

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6601

Mark W. Mullins, Ed.D., Superintendent



December 6, 2022

Jacob Oliva
Senior Chancellor
Florida Department of Education
325 W. Gaines Street
Tallahassee, FL 32399-0400

Dear Chancellor Oliva:

This is in response to your letter sent on November 18, 2022. Please find attached a memo sent to all Principals and Leadership Team of Brevard Public Schools dated November 28, 2022. Based on School Board direction on November 22, 2022, Principals and Leadership Team were provided expectations as it relates to use of bathrooms and locker rooms across district schools. Also, the former provided "LGBTQ+ District Guidelines" is provided as reference only and will no longer be posted on our district's website; however, please see indicated under "Action 7: Confidentiality/Identity", the expectation of all staff to inform parents of a student's gender identity and/or sexual orientation considerations.

I trust these changes provide you the information needed to appropriately update the State Board of Education to demonstrate Brevard Public Schools' adherence and compliance with the Parents Bill of Rights. If any additional information or clarification is needed, please do not hesitate to contact my office.

Sincerely,

Mark W. Mullins, Ed.D.
Superintendent

Phone: (321) 633-1000, ext. 11402 • FAX: (321) 633-3432



November 28, 2022

MEMORANDUM

TO: All Principals and Leadership Team

FROM: Christine M. Moore, Assistant Superintendent
Student Services and Exceptional Student

RE: **Designation of Bathrooms, Locker Rooms, and Dressing Rooms**

In October, the State Board of Education passed 6A-10.086 **School Board and Charter School Governing Board Policies or Procedures for Parental Notification Regarding Designation of Bathrooms, Locker Rooms, and Dressing Rooms**. This rule went into effect on November 22, 2022. In part, this rule required, at minimum, parental notification of:

If a school board or charter school governing board has a policy or procedure that allows for separation of bathrooms or locker rooms according to some criteria other than biological sex at birth, the policy or procedure must be posted on the district's website or charter school's website and must be sent by mail to student residences to fully inform parents. The policy or procedure must include, at a minimum, the following:

- 1. Method of student supervision provided for locker rooms, for example a coach or aide, and how that method of supervision ensures the safety and privacy of students; and*
- 2. Which locker rooms are not separated by biological sex at birth; and*
- 3. Which bathrooms are not separated by biological sex at birth.*

On November 22, 2022, the Brevard Public School Board met and voted to allow the use of bathrooms and locker rooms based only upon biological sex at birth.

For any student impacted by this Board decision, please have a member of your team reach out to them and their parent/legal guardian to address any concerns. Schools can:

- Provide a single stall restroom or clinic restroom for student use
 - Administrators should be prepared to address concerns including, but not limited to:
 - the distance a student may need to travel to get to a single stall restroom
 - current limitations placed on single stall restrooms in your facilities (for example: faculty/staff use only)
 - access to the area in the facility, such as clinic, and what to do if the area is locked or inaccessible for student use
- Ensure your faculty and staff use consistent language for single stall restrooms and be consistent with their availability for all students.

Your school student services support team should be the first line in support for all students and families. Any questions school administrators have concerning implementation of the new Board directive should be directed to Student Services or Legal Services.

Christine M. Moore
Assistant Superintendent Student Services
Phone: (321) 633-1000, ext. 11270 • FAX: (321) 633-3454



These guidelines were established to ensure the safety of every student is met, including our students who identify as or are perceived to be lesbian, gay, bisexual, transgender, or questioning (LGBTQ). We believe through these guidelines we can serve every student with excellence as the standard.

Gender Expression

External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity

One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Sexual Orientation

One's emotional, romantic, or sexual attraction to others.

LGBTQ+ Student/School Support

Lisa Elam, Content Specialist,
Bullying and Harassment
Prevention

Elam.lisa@brevardschools.org

(321) 633-1000 Ext: 11526

Anti-Bullying Resources

speakouthotline.org
1-800-423-TIPS

24-Hour Information and Crisis Hotline

thetrevorproject.org
1-866-488-7386
Text: START to 678678

Sources of Strength Support

Janean Knight, Resource Teacher,
Student Services

Knight.Janean@brevardschools.org



Action 1: Dress Code

All students may dress and present in ways that are consistent with their gender identity and expression, while still abiding by the Brevard Public Schools dress code, including at any school sponsored events and functions. This includes dances, graduation, JROTC, etc. The full-dress code can be found in Board Policy 5511 or within the code of student conduct.



Action 2: Names and Pronouns

All students are to be referred to by the gender pronoun and name consistent with their gender identity in verbal and written communication, i.e., in class, at assemblies, on school ID badges, and all other unofficial documents such as honor roll certificates and yearbook. Only "official" documents must use a student's legal name. Official documents include registration, report cards, diploma, standardized tests, student cum files, ISP/s/S504 Plans, before and after school registration documents.



Action 3: Restrooms/Locker Rooms See Revised Guidance on November 28, 2022 Memo

~~All students are allowed to access locker rooms and restrooms that are consistent with their gender identity or be provided appropriate accommodations. If accommodations are desired, decisions should be student driven and with district support on a case-by-case basis. Note: Action 3 may undergo future revisions based upon pending State Board of Education rule-making, new Title IX regulations, and pending case law results.~~



Action 4: School Events and Functions

All students may bring same-gender dates to any school sponsored event or function. This includes dances, graduation, JROTC, etc. All students shall be allowed to participate in school traditions, however if the tradition includes gender separated components, then all students may participate in a manner consistent to their gender identity.



Action 5: Interscholastic Athletics

In accordance with the SB 1021. Section 1006.205 (Fairness in Women's Sports Act), interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by a public secondary school must be expressly designated based on the biological sex at birth of team members; a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth.



Action 6: Clubs

All students have equal access for nondistrict-sponsored, student clubs or activities including GSA (Gay-Straight Alliance) or any LGBTQ+ related organization, including student named and generated clubs, as they would with any other club.



Action 7: Confidentiality/Identity

Generally all LGBTQ+ students have the right to decide when and to whom their gender identity and sexual orientation is shared. If information is shared resulting in a change to a student's services or monitoring related to the student's mental, emotional or physical well-being, that information must be shared with parents. All staff are encouraged to support and likewise encourage students to discuss all issues with their parents/guardians while maintaining a safe and affirming learning environment. Encouragement includes staff offering to assist in facilitating the discussion with parents/guardians. Staff should not encourage students to keep information from their parents/guardians. If there are facts that would lead a reasonably prudent person to believe that if a parent learns of the information it would result in abuse, abandonment, or neglect, the information may be withheld. The specific facts leading to that conclusion should be documented.



Action 8: Pride

All faculty, staff, and students are afforded the same rights and protections under district, state, and federal policy. It is imperative that students, school staff, and other adults feel safe, included, and empowered on our school campuses, and at school related events and functions.



Action 9: Instruction

Classroom instruction on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.

*Action items are subject to change as determined by changes to statutes and law.

Non-Discrimination Policy

The School Board of Brevard County, Florida does not discriminate on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information or any other factor protected under applicable federal, state, or local law.

The district also provides equal access to its facilities to youth groups, as required by the Boy Scouts of America Equal Access Act. The School Board of Brevard County is in compliance with the Americans with Disabilities Act of 1990 (ADA) and the Amendment Act of 2008 (ADAA), the Florida Education Equity Act of 1984, Age Discrimination Act of 1967 and Section 504 of the Rehabilitation Act of 1973, Civil Rights Act of 1964 including: Title II, Title VI, and Title VII, United States Education Amendments of 1972 - Title IX, Age Discrimination In Employment Act (ADEA), and Individuals with Disabilities Act (IDEA).