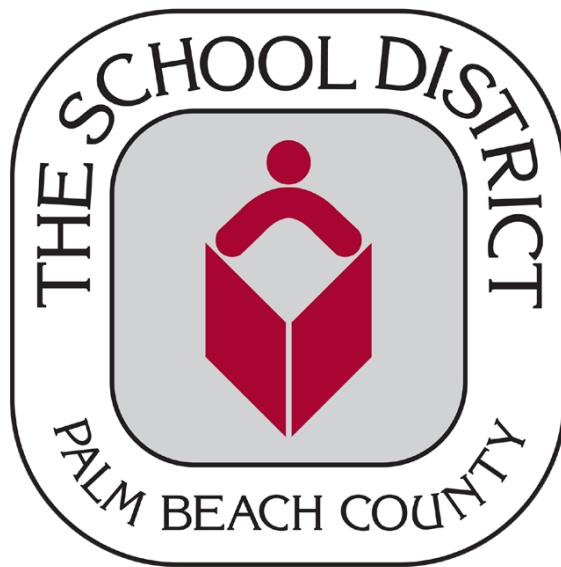


# The School District of Palm Beach County LGBTQ+ Support Guide



*The School District of Palm Beach County (SDPBC) LGBTQ+ Support Guide (Guide)* is updated periodically to reflect current legislation, rules, policies, and information available to promote a safe, supportive, and inclusive learning environment for LGBTQ+ students and families. School administrators and personnel should be careful to only consult the most recent version.

**Updated Summer 2024**

# Table of Contents

## **I. Background and Rationale**

- District Mission Statement
- District Vision Statement
- District Equity Statement
- Executive Summary

## **II. Guide Implementation**

## **III. Creating Safe Spaces for LGBTQ+ Students**

- A. Student Privacy, Confidentiality, and Educational Records
- B. Affirmed Names / Nicknames
- C. Pronouns and Gender Markers for Students
- D. Student Dress Codes and Uniforms
- E. Restrooms and Changing Facilities
- F. Multiday Field Trips
- G. Genders-Sexualities Alliances (GSAs)
- H. Athletics
- I. Self-Expression

## **IV. Statistics and Data**

## **V. Common Questions and Answers**

## I. Background and Rationale

- District Mission Statement

The mission of the School District of Palm Beach County is to educate, affirm, and inspire each student in an equity-embedded school system.

- District Vision Statement

We envision...

The School District of Palm Beach County is an educational and working environment, where both students and staff are unimpeded by bias or discrimination. Individuals of all backgrounds and experiences are embraced, affirmed, and inspired. Each and every one will succeed and flourish.

The School District of Palm Beach County will take ownership for students' academic mastery, emotional intelligence, and social-emotional needs by creating environments where students, families, staff, and communities will develop agency and voice.

A joy of learning is fostered in each student and a positive vision for their future is nurtured. Each student's cultural heritage is valued and their physical, emotional, academic, and social needs are met.

...WE SEE YOU.

- District Equity Statement

The School District of Palm Beach County is committed to creating safe, equitable and inclusive learning environments that ensure students have what they need to be successful in life.

The School District of Palm Beach County will provide each student – regardless of race, ethnicity, economic status, disability, national origin, religious affiliation, gender identity or sexual orientation – access to any and all opportunities, resources and support they need to develop agency, voice and achieve their dreams.

The School District of Palm Beach County will embrace, celebrate and honor our students, families, staff and community members and their unique cultural histories, while ensuring each student achieves personal, academic and sustainable success.

## School District of Palm Beach County LGBTQ+ Support Guide

- Executive Summary

The School District of Palm Beach County (SDPBC) LGBTQ+ Support Guide (Guide) is provided as evidence of our District dedication to our mission to educate, affirm, and inspire each student in an equity-embedded school system. We are committed to empowering all students to reach their highest potential which includes creating a positive and supportive school climate. We recognize that students who feel accepted at school are more highly motivated, engaged in learning, and committed to achieving the best possible education.

Through this spirit of inclusion and support, the Guide is designed to provide information for administrators regarding LGBTQ+ issues. As educators, we are all responsible for our students' well-being and success. This responsibility includes understanding how to create safe spaces<sup>1</sup> for LGBTQ+ students. Creating a supportive environment requires a comprehensive approach that includes policies, guidance, and professional development. This Guide is a component of that comprehensive approach and includes clear action items for faculty, staff, students, and their families.

The Guide intends to improve the manner and consistency for administrators to implement existing federal, state, and local laws and policies concerning harassment and discrimination. Recognizing that LGBTQ+ students often face discrimination, stigmatization, or bullying, this Guide reflects the school districts' compelling interest in ensuring that students have a productive and safe learning environment.

The recommendations provided in this Guide do not supersede the District's obligation to comply with Board policies and applicable state and federal laws. Each student's needs should be evaluated on a case-by-case basis and all support plans should be reviewed on an on-going basis and revised as needed to ensure the student has equal access and equal opportunity to participate in all programs offered by the school.

---

<sup>1</sup> Florida Statute language does not require the removal of 'safe space stickers' as these are not classroom instruction.

## II. Guide Implementation

Schools and school leadership should use the Guide with a student-focused approach that includes parental notification and engagement when navigating the unique needs and concerns of LGBTQ+ youth. To help navigate the language throughout the Guide, click [here](#)<sup>2</sup> for current terminology related to the LGBTQ+ community.

The Parents' Bill of Rights<sup>3</sup> requires school staff to notify parents of any change in services or monitoring that are related to a student's *"Mental, Emotional or Physical health or well-being"* or the school's ability to provide a safe and supportive environment. Please contact the Office of General Counsel for additional legal guidance related to the parental notification requirement.

The Parental Rights in Education law also prohibits schools from discouraging or prohibiting parents from being engaged in critical decisions affecting their student's mental, emotional or physical health or well-being. The statute also prohibits district employees from encouraging students to withhold information from a parent and allows for disciplinary action to be taken against any employee who encourages, coerces or attempts to encourage or coerce a minor child to withhold information from a parent. Please contact the Department of Safe Schools or the Office of General Counsel before contacting parents or guardians if you have any questions or concerns about this issue.

The use of this Guide, along with the action items, will ensure that the experiences of students are equitable across schools and handled with consistency between administration, faculty, and staff. The goal is the consistent existence of a school culture and classroom environment that values, respects, and supports the needs of all students. Administrators should provide their faculty and staff with this Guide.

This Guide is not intended nor designed to be utilized in classroom instruction or as a part of any Pre-K-12 curriculum. Faculty and staff should always use their professional judgment and the grade-level and/or course-specific instructional standards, with support from their administration, when seeking out age-appropriate resources, tools, or materials to be used in the classroom.

For additional support, the Regional Offices, District Office, and the Office of General Counsel stand ready to assist.

---

<sup>2</sup> Link is from U.S. Department of Health & Human Services available at <https://www.cdc.gov/healthyyouth/terminology/sexual-and-gender-identity-terms.htm>

<sup>3</sup> Florida Statute 1014 is also known as "Parents' Bill of Rights" and can be found at this link [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1014/1014.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1014/1014.html) and this link: [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1001/Sections/1001.42.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1001/Sections/1001.42.html)

### III. Creating Safe Spaces for LGBTQ+ Students

#### A. Student Privacy, Confidentiality, and Educational Records

All students' privacy rights will be respected and personal information about the student, including their sexual orientation, gender identity, and gender expression, will not be shared without the parents' consent. Parents have the right to decide when, with whom, and to what extent personal and private information about their child is shared. As students navigate various situations at school, school counselors and other staff should be mindful of the available support and resources to help ensure student success.

The simple knowledge of a student's sexual orientation and/or gender identity, without related concerns about the student's health, safety, or well-being, would not be considered a change in services or monitoring. For parent(s) who have questions about their child being LGBTQ+ and have contacted the school district, faculty and staff must not intentionally withhold information about the child's sexual orientation or gender identity unless a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined by the law. Students should be encouraged to speak with their parents about sensitive and personal information.

When considering disclosure of a students' sexual orientation or gender identity, school officials must carefully consider (1) whether there is a compelling reason for doing so (i.e. does the Florida Education Code mandate disclosure or is the disclosure necessary to protect the health, safety or well-being of the student); and (2) how to accomplish this through the least intrusive means.

All persons, including students, have a right to privacy and this includes the right to keep one's gender identity private at school. Information about a student's transgender status, transition process, or legal name constitute confidential information. ***Disclosing this information to other students and/or other students' parent(s)/guardians or other third parties without consent of the student may violate privacy laws, such as FERPA.***

#### B. Affirmed Names / Nicknames

With parental consent, all students shall be referred to by their preferred/nickname. A student or parent/legal guardian of a student who requests that the student be called by a name other than their given, legal name, must submit PBSO 0636 – New and Returning Student Registration Form. All District employees or contractors must address students by the student's legal name (as shown in SIS) or the preferred/nickname (as shown in SIS). NOTE: Legal Name is defined as either the student's first name, middle name, last name, and/or any derivative thereof, i.e. Michael as Mike.

## School District of Palm Beach County LGBTQ+ Support Guide

In order to provide all students with the opportunity to be called by their preferred name/nickname, the following procedures are outlined on how to enter the Student Preferred Name into SIS. These procedures must be followed whenever a student (or parent/guardian of a student) requests that the student be called by a name other than their legal first name.

### Steps:

1. Parents and students are informed that PBSO 0636 - New and Returning Student Registration includes an optional field in the first line titled **Student Preferred Name/Nickname**.

THE SCHOOL DISTRICT OF PALM BEACH COUNTY TEACHING AND LEARNING									
New and Returning Student Registration									
OFFICE USE ONLY									
Student Number	School Number	Transportation	Grade	EN CD	FLEID	Entry Date	SIS Entry	Birth Verification	Address Verification
Complete ALL AREAS on this form. Do not leave any area unanswered. Correct any preprinted information. Registration must be completed for each student each school year.									
Student First Name	MI	Last Name			Suffix	Student Preferred Name/Nickname			
Student Address					City		State	Zip Code	
Social Security # (optional)	Student Birth Date	Gender		Country of Birth		Place of Birth			
		<input type="checkbox"/> Male <input type="checkbox"/> Female							

2. Parents complete this form with the preferred name/nickname and any other updates. The form is returned to school with parent signature on page 3 of the form.
3. Data processors update the new preferred name/nickname information into SIS.
4. Once information is updated in the SIS, Student Preferred Name/Nickname will appear in any display of student name.
5. Parents/Guardians may request the use of a preferred/nickname for their student when completing the new and returning student registration form.

If a student wishes for their name to be changed on official records, such as transcripts, they need to provide documentation of legal name change. Per Fla. Statute 1001.42(8) (c), parental notification is required for selected non-academic records. Examples include but are not limited to: diploma, yearbook, ID Badges, Google Classroom, lunch line rosters, general rosters, substitute plans, and newspapers/newsletters. Furthermore, care should be taken so that the student's affirmed name is used in instances such as but not limited to calls for early dismissal, reporting to the clinic, etc. so potentially uncomfortable situations where the student could be misnamed do not take place.

## School District of Palm Beach County LGBTQ+ Support Guide

Affirming our students will often come about by calling students by their preferred/nickname. Transgender, nonbinary, and gender-expansive students have the right to discuss and express their gender identity and expression, as well as sexual orientation, openly and to decide when, with whom, and how much to share private information. The School District of Palm Beach County is required to abide by state and federal laws, including The Family Educational Rights and Privacy Act (FERPA). For additional support on the process for submitting preferred/nickname, contact the administration at the student's school. For support regarding interpretation or legal guidance on using preferred/nicknames, contact the Office of General Counsel.

### C. Pronouns and Gender Markers for Students

Florida Statute 1000.071 "Personal titles and pronouns" [Effective 7/1/2023], prohibits employees of K-12 institutions from asking students to provide their personal titles or pronouns. The law also prohibits K-12 schools from requiring employees or students to refer to other persons by that person's preferred title and pronoun if such personal title or pronoun do not correspond to the person's sex assigned at birth.

Gender markers may not be changed on official school records without an amended birth certificate or court order. The state of Florida recognizes male and female as legal genders. **Reminder:** Nonconsensual disclosure of personally identifiable information, such as a student's birth name or sex assigned at birth, could be harmful to or invade the privacy of transgender students and may also violate the Family Educational Rights and Privacy Act (FERPA). A school may maintain records with this information, but such records must be kept confidential.

As with other related issues involved with creating a safe and supportive environment for transgender, nonbinary and gender-expansive students, the best course is to engage the student and the parent(s)/guardian(s), with respect to preferred name. **In order to prevent alienating a student, teachers and schools should respect and work with students on a case-by-case basis to ensure that individual needs are met and respected.**

For additional information regarding pronouns, refer to Florida Statute 1000.071 (2023) or contact the Office of General Counsel.

### D. Student Dress Codes and Uniforms

As outlined in [School Board Policy 5.182 \(Student Dress Codes and Uniforms\)](#)<sup>4</sup>, the District-wide Dress Code must be observed in all District schools. A principal, with input from the School Advisory Council, and in collaboration with PTA/PTO/PTSA may expand upon the District-wide

---

<sup>4</sup> Link: <http://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=CBMRNS6EDA58>



## School District of Palm Beach County LGBTQ+ Support Guide

Dress Code and implement a gender-neutral school dress code and appearance policy, provided such policy incorporates the provisions of the District-wide Dress Code as a minimum standard and is consistent with the provisions of Policy 5.182. Furthermore, the Board allows the opportunity for individual schools to implement a Higher Standard (Uniform) Dress Code consistent with the guidelines as provided in Policy 5.182.

Students may dress in ways that are consistent with their gender expression at any school sponsored event or function, while still abiding by Policy 5.182. Policy 5.182 should not be enforced in a manner that impacts students in a discriminatory or disparate manner. The overarching theme in the creation of a safe environment for LGBTQ+ students is equal access, equal opportunity and equal protection. For questions regarding student dress code, contact the administration at the student's school.

### E. Restrooms and Changing Facilities

Florida Statute 553.865 (2023) requires that females and males should be provided restrooms and changing facilities for their exclusive use, respective to their sex at birth. In addition to gender-specific restrooms and changing facilities, another option is a single-user restroom or changing facility. The District provides gender-specific restrooms, locker rooms and changing facilities, designated for males or females. Based on District-wide signage, unless it is a single-user restroom, restrooms are designated for exclusive use by males or females.

Some students may not be comfortable using gender-specific restrooms or changing facilities. If so, the use of a safe and adequate alternative, such as a single-user restroom, is appropriate. As a proactive action, administrators should take steps to identify single-user restrooms on campus.

Schools will accommodate students requesting access to single-user restrooms and/or changing facilities. As emphasized in other sections of this Guide, this discussion should be addressed through dialogue with student, parent(s)/guardian(s), and school leadership and in accordance with applicable State and Federal law and State Board of Education rules.

For support with locating a single-user restroom or changing facility, contact the administration at the student's school. For additional information regarding the requirement for gender-specific restrooms and changing facilities or single-user options, review Florida Statute 553.865 (2023).

### F. Multiday Field Trips

As referenced in [School Board Policy 2.40 \(Field Trips\)](#)<sup>5</sup>, a student's parent or guardian or an

---

<sup>5</sup> Link: <http://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=CNDLNE575D23>

## School District of Palm Beach County LGBTQ+ Support Guide

emancipated student shall be notified prior to any multiday field trip whether room assignments for overnight lodging are or are not separated by biological sex at birth. District procedures for overnight lodging must include accommodations or modifications in order to ensure that all eligible students have the opportunity to participate in the field trip.

If students on a multiday field trip will not be separated by biological sex at birth, the impacted parent(s)/guardian(s) must be notified of the manner of separation. Schools have an obligation under FERPA and other guidance to maintain the student's privacy and shall **not disclose** the student's transgender status to other students or other students' parent(s)/guardian(s). This may require extra planning to ensure overnight lodging room assignments are approved by the parent(s)/guardian(s). Every situation is unique and should be handled on a case-by-case basis with assistance, if needed, from the Office of General Counsel.

For more information, please review the Field Trip Permission/Release (PBSD Form 0755, 0755SP, 0755CR, and 0755PO) or the Multiday Field Trip Permission/Release (PBSD Form 2674, 2674SP, 2674CR, and 2674PO). For questions about the field trip, contact the administration at the student's school or the school-based contact on the Field Trip Permission/Release form.

### G. Genders-Sexualities Alliances (GSAs)

Genders-Sexualities Alliance / Gay-Straight Alliance (GSAs) or Diversity Clubs are student clubs allowing students with a common interest to get together and have events or discussions about that interest. GSAs are made up of students of any sexual orientation and/or gender identity. Some GSA members are straight-identifying allies. GSAs can be support groups, or educational or civic clubs dedicated to making the school and community a safer space for all individuals.

According to [School Board Policy 2.121 \(Student Activities in Schools\)](#)<sup>6</sup>, membership in non-curriculum related student groups shall be voluntary and open to all students. It is important to note that the teacher selected to chaperone shall not participate in, direct, or control the activities of the club. Furthermore, all student clubs, whether curriculum or non-curriculum related, shall have the same access to meeting space, listing in school handbooks, school newspapers, the yearbooks and bulletin boards. Meetings of such groups may be conducted on school premises during non- instructional times.

Parents/Guardians have the right to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular. In accordance with [State Board of Education Rule 6A-10.085](#)<sup>7</sup>, information about supplemental programs and

---

<sup>6</sup> Link: <http://go.boarddocs.com/fl/palmbeach/Board.nsf/goto?open&id=CAJS8H717270>

<sup>7</sup> Link: [https://www.flrules.org/gateway/View\\_Notice.asp?id=26106888](https://www.flrules.org/gateway/View_Notice.asp?id=26106888)

## School District of Palm Beach County LGBTQ+ Support Guide

activities at each school may be found on the school’s website.

For additional information about how to start, maintain, or supervise a GSA, contact appropriate staff from the Department of Secondary Education.

### H. Athletics

Pursuant to Florida Statute §1006.20, the Florida High School Athletic Association (“FHSAA”) is designated as the governing nonprofit organization of athletics in Florida public schools. The FHSAA is responsible for adopting and promulgating the rules regarding eligibility requirements for all students who participate in high school athletics in Florida. The FHSAA Handbook<sup>8</sup> outlines the FHSAA’s rules for participation in interscholastic athletic teams or sports. The rule states:

#### 16.8.2 Biological Sex at Birth.

16.8.2.1 Biological Male. Florida Statute 1006.205 prohibits a student whose biological sex at birth was male, from participating on teams or sports designated as female, women, or girls. If a biological male is participating, the individual or team must compete in the male, men, or boys division.

16.8.2.2 Biological Female. A student whose biological sex at birth was female, may participate on teams or sports designated as male, men, or boys.

Please contact the District’s Director of Athletics for additional guidance regarding FHSAA rules.

### I. Self-Expression

Typical class participation and schoolwork are not restricted even if a student chooses to address sexual orientation or gender identity.

Incidental LGBTQ+ references in library books, music, plays, or literature, without more, are not classroom instruction and therefore are not restricted.

An employee or contractor of a public K-12 educational institution may not provide to a student his or her preferred pronoun or personal title if such preferred pronouns or personal titles do not correspond to his or her sex (at birth).

A student may not be asked by an employee or contractor of a public K-12 educational institution

---

<sup>8</sup> Link to FHSAA Handbook: <https://fhsaa.com/sports/2020/1/28/RulesPub.aspx>

## School District of Palm Beach County LGBTQ+ Support Guide

to provide his or her preferred pronouns or personal title or be penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred pronouns or personal title.

An employee, contractor, or student of a public K-12 educational institution may not be required to refer to another person using that person's preferred personal title or pronoun if such personal title or pronouns do not correspond to that person's biological sex at birth.

Recommendations for Best Practice from the District Office of General Counsel:

- The use of personal titles and pronouns that correspond to a person's biological sex at birth is compliant. This includes students, employees, and contractors.
- If a person has identified a preference for the use of a personal title or pronoun that does not correspond with that person's biological sex at birth, utilizing the person's legal last name or gender-neutral position title such as "student," "instructor," "teacher," or "librarian" allows compliance and may avoid liability for potential claims of bullying or harassment.

Contact District Regional Offices, the Office of Professional Standards, and/or the Office of General Counsel for additional support.

#### IV. Statistics and Data

LGBTQ+ youth commonly experience bullying, harassment and discrimination because of their sexual orientation, gender identity, or gender expression. A 2023 Trevor Project survey<sup>9</sup> collected data from more than 28,000 LGBTQ young people aged 13 to 24. The data showed:

- 41% of LGBTQ young people seriously considered attempting suicide in the past year.
- 56% of LGBTQ young people who wanted mental health care in the past year were not able to get it.
- 38% of LGBTQ young people found their home to be LGBTQ-affirming.
- 54% of LGBTQ young people reported experiencing symptoms of depression.
- 24% of LGBTQ young people reported that they have been physically threatened or harmed due to their sexual orientation or gender identity.
- 60% of LGBTQ young people reported that they have felt discriminated against in the past year due to their sexual orientation or gender identity.

According to data collected through the Human Rights Campaign, LGBTQ+ youth need support from their peers as well as the adults in their lives. Research from the Family Acceptance Project<sup>10</sup> found that family acceptance of lesbian, gay, bisexual and transgender adolescents protects against depression, substance abuse, and suicidal behavior in early adulthood. Research findings include:

- LGBT young adults who reported high levels of family acceptance during adolescence had significantly higher levels of self-esteem, social support and general health, compared to peers with low levels of family acceptance.
- LGBT young adults who reported low levels of family acceptance during adolescence were over three times more likely to have suicidal thoughts and to report suicide attempts, compared to those with high levels of family acceptance.

---

<sup>9</sup> Data may be found at <https://www.thetrevorproject.org/survey-2023/>

<sup>10</sup> Research summary may be found at <https://familyproject.sfsu.edu/family-acceptance-lgbt-adolescents-protects-against-depression-substance-abuse-and-suicidal>

## V. Common Questions and Answers

- For questions about Guide implementation, contact your Regional Office, District Office, or Office of General Counsel. Support resources are available at [this link<sup>11</sup>](#) on the SDPBC website.
- For specific questions about creating safe spaces for LGBTQ+ students, see the details included throughout Section III – Creating Safe Spaces for LGBTQ+ Students – and/or contact your school administration. Common questions/answers addressed within Section III include (in order of appearance):

Q: What are the parameters for a teacher or administrator contacting parent(s)/guardian(s) regarding a student’s gender identity or sexual orientation?

A: Parent(s)/guardian(s) must be contacted when there is a change in services or monitoring as related to the student’s mental, emotional, or physical health or well-being. The simple knowledge of a student’s sexual orientation and/or gender identity, without related concerns about the student’s health, safety, or well-being, would not be considered a change in services or monitoring. See *Section III, A. Student Privacy, Confidentiality, and Educational Records* for additional details to best support your student.

Q: Can students use their preferred name in school?

A: With parental consent, all students shall be referred to by their preferred/nickname. See *Section III, B. Affirmed Names / Nicknames* for information about the process.

Q: Can students use gender neutral pronouns in school?

A: There is no law prohibiting students from using gender neutral pronouns in school. However, staff may not require students to use preferred pronouns for persons whose pronouns do not correspond to a person's sex at birth. Additional information is included in *Section III, C. Pronouns and Gender Markers for Students*.

Q: How can I locate a single-stall restroom for student use at my school?

A: For support with locating a single-user restroom or changing facility, contact the administration at the student’s school. See *Section III, E. Restrooms and Changing Facilities*.

Q: Are students allowed to have GSA clubs?

A: All student clubs, whether curriculum or non-curriculum related, shall have the same access to meeting space, listing in school handbooks, school newspapers, the yearbooks and bulletin boards. See *Section III, G. Genders-Sexualities Alliances (GSAs)*.

---

<sup>11</sup> Link is available at <https://www.palmbeachschools.org/Page/14036>

## School District of Palm Beach County LGBTQ+ Support Guide

Q: Are students with LGBTQ+ parents allowed to talk about their families at school?

A: Typical class participation and schoolwork are not restricted even if a student chooses to address sexual orientation or gender identity. See *Section III, I. Self-Expression*.

Q: Can staff use gender neutral pronouns?

A: An employee or contractor of a public K-12 educational institution may not provide to a student his or her preferred pronoun or personal title if such preferred pronouns or personal titles do not correspond to his or her sex (at birth). A student may not be asked by an employee or contractor of a public K-12 educational institution to provide his or her preferred pronouns or personal title or be penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred pronouns or personal title. See *Section III, I. Self-Expression* for additional information including recommendations for best practice.

- For a review of the directives outlined in Florida House Bill 1557 (2022) including detailed clarifications from the March 2024 settlement agreement, see [SDPBC Bulletin #PD 24-292 DSCOS<sup>12</sup>](#). Common questions/answers addressed within the linked bulletin include:

Q: Are school staff allowed to have books including LGBTQ+ content in classroom libraries and media centers?

A: Library books are not 'classroom instruction' provided that the teacher does not use the library book(s) in the formal work of teaching in a classroom setting. See SDPBC Bulletin #PD 24-292 DSCOS for additional information.

Q: Are school staff allowed to talk about their identities or family life?

A: The Statute does not restrict gay and transgender teachers from "put[ting] a family photo on their desk" or "refer[ring] to themselves and their spouse (and their own children)." See SDPBC Bulletin #PD 24-292 DSCOS for additional information.

Q: Can school staff display safe space stickers in their classrooms & offices?

A: The Statute does not "require the removal of 'safe space stickers,'" which are not "classroom instruction."

---

<sup>12</sup> Link: <https://drive.google.com/file/d/14PE12h7Nn5SKKBvqMDYoQki6-rwMqK04/view?usp=sharing>



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

EDWARD C. TIERNEY  
DEPUTY SUPERINTENDENT/CHIEF OF  
SCHOOLS

MICHAEL J. BURKE  
SUPERINTENDENT

DEPUTY SUPERINTENDENT  
3300 FOREST HILL BOULEVARD  
C-316  
WEST PALM BEACH, FL 33406

PHONE: 561-649-6805  
[WWW.PALMBEACHSCHOOLS.ORG](http://WWW.PALMBEACHSCHOOLS.ORG)

April 12, 2024  
**Bulletin #PD 24-292 DSCOS**

**Contact(s):**

Diana Snider, 561-649-6867  
[Diana.Snider@palmbeachschools.org](mailto:Diana.Snider@palmbeachschools.org)

**Action By:  
Information Only**

**TO:** Principals and Directors  
**FROM:** Edward C. Tierney / Deputy Superintendent/Chief of Schools  
**SUBJECT:** **REVIEW OF HB 1557 (2022) DIRECTIVES WITH CLARIFICATIONS FROM SETTLEMENT AGREEMENT**

The District previously provided instructions to staff about 2022 legislation, including HB 1557. [Bulletin #P 23-023 DSCOS](#) provided instructional guidance for the 2022-2023 school year. This guidance remains in effect as the expectation continues that teachers teach the standards of their assigned grade level(s)/course(s) in an age-appropriate manner and facilitate discussions in a way that teaches students to think critically. This bulletin included statute language that prohibits “classroom instruction by school personnel or third parties on sexual orientation or gender identity.” Further, this bulletin provided clarification that this restriction does NOT include books that reference non-traditional family structures. Additional guidance was provided to staff via the August 10, 2023 update to the [LGBTQ+ Support Guide](#). Included in this update are clarifying parameters and expectations for students and employees with respect to promoting a safe, supportive, and inclusive learning environment for LGBTQ+ students and families.

A [March 2024 settlement agreement](#) with the State of Florida is consistent with the previously provided instructions discussed above and provides some additional clarifications. Select points from the agreement are provided below.

- 'Classroom instruction' is "the formal work of teaching that occurs in a classroom setting," and restricts "classroom instruction" only if it is "on sexual orientation or identity"
- Library books are not 'classroom instruction' provided that the teacher does not use the library book(s) in the formal work of teaching in a classroom setting
- The term “classroom instruction” (s. 1001.42(8)(c)3, Fla. Stat., amended by House Bill 1557 (2022)) should be read as defined above and includes the following clarifications. The Statute:
  - restricts teaching/instruction on sexual orientation and gender identity, “not mere discussion of them.”
  - clarifies that "typical class participation and schoolwork are not 'instruction,' even if a student chooses to address sexual orientation or gender identity."



April 12, 2024

BULLETIN #PD 24-292 DSCOS

REVIEW OF HB 1557 (2022) DIRECTIVES WITH CLARIFICATIONS FROM SETTLEMENT AGREEMENT

---

- does not prohibit teachers from "respond[ing] if students discuss...their identities or family life" so long as the teacher's response does not amount to classroom instruction as defined above.
- would not prohibit incidental references in literature to a gay or transgender person or to a same-sex couple. Such references, without more, are not 'instruction on' those topics.
- "applies equally, regardless of viewpoint." The Statute "restricts classroom instruction on 'sexual orientation' and 'gender identity,' not homosexuality and transgender identity." "For example, it would violate the statute to instruct students that heterosexuality is superior or that gender identity is immutable based on biological traits."
- clarifies that "schools [including teachers] cannot evade the [Statute's] limits by delegating 'classroom instruction' on [sexual orientation and gender identity] to an individual other than a teacher, be it a parent, student, guest lecturer, or anyone else."
- "does not restrict 'debate,' only 'classroom instruction.'" For instance, the Statute does not restrict "student-to-student speech."
- does not restrict gay and transgender teachers from "put[ting] a family photo on their desk" or "refer[ring] to themselves and their spouse (and their own children)."
- does not "require the removal of 'safe space stickers,'" which are not "classroom instruction."

Principals and Directors should share this information with all staff.

Approved:

  
Michael J. Burke, Superintendent

## **SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is entered into between and among Plaintiffs and the State of Florida. As used in this Agreement, “Plaintiffs” refers to Equality Florida, Family Equality, Amber Armstrong and her child, M.A., Ivonne and Carl Schulman and their child, S.S., Lindsay McClelland and her child Jane Doe, Rabbi Amy Morrison, Cecile Houry, Dan and Brent VanTice, Lourdes Casares, Kimberly Feinberg, Lindsey Bingham Shook, Anh Bolmer, Scott Berg, and Myndee Washington. As used in this Agreement, “the State of Florida” and “the State” refer collectively to the Florida Department of Education, the Florida State Board of Education, and the members of the Florida Board of Education in their official capacities.

### **RECITALS**

**A.** On or about March 31, 2022, Plaintiffs commenced an action in the United States District Court for the Northern District of Florida, Tallahassee Division (the “Court”), Case No. 4:22-cv-134-AW-MJF (the “Case”), challenging the constitutionality of Section 1001.42(8)(c)3., Florida Statutes (the “Statute”), which limits “[c]lassroom instruction by school personnel or third parties on sexual orientation or gender identity” in Florida’s public schools “in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.”

**B.** On May 25, 2022, Plaintiffs filed their First Amended Complaint. DE47.

**C.** The State of Florida defended the litigation and sought dismissal in part because, in the State’s view, all the conduct and speech that Plaintiffs alleged they sought to engage in was not covered by the Statute’s restriction of “classroom instruction” “on sexual orientation or gender identity.”

**D.** On or about September 29, 2022, the Court dismissed Plaintiffs’ complaint for lack of standing in part because the Court agreed with the State that Plaintiffs’ “asserted future actions” did not “involve classroom instruction on sexual orientation or gender identity,” which is all the Statute restricts. DE120 at 11. The

Court gave Plaintiffs another opportunity to amend their complaint. Plaintiffs took that opportunity and filed their Second Amended Complaint. DE123.<sup>1</sup>

E. On or about November 30, 2022, the State sought dismissal of the Second Amended Complaint because its view that the Statute restricts only “classroom instruction” “on sexual orientation or gender identity” had not changed.

F. In both sets of publicly filed briefs arguing that the conduct and speech that Plaintiffs engaged in, or sought to engage in, was not covered by the Statute’s restriction of “classroom instruction” “on sexual orientation or gender identity,” the State explained that the scope and meaning of the Statute is as follows:

### **Background**

- “As legislative staff noted,” the Statute was enacted against the background that “multiple school districts in Florida maintain[ed] policies that exclude[d] parents from discussions and decisions on sensitive topics related to students.” DE 68 at 5.
- “[S]ome Florida school boards had published ‘Guidelines for Curriculum’ that . . . referred to, for example,” an “infographic . . . designed to teach young children the concepts of sexual orientation and gender identity.” *Id.* at 7.
- “Broward County was directing teachers to respond to kindergarteners ‘when answering classroom questions that may arise’” that “[t]ransgender people change their gender once they are old enough to explain to others how they feel about their own gender. This person may change their name or pronoun.” *Id.* at 10.
- “The Florida Legislature responded by enacting H.B. 1557,” *id.* at 11, which restricts “[c]lassroom instruction by school personnel or third parties on sexual orientation or gender identity.”

---

<sup>1</sup> Plaintiffs originally named the Governor and Commissioner of Education as defendants in their official capacities. DE1. Plaintiffs later withdrew their claims against the Governor (DE91 at 30 n.11), and the district court dismissed the Commissioner as an improper defendant (DE120 at 20). Plaintiffs did not appeal that ruling.

**“Classroom Instruction”**

- “Instruction” is “the action, practice, or profession of teaching.” DE68 at 17. And the Statute restricts only “instruction” that occurs in a “classroom” setting. *Id.*
- “Classroom instruction” is “the formal work of teaching that occurs in a classroom setting,” and the Statute restricts “classroom instruction” only if it is “*on* sexual orientation or identity.” DE134 at 16. Accordingly, the Statute restricts only teaching on the topics of sexual orientation and gender identity in a classroom *setting*. *Id.*
- The Statute restricts only classroom instruction on particular subjects—“sexual orientation” and “gender identity.” That means that teachers must not “teach[] the subjects of sexual orientation or gender identity.” DE 68 at 19. Those subjects are “naturally understood in terms of the underlying concepts.” *Id.* The Statute would thus limit “teaching an overview of modern gender theory or a particular view of marriage equality.” *Id.*
- The Statute “thus restricts *instruction* on particular *subjects* (sexual orientation and gender identity), not mere discussion of them.” *Id.* at 18. Consistent with that view, the Legislature rejected a restriction on ‘encourag[ing] classroom instruction about’ the prescribed subjects in favor of a limited restriction on “classroom instruction.” *Id.* at 18-19.
- “[T]ypical class participation and schoolwork are not ‘instruction,’ even if a student chooses to address sexual orientation or gender identity.” *Id.* at 20.
- The Statute would also leave teachers free to “respond if students discuss . . . their identities or family life,” “provide grades and feedback” if a student chooses “LGBTQ identity” as an essay topic, and answer “questions about their families.” *Id.* For kindergarten through grade three, “they simply must not handle these situations by teaching the subjects of sexual orientation or gender identity.” *Id.*

### **Classroom References**

- Moreover, “just as no one would suggest that references to numbers in a history book constitute ‘instruction on mathematics,’” the Statute “would not prohibit[] incidental references in literature to a gay or transgender person or to a same-sex couple. Such references, without more, are not ‘instruction on’ those topics.” *Id.* at 19.
- The Statute “does not prohibit stories where a prince and princess fall in love; it does not prohibit instruction against bullying people with one mom or two; and it does not prohibit mere references to moms and dads (or any combination thereof).” DE105 at 5-6.
- The Statute restricts the use of books “to instruct” “students on the concepts of sexual orientation or gender identity.” DE134 at 22-23. But the Statute does not restrict mere “literary references to a gay or transgender person or to a same-sex couple.” *Id.* at 17. “[R]eferences to LGBTQ identity’ do not violate the [S]tatute, as they are not ‘instruction on’ sexual orientation or gender identity any more than a math problem asking students to add bushels of apples is ‘instruction on’ apple farming.” DE152 at 5.

### **Non-Discrimination**

- The Statute does not target “sexual *orientations* and gender identities that differ from heterosexual and cisgender identities.” DE68 at 17. “To the contrary, instruction on the ‘normalcy of opposite-sex attraction’ would equally be ‘instruction on sexual orientation.’” *Id.* The Statute “is neutral on the proscribed subjects.” *Id.*
- The Statute “applies equally, regardless of viewpoint.” DE134 at 17. Put differently, the Statute “restricts classroom instruction on ‘sexual orientation’ and ‘gender identity,’ not homosexuality and transgender identity.” DE152 at 5. “For example, it would violate the statute to instruct students that heterosexuality is superior or that gender identity is immutable based on biological traits.” DE134 at 17-18.

### **“Third Parties”**

- The Statute’s reference to “third parties” in addition to “school personnel” simply means that “schools cannot evade the [Statute’s] limits by delegating ‘classroom instruction’ on the prescribed topics to an individual other than a teacher, be it a parent, student, guest lecturer, or anyone else.” DE68 at 20.
- The Statute restricts classroom instruction by “school personnel” as well as “third parties,” but only third parties “to whom the school has delegated responsibility for such teaching—*i.e.*, agents of the public school system, not parents or students acting in the ordinary course.” DE134 at 18.

### **Debate**

- The Statute “does not restrict ‘debate,’ only ‘classroom instruction.’” DE68 at 31. For instance, the Statute does not restrict “student-to-student speech.” *Id.* at 49.

### **Families**

- The Statute “does not prohibit ... mere classroom references to a person’s family—whether gay or straight, transgender or cisgender.” *Id.* at 3.
- The Statute does not restrict gay and transgender teachers from “put[ting] a family photo on their desk” or “refer[ring] to themselves and their spouse (and their own children).” DE68 at 17.

### **Bullying**

- The statute does not “prohibit intervention against LGBTQ bullying.” DE68 at 18.
- The Statute does not “require[] the removal of ‘safe space stickers,’” which are not “classroom instruction.” DE134 at 20-21.

### **Extracurricular Activities**

- The statute does not “prohibit participation in extracurricular activities (such as ‘Gay-Straight Alliances’ or book fairs)” or “after-hours tutoring.” ECF68 at 18.

- Likewise, the Statute does not restrict “lines referring to LGBTQ issues” in “musicals,” “dancing between persons of the same gender” at a school dance, or “wearing clothing inconsistent with students’ gender assigned at birth.” DE134 at 20-21 (cleaned up). “None of that is ‘classroom instruction.’” *Id.* at 21.

### **Library Books**

- “Library books, without more, are not ‘classroom instruction’ and thus are not covered by the [S]tatute.”<sup>2</sup>

**G.** On or about February 15, 2023, the Court dismissed the Case, concluding again that Plaintiffs lacked standing. DE158.

**H.** On or about March 15, 2023, Plaintiffs filed a Notice of Appeal in the United States Court of Appeals for the Eleventh Circuit, Case No. No. 23-10866-B (the “Appeal”).

**I.** The Parties have reached an agreement that resolves the need for further proceedings in this matter. In consideration of the mutual promises and obligations of this Agreement, the Parties agree and covenant as follows:

### **TERMS AND CONDITIONS**

1. Conditioned upon paragraph (2) below, Plaintiffs agree to:
  - a. Dismiss the Case and their Appeal with prejudice as to all Defendants no later than seven (7) days after the State, through counsel, confirms in writing that its obligations under paragraph (2) have been satisfied and provides copies of such transmittals to Plaintiffs’ counsel; and
  - b. Release and forever discharge the State of Florida and any officers thereof for any claims or causes of action that any Plaintiff raised or could have raised in the Case, including any claim that Section 1001.42(8)(c)3., Florida Statutes is facially unconstitutional.

---

<sup>2</sup> Library materials are separately governed by Section 1006.28, Florida Statutes.

*Execution Version*

2. Through counsel, the Florida Department of Education shall provide a copy of this Agreement, including the Recitals set forth above, to the school board of each of Florida's school districts. In so doing, counsel shall note that Recital F above sets forth considered positions the State of Florida has taken in court about the scope and meaning of the Statute and shall encourage the school districts to send a copy of this Agreement to the principals of the schools within their respective districts.

3. Each Party shall bear its own legal and other costs incurred in connection with this matter, including the preparation and performance of this Agreement.

4. Each Party to this Agreement represents that it freely and voluntarily entered into this Agreement without any degree of duress or compulsion.

5. This Agreement is governed by the laws of the State of Florida. The exclusive jurisdiction and venue for any dispute relating to this Agreement is the United States District Court for the Northern District of Florida.

6. For purposes of construing this Agreement, this Agreement shall be deemed to have been drafted by all Parties to this Agreement and shall not, therefore, be construed against any Party for that reason in any subsequent dispute.

7. This Agreement constitutes the complete agreement between the Parties. This Agreement may not be amended except by written consent of the Parties.

8. The undersigned counsel represent and warrant that they are fully authorized to execute this Agreement on behalf of the persons and entities indicated below.

9. This Agreement may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Agreement.

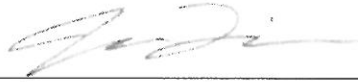
10. This Agreement is binding on Plaintiffs' successors, transferees, heirs, and assigns.

11. All Parties consent to each other's disclosure of this Agreement, and information about this Agreement, to the public.



*Execution Version*

12. This Agreement is effective on the date of signature of the last signatory to the Agreement (“Effective Date of this Agreement”). Facsimiles and electronic transmissions of signatures shall constitute acceptable, binding signatures for purposes of this Agreement.



Date: March 5, 2024

Roberta A. Kaplan (NY #2507093)  
John C. Quinn (NY #4965000)  
Kate L. Doniger (NY #5128251)  
D. Brandon Trice (NY #5140017)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, 63rd Floor  
New York, New York 10118  
Tel.: (212) 763-0883  
jqinn@kaplanhecker.com

Joshua Matz (DC #1045064)  
KAPLAN HECKER & FINK LLP  
1050 K Street, NW, Suite 1040  
Washington, D.C. 20001  
Tel.: (212) 763-0883  
jmatz@kaplanhecker.com

*For Plaintiffs*



Date: March 11, 2024

Daniel W. Bell  
Chief Deputy Solicitor General  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
(850) 414-3681  
daniel.bell@myfloridalegal.com

*For The State of Florida*