_action=whatsnew
St. Petersburg Chapter 15	X	X	X	X							Public/ Private	http://library.municode.com/HTML/11602/level2/PTIISTPECO_CH15HURI.html
Tallahassee	X	X	X	X							Public/Private	http://library.municode.com/HTML/19980/level2/PTIICOGEOOR_CH11HURI.html
Tampa Chapter 12	X	X	X	X							Public/ Private	http://library.municode.com/HTML/10132/level2/CODE_C12.html
Tequesta	X										Public	http://library8.municode.com/default-test/home.htm?infobase=13868&doc_action=whatsnew
West Palm Beach Chapter 42	X	X		X	X						Public/ Private	http://library.municode.com/HTML/10017/level2/PTIICOOR_CH42HURE.html
Wilton Manors Chapter 2 Sec. 269-272	X					X	X				Public	http://library8.municode.com/default-test/home.htm?infobase=11820&doc_action=whatsnew

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IV. FORMS

A. LIVING WILL: Florida Statute § 765.303 Form (Modified as Discussed in above Text)

LIVING WILL

Declaration made this _____ day of _____, 20__, I, _____, willfully and voluntarily make known my desire that my dying not be artificially prolonged under the circumstances set forth below, and I do hereby declare that, if at any time I am incapacitated and

_____(initial) I have a terminal condition

or _____(initial) I have an end-stage condition

or _____(initial) I am in a persistent vegetative state

and if my attending or treating physician and another consulting physician have determined that there is no reasonable medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

It is my intention that this declaration be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and to accept the consequences for such refusal.

In the event that I have been determined to be unable to provide express and informed consent regarding the withholding, withdrawal, or continuation of life-prolonging procedures, I wish to designate, as my surrogate to carry out the provisions of this declaration:

Name: _____

Address: _____

_____ Zip Code: _____

Phone: _____



I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Additional Instructions (optional):

I desire that nutrition and hydration (food and water) be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying.

IN WITNESS WHEREOF, I have signed this Declaration on the day and year first above written.

_____ (signature)
Print Name: _____

The declarant is known to me and I believe [him/her] to be of sound mind. I am neither the spouse nor a relative of the declarant.

The declarant is known to me and I believe [him/her] to be of sound mind. I am neither the spouse nor a relative of the declarant.

_____ (signature)
Print Name: _____
Witness _____
Address: _____

Telephone: _____

_____ (signature)
Print Name: _____
Witness _____
Address: _____

Telephone: _____



B. DESIGNATION OF HEALTH CARE SURROGATE: Florida Statute Form § 765.203 (INCLUDING OPTIONAL SECTIONS DISCUSSED ABOVE)

DESIGNATION OF HEALTH CARE SURROGATE

Name: _____ (Last) _____ (First) _____ (Middle Initial)

In the event that I, have been determined to be incapacitated to provide informed consent for medical treatment and surgical and diagnostic procedures, I wish to designate as my surrogate for health care decisions:

Name: _____
Address: _____ Zip Code: _____
Phone: _____

If my surrogate is unwilling or unable to perform his duties, I wish to designate as my alternate surrogate:

Name: _____
Address: _____ Zip Code: _____
Phone: _____

I fully understand that this designation will permit my designee to make health care decisions and to provide, withhold, or withdraw consent on my behalf; to apply for public benefits to defray the cost of health care; and to authorize my admission to or transfer from a health care facility.

Additional instructions (optional):

HIPAA Release Authority. I intend for my surrogate (and alternate surrogate) to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (a/k/a HIPAA), 42 U.S.C. 1320d and 45 C.F.R. 160-164. I authorize:

any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care provider, any insurance company and the Medical Information Bureau, Inc., or other health-care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services, to give, disclose and release to my surrogate, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or



mental health condition, including all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness, and drug or alcohol abuse.

The authority given my surrogate shall supersede any prior agreement that I may have made with my health-care providers to restrict access to or disclosure of my individually identifiable health information. The authority given my surrogate has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health-care provider.

Visitation Rights of Surrogate. The above designated health care surrogate (and anyone else the named surrogate names) shall have the right to visit me while I am confined in any health care facility - hospital, rehabilitation facility, assisted living facility or nursing home.

I further affirm that this designation is not being made as a condition of treatment or admission to a health care facility. I will notify and send a copy of this document to the following persons other than my surrogate, so they may know who my surrogate is.

_____ (signature)
Print Name: _____
Designator

The foregoing Designation of Health Care Surrogate was acknowledged before us by the Designator, whose signature appears above, on the ___ day of _____, 20__.

(signature)
Print Name: _____
Witness
Address: _____

Telephone: _____

(signature)
Print Name: _____
Witness
Address: _____

Telephone: _____



**C. SELF-PROVING WILL SIGNATURES:
Florida Statute § 732.503**

Florida Statute Section 732.503 provides that a will may be made self-proved by notarized signatures "in substantially the following form":

I, _____, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

Testator

We, _____ and _____, have been sworn by the officer signing below, and declare to that officer on our oaths that the testator declared the instrument to be the testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the testator and of each other.

Witness

Witness

Acknowledged and subscribed before me by the testator, _____ (type or print testator's name), who is personally known to me or who has produced _____ (state type of identification - see § 117.05(5)(b)2.) as identification, and sworn to and subscribed before me by the witnesses, _____ (type or print name of first witness) who is personally known to me or who has produced _____ (state type of identification - see § 117.05(5)(b)2.) as identification and _____ (type or print name of second witness) who is personally known to me or who has produced _____ (state type of identification - see § 117.05(5)(b)2.) as identification, and subscribed by me in the presence of the testator and the subscribing witnesses, all on _____ (date).

CARLTON
FIELDS
ATTORNEYS AT LAW



*Special thanks to all those at Carlton Fields, P.A.
and at Equality Florida, including its volunteer advisors,
who contributed to the drafting and editing of this handbook.*

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Equality Florida is the largest civil rights organization dedicated to securing full equality for Florida's statewide lesbian, gay, bisexual, and transgender community. We work to change Florida law so that no one suffers harassment or discrimination on the basis of sexual orientation or gender identity and expression.

Please consider Equality Florida when planning your estate. If you would like more information regarding planned giving, please contact Nadine Smith at 813-870-EQFL (3735).

www.eqfl.org

SJCSB-DA PRR 001678



About Stonewall National Education Project

Stonewall National Education Project, a project of **Stonewall National Museum & Archives**, shares and implements LGBTQ inclusive policies and practices through a national network of educators. The 40-year-old **Stonewall Museum** is a resource that integrates historically-relevant, accurate information about LGBTQ history and culture into the fabric of American history. As part of the larger movement for equality of all people, **Stonewall National Education Project** is an advocate for the safety, inclusion and value of LGBTQ students, with the focus of improving student image, attendance and graduation rates.



FOR IMMEDIATE RELEASE

January, 2014

Emery Grant

Director of Community Engagement

P: 954-763-8565 E: emery@stonewall-museum.org

The Stonewall National Education Project hosts 2014 National Education Symposium on LGBT Youth

Second Annual Symposium Expands to 30 School Districts

FOR IMMEDIATE RELEASE - Fort Lauderdale, FL — The Stonewall National Education Project (SNEP), a project of the [Stonewall National Museum & Archives](#) will host its **2014 National Symposium on Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth on March 3-5, 2014 in Los Angeles, California**. The symposium is endorsed by the [L.A. Gay & Lesbian Center](#), [GSA Network](#), and [HRC Welcoming Schools](#). Administrators and teachers representing grades are invited to attend. The symposium costs \$350 per person and includes sessions and meals. A limited number of scholarships are available to subsidize travel and lodging expenses. To register, visit <http://www.stonewallnationalmuseum.org/education/programs>.

Following up on the success of its inaugural 2013 National Symposium on LGBTQ Youth in Fort Lauderdale, Florida, SNEP will travel to Los Angeles in 2014 **or its second annual symposium. Doubling its attendance, more than 30 school districts will attend, showing great diversity in participation from across the US**. For three days, the second annual symposium widens its scope with a two-tiered menu of workshops, speakers and breakout sessions tailored for school districts that are at the forefront of the LGBT-inclusive education movement, in addition to those school districts that are just getting started in their consciousness-raising efforts. Returning participants including Broward County, FL; Los Angeles, CA; Washington, DC; Miami, FL; Minneapolis, MN; New York, NY. In addition to the ongoing theme of sharing best practices, district-to-district through a national network of educators, symposium workshops will focus on three pillars: LGBT safety, policy, and curriculum. The range of district attending includes Tulsa, OK; Ann Arbor, MI; San Francisco, CA; Chicago, IL; Charlotte, NC; Madison, WI; Clark County, NV; Cleveland, OH, and more.

"Our second national Symposium is remarkable because of the incredible diversity of participants and guests--classroom teachers to state department of education reps; novices to experts in the field; college professors, medical doctors, popular authors," says Jessica Herthel, Director, Stonewall National Education Project. "Yet what we all have in common is the belief that we have something to learn from one other's experiences, and that the work of keeping our LGBTQ students, staff, and families safe is best undertaken en masse. With so many smart and passionate individuals from across the country networking in the same room, successful collaborations are inevitable."

Stonewall National Education Project, a project of **Stonewall National Museum & Archives**, shares and implements LGBTQ inclusive policies and practices through a national network of educators, using a district-to-district model. The 40-year-old **Stonewall Museum** is a resource that integrates historically-relevant, accurate information about LGBTQ history and culture into the fabric of American history. As part of the larger movement for equality of all people, **Stonewall National Education Project** is an advocate for the safety, inclusion and value of LGBTQ students, with the focus of improving student image, attendance and graduation rates.

Now in its 40th Anniversary year, **Stonewall National Museum and Archives** (SNMA) is a nonprofit, tax-exempt 501(c) (3) that promotes understanding through preserving and sharing the proud culture of lesbian, gay, bisexual and transgender people and their significant role in society. For a full calendar of events and to learn more about SNMA's programs, including the Stonewall Education Project and SNMA Historic LGBT Landmark Program, visit stonewall-museum.org or facebook.com/stonewallmuseum.

###



A Project of Stonewall National Museum & Archives

What is the education project?

- A **national network of educators** facilitating the sharing and implementation of LGBTQ inclusive policies and practices in the public school system
- A **museum resource center** for school districts to help integrate LGBTQ history and culture into the fabric of American history
- An **advocacy movement** helping LGBTQ students feel safe, included and valued while improving student image, attendance and graduation rates

What does it do?

- **conducts** national symposia and regional forums on LGBTQ educational issues
- **shares** best practices through an electronic exchange for educators
- **identifies and documents** strategies and obstacles in making schools safer and more inclusive of LGBTQ youth
- **infuses knowledge and information** on LGBTQ history during LGBT History Month, raising awareness around the nation
- **develops and distributes** supplementary educational materials

What is unique about SNEP?

- National District2District model rather than intra district
- Electronic exchange to share best practices among districts
- 40 years Archive-LGBTQ museum serving as educational resource
- 6th largest school district in the nation serving as incubator of new programs
- Private museum / public schools partnership





About Stonewall National Museum & Archives

Stonewall National Museum and Archives (SNMA) is a nonprofit, tax-exempt 501(c) (3) that promotes understanding through preserving and sharing the proud culture of lesbian, gay, bisexual and transgender people and their significant role in society.
stonewall-museum.org

Now celebrating its 40th Anniversary, **Stonewall National Museum** is one of the only museums in the country dedicated solely to LGBT history, civil rights, art and culture. The museum features three gallery spaces with changing monthly and bi-monthly exhibits, and includes a permanent timeline of American LGBT history.



Stonewall National Archives currently contains more than 5,000 items that document a century of LGBT cultural and social history. The professionally-catalogued collection is maintained according to strict conservation and archival standards. It is used by community leaders, writers, scholars, researchers, historians, and members of the general public.



Stonewall National Library is the largest LGBT lending library in the United States. With new titles added every week, library holdings now number over 25,000 books, 1,000 DVDs, and offer more than 60 national and regional periodicals in the John Graves Reading Room. The Stonewall Library presents lively and topically relevant book club, author lectures, and film screenings year-round.



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THE CHILDREN ALREADY KNOW

When my daughter, Tori, was in high school several years ago, she and a close circle of friends did everything together. The group consisted of five girls and one boy. I once asked Tori whether he felt awkward being the only boy in the group or whether he did things with them because he was dating one of the girls.

"He's gay," she told me.

"I don't think that's right," I responded.

"Why not?" she asked, "Do you think there's something wrong with being gay?"

"Of course, not," I said. "I don't care if he's homosexual or heterosexual. I just think at 16 he shouldn't be any sexual. He's too young to have sex."

"I didn't say he was having sex," she corrected. "I said he's gay."

"I think 16 is too young to know you're gay," I answered.

"When did you know you're not gay?" she asked.

"I don't know, I guess I never thought about it. I just always knew."

"So even when you were a little kid, you knew when you started dating you would date girls?"

"Yes," I said.

"So he's always known when he starts dating, he'll date boys. What's the difference?"

I hadn't thought about that conversation until I recently read an article about a woman who allegedly tried to destroy an \$80 million painting by Paul Gauguin at the National Gallery of Art, in Washington, D.C. The painting, which was not damaged, is titled "Two Tahitian Women" and depicts two women, one with her breasts exposed holding a tray of food and the

other with one breast exposed holding a flower.

As she was attacking the painting, the woman screamed, "This is evil." She later told authorities, "I feel that Gauguin is evil. He has nudity and is bad for the children. He has two women in the painting, and it's very homosexual. I was trying to remove it."

Although the woman was later found to have a criminal record and a history of mental illness, this type of behavior and the underlying beliefs plagued Gauguin almost from the time he first traveled to the South Pacific.

The general public of the late 19th century thought his paintings of partially clothed natives were vulgar. Unfortunately, more than 100 years later, those attitudes still persist.

Even with the pervasive influence of sex on art and popular culture, and an enlightened awareness of sexuality, many members of the general public and, unfortunately, some lawmakers, still think anything that involves sexuality is obscene. Worse, they believe anything sexual that involves people of the same sex must be homosexual, and our children must be protected from it.

They believe sex will corrupt the young minds of our children; therefore, children should not know anything about sexuality or same-sex relationships. As Tori would tell them, the children already know.

Kwok-Sze Richard Wong, Ed.D.
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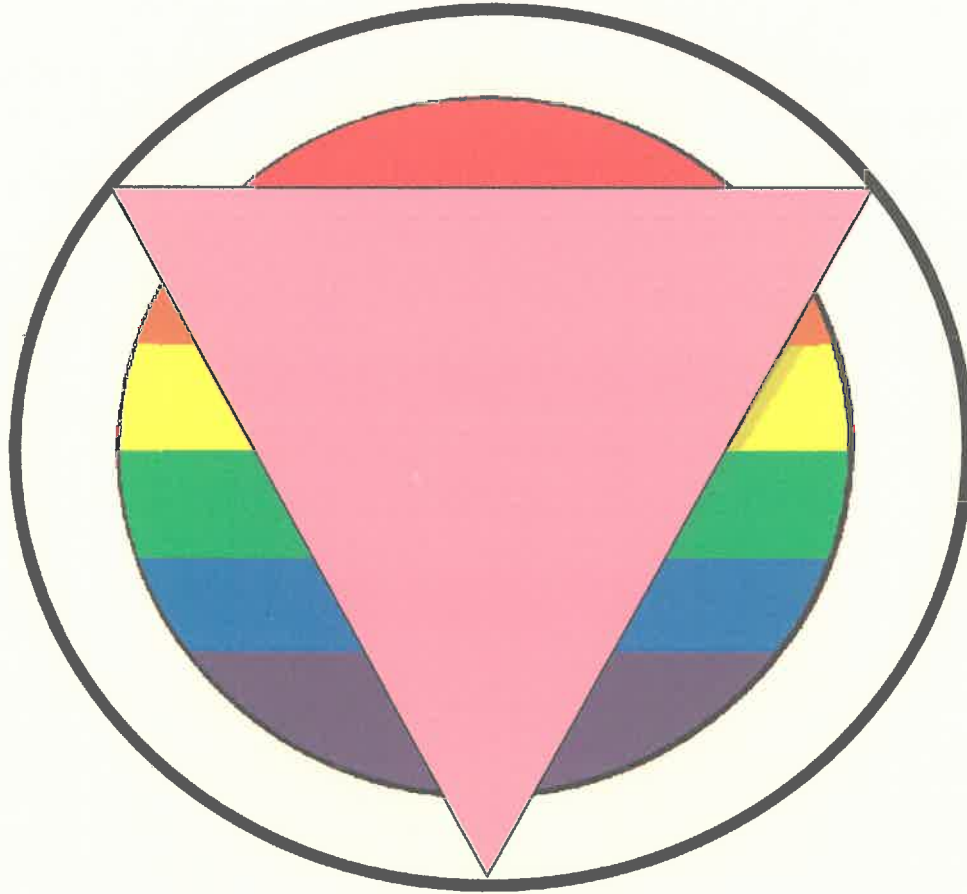
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SAFE ZONE

The Safe Zone symbol is a message to lesbian, gay, bisexual, transgender and questioning youth and their allies. A person displaying this symbol is one who will be understanding, supportive, and trustworthy if gay, lesbian, bisexual, or transgender youth need help, advice or just someone with whom they can talk.



www.safeschoolssouthflorida.org
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PO Box 24444 ~ Fort Lauderdale, FL 33307
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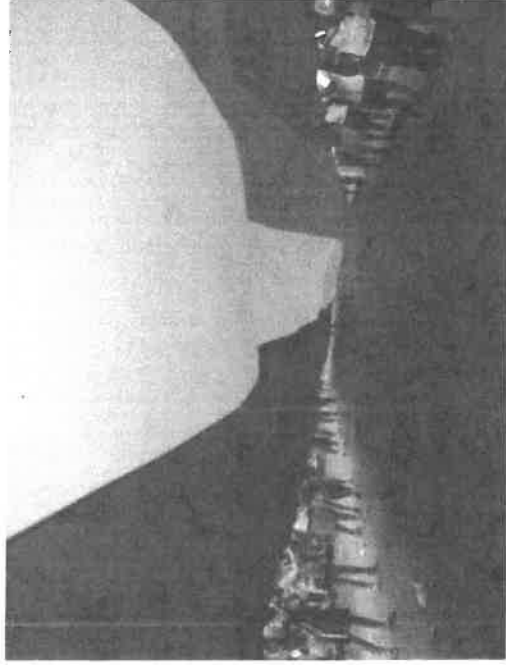
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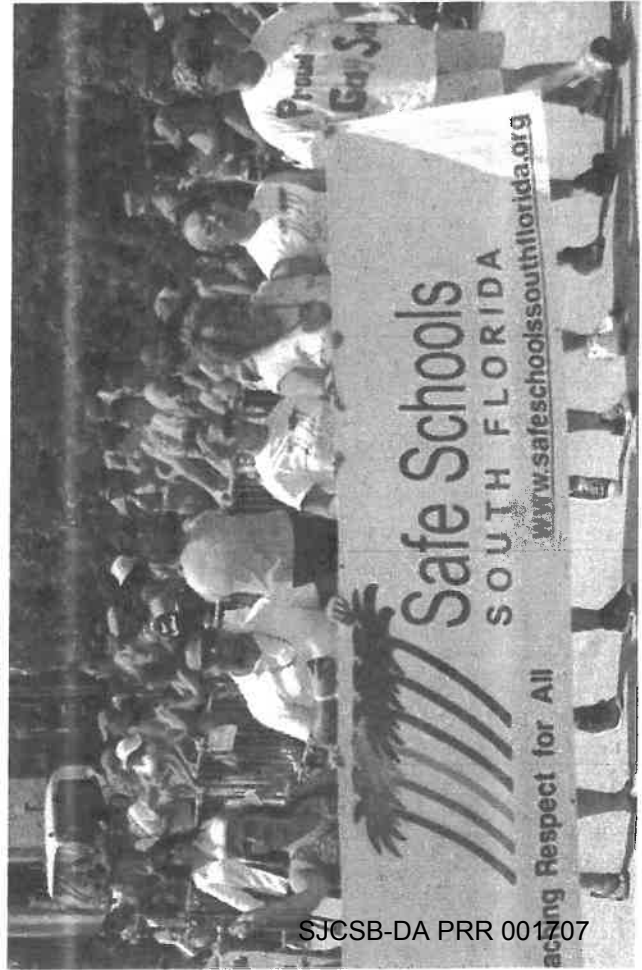
OUR MISSION:

Teaching respect for all in schools, regardless of sexual orientation or gender identity, real or perceived

- We train educators to intervene and prevent bullying.
- We empower GLBT youth by hosting leadership and gay-straight alliance conferences.
- We train LGBT adults and allies to speak to students through our SpeakOUT Speakers Bureau.
- We review our work to ensure and improve its effectiveness.

How Gay and Lesbian Students Help Train Educators

The most powerful tools we use in our workshops are panels of youth speakers who tell their stories about what it's like to be a GLBT student or child of a GLBT family



www.safeschoolssouthflorida.org

Did You Know...
GLBT students are four times more likely to attempt suicide than straight youth.

.....
Over 90% of GLBT students regularly hear anti-GLBT comments at school - over a third from school staff.

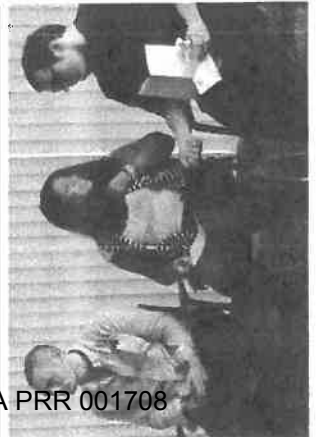
.....
25% of GLBT youth are thrown out of their homes when parents learn they are GLBT.

.....
Over 40% of homeless teens identify as GLBT.

.....
GLBT students are twice as likely to skip school because of fear.

.....
In one recent study, 30% of GLBT students interviewed said they had dropped out of school because of bullying.

Yet, despite these statistics, 75% of educators have not been trained to recognize and intervene in sexual minority harassment.

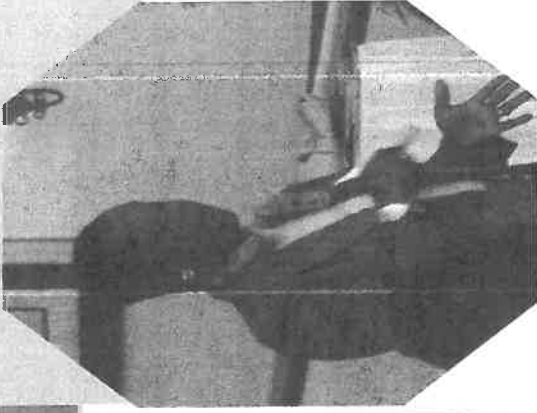


Trainers

Safe Schools South Florida is proud of the professionals who work with us to provide our workshops. All of our trainers are experienced classroom teachers and/or counselors, and all have extensive experience in professional education development.

Our Trainers

Priscilla Dames, MS
Lisa La Monica, MS
Dione Schneider, NEA Trainer



Workshop Offerings

- School Safety & Sexual Minority Issues 101
- School Safety & Sexual Minority Issues 102
- Understanding & Honoring Gender Diversity Issues, Strategies and Resources
- School Safety & Sexual Minority Issues for Administrators
- Issues for Parents of Gay & Lesbian Youth

The Alliance

Safe Schools South Florida is a founding member of The Children's Trust-funded Alliance for Gay, Lesbian, Bisexual, Transgender and Questioning (GLBTQ) Youth, (The "Alliance"). The Alliance provides a comprehensive suite of services to Miami-Dade's GLBTQ youth. Safe Schools South Florida is designated by the Alliance to provide training in GLBTQ issues in Miami-Dade County Public Schools.

Youth Panelists

"On my 18th birthday, I got home and found all my stuff on the sidewalk and the locks had been changed. I thought I would have to drop out of school. Thankfully, Safe Schools South Florida was there to help me, and my family. They helped me get back on track in school, counseled me and my family members and helped us reunite."

.....
"The worst is when somebody calls you a faggot in the classroom and the teacher doesn't say anything. My teacher took the SSSF training and afterward made sure no one calls me or anybody else in the class names."

GSA Support

Safe Schools South Florida is committed to supporting Gay-Straight Alliances (GSAs) in schools throughout South Florida. We maintain a list of GSAs on our website and support annual programs and conferences to empower GLBT students and their straight allies. We are designated partners with GSA Network (gsanetwork.org)

The Empty Chair

The youth speakers always include an empty chair in honor of those students who are unable to speak to our workshops because of fear and shame about society's perception of them. The tradition began at a high school in Miami-Dade when a young African-American man, who had spoken at workshops in the past, was unable to bring himself to speak before his own alma mater for fear of what his former teachers and counselors would think and/or say. Counselor Lisa La Monica introduced the idea and the students immediately embraced the concept. While the youth speakers share their stories about being GLBT or being victimized for having GLBT parents or family members, an empty chair represents their fellows who have been silenced by society's hostility towards them for who they are.

February 4, 2014

Welcome to the Inaugural Florida State Conference "District Responses to the Needs of LGBTQ Students: Legal Rights and Ethical Responsibilities".

We are grateful that you can join us for two days of dialogue and information that will provide your districts and communities with ideas and direction of LGBTQ students, staff and families.

The idea for this state conference came to us after our participation on February 20-22, 2013 at "The Kids Are NOT All Right" conference co-sponsored by Broward County Public Schools and Stonewall National Education Project (SNEP). The conference was held in Ft. Lauderdale. Attendees represented 14 school districts from around the country: Anoka-Hennepin (MN), Boston, Broward, Denver, Los Angeles, Madison (WI), Miami-Dade, Minneapolis, New York City, Palm Beach, San Diego, San Francisco, Seattle, and Washington, DC. SNEP will sponsor the second conference on March 3-5 of this year in Los Angeles. There are currently 25 districts planning to attend.

From the information that was shared at that conference and encouragement from colleagues in Madison and Minneapolis, we knew it was in the best interest of Florida districts to convene a time for discussion based more specifically on the educational policies and practices of our own educators and communities.

We look forward to our collective participation during these two days of our conference and continued dialogue in the months and years to come as our district collaborative reaches into all 67 Florida School Districts.

Sincerely,

Statewide LGBTQ District Collaborative

Statewide District Collaborative

Planning Committee

Broward Schools

Dr. Kevin O'Connor

Community Representative
Educational Program Consultant: LGBTQ Advocacy

De Palazzo

Staff Developer and Prevention Specialist
Department of Diversity, Cultural Outreach & Prevention

Teri Triguba-Williams, Ph.D.

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Miami - Dade Schools

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TRUST Program Chairperson

Isabel Rodriguez-Duncan, LCSW

District Chairperson & District Sexual Minority Network Coordinator
School Social Work Programs and TRUST Program
Division of Student Services

Palm Beach Schools

Kim Cotton Williams

Assistant Director
Single School Culture © Initiatives

Rick Lewis

Specialist, School Climate Initiatives
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Safe Schools Institute

Kim Mazauskas

Bullying Prevention and Intervention Coordinator
District Policy Contact for SB - 5.002 Prohibiting Bullying and Harassment
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STATEWIDE LGBTQ DISTRICT COLLABORATIVE PRESENTS...
**"District Responses to the Legal and Ethical Rights and
Needs of LGBTQ Students" Conference**

February 4, 2014, 7:30 AM - 4:30 PM

February 5, 2014, 7:45 AM - 3:45 PM

SAFE SCHOOLS INSTITUTE, BOCA RATON, FL

**Registration deadline Friday, [January 17, 2014](#). Please click on the
following hyperlink for registration purposes:**

[District Responses to the Needs of LGBTQ Students](#)

DAY 1 – AWARENESS & CHALLENGES

<u>Time</u>	<u>Description</u>
7:30 AM – 8:30 AM	Networking/Registration
8:30 AM – 8:45 AM	Welcome and Introductions
8:45 AM – 9:15 AM	Why Are We Here?
9:15 AM – 10:15 AM	School Districts: What is Your Starting Point?
10:15 AM- 10:30 AM	Break
10:30 AM – 11:15 AM	Key Note Speaker
11:15 AM – 12:15 PM	Weight of Words (WOW)/Talkback
12:15 PM – 1:00 PM	NETWORKING LUNCH
1:00 PM – 2:45 PM	Ensuring LGBTQ Health & Safety – Broward County Public Schools
2:45 PM – 3:00 PM	Break
3:00 PM – 4:00 PM	Youth Panel from Miami-Dade County Public Schools
4:00 PM – 4:30 PM	Closing

DAY 2 – SOLUTIONS & ACTION PLANS

<u>Time</u>	<u>Description</u>
7:45 AM – 8:30 AM	Networking
8:30 AM – 9:15 AM	Welcome and Reflection on Day 1
9:15 AM – 9:30 AM	Resource Video Clips
9:30 AM – 10:30 AM	Keynote Panel of School District Leaders
10:30 AM – 10:45 AM	Break
10:45 AM – 11:45 AM	Miami-Dade County Public Schools - Sexual Minority Network & Suicide Prevention
11:45 AM- 12:30 PM	NETWORKING LUNCH
12:30 PM – 1:30 PM	Gay Straight Alliance Clubs and Sponsors
1:30 PM – 2:30 PM	Gallery Walk
2:30 PM – 2:45 PM	Break
2:45 PM – 3:15 PM	Final Questions
3:15 PM – 3:45 PM	SWOT – (Action Plan)
3:00 PM – 3:45 PM	Wrap Up and Evaluations



District Responses to the Needs of LGBTQ Students “Legal Rights and Ethical Responsibilities”

Florida Educators,

School districts across the country are in the process of examining and modifying their existing policies and practices to effectively address the legal and ethical issues concerning their sexual minority populations. Sadly, many districts undertake this important work only after the District has received unfavorable media attention due to its failure to adequately protect lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth or staff members, or the district has been sued by organizations such as the Southern Poverty Law Center, the Anti-Defamation League, or the American Civil Liberties Union.

In an effort to assist Florida school districts as they consider this sensitive and timely topic, the *Statewide LGBTQ District Collaborative*, composed of educators from the Miami-Dade, Broward, and Palm Beach County School Districts, is conducting a two-day conference on **February 4 and 5, 2014**, entitled ***District Responses to the Needs of LGBTQ Students***. In order to maximize participation and minimize costs, this conference is being offered without a registration fee. Districts will only be responsible for travel costs for their participants.

Who should attend this conference?

We believe the most effective approach would be to send a team of people, perhaps including an administrator, a representative from the risk-management or legal departments, and/or a district-level school counseling administrator. While school-level personnel are certainly welcome, the goal of this conference is to guide district-level response, policy, and practices.

What are the desired outcomes of this conference?

- Participants will gain knowledge about the legal imperatives regarding LGBTQ students.
- Participants will gain insight into the challenges facing LGBTQ youth.
- Participants will find out how other districts have structured policies and practices to support the legal, ethical, and safety needs of sexual minority youth
- Participants will gain access to a wide variety of resources and will be invited to join a statewide support network for addressing emerging LGBTQ issues.

How do we register for this conference?

To register click here: [evite link](#)

Where will this conference be conducted?

District Responses to the Needs of LGBTQ Students will be conducted at the *Safe Schools Institute*, located on the campus of Don Estridge High Tech Middle School, at 1790 NW Spanish River Blvd, Boca Raton, FL, 33431. This location is roughly equidistant between the Fort Lauderdale International Airport (FLL) and Palm Beach International Airport (PBI), in case participants choose to fly. This location is close to the ocean and a plethora of restaurants, shopping and entertainment venues.

Statewide LGBTQ District Collaborative
Broward, Miami-Dade and Palm Beach County School Districts



SAFE SCHOOLS RESEARCH BRIEF 9

UNDERSTANDING DIFFERENCES BETWEEN SCHOOLS IN OVERALL LGBT SCHOOL SAFETY

Research has shown that school safety is associated with student well-being and academic achievement. Most of the focus of prior research has been on individual students and factors that predict individual student safety. Less is known about whether some schools are safer than others, and why. In this research brief, we draw from several data sources to examine differences across schools in safety for lesbian, gay, bisexual, and transgender (LGBT) students.

Background

The school environment is one of the most important contexts for children – it influences the academic and social skills of children during the early years of life. Youth spend a great proportion of their time in schools, and attendance is not voluntary – it is required. When victimization happens at school, students may not only experience physical harm, but also emotional harm.

Previous research from the California Safe Schools Coalition (CSSC) identified steps schools can take to make LGBT students – and all students – safer: be sure students know about the school's non-discrimination policy that includes sexual orientation and gender identity and expression, be sure students know where to go for information or support; support Gay-Straight Alliance (GSA) clubs and other school clubs; support teachers to intervene when harassment happens; include attention to LGBT people and issues in the curriculum (see CSSC Research Brief #4, "LGBT Issues in the Curriculum Promotes School Safety"). Yet we know that not all schools use all of these safe school strategies (see CSSC Research Brief #1, "District Policies and Trainings").

Most of the focus on school safety has actually focused on student safety, namely individual students and their experiences at school. However, there may be differences across schools; some schools may be safer than others. In this research brief we illustrate factors that are associated with differences between schools in safety for LGBT students. We want to know: why are some schools safer than others?

Finding 1: There are important differences between schools in the amount of school safety students report; some schools are safer than others.

We used data from the CSSC School Climate Surveys, which were collected by students in seventeen (17) public schools between 2003 and 2006, yielding over 6,000 surveys. By averaging all of the students' responses within each school, we were able to develop school-level measures of school safety. We found variation across schools in their use of school safety strategies, as well as in overall school safety.

In terms of overall school safety, in some schools only 13% of students reported hearing derogatory comments like "that's so gay" at least once a week, compared to other schools where two-thirds (67%) of students reported hearing "that's so gay" or other remarks at least weekly. Safety for LGBT students, teachers, and staff ranged from a low of 15% in one school to a high of 85% in another.

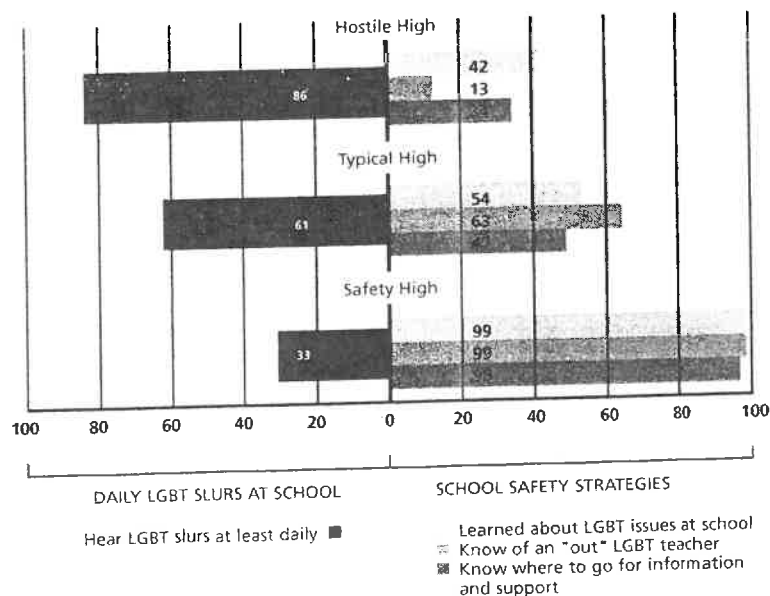
Teachers usually step in when harassment happens. The lowest percentage of students at a school who reported teacher intervention was 42%; in one school every student reported that their teachers step in. Learning about LGBT issues at school ranged from a low of 24% in one school to a high of 85% in another.

The results show wide variation in school safety strategies, and in overall school safety levels across these California schools. Figure 1 illustrates these differences by profiling three of the schools in our study (using fictitious names). At Hostile High, 86% of the students reported that they hear LGBT slurs such as "that's so gay" at least once a day. In terms of school safety strategies, only one-third (34%) of the students at Hostile High knew where to go for information and support about LGBT issues; only 13% knew of an "out" LGBT teacher or staff member; and less than half (42%) had learned about LGBT issues at school. On the positive side, nearly three-quarters (74%) said that teachers intervene when harassment takes place.

Contrast Hostile High to Typical High, where about half of all the students reported hearing LGBT slurs every day, and similarly about half said that they knew where to go for information, knew an "out" LGBT teacher, or had learned about LGBT issues at school.

At the other extreme, nearly all students at Safety High reported these school safety strategies, and many fewer (one-third: 33%) reported hearing slurs on a daily basis.

Figure 1
AN ILLUSTRATION OF THE LINK BETWEEN DAILY LGBT SLURS AT SCHOOL AND SCHOOL SAFETY STRATEGIES



Finding 2: Overall LGBT school safety is linked to school safety strategies.

In prior studies we have shown that school safety strategies are linked to individual student reports of personal safety, perceptions of safety for LGBT students, reduced levels of anti-LGBT harassment, and youth resilience (or indicators of youth development). For this study we examined this finding at the level of the school. We compared the percentage of students who reported LGBT school safety strategies and the percentage who reported overall school safety for LGBT students.

We also found lower percentages of students say that they hear derogatory comments like “that’s so gay” in schools where higher percentages of students said that they knew where to go for information and support about sexual orientation, gender identity, or LGBT issues. In schools where 75% or more of the students reported daily derogatory comments, only one third of students (34%) knew where to go for information and support. Compare that to schools in which less than 75% of students reported derogatory comments, more than half (57%) said that they knew where to go for information and support.

These results show that strategies such as teacher intervention and having information and support about LGBT issues are important not only for individual students, but also these strategies influence the overall school safety climate and are linked to differences between schools in overall LGBT school safety.

Finding 3: Overall LGBT school safety is strongly linked to school-level academic performance.

Next we considered the characteristics of schools that were linked to overall LGBT school safety. We combined the data from the student responses to the School Climate Surveys with publicly-available data about school characteristics from the California Department of Education. We examined a range of factors to determine which, if any, might be associated with overall LGBT school safety:

- Size of school (total enrollment)
- Class size
- Ethnic make-up (percentage of students of color)
- Socio-economic status (percentage of students on free or reduced meals; percentage of students on CALWorks)
- Teacher characteristics (percentage of credentialed teachers; percentage of teachers of color)
- Academic achievement (Academic Performance Index; average SAT scores)

The results indicated that the factors that are most strongly linked to differences in overall LGBT school safety and frequency of anti-LGBT slurs are academic achievement of schools, as indicated by the state’s Academic Performance Index (API) and the average SAT score.

This is a notable finding: some people may think that the economic status of a school or the ethnic make-up of a school would predict overall school safety. However, it is not true that schools with predominantly lower-income students and/or predominantly students of color are less safe. The most important factor is the overall academic performance of schools.

This finding is important, but does not necessarily mean that school safety causes a school to have higher academic performance. We cannot know the direction of influence: does high achievement promote safe school climates, or are schools that are safer better learning environments for achievement? Nevertheless, the results suggest that the strategies that make schools safer for LGBT students – and all students – may be an important way for schools and school districts to support overall school achievement.

Recommendations for teachers and administrators

- Be sure that your school and school district are implementing the well-documented school safety strategies:
 1. publicize and enforce anti-harassment policies,
 2. provide resources, information, and support to students,
 3. train teachers and other staff about bullying and how to intervene in harassment,
 4. measure and monitor bias-related harassment in the school and school district, and
 5. Include LGBT people and information about sexual orientation and gender identity in the curriculum.
- Discuss the link between school safety, student academic achievement, and overall school academic performance with students, parents, and colleagues.
- Request training on preventing harassment and discrimination, and ask to help publicize school policies on harassment.
- Set the climate in your classrooms early and as often as necessary, letting students know that bias-related harassment and slurs are not acceptable.
- Treat all forms of bias-related harassment and slurs as serious and preventable.
- ~~Provide information about community resources and information related to sexual orientation and gender identity and expression.~~

ABOUT THE RESEARCH

Data are from the California Safe Schools Coalition School Climate Surveys, which were collected by students in seventeen public schools between 2003 and 2006, yielding over 6,000 surveys. The students who collected the data were typically GSA student leaders or members. The surveys were designed to study the experiences of lesbian, gay, bisexual, transgender, queer, and questioning high school students and their straight allies, and the steps schools can take to make schools safer. The surveys were developed and administered by the Gay-Straight Alliance Network.

This research brief is based on the following publication:

Russell, S. T., & McGuire, J. K. (2008). School Climate for Lesbian, Gay, Bisexual, and Transgender (LGBT) Students. In M. Shinn & H. Yoshikawa (Eds.), *Toward Positive Youth Development: Transforming Schools and Community Programs*. (pp.133-158). Oxford: Oxford University Press.

Suggested citation:

Russell, S. T., McGuire, J. K., & Laub, C. (2009). Understanding Differences Between Schools in Overall LGBT School Safety. (California Safe Schools Coalition Research Brief No. 9). San Francisco, CA: California Safe Schools Coalition.



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Flagler schools expand policies on bullying and harassment

By [Annie Martin](#)

Published: Wednesday, June 8, 2011 at 5:30 a.m.

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's policies against bullying, cyber-bullying, harassment and discrimination now explicitly include harm to students and employees based on their "sex, race, color, religion, national origin, age, disability (physical, mental and educational), marital status, socioeconomic 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."

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;

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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.

CHAPTER 5 – STUDENTS

- 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, 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.

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.



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Parents and Families Students Employees Community and Partners

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Transgender Student Guidelines

Many questions arise for students and school staff when considering the best supports for transgender students. These guidelines are designed to provide direction for schools to address issues that may arise concerning the needs of transgender students.

Schools should be proactive in creating a school culture that respects and values all students and fosters understanding of gender identity within the school community. These guidelines are intended to help schools ensure a safe learning environment free of discrimination and harassment, and to promote the educational and social integration of transgender students.

Definitions:

- 1. "Gender identity" is a person's inner sense of being male or female, regardless of their sex assigned at birth.
2. "Transgender" is a term which describes people whose gender identity or gender expression is different from their assigned sex at birth.
3. "Gender expression" refers to the way a person expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.
4. Gender non-conforming people are those whose gender-related identity and/or gender expression do not conform to the social expectations or norms for a person of that sex assigned at birth.

Discrimination/Harassment

It is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity must be handled in accordance with the procedures set forth in Chancellor's Regulation A-832 (for student-on-student allegations) and Chancellor's Regulation A-830 (for staff-on-student allegations).

Privacy

Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender status. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need should have access to a student's records or the information contained within those records.

Schools should work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student's transgender status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school staff should work closely with the student, families and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

Official Records

Each school is required to maintain a permanent pupil record of each student, which includes the legal name of the student as well as the student's biological gender. In addition, schools are required to use a student's legal name and gender on standardized tests and reports to the State Education Department.

To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school should use the name and gender preferred by the student.

A student's permanent pupil record should be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.

The documentation required for a legal change of name is a court order or birth certificate demonstrating the student's new name.

For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

The following procedures should be followed if a school receives a request to change a student's record to reflect a change in legal name and/or gender. For students who are currently enrolled in a New York City public school, the school in which the student is enrolled should make the legal name and/or gender change in ATS upon receipt of the required documentation.

In all cases, in order to ensure that records accurately reflect circumstances in effect at the time each record was made, that records can be cross-referenced, and in order to maintain the confidentiality of the student's transgender status to the extent possible, the former name and/or gender will be maintained in archived data in the DOE'S central database.

Names/Pronouns

FERPA discloses all info to all appropriate staff. FERPA info is not to be shared with other staff. FERPA info is not to be shared with other staff. FERPA info is not to be shared with other staff.

administrators, executives, and more. Join us today.

Students should be addressed by school staff by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel should make efforts to maintain the confidentiality of the student's transgender status.



Student IDs should be issued in the name that reflects a student's gender identity that is consistently asserted at school.

Sports and Physical Education

Transgender students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

Restroom and Locker Room Accessibility

The DOE aims to support transgender students while also ensuring the safety and comfort of all students. The use of restrooms and locker rooms by transgender students requires schools to consider numerous factors, including, but not limited to: the transgender student's preference; protecting student privacy; maximizing social integration of the transgender student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.



A transgender student who expresses a need or desire for increased privacy should be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall restroom. Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students should be permitted to participate in accordance with their gender identity 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 considering the factors set forth above.

Handwritten note: "Field Trips" with an arrow pointing to the text above.

Dress Codes

Schools can enforce dress codes that are adopted pursuant to Chancellor's Regulation A-665. Students have the right to dress in accordance with their gender identity that is consistently asserted at school, within the constraints of the dress codes adopted at their school site.

Resources for Transgender or "Transitioning" Students

Schools have a unique and powerful opportunity to support transgender students, including those going through a gender transition, while providing education to the entire school community. It is not unusual for a child's desire to transition to first surface at school. If school staff believe that a gender identity issue is presenting itself and creating challenges for the student at school or if a student indicates an intention to transition, the school should make every effort to work with the student and the child's parents. Where the student indicates an intention to transition, the school should work with the family to prepare for a formal gender transition at school and put in place measures for supporting the child and creating a sensitive supportive environment at school. Toward that end, schools should:

- 1) Make resources available to parents who have additional questions or concerns.
- 2) Develop age-appropriate lessons for students about gender diversity and acceptance; and
- 3) Be especially vigilant for any bullying or harassment issues that may arise for transgender students. Pursuant to DOE policy, schools must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment arise.

Some transgender students do not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children. In these circumstances, you should confer with your Senior Field Counsel about how to proceed.

If the school has a School-Based Mental Health Clinic, this can be an important first resource for the student and school community. Providers are sensitive to identity issues and have been trained to be a source of support for students regarding gender identity, gender expression and sexual orientation.

The following organizations provide support to transgender individuals:

- **GLSEN** (The Gay, Lesbian, Straight Education Network) is a prominent organization supporting GLBT youth. They have resources about creating safe and supportive environments for students.
- **The Trevor Project** is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth.

Resources For Parents, Educators, And Service Providers:

Founded in 1972 with the simple act of a mother publicly supporting her gay son, PFLAG is the nation's largest family and ally organization.

PFLAG Resources

PFLAG NYC is the local PFLAG chapter for all five boroughs of New York City. In addition to general support and informational resources, it has a dedicated group for parents and families of transgender children, the **TransParents Project**.

- **Welcoming our Trans Families and Friends**
Download this free guide (PDF) to get the basics on what being transgender means, how to talk about it, and how to find the resources that can support you.

- **Find a PFLAG Chapter**
There are more than 350 PFLAG chapters across the U.S. Find one near you right now.

Partner Organizations Resources

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Handwritten note: "I need to contact someone responsible for transgender status" with an arrow pointing to the text above.

Handwritten note: "Resources" with a line underneath.

• [National Center for Transgender Equality](#)

Knowing and using correct language can be very important to transgender and gender non-conforming people, just like everyone else. Here is a handy terminology guide regarding gender identity.

• [American Psychological Association](#)

This downloadable pamphlet from the APA answers questions about transgender people, gender identity and gender expression.

Parent and Educator Resources

• [Gender Spectrum](#)

Raising children who don't fit neatly into male or female boxes brings a wealth of questions and uncertainties. Here you will find information and support to assist you in your search for answers.

• [Trans Youth Equality Foundation](#)

The Trans Youth Equality Foundation is based in Maine, but offers education, advocacy and support for transgender and gender non-conforming children and youth and their families everywhere by sharing information about the unique needs of this community and partnering with families, educators and service providers to help foster a healthy, caring, and safe environment for all transgender children.

• [Families in TRANSition: A Resource Guide for Parents of Trans Youth](#)

Families in TRANSition: A Resource Guide for Parents of Trans Youth is the first comprehensive Canadian publication (created by Central Toronto Youth Services) to address the needs of parents and families supporting their trans children. It summarizes the experiences, strategies, and successes of a working group of community consultants – researchers, counselors, parents, advocates as well as trans youth themselves.

• [Matt Kailey, author of My Child is Transgender: 10 Tips for Parents of Adult Trans Children](#)

This gentle and easy-to-use FAQ gives people an accessible set of guidelines that can be used in everyday life.

• [Working with Transgender Youth \(Lambda Legal & Child Welfare League of America\)](#)

Like all young people in care, transgender youth are entitled to bias-free attention to their unique needs and to be safe in their placements and services. This guide, created by Lambda Legal and the Child Welfare League of America, provides child welfare professionals who work with transgender young people with education about transgender issues and tools to help prepare them to work sensitively with these clients.

• [Trans Youth Family Allies \(TYFA\)](#)

TYFA works to empower children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. They envision a society free of suicide and violence in which all children are respected and celebrated.

Questions/Inquiries

Any questions about these guidelines should be directed to your Senior Field Counsel.

DEFENDANT'S
EXHIBIT
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By Jennifer Memmolo

Bathroom-goers, rejoice: In cities like Seattle, Philadelphia, and West Hollywood, the lines for public bathrooms are about to get much shorter because all three cities decided to eradicate gender-specific signage for single-stall bathrooms.

It will no longer be a "brave" move to jump in line to use the solo men's room when the line for the women's stall is out the door — it'll be legal!

The Seattle City Council voted on the proposal submitted by Mayor Ed Murray. While the benefits of the signage will trickle down to everyone, its primary function was to ensure [a comfortable bathroom experience](#) for transgender people in government and Seattle business' public restrooms.

"The action taken today by the City Council will make Seattle a more welcoming place for everyone regardless of race, gender, or sexual orientation: No one should live in fear when they use basic accommodations most of us take for granted," Mayor Murray said in a statement [quoted by the Seattle Post-Intelligencer](#).

Gender-neutral bathrooms are already a major force on the University of Washington campus, where the Q Center, [an on-campus queer activist and justice center](#), advocated for their implementation in every building on campus.

Seattle is just one of several major cities that have similar laws in place. Philadelphia and Portland (the Oregon one) passed legislation in 2013 that called for the instatement of all-gender bathroom signage on single-occupancy stalls. West Hollywood and Washington, D.C., joined them over the past year with policies requiring gender-neutral language. In each of these cities, bathrooms with multiple stalls are still gender-specific, but the fact that this simple tweak can be made to make sure everyone

feels safe and comfortable is pretty wonderful. Fingers (and legs) crossed this trend doesn't stop in Seattle!

More From Glamour:

- [How Carly Fiorina and Hillary Rodham Clinton Are Taking a Page From the "Iron Lady," Margaret Thatcher](#)
- [More Than Good Luck, Chuck: Jessica Alba On Her Mentors](#)
- [Stephen Colbert Shares Why He Thinks Women Should Be in Charge of Everything](#)
- [2 of the Internet's Favorite Fashion PR Ladies Are Leaving Their Jobs](#)

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Our Services

TRAININGS AND SUPPORT

SCHOOLS

We work directly with schools and school districts nationwide to develop safe, gender inclusive environments for all young people. Our full service program includes conducting workshops for staff and students, providing curriculum and other resources, and consulting on policies and practices. Through our trainings, we are able to support administrators, staff, students, and parents/caregivers to expand their notions about gender and create a more nurturing school climate for all.

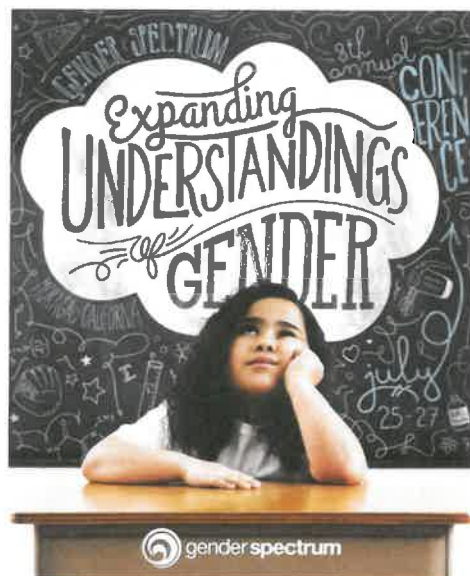
AGENCIES AND OTHER PROFESSIONAL ORGANIZATIONS

Gender Spectrum offers comprehensive support in helping social services, child welfare, and other agencies working with young people to recognize how gender intersects with services they provide, and how to respond accordingly. We offer best practices in creating and fostering more gender inclusive climates. We can support and build staff understanding about gender diversity issues and youth, examine policies and practices, and co-develop agency-specific resources for your staff and clients.

GENDER SPECTRUM ANNUAL CONFERENCE

Every summer, Gender Spectrum hosts a conference in the San Francisco Bay Area to support gender expansive young people and the caring adults who love and support them. We offer numerous workshops for parents/caregivers, provide opportunities for networking, and facilitate sessions focused on the needs of siblings.

Featuring a separate track of workshops for adults and young people, there is specific programming for teens and an engaging Kids' and Tween Camps. These camps are supportive spaces for all young people, and it is meant to be a space where 'kids can be kids' and meet kindred spirits.

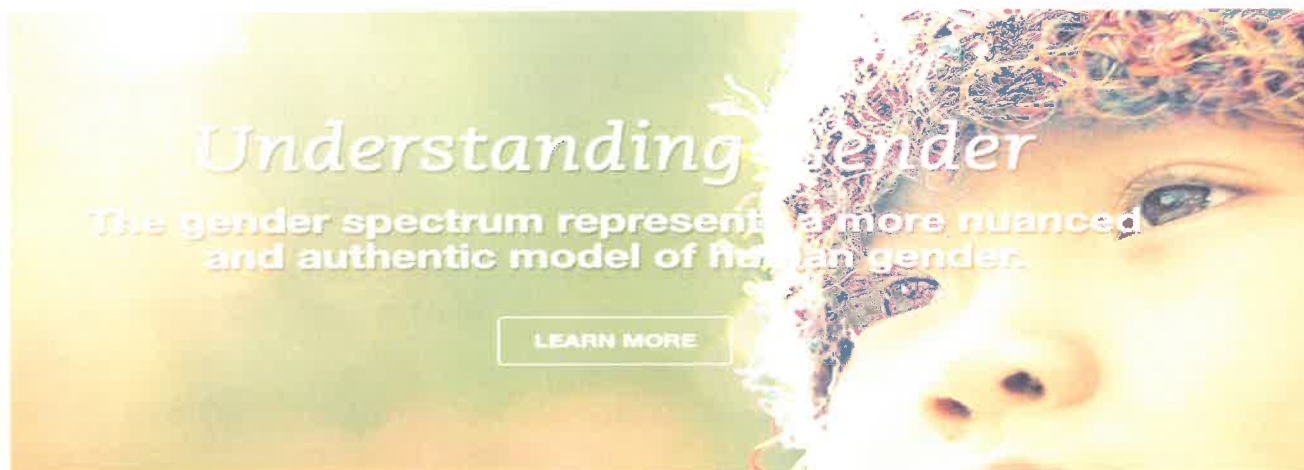


PROFESSIONALS' SYMPOSIUM

Gender Spectrum provides a full-day symposium focused on supporting providers and their work with gender expansive young people for professionals. The day focuses on building the capacity of professionals to effectively collaborate across disciplines and is designed for those working with and interested in working with gender expansive young people and their families. CEU credits are available upon request.

GENDER SPECTRUM WEBSITE

You can find a wide variety of information on our website, including articles, tools and resources, information on upcoming events, and our Gender Spectrum blog. Visit us at www.genderspectrum.org.



ONLINE COMMUNITY

The “Lounge” is a space for teens, parents, and professionals to connect with one another. Members can form their own groups and participate in our broader online community. Our members stay engaged through various activities including topical discussions with guest speakers, a book club, and a movie club. Meet new people and connect with friends and colleagues online. Join us today!

PARENT/CAREGIVER SUPPORT GROUPS

This is a great resource for adults grappling with the ongoing gender identity development of their child. These groups are a sensitive space for parents/caregivers to explore their current state. Our groups take place in person and via conference call to accommodate everyone. The in-person group is held monthly in Emeryville. For more information on how to join, please contact us at info@genderspectrum.org.

THE TRANSGENDER CHILD—A HANDBOOK FOR PARENTS AND PROFESSIONALS

Gender Spectrum’s Founding Director and Board Chairperson, Stephanie Brill, wrote *The Transgender Child* to help parents and professionals navigate the often unexpected parenting challenges of having a gender expansive child. It also provides important information for extended family members, schools, and others who might interface with gender expansive young people. Despite the title, the book deals with the entire spectrum of children’s expressions of gender.

CONSULTATIONS

Gender Spectrum consults directly with families and caregivers, schools and organizations around a wide range of topics. As thought-partners, we can help identify and weigh the many trade-offs connected with a multitude of decisions that need to be made in order to support gender expansive young people.



Framework for Gender Inclusive Schools

When someone with the authority of a teacher describes the world and you're not in it, there is a moment of psychic disequilibrium, as if you looked into a mirror and saw nothing

--Adrienne Rich

Gender inclusive schools...

- Recognize that gender impacts all students
- Interrupt binary notions of gender
- Normalize gender diversity
- Question limited portrayals of gender
- Support students' self-reflection
- Teach empathy and respect

Entry Points

When focusing on the intentional development of gender inclusive school settings, it is helpful to think in terms of four discrete entry points: **Personal**, **Structural**, **Interpersonal**, and **Instructional**. Depending on the context, any one of these may prove the best starting point for this work.

Personal entry points focus on educators' own understandings of gender. It involves reflection about how each person's experiences and beliefs about gender impact the work they do with students. Using tools such as *My Gender Journey*, this entry point is really a foundation of learning upon which teachers build their gender inclusive practices, in the process applying a lens of gender awareness to all they do in their classrooms.

Structural entry points are institutional steps that create a foundation for gender inclusive practices to take hold. Structural entry points demonstrate to your community that the institution recognizes and honors gender diversity and actively works to reflect a more complex understanding about gender. Such approaches include:

- Policies/administrative regulations emphasizing gender as an area of diversity protected and supported by the school
- Systematic staff training that builds the capacity of teachers and other staff to honor the gender diversity of all students
- Student information systems allowing families to specify a child's gender marker, preferred name and pronouns
- Identified staff members functioning as leads around gender diversity work or issues
- Gender neutral restroom/facilities that provide options for privacy without stigmatizing any students
- Readily available written materials and information about gender diversity
- Signage/imagery celebrating gender diversity
- Procedures/forms that demonstrate a non-binary understanding of gender

Interpersonal entry points are the various ways in which individual interactions and communications are utilized to reinforce the school's commitment to gender inclusion. Supported by many of the structural components, these relational aspects nonetheless require intentional behaviors in the day-to-day interrelationships of a campus. They literally voice a school's commitment to honoring the gender diversity of all students. Frequently language-based, teachers operating from this entry point:

Use language that challenges binary notions of gender

- *There are lots of ways to be a boy or a girl or even something else; isn't that great?*
- *Toys are toys, hair is hair, colors are colors, and clothes are clothes*
- *Is there only one way to be a boy or girl? Can boys and girls like the same things?*
- Rather than "boys and girls," "ladies and gentlemen," etc., refer to pupils as "students," "children," or another non-gendered term for the group.



Help students understand the difference between patterns and rules

- *Who says only girls wear dresses? Do all-girls wear them? Do all boys wear dresses? Do some?*
- *What patterns have you observed about expectations for you about gender from peers? The media?*
- *Sure, boys might do certain activities more than girls or vice versa. But that doesn't mean all boys do those things or are supposed to wear that girls don't or shouldn't do that!*

Question limited portrayals of gender

- *Who decided what things are for boys and what things are for girls?*
- *Sometimes this stuff is confusing. We get messages that some things are for boys and some things are for girls. But these messages are just some people's ideas. They may not be right for you.*

Recognize that gender is more about our identity than anything else

- *No one gets to tell another person how to feel on the inside.*
- *How someone feels about their gender comes from their hearts and their minds (and not their pants!)*
- *Some bodies are thought of as "boy" and some thought of as "girl" but that's not true for everyone.*

Support processes of reflection

- *Who we are or who others think we are on the outside is not always who we are on the inside; think of all the wonderful things about yourself that no one else knows about by just looking at you!*
- *Being a boy or a girl or something else is not about what you like or what you wear or your body. It is something that each of us figures out for ourselves based on how we feel inside*

Teach empathy and respect

- *How do you think you would feel if people were always asking you about your own gender?*
- *No one likes to be pointed out by others. Does it feel good if you think others are talking about you?*
- *Have you ever been teased? How does it feel when you are teased or treated as an outsider?*

Normalize gender diversity

- *Ideas about gender are changing all of the time.*
- *History is full of examples of gender diversity! There have been gender diverse people in every culture and religion, from all over the world and throughout time.*

Instructional entry points are specific ways in which teaching and learning are used to instill greater awareness and understanding about gender. Whether standing alone or integrated into other aspects of instruction, these approaches are the most direct way to impact students. In some ways, instructional approaches are the most easily accomplished. Teachers in their classrooms can have a great deal of autonomy for what takes place there. Yet at the same time, in an era of increasingly scripted curricula or environments in which controversial subjects are highly scrutinized and regulated, instructional methods for creating gender inclusion can have the highest stakes for teachers or other educators. Instructional approaches include:

- Designing lesson plans to expand understandings of gender diversity
- Exploring curriculum areas or units for inserting gender diversity issues or topics
- Using literature that has themes raising gender diversity issues
- Utilizing the arts to explore gender
- Using the social-emotional curriculum to surface gender related themes
- Examining the media and popular culture for gender related messages
- Assigning open ended projects that include gender related topics, readings, or news
- Arranging for transgender or other gender expansive people to present in classrooms
- Analyzing data about various trends related to evolving understandings of gender
- Inviting guest speakers who work for greater gender equity in education, law or other fields
- Using video or other media that present specific ideas about gender
- Creating space for students to articulate their own understanding and beliefs about gender
- Integrating gender into curriculum areas through story problems, writing prompts, readings, art assignments, research projects and more



Gender Inclusive Classrooms: Concepts and Lessons

Below, you will find some suggestions for sequencing a program of learning about gender and gender diversity across grade-levels. These assume a proactive approach to the creation of a gender inclusive school setting. As with any curriculum development, the key is to match the needs of the specific context to the materials, activities and resources being used. In some cases, a particular student's or staff member's gender may require additional activities or approaches for supporting the school community to be fully accepting and inclusive of the individual.

Pre-K/Lower Elementary Grades (Pre-K – 2)

Overarching concepts:

There are lots of ways to be boys or girls or something else. Isn't it great?!?!

- Toys are toys, hair is hair, colors are colors, and clothes are clothes
- Sometimes this is confusing. We get messages about some things being for boys and some things being for girls.
- Kids can do or be or like or want anything because they are individuals with hopes and likes and desires. This is not **because** they are boys or girls.

Mid Elementary (2 – 4)

Overarching concepts:

Gender is very complex and not just about bodies. We all have a right to be ourselves.

- Gender includes a relationship between bodies, expression and identity
- Who you are is not about what others tell you, but something you determine for yourself (even when you get messages that say otherwise)
- People deserve to be treated with kindness and respect

Upper Elementary (4 – 6)

Overarching Concepts

Gender Diversity: Binary vs. Multi-dimensional Models of Gender

- Gender in Nature
- Gender in history and across cultures
- Certain types of bodies are thought of as boy and certain types as girl, but that's not true for everyone
- Kids can be boys, girls, both, or neither
- Gender depends on culture and history



Middle School

Overarching Concepts

Social expectations and limitations about gender. What happens to gender non-expansive kids?

Roles and responsibilities within a community; being an ally

- Young Adult Literature
- Portrayals of gender in books
- The biology of gender
- What are some of the pressures to conform to gender expectations, at the school and in general? What happens to kids when they don't?
- Have you ever felt like an outsider, either for your own reasons or because you were treated as such?
- What does being an ally look like?

High School

Overarching Concepts

Gender as a social construct

Gender and civil rights issue

- The complexity of gender is seen across virtually every aspect of society
- How have portrayals of gender in the media affected our understandings of gender?
- What are some of the ways gender is understood in different cultures?
- What is the relationship between gender and issues of power in our society?
- Young Adult Literature
- Portrayals of gender in books
- The biology of gender
- Why is it difficult to come up with solid statistics about transgender people?
- How have issues related to gender diversity shown up over the past 5 – 10 years?
- Gender and Sports
- Debates in Psychology: The DSM-5; Raising Gender-expansive Children



Annotated Bibliography of Children's Books about Gender Diversity

26 Fairmont Avenue (series). DePaola, Tomie G.P. Putnam. 1999 – 2009.

DePaola recounts his childhood exploits, including dressing up as Snow White for Halloween, using his mother's lipstick to dress up as his favorite actress, Mae West, and so forth. Ages 5 – 8

10,000 Dresses. Ewert, Marcus. Seven Stories Press. 2008.

Every night, Bailey dreams about magical dresses: dresses made of crystals and rainbows, dresses made of flowers, dresses made of windows. . . . Unfortunately, when Bailey's awake, no one wants to hear about these beautiful dreams. Then Bailey meets Laurel, an older girl who is touched and inspired by Bailey's imagination and courage, and Bailey's dreams come true! Ages 5+

The Adventures of Tulip, Birthday Wish Fairy. Bergman, S. Bear. Flamingo Rampant. 2012.

Follow Tulip as he deals with the birthday wishes of all the nine-year-olds in North America. Tulip receives a wish from a child known as David who wishes to live as Daniela. He doesn't understand how to help, so he seeks the wise counsel of the Wish Fairy Captain. Ages 3 – 8

All I Want To Be Is Me. Rothblatt, Phyliss. CreateSpace Independent Publishing. 2011.

"All I Want To Be Is Me" is a beautifully illustrated children's book reflecting the diverse ways that young children experience and express their gender. The book gives voice to the feelings of children who don't fit into narrow gender stereotypes, and who just want to be free to be themselves. This book is a celebration of all children being who they are, and is a positive reflection of children, wherever they experience themselves on the gender spectrum. "All I Want To Be Is Me" offers a wonderful way for all children to learn about gender diversity, embracing different ways to be, and being a true friend. Visit www.alliwanttobeisme.com to learn more about how this book can be used by parents and teachers, and to hear the original song, "All I Want To Be Is Me", that goes along with the book.

Amazing Grace. Hoffman, Mary. Dial. 1991.

Grace loves stories, whether they're from books, movies, or the kind her grandmother tells. So when she gets a chance to play a part in Peter Pan, she knows exactly who she wants to be. Ages 4+

Are You a Boy or a Girl? Jimenez, Karleen Pendelton. Distributed by Two Lives Publishing. 2006.

Black and white photo illustrations accompany the story of a girl who follows her own interests, despite the comments of others. Ages 4 – 8

Avocado Baby. Burningham, John. HarperCollins. 1982.

A genderless baby grows very strong eating avocados. Ages Preschool – K

Backwards Day. Bergman, S. Bear. Flamingo Rampant. 2012.

Tenalp is a world where there are seventeen seasons, including one where bubblegum falls from the sky for three days and a single day when everything - everything everywhere - is backwards. Andrea looks eagerly forward to Backwards Day every year, so she can turn into a boy for the day. But one year she doesn't turn along with everyone else. She's miserable. The very next day, however, she turns into a boy -



and stays that way! When they finally figure out what's happened, the miracles of Backwards Day are fully revealed to the reader.

Ballerino Nate. Brubaker Bradley, Kimberly. Dial. 2006.

Nate has the heart of a dancer, and he is determined to learn ballet. Even his older brother, Ben, can't change his mind with his claims that "boys don't dance." Or can he? When Ben tells Nate that he'll have to wear pink shoes and a dress, Nate becomes awfully worried. And when he's the only boy in his ballet class, he begins to think that Ben is right: Maybe boys don't dance. Ages 4+

Be Who You Are. Carr, Jennifer. AuthorHouse. 2010.

Be Who You Are is a picture book depicting the life of a transgendered girl. Nick was born in a boy's body, but has always felt like a girl inside. Supported by family, Nick requests to be no longer called a boy or dress like a boy; "Always remember to be who you are Nick. Remember that we love you, and we are so proud of you." This book is an excellent way to introduce or explain what it means to be transgender to young children, and also a great resource to remind transgendered children that they are accepted and loved. Ages 7+

The Boy Who Cried Fabulous. Newman, Lesléa. Tricycle Press. 2007.

The only thing Roger likes better than exploring the world around him is describing it. And Roger describes most things as fabulous! But his parents have a different view. They want Roger to see things the way they do, so they ban "fabulous" from his vocabulary. Ages 4+

The Boy with Pink Hair. Hilton, Perez. Celebra Children's Books. 2011.

He was born that way-The Boy with Pink Hair. He had a cotton candy colored mop that no one had ever seen before . . . Life is not easy being pink. Adults stare at you, little children giggle behind your back and some kids are just mean. But when you have a best friend who appreciates your uniqueness and parents who are loving and supportive, you can do just about anything. Ages 3+

Cinder Edna. Jackson, Ellen. Harper Collins. 1998.

The famous Cinderella and her neighbor Cinder Edna each worked sunup to sundown for their wicked stepmother and stepsisters. But while Cinderella had the good fortune to be rescued by her fairy godmother, Edna was strong, self-reliant, spunky--and she lived happier ever after! Ages 3+

The Courage of the Blue Boy. Neubecker, Robert. Tricycle Press. 2006.

Blue boy and Polly, his calf, live in a land where everything, including them, is blue. They dream of seeing other places of different colors. They soon arrive in a wondrous multi-colored city. It fills them with joy until they notice once more that only they are blue. Gathering his courage, Blue decides to add his own hues to the city so it will represent all colors but enable him to remain true to self.

Ages 5 - 8

Don't Kiss That Frog. Waters, Fiona (Compiled by). Kingfisher, First Edition. 2008.

Perfect for girls who love tiaras, ball gowns, and happy endings---but also sports, silly jokes, and being different. Featuring the work of seven writers and three illustrators, this anthology of "princess stories with attitude" will make kids laugh as they encounter a bevy of sleepy, sporty, clumsy, brave, resourceful,



and curious princesses. The exuberant typographic design is an excellent match for the story-telling style and colorful artwork. Ages 6 – 10

Elena's Serenade. Geeslin, Campbell. Atheneum Books for Young Readers. 2004.

Elena disguises herself as a boy and learns to be a glassblower like her father, finally earning his respect for her artistry. Ages 3 – 7

A Fire Engine for Ruthie. Newman, Lesléa. Clarion Books. 2004.

Nana has dolls and dress-up clothes for Ruthie to play with, but Ruthie would rather have a fire engine. Ages 2 – 5

Goblinheart. Axel, Brett and Bidlespacher, Terra. East Waterfront Press. 2012.

Using "fairy" and "goblin" in lieu of female and male, the author has created a timely allegorical fairy tale. A youngster named Julep, who lives in a forest tribe, insists on growing up to be a goblin rather than a fairy. The tribe learns to accept that Julep is a goblin at heart, eventually coming around to support the physical transition that must be made for Julep to live as a goblin. Ages 4 – 7

I am Jazz. Herthel, Jessica. Dial. 2014.

The story of a transgender child based on the real-life experience of Jazz Jennings, who has become a spokesperson for transkids everywhere. Ages 4 – 8

I Look Like a Girl. Hamanaka, Sheila. Harper Collins. 1999.

In this vibrantly illustrated picture book, exuberant girls seem to burst both the limits of the page and the confines of traditional expectations. Each child, while engaging in typical childhood activities, is imagining a life as free and wild as that of a tiger, dolphin, mustang, condor, or wolf. A celebration of "what is wild, in the heart-so I can be me," this book does for girls what the author's *All the Colors of the Earth* (Morrow, 1994) did for children of ethnic diversity. Ages 3 – 8

It's Okay to Be Different. Parr, Todd. Little, Brown Books for Young Readers. 2001.

While not specifically addressing gender issues, the book enumerates many ways in which it's okay to be different. Ages 3 – 7

Jacob's New Dress. Hoffman, Sarah, Hoffman, Ian, & Case, Chris. Albert Whitman & Company. 2014.

Jacob loves playing dress-up, when he can be anything he wants to be. Some kids at school say he can't wear "girl" clothes, but Jacob wants to wear a dress to school. Can he convince his parents to let him wear what he wants? This heartwarming story speaks to the unique challenges faced by boys who don't identify with traditional gender roles. Ages 4 – 7

Marisol McDonald Doesn't Match: Marisol McDonald no combina. Brown Ph.D. Monica, & Palacios, Sara. CBP 2013

Marisol McDonald has flaming red hair and nut-brown skin. Polka dots and stripes are her favorite combination. She prefers peanut butter and jelly burritos in her lunch box. To Marisol, these seemingly mismatched things make perfect sense together. Other people wrinkle their nose in confusion at Marisol—can't she just choose one or the other? Try as she might, in a world where everyone tries to put



this biracial, Peruvian-Scottish-American girl into a box, Marisol McDonald doesn't match. And that's just fine with her. Ages 4 – 8

Max. Isadora, Rachel. MacMillan. 1984.

Max warms up for his weekly baseball game by attending his sister's ballet class. Ages 4 – 8

Mighty Jackie: The Strikeout Queen. Moss, Marissa. Simon & Schuster. 2004.

Non-fiction account of teenaged Jackie Mitchell who pitched against baseball greats Lou Gehrig and Babe Ruth. Ages 4 – 8

Morris Micklewhite and the Tangerine Dress. Baldacchino, Christine. 2014.

Morris is a little boy who loves using his imagination. But most of all, Morris loves wearing the tangerine dress in his classroom's dress-up center. The children in Morris's class don't understand. Dresses, they say, are for girls. And Morris certainly isn't welcome in the spaceship some of his classmates are building. Astronauts, they say, don't wear dresses. One day when Morris feels all alone and sick from their taunts, his mother lets him stay home from school. Morris dreams of a fantastic space adventure with his cat, Moo. Inspired by his dream, Morris paints the incredible scene he saw and brings it with him to school. He builds his own spaceship, hangs his painting on the front of it and takes two of his classmates on an outer space adventure. With warm, dreamy illustrations, Isabelle Malenfant perfectly captures Morris's vulnerability and the vibrancy of his imagination. Ages Preschool - 2

My Princess Boy (A mom's story about a young boy who loves to dress up.) Kilodavis, Cheryl. KD Talent LLC. 2010.

My Princess Boy tells the tale of 4-year-old boy who happily expresses his authentic self by happily dressing up in dresses, and enjoying traditional girl things such as jewelry and anything pink or sparkly. My Princess Boy opens a dialogue about embracing uniqueness, and teaches you and others how to accept young boys who might cross-traditional gender. Ages 4+

Oliver Button is a Sissy. DePaola, Tomie. Harcourt Brace Jovanovich. 1979.

Oliver prefers to read, paint, and wants to take tap-dancing lessons, and is jeered at by classmates. His father reluctantly allows the dance classes because they are a form of exercise, and Oliver goes on to wow his classmates at the school talent show, even though he doesn't win. Ages 4 – 8

The Only Boy in Ballet Class. Gruska, Denise. Gibbs Smith. 2007.

People don't understand how wonderful dancing makes Tucker feel, and he is teased and taunted, until his dance skills lead to a stunning move on the football field. Ages 5 – 8

The Paper Bag Princess. Munsch, Robert. Annick Press. 1992.

The Princess Elizabeth is slated to marry Prince Ronald when a dragon attacks the castle and kidnaps Ronald. In resourceful and humorous fashion, Elizabeth finds the dragon, outsmarts him, and rescues Ronald --- who is less than pleased at her un-princess-like appearance. Ages 4+



Pink. Rickards, Lynne. The Chicken House. 2009.

What's a penguin to think when he wakes up pink? Poor Patrick hates the idea of being different from all his friends, and sets off to Africa in search of pink flamingos that might accept a pink penguin. He soon discovers that color isn't everything. Ages 4+

Pink is Just a Color and So is Blue. Bhatia, Niki. CreateSpace Independent Publishing. 2012.

You're a boy who likes pink? Great! You like to play with dolls? Fantastic! Your best friend is a girl—and she likes to crash cars, build things, and play pirates? Awesome! Playing is about having fun, exploring and learning about the bigger world! Forget about what toys are for girls and what toys are for boys. How else would a boy decide he wants to be a chef one day? How else might a girl get the idea that she too could be a fire fighter? We are all different and like different things. What matters is that we are happy and confident.

Pinky and Rex and the Bully. Howe, James. Atheneum Books. 1999.

Pinky is a boy who likes pink, and whose best friend is a girl. When the neighborhood bully challenges him about these things, Pinky begins to doubt himself, but is able to be true to himself and stand up to the bully with some advice from a friendly neighbor. Ages 4 – 8

Play Free. Mason, MaCall and Suarez, Max. Maxmestudio. 2012.

Girls can wear pants, boys can wear dresses. None of that should cause any messes. Take a stroll through the life of a gender variant boy who just wants to be accepted for who he is. Walk in his shoes for a minute as he shows you his playhouse and introduces you to his friends. Soon you'll see that we're all pretty similar and being different isn't really that big of a deal. Ages 4 – 7

The Princess Knight. Funke, Cornelia. New York: Chicken House/Scholastic. 2003.

Despite the taunting of her brothers, Princess Violetta becomes a talented knight, and when her father proposes to give her hand in marriage to the knight who wins a tournament, Violetta uses her brains as well as her brawn to outwit him. Ages 4 – 7

Princess Smartypants. Cole, Babette. G.P. Putnam. 2005.

Princess Smartypants prefers to stay a "Ms." and easily dispatches all but one of her annoying suitors. Ridding herself of the final one is a bit more of a challenge. Ages 4 – 7

Pugdog. U'ren, Andrea. Farrar, Straus & Giroux. 2001.

Pugdog's rather silly owner thinks she's a he, and when he finds out otherwise, he dolls Pugdog up in his idea of femininity. Pugdog hates this, preferring to roll in the mud and play rough. Then they meet a dolled-up poodle that turns out to be male. Ages 3 – 5

Roland Humphrey is Wearing a WHAT?. Kiernan-Johnson, Eileen. Huntley Rahara Press. 2012.

Roland Humphrey is Wearing a WHAT? is the story of a little boy's quest to be his authentic self, dressed in pink and festooned with sparkles, in a world that frowns upon boys who like "girly" things. Roland sees girls at his school dress in a rainbow of hues and is confused by the "rules" limiting what boys can choose; he doesn't understand why girls can like sports and ballet, but for boys there's just one way. Written in verse, Roland Humphrey is Wearing a WHAT? playfully raises important questions about gender norms, acceptance, and friendship. Ages 4-8



Rickshaw Girl. Perkins, Mitali Charlesbridge Publishing. 2008.

Ten-year-old Naima longs to earn money to help her poor Bangladeshi family, but her talent in painting traditional patterns, or alpanas, is no use. Disguised as a boy to drive her father's rickshaw, she wrecks the vehicle threatening the family's sole livelihood. Her solution is to steal away, disguised as a boy, to a repair shop and offer her services painting decorations on the rickshaws. She is surprised to find that the owner is a woman. Ages 7+

School Picture Day. Plourde, Lynn. Dutton Children's Books. 2002.

Josephina's talent in taking things apart to see how they work comes in handy on school picture day when the photographer's camera goes on the blink. Age 4 – 7

The Sissy Duckling. Fierstein, Harvey. Simon & Schuster Books for Young Readers. 2002.

Elmer the duckling faces the derision of his schoolmates and out and out rejection by his father, but he has a mother who sticks up for him no matter what. And when he saves his father's life, Papa declares, "If Elmer is a sissy, then I wish I were a sissy too!" in a resounding moment of triumph for sissies everywhere. Ages 4 – 8

The Story of Ferdinand. Leaf, Munro. Viking Press. 1936.

Our favorite young bull prefers to sit and smell the flowers, to the concern of his mother. Ages 4 – 8

Swamp Angel. Isaacs, Anne. Dutton. 1994.

Angelica Longrider, aka Swamp Angel, is as big a hero as Paul Bunyan, wrassling bears and tornados. Ages Preschool – K

The Ugly Duckling. Andersen, Hans Christian. Adapted and Illustrated by Sebastien Braun. Boxer Books. 2010.

Even the ugly duckling's mother knew there was something different about him. Ages 2 – 5

Tutus Aren't My Style. Skeers, Linda. Dial. 2010.

Emma loves lizards and pirates and cowboy boots, so when a package arrives from Uncle Leo, she doesn't know what to do with the ballerina costume inside. "I don't know how to be a ballerina," Emma says. She flops when she should float, she trips when she should twirl, and her music sounds like burping! But when she decides to make her own rules about how to be a ballerina, Emma's style prevails in her triumphant dance debut. Ages 5 – 8

Virgie Goes to School with Us Boys. Fitzgerald Howard, Elizabeth. Aladdin. 2005.

The youngest and the only girl in a family with five boys, Virgie works hard to convince everyone she is old enough, strong enough, and smart enough to attend the school set up by the Quakers for recently freed blacks in Jonesborough, TN. By the end of summer, she has convinced her family that she can make the seven-mile walk to board at school each week and willingly handle the job of "learning to be free." Ages 5+



Wandering Son, Volumes 1-6. Takako, Shimura, Fantagraphics. 2011-13.

The fifth grade. The threshold to puberty, and the beginning of the end of childhood innocence. Shuichi Nitori and his new friend Yoshino Takatsuki have happy homes, loving families, and are well liked by their classmates. But they share a secret that further complicates a time of life that is awkward for anyone: Shuichi is a boy who wants to be a girl, and Yoshino is a girl who wants to be a boy. Written and drawn by one of today's most critically acclaimed creators of manga, Shimura portrays Shuichi and Yoshino's very private journey with affection, sensitivity, gentle humor, and unmistakable flair and grace. Ages 10+

When Kathy is Keith. Wong, Wallace. Xlibris. 2011.

A sensitive portrayal of a young girl who identifies as a boy. Ages 3-6

When Kayla was Kyle. Frabikant, Amy. Avid Readers Publishing. 2013.

Kyle doesn't understand why the other kids at school call him names. He looks like other boys, but doesn't feel like them. Can Kyle find the words to share his feelings about his gender - and can his parents help him to transition into the girl he was born to be? *When Kayla Was Kyle* is a picture book children of all ages will want to read because it addresses the increasingly emerging ideas around Gender Diversity.

White Dynamite and Curly Kidd. Martin, Bill & Archambault, John. Henry Holt and Co. 1989.

As Curly prepares to ride the "meanest bull in the whole United States," he explains to his proud but worried child how he overcomes his fear: he thinks about places he'd like to see. Lucky Kidd calls encouragement to dad. The story, told in dialogue, begs to be read aloud, and challenges our assumptions about gender expressions with what may be a surprise ending. Ages 4+

William's Doll. Zolotow, Charlotte. Harper & Row. 1972.

To the dismay of his parents, and jeering of his brother, young William wants a doll. His grandmother convinces his father that it's an acceptable toy for a boy because it will help teach him how to be a father, thus resolving the issue in an acceptably heterosexual way. Ages 3 - 7

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WHAT IS BULLYING

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DEFENDANT'S EXHIBIT 203

WHO IS AT RISK

Bullying and LGBT Youth

Risk Factors

Lesbian, gay, bisexual, or transgender (LGBT) youth and those perceived as LGBT are at an increased risk of being bullied.

Warning Signs

There are important and unique considerations for strategies to prevent and address bullying of LGBT youth.

Effects

Considerations for Specific Groups

- ▶ Creating a Safe Environment for LGBT Youth
- ▶ Federal Civil Rights Laws and Sexual Orientation
- ▶ Additional Resources

LGBT Youth

Youth With Special Needs

Creating a Safe Environment for LGBT Youth

It is important to build a safe environment for all youth, whether they are straight or LGBT. All youth can thrive when they feel supported. Parents, schools, and communities can all play a role in helping LGBT youth feel physically and emotionally safe:

- ▶ Build strong connections and keep the lines of communication open. Some LGBT youth often feel rejected. It is important for them to know that their families, friends, schools, and communities support them.
- ▶ Establish a safe environment at school. Schools can send a message that no one should be treated differently because they are, or are perceived to be, LGBT. Sexual orientation and gender identity protection can be added to school policies.
- ▶ Create gay-straight alliances (GSAs). GSAs help create safer schools. Schools must allow these groups if they have other "non-curricular" clubs or groups. Learn more about the right to form a GSA under the Equal Access Act.
- ▶ Protect privacy. Be careful not to disclose or discuss issues around being LGBT with parents or anyone else.

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Federal Civil Rights Laws and Sexual Orientation

Federal civil rights laws do not cover harassment based on sexual orientation. Often, bullying towards LGBT youth targets

Create a Gay-Straight Alliance

Watch a video of Arne Duncan, Secretary of the U.S. Department of Education, in a speech supporting GSAs for Gay-Straight Alliance Day.



their non-conformity to gender norms. This may be sexual harassment covered under Title IX. Read more about federal civil rights laws.

Many states protect against bullying because of sexual orientation in their state laws.

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Additional Resources

- ▶ Bullying of LGBT Youth and Those Perceived to Have Different Sexual Orientations Tip Sheet (PDF - 339 KB)
- ▶ Learn more about preventing bullying.
- ▶ Visit the Centers for Disease Control and Prevention website to support LGBT youth.
- ▶ Read a paper on LGBT bullying from the White House Conference on Bullying.
- ▶ Read more about health-risk behaviors in LGBT youth.

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Bullying of LGBT Youth and Those Perceived to Have Different Sexual Orientations

What is Bullying?

Bullying is unwanted, aggressive behavior among school aged children. It involves a real or perceived power imbalance and the behavior is repeated, or has the potential to be repeated, over time.

Both kids who are bullied and kids who bully others may have serious, lasting problems.

Lesbian, gay, bisexual and transgender (LGBT) youth, or those perceived as LGBT, may be teased and bullied by their peers. Educators, health professionals, parents, and other concerned adults can make a difference in the lives of LGBT youth. Often, bullying towards LGBT youth targets their non-conformity to gender norms. This may be sexual harassment covered under Title IX of the Education Amendments of 1972.

Student and Teacher Attitudes

According to a 2005 Harris Interactive survey:

- A majority of youth know of LGBT classmates
- More than one-third of teachers know of an LGBT student
- Most teachers surveyed are committed to keeping LGBT students safe and creating school climates that are safe and supportive learning environments (Harris Interactive & GLSEN, 2005)

Effects of Anti-LGBT Bullying

Bullied LGBT youth, or youth perceived as lesbian, gay, bisexual, or transgender, are more likely to skip school, smoke, use alcohol and drugs, or engage in other risky behaviors (Bontempo & D'Augelli, 2002; Rivers & D'Augelli, 2001). Lesbian, gay or bisexual youth are more than twice as likely as their peers to be depressed and think about or attempt suicide (Russell & Joyner, 2001). The risks are the same whether youth are LGBT, are heterosexual but are wrongly perceived to be LGBT, or choose to hide their sexual orientations.

What Schools and Communities Can Do

Develop Clear Policies on Bullying

Schools can consider adding sexual orientation and gender identity to their bullying policies (Office of Civil Rights, OCR, 2010). Doing so tells students to treat everyone equally, regardless of their sexual orientation (Get Busy, Get Equal, 2006).

According to the Harris Interactive survey, students from schools with clear policies on LGBT-related bullying:

- Are less likely to report a serious harassment problem
- Report higher rates of feeling safe at school
- Are one-third less likely to skip a class

Schools with anti-bullying policies can consider making it clear that bullying based on sexual orientation is against school policy. (Harris Interactive & GLSEN, 2005)

Train Staff and Volunteers in Bullying Prevention and Intervention

Schools, clubs, camps, after school programs, summer programs, and other youth organizations can train staff and volunteers on bullying prevention and intervention.

Create Safe Environments for All Children

Schools and communities can create safe, non-biased, and supportive environments

for all children and youth, such as a gay-straight alliance (GSA). GSAs help create safer schools, and reduce the hazards and stresses for LGBT youth (Just the Facts Coalition, 1999). According to the Equal Access Act, schools must allow these groups if they have other “non-curricular” clubs or groups.

Discuss Bullying Openly

Adults can consider discussing concerns about LGBT-related bullying with youth. Parents and other adults may convey an attitude of indifference by avoiding the subject. Or worse, their silence may convey an unspoken acceptance of the bullying (Ponton, 2001).

These discussions should protect the youth’s privacy. Be careful not to disclose or discuss issues around being LGBT with the youth’s parents or anyone else.

Provide Additional Support

When youth reveal same-sex attractions and relationships, this is an opportunity for health, medical, and school professionals to better inform and support sexual minority youth by linking them with community resources and helping to overcome the tensions of parents, families, and peers.

Bullied LGBT youth may need additional support, such as access to qualified healthcare professionals with experience working with LGBT youth (AAP, 2004; NAPNAP position paper, 2006).

stopbullying.gov

Raise Community Awareness

The American Academy of Pediatrics encourages pediatricians to discuss youth sexuality with community leaders. Specifically, pediatricians are encouraged to:

- Provide facts about sexual orientation in school and community libraries
- Develop support groups for LGBT youth, their friends, and their parents (AAP, 2004)

References and Resources

American Academy of Pediatrics (AAP). (2004). Sexual orientation and adolescents. *Pediatrics*, 113, 1827-1832.

Bontempo, D.E. & D'Augelli, A.R. (2002). Effects of at-school victimization and sexual orientation on lesbian, gay, or bisexual youths' health risk behavior. *Journal of Adolescent Health*, 30, 364-374.

Get Busy, Get Equal. (2006). *Get a safe schools policy*, produced by American Civil Liberties Union, GLSEN and AIDS project at www.aclu.org/getequal/.

Harris Interactive & GLSEN. (2005). *From teasing to torment: School climate in America, a survey of students and teachers*. New York: GLSEN. Additional research publications: *Institutional heterosexism in our schools: A guide to understanding and undoing it*; and the biennial, *National School Climate Survey*, are available at www.glsen.org.

Just the Facts Coalition. (1999). Just the facts about sexual orientation & youth: A primer for principals, educators & school personnel, Factsheet developed and endorsed by ten coalition associations; and Partners Against Hate at www.partnersagainsthate.org/youth/bullying.html.

Kim, R. (2009). A report on the status of gay, lesbian, bisexual and transgender people in education: Stepping out of the closet, into the light. National Education Association of the United States, Human and Civil Rights, Washington, D.C., p. 30.

National Association of Pediatric Nurse Practitioners (NAPNAP) position paper, Health risks and needs of gay, lesbian, bisexual, transgender, and questioning adolescents (2006). *Journal of Pediatric Health Care*, 20, 29A-30A.

Office of Civil Rights (OCR). *Dear Colleague Letter: Harassment and Bullying.* (2010). Issued by Russlynn Ali Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. Available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

Ponton, L. (2001). *What does gay mean: How to talk with kids about sexual orientation and prejudice*. San Francisco, CA: Horizons Foundation. Additional resources are available through the National Mental Health Association at www.nmha.org/whatdoesgaymean.

Rivers, I. & D'Augelli, A.R. (2001). The victimization of lesbian, gay and bisexual youths. In D'Augelli, A.R. & Patterson, C.J. (ed.) *Lesbian, gay and bisexual identities and youth: Psychological perspectives*, New York: Oxford University Press. pp.199-223.

Russell, S.T. & Joyner, K. (2002). Adolescent sexual orientation and suicide risk: Evidence from a national study. *American Journal Public Health*, 91, 1276-1281.