

Parents in Formation and Southern Legal Counsel Present:

BACK TO SCHOOL SAFETY PLANNING FOR LGBTQ+ FAMILIES

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*Know Your Rights: Legal Protections for LGBTQ+ Students in
Florida's Current Climate*

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ROAD MAP FOR TODAY'S WEBINAR

- (1) How to Prepare for the Start of the New School Year**
- (2) Know Your Rights – the rights of LGBTQ+ students and their parents**
- (3) Overview of Recent Changes in Law**
- (4) Action Steps – if you receive push-back from the school, next steps for self advocacy or taking legal action**
- (5) Questions & Answers**

KYR Handout will be circulated

Back to School: Know Your Rights for LGBTQ+ Families

The purpose of this document is to provide you with everything you need to know to ensure your LGBTQ+ child has an affirming back-to-school experience and a positive start to the 2023-2024 school year! Learn how to advocate for the consistent use of your child's affirmed name and pronouns; how to advocate for your child to have access to bathrooms that feel safe and affirming; how to ensure your child has access to clubs, activities, and support systems; and more!

The Rights of LGBTQ+ Students

- The **right** to a safe & affirming learning environment
- The **right** to use, and be consistently addressed with, affirmed name and pronouns
- The **right** to freedom of speech & expression
- The **right** to access sex-segregated spaces, including bathrooms and locker rooms, that feel safe and affirming for the student
- The **right** to privacy, including informational privacy and bodily autonomy
- The **right** to a school environment free from discrimination, harassment, & bullying

(A) HOW TO PREPARE FOR THE FIRST DAY OF SCHOOL

STEP 1: Prior to August 1st, set up a meeting with your child's school principal and/or other leadership to discuss a plan to ensure a successful (and affirming) start to the 2023-24 school year. If the meeting request is made over the phone, make sure to also confirm it in writing.

STEP 2: Prepare ahead of time for what to request that the school do in order to create a safe and affirming environment for your child, including knowing what legal rights and protections support your requests. Ensure that any necessary information is conveyed to the individuals who will be in contact with your child.

STEP 3: After the meeting, follow up with the school/district in writing, providing a summary of what was discussed and agreed to (or not agreed to). Put *everything in writing* in case issues arise in the future.

STEP 4: If the school refuses to comply with the reasonable requests made (i.e. refuses to ensure consistent use of affirmed name/pronouns, denies access to a bathroom that feels safe for your child, fails to treat your child in accordance with their gender identity at school), reach out to Southern Legal Counsel for assistance and/or potential legal representation, if needed.

(B) KNOW YOUR RIGHTS IN THE CURRENT LEGAL LANDSCAPE

Ensuring Your Child Has Access to a Non-Discriminatory, Safe & Affirming School Environment

- **Legal Protections:** **Title IX** prohibits discrimination "on the basis of sex" in "any education program or activity" that receives federal funding (20 U.S.C Section 1681(a)), which includes discrimination against LGBTQ+ students, who must be provided "equal access to educational programs and activities." **The Equal Protection Clause** of the U.S. Constitution laws imposes a duty on schools to treat LGBTQ+ students equally, and school policies that classify students on the basis of sex are presumptively unconstitutional. **The First Amendment of the U.S. Constitution** protects students' fundamental rights to engage in constitutionally protected speech related to LGBTQ+ issues, and their right to receive information and ideas related to sexual orientation and gender identity. It also guarantees freedom of expression, including expressing their sexual orientation or gender identity. **Under Florida's "Parents' Bill of Rights"** (Fla. Stat. Chapter 1014), parents of LGBTQ+ students have the fundamental right to "direct the upbringing, education, and care of their minor children," and to do so free from "obstruction or interference" from the state, school district, or school. **The Equal Access Act** requires schools/districts to allow GSAs/LGBTQ+ student groups if the school permits any other noncurricular student group.
- **Obstacles:** **HB 1557 and HB 1069**, known as the "Don't Say LGBTQ" laws, along with the related rules promulgated by FDOE, were designed to remove LGBTQ+ discussions, curriculum, books, teachers, and more from Florida schools, but these state laws use ambiguous, vague, and undefined terms and they violate federal law. Further, the State itself has made clear in legal pleadings defending against our challenges to the "Don't Say LGBTQ" law that there is no impact on anything other than direct classroom "instruction," so these laws cannot be weaponized to prohibit LGBTQ+ discussions, safe-space stickers, inclusive books, participation in GSAs/student LGBTQ clubs, nor intervention in anti-LGBTQ+ bullying.

KYR Handout will be circulated

Ensuring Consistent Use of Your Child's Affirmed Name and Pronouns at School

- **Legal Protections:** □ The Family Education Rights and Privacy Act (FERPA) protects the personal information of students in their school records, prohibits the sharing of information without permission of the students or their parents, and gives parents the right to request that the school amend their child's legal name and/or sex assigned at birth on their education records in order to ensure that the records do not violate their child's privacy rights (i.e. "outing" the student without consent). (See 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.00 et seq.). In addition to FERPA, both Title IX and the Equal Protection Clause provide legal protections as well.
- **Obstacles:** HB 1069 (a.k.a. the "Don't Say LGBTQ+ Expansion" bill), was recently enacted, and allows teachers, staff, and students to disrespect a person's pronouns if the pronouns do not correspond to their sex assigned at birth. This just means that schools *cannot require* teachers and students to use and respect the pronouns that align with your child's gender identity, but it does *not prohibit them* from using your child's affirmed pronouns. Federal law requires them to do so, and you can file a Title IX or FERPA Complaint if necessary (see action steps below).
- **Potential Support from FDOE Rule:** The Florida Dep't of Education is promulgating a rule (6A-1.0955, "Education Records") that *requires schools* to adopt provisions and forms to allow parents to specify "the use of any deviation from their child's legal name in school" – the purpose is to "protect parental rights," and this *includes* the rights of parents of transgender youth to ensure their child's affirmed name is used and respected consistently at school.

Ensuring Your Child Has Access to Bathrooms and Sex-Segregated Spaces that Feel Safe & Affirming

- **Legal Protections:** □ Title IX and the Equal Protection Clause prohibit discrimination on the basis of sex in schools, which includes discrimination based on sexual orientation or gender identity. Nearly every federal court to weigh in on the issue has concluded that excluding transgender youth from the bathroom that aligns with their gender identity violates Title IX and the Equal Protection Clause. The □ U.S. Department of Education's Office of Civil Rights is responsible for protecting the rights of all students, including through enforcement of Title IX against schools that are engaging in impermissible discrimination against LGBTQ+ students.
- **Obstacles:** Recently enacted HB 1521 (the "Bathroom Ban") *allows* for discriminatory measures related to use of bathrooms and changing rooms, but it *does not require that schools discriminate* when it comes to sex-segregated spaces. Rather, the law requires that a school have *either* (1) a restroom and changing room designated for exclusive use by people whose sex assigned at birth was female, and a restroom and changing room designed for exclusive use by people whose sex assigned at birth was male; *or* (2) a unisex bathroom and changing room (i.e. single-user space with walls and a door). School must also establish a disciplinary procedure within its code of conduct for if a transgender student refuses to leave a bathroom not aligned with their sex assigned at birth after being asked to do so, but they do not have to submit documentation regarding compliance until April 1, 2024, and the Attorney General cannot enforce these requirements against school districts until July 1, 2024.

(C) ACTION ITEMS/STEPS IF YOU RECEIVE PUSH BACK FROM THE SCHOOL/DISTRICT

- ACTION ITEM 1: Ask your child's school if they will ensure the consistent use of your child's affirmed name and pronouns,¹ access to a bathroom that feels safe and affirming, and anything else your child needs to be able to meaningfully access the school environment.
- ACTION ITEM 2: If they do not agree to requests made in Step 1, then submit a letter to your child's school officially requesting the consistent use of your child's affirmed name and pronouns in all aspects of their education, asserting your rights under FERPA and the Florida Parents' Bill of Rights (sample letter can be found [here](#)).
- ACTION ITEM 3: If they do not comply with the requests made in the official letter in Step 2, you can file a complaint with your school district's Title IX Coordinator. Every school/district must have: a Title IX Coordinator listed on their website (responsible for investigating complaints of sex discrimination); a grievance procedure for students to file complaints (and most have a formal complaint form accessible on their website).
- ACTION ITEM 4: If the district does not resolve the issue, you can file a Title IX Complaint with the United States Department of Education's Office of Civil Rights (accessible [here](#)) and/or a FERPA Complaint with the United States Department of Education's Student Privacy Policy Office (accessible [here](#)).

¹ Note: If your child has completed a legal name and gender marker change, the school has no discretion and *must* amend your child's official records. But even if your child has not legally changed their name and gender marker, you can follow these steps to ensure consistent use of your child's affirmed name and pronouns. If you need assistance with the legal name/gender marker change process, visit www.floridanamechange.org.

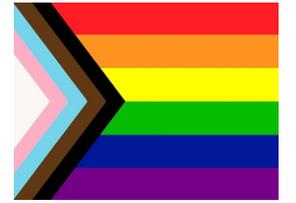
Part 1:



INTRODUCTION & OVERVIEW



Key Terminology Before We Dive In



Making sure we're on the same page with the language we will be using!

- “**Sex assigned at birth**” refers to the designation on your birth certificate, typically determined by a doctor based on an assessment of external genitalia
 - Every individual’s sex is **multifaceted** and comprised of many distinct biological characteristics, including, but not limited to, chromosomal makeup, hormones, internal and external reproductive organs, secondary sex characteristics, and gender identity.
- “**Gender identity**” refers to your internal understanding of your gender. *Everyone* has a gender identity. It is durable and cannot be changed by social or medical intervention.
- “**Gender expression**” refers to the way that we express out gender to others, including through clothing, hair style, mannerisms, etc.
- “**Sexual orientation**” refers to who we are attracted to, including physically, emotionally, romantically, etc.
- “**Transgender**” is an umbrella term used to describe people whose sex assigned at birth does not align with their gender identity.

Overview of Florida's Recent Anti-LGBTQ+ Actions (Education)

July 1, 2021:

HB 241 / Fla. Stat. 1014, known as the "Parents Bill of Rights"

September 20, 2022:

Fla. Admin. Code R. 6A-1.094125, Special Magistrate for Unresolved Student Welfare Complaints

May 17, 2023:

Don't Say LGBTQ+ Expansion bill signed into law (HB 1069)
Discriminatory Bathroom Ban signed into law (HB 1521)

July 1, 2022:

HB 1557 / Fla. Stat. 1001.42(8)(c), known as the "Don't Say Gay/Trans Law" or the "Parental Rights in Education Law"

November 18, 2022:

Letters from FDOE Senior Chancellor to 10 school districts (re: policies out of compliance with new Florida laws and rules)

July 19, 2023:

FL Dept of Education hearing on Fla. Admin. Code Rules implementing new discriminatory laws

The Rights of LGBTQ+ Students

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- The **right** to use, and be consistently addressed with, affirmed name and pronouns
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Part 2:



How to Prepare for the Start of the New School Year

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STEP 1: Prior to August 1st, set up a meeting with your child's school principal and/or other leadership to discuss a plan to ensure a successful (and affirming) start to the 2023-24 school year.

If the meeting request is made over the phone, make sure to also confirm it in writing.

How to Prepare for the Start of the New School Year

STEP 2: Prepare ahead of time for what to request that the school do in order to create a safe and affirming environment for your child, including knowing what legal rights and protections support your requests.

Ensure that any necessary information is conveyed to the individuals who will be in contact with your child.

How to Prepare for the Start of the New School Year

STEP 3: After the meeting, follow up with the school/district in writing, providing a summary of what was discussed and agreed to (or *not* agreed to).

Put everything in writing in case issues arise in the future.

How to Prepare for the Start of the New School Year

STEP 4: If the school refuses to comply with the reasonable requests made (i.e. refuses to ensure consistent use of affirmed name/pronouns, denies access to a bathroom that feels safe for your child, fails to treat your child in accordance with their gender identity at school), reach out to Southern Legal Counsel or Equality Florida for assistance, if needed.

The Sources of LGBTQ+ Students' Rights

- **Title IX of the Education Amendments of 1972**
- **Family Education Rights and Privacy Act (FERPA)**
- **Equal Protection Clause of the 14th Amendment to the U.S. Constitution**
- **First Amendment to the U.S. Constitution**
- **Equal Access Act of 1984**
- **Florida's "Parent's Bill of Rights" - § 1014.02-1014.06, Fla. Stat. (2021)**

Additional Protections: the Special Education Laws

- **The Individuals with Disabilities in Education Act (“IDEA”):**
 - The IDEA is a federal law that requires that all public schools provide a free appropriate public education (FAPE) to eligible children with disabilities, 20 U.S.C. § 1412(a)(1), which provides the student an Individual Education Plan (IEP).
 - The IEP *can* provide positive supports and accommodations necessary to allow meaningful access to school when it is otherwise being denied.
 - LGBTQ+ students *may* qualify for an IEP under the categories of “other health impairment” or “emotional disability” due to the anxiety, depression and psychological distress resulting from not having their identities affirmed and respected at school.
- **Section 504 of the Rehabilitation Act (“Section 504”):**
 - Section 504 is a civil rights act that protects people with disabilities from being denied benefits or discriminated against in any program receiving federal financial assistance (i.e. public schools). Unlike the IDEA, Section 504 does not specifically list disabilities for eligibility, but defines disability as “an impairment that substantially limits one or more major life activities.”
 - “Learning” is a major life activity (34 C.F.R. § 104.3(j)(2)(ii)), so a student who is struggling to learn due to a non-affirming environment could qualify for a 504 Plan.
 - The 504 Plan can list supports and accommodations needed to create an affirming environment in which the student can thrive.

Additional Protections: the Special Education Laws

- **Know your rights:** As we prepare for the start of the upcoming school year, students and parents should understand their rights under the IDEA and Section 504.
 - **Request an assessment** for qualification for an IEP or 504 Plan - conducted by an assessor who is culturally competent in LGBTQ+ issues. 20 U.S.C. § 1414(b)(3)(A)(1).
 - Once eligibility for services is determined, **request a meeting with the school and develop the Plan** to ensure appropriate supports and accommodations are in place.
 - **Accommodations can include:** consistent use of affirmed name/pronouns, access to bathrooms, stress breaks, designating an affirming teacher as the go-to support person, etc.

Part 3:



Know Your Rights: Protections & Obstacles

Ensuring Your Child Has Access to a Non-Discriminatory, Safe & Affirming School Environment



Ensuring Your Child Has Access to a Non-Discriminatory, Safe & Affirming School Environment

Legal Protections Supporting This Request:

- **Title IX** prohibits discrimination “on the basis of sex” in “any education program or activity” that receives federal funding (20 U.S.C Section 1681(a)), which includes discrimination against LGBTQ+ students, who must be provided “equal access to educational programs and activities.”
- **The Equal Protection Clause** of the U.S. Constitution laws imposes a duty on schools to treat LGBTQ+ students equally, and school policies that classify students on the basis of sex are presumptively unconstitutional.
- **The First Amendment of the U.S. Constitution** protects students’ fundamental rights to engage in constitutionally protected speech related to LGBTQ+ issues, and their right to receive information and ideas related to sexual orientation and gender identity. It also guarantees freedom of expression, including expressing their sexual orientation or gender identity.
- **Under Florida’s “Parents’ Bill of Rights”** (Fla. Stat. Chapter 1014), parents of LGBTQ+ students have the fundamental right to “direct the upbringing, *education*, and care of their minor children,” and to do so free from “obstruction or interference” from the state, school district, or school.
- **The Equal Access Act** requires schools/districts to allow GSAs/LGBTQ+ student groups if the school permits any other noncurricular student group.

Ensuring Your Child Has Access to a Non-Discriminatory, Safe & Affirming School Environment

Potential Obstacles to This Request:

- **HB 1557 and HB 1069**, known as the **“Don’t Say LGBTQ” laws**, along with the related rules promulgated by FDOE, were designed to remove LGBTQ+ discussions, curriculum, books, teachers, and more from Florida schools
- **HOWEVER**, these state laws use ambiguous, vague, and undefined terms, and they violate federal law.
- **Further**, the State itself has made clear in legal pleadings defending against the challenges to the “Don’t Say LGBTQ” law that there is **no impact on anything other than direct classroom “instruction,”** so these laws **cannot be weaponized to prohibit LGBTQ+ discussions, safe-space stickers, inclusive books, participation in GSAs/student LGBTQ clubs, nor intervention in anti-LGBTQ+ bullying.**

Unpacking HB 1069: Florida's "Don't Say LGBTQ Expansion" Law

- **Expands ban on classroom instruction on sexual orientation and gender identity**
 - Original version (HB 1557, (2022)): **K - 3rd grade**
 - Expansion: **Pre-K through 8th grade**
 - And for **9th-12th grade** students, instruction must be "**age appropriate**" and "in accordance with state standards"
- **Expands opportunities for book banning**
 - Allows any county resident to object to material that "depicts or describes sexual conduct"
 - Requires that any material subject to an objection must be removed within 5 school days of receipt of the objection and remain unavailable to students until objection is resolved.
- **Expands** language about oversight of and approval of all instructional materials to specifically include "**classroom libraries**" in addition to school libraries.

Unpacking HB 1069: Florida's "Don't Say LGBTQ Expansion" Law

- **Redefines "sex"** for purposes of the Florida K-20 education code to mean male or female based on the "organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth."
 - But continues to leave undefined the other vague and ambiguous terms
- **Prohibits** public K-12 schools from *requiring their employees*, contractors, or students to refer to another person using that person's preferred pronouns if the preferred pronouns don't align with the person's sex assigned at birth (*see next section for in depth analysis of pronoun prohibitions*)
- **Prohibits** employees or contractors of public K-12 schools **from telling students their affirmed/preferred pronouns** if they don't align with the person's sex assigned at birth.
- **Prohibits** employees or contractors of public K-12 schools from **asking students** their preferred pronouns

HB 1557: Refresher (2022)

- Fla. Stat. § 1001.42(8)(c)(3) provides that “[c]lassroom instruction by school personnel or third parties 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.”
- **Undefined terms:**
 - Classroom instruction
 - School Personnel
 - Third Parties
 - Sexual orientation
 - Gender identity
 - Age-appropriate
 - Developmentally appropriate

HB 1557: Clarification (in the state's own words!)

- “For the same reason, the statute **does not prohibit intervention against LGBTQ bullying, participation in extracurricular activities** (such as “Gay-Straight Alliances” or books fairs), and even after-hours tutoring, ECF 47 ¶¶ 8, 118–19, 121, 184, among many other examples. That is not “classroom instruction” covered by the statute.”
- State Defendants Motion to Dismiss in legal challenge to HB 1557

HB 1557: Clarification (in the state's own words!)

- “The statute thus **leaves 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.” ECF 47 ¶¶ 8, 120. For kindergarten through grade three, they simply **must not handle these situations by teaching the subjects of sexual orientation or gender identity.** And like other subject-matter education, that is most naturally understood in terms of the underlying concepts.”
 - “But all that means is that schools cannot evade the bill’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. **But typical class participation and schoolwork are not “instruction,” even if a student chooses to address sexual orientation or gender identity.”**
- State Defendants Motion to Dismiss in legal challenge to HB 1557

HB 1557: Clarification

- “Plaintiffs allege that some parents worry they “may no longer be **included in school events**, including career day or other classroom activities..... Other parents worry they may not be able to “**authentically present themselves**”..... that some teachers “are petrified” to **directly address bullying based on a student’s gender identity**..... that others believe **rainbow flags must be removed from classrooms**, that **LGBTQ teachers cannot mention their partners**, or that **students cannot mention having LGBTQ parents**. But there is no arguable vagueness as to any of these actions. **These actions are not classroom instruction on sexual orientation or gender identity**, even if they involved parties who mention a sexual orientation or gender identity.---”

- Order Granting Defendants’ Motion to Dismiss

FDOE Related Rulemaking (2023)

- **Proposed Rule 6A-1.0955 - Education Records**

- (8) Each school board must adopt a policy for educational records which must include:
 - (m) Provisions for parents to specify the use of any deviation from their child's legal name in school. School districts will develop a form to obtain parental consent along with any required documentation, as appropriate. (Note: this can be used as a tool for affirming parents!)

- **Proposed Rule 6A-10.089 - School Sponsored Events/Activities**

- (2) Any policies adopted by a school district under Section 1001.43(3), F.S., for school-sponsored events and activities must:
 - (a) Ensure the health, safety, and welfare of the child.
 - (b) Be consistent with the Parental Bill of Rights created under Chapter 1014, F.S;
 - (c) Protect the privacy of educational records as set forth in Section 1002.22, F.S., as well as the privacy interests of all students and parents; and
 - (d) Provide for parental notification as set forth in subsection (5) of this rule.
- (3) Districts may not admit a child to an adult live performance as provided in Section 827.11, F.S.

Ensuring Consistent Use of Your Child's Affirmed Name and Pronouns at School

Ensuring Consistent Use of Your Child's Affirmed Name and Pronouns at School

Legal Protections Supporting This Request:

- **The Family Education Rights and Privacy Act (FERPA)** protects the personal information of students in their school records, prohibits the sharing of information without permission of the students or their parents, and gives parents the right to request that the school amend their child's legal name and/or sex assigned at birth on their education records in order to ensure that the records do not violate their child's privacy rights (i.e. "outing" the student without consent) (20 U.S.C. § 1232g; 34 C.F.R. §§ 99.00 et seq.)
- In addition to FERPA, both **Title IX** and **the Equal Protection Clause** provide legal protections as well.
- For more information, check out the **Legal Notes Series** on the Southern Legal Counsel website (www.southernlegal.org/resources#students)

Ensuring Consistent Use of Your Child's Affirmed Name and Pronouns at School

Potential Obstacles to This Request:

- **HB 1069** (a.k.a. the “**Don't Say LGBTQ+ Expansion**” bill), was recently enacted, and allows teachers, staff, and students to **disrespect a person's pronouns if the pronouns do not correspond to their sex assigned at birth**.
- This just means that schools **cannot require** teachers and students to use and respect the pronouns that align with your child's gender identity, but it **does not prohibit them** from using your child's affirmed pronouns.
- Federal law requires them to do so, and you can file a Title IX or FERPA Complaint if necessary (see action steps below).
- **Potential Support from FDOE Rule:** The Florida Dep't of Education is promulgating a rule (**6A-1.0955, “Education Records”**) that *requires schools* to adopt provisions and forms to allow parents to specify “**the use of any deviation from their child's legal name in school**” – the purpose is to “**protect parental rights,**” and this *includes* the rights of parents of transgender youth to ensure their child's affirmed name is used and respected consistently at school.

Unpacking HB 1069: Florida's "Don't Say LGBTQ Expansion" Law

- Bans school employees **from providing their preferred pronouns** (but does *not* prohibit students from *using* a teachers' preferred pronouns);
- Prohibits school employees **from asking a student to provide** their preferred pronoun (but does not prohibit students from *telling* a teacher their preferred pronouns nor a parent from *asking* a teacher to use their child's preferred pronouns);
- Allows public K-12 school employees and students to **choose if they will respect a person's pronouns** that do not correspond to the person's sex assigned sex at birth (but **does not require them** to disrespect a person's preferred pronouns)

TAKE AWAY: THIS LAW DOES NOT BAN THE USE OF STUDENTS' AFFIRMED PRONOUNS – PERIOD.

HB 1069: In The Weeds

1000.071 Personal titles and pronouns.—

- (2) An employee, contractor, or student of a public K-12 educational institution **may not be required, as a condition of employment** or enrollment or participation in any program, **to refer to another person using that person's preferred personal title or pronouns** if such personal title or pronouns do not correspond to that person's sex.

NOTHING in this law says the school **cannot** use a student's affirmed pronouns. It says schools cannot, for example, ***fire a teacher for refusing*** to use a students' affirmed pronouns.

But if the student, parent, and teacher all agree that using the student's affirmed pronouns is what is best, **NOTHING** stops them from doing so.

HB 1069: In The Weeds

If your school says otherwise, they may be relying on this language:

1000.071 Personal titles and pronouns.—

- (1) It shall be the policy of every public K-12 educational institution that is provided or authorized by the Constitution and laws of Florida that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person's sex. This section does not apply to individuals born with a genetically or biochemically verifiable disorder of sex development, including, but not limited to, 46, XX disorder of sex development; 46, XY disorder of sex development; sex chromosome disorder of sex development; XX or XY sex reversal; and ovotesticular disorder.

But FALSE does not mean ILLEGAL or PROHIBITED. If they intended to ban the use of affirmed/preferred pronouns, they could have done so, but they did not.

HB 1069: CONCLUSION

IMPORTANT TAKE AWAY:

Ask every one of your child's teachers and any other school staff who interact with your child to use your child's affirmed name and pronouns.

Ensuring Your Child Has Access to Bathrooms and Sex-Segregated Spaces that Feel Safe & Affirming

Ensuring Your Child Has Access to Bathrooms and Sex-Segregated Spaces that Feel Safe & Affirming

Legal Protections Supporting This Request:

- **Title IX** and the **Equal Protection Clause** prohibit discrimination on the basis of sex in schools, which includes discrimination based on sexual orientation or gender identity. Nearly every federal court to weigh in on the issue has concluded that excluding transgender youth from the bathroom that aligns with their gender identity violates Title IX and the Equal Protection Clause.
- The **U.S. Department of Education's Office of Civil Rights** is responsible for protecting the rights of all students, including through enforcement of Title IX against schools that are engaging in impermissible discrimination against LGBTQ+ students.

Ensuring Your Child Has Access to Bathrooms and Sex-Segregated Spaces that Feel Safe & Affirming

Potential Obstacles to This Request:

- Recently enacted **HB 1521 (the “Bathroom Ban”)** allows for discriminatory measures related to use of bathrooms and changing rooms, but it **does not require that schools discriminate** when it comes to sex-segregated spaces.
- Rather, the law requires that a school have either:
 - **(1) a restroom and changing room designated for exclusive use by people whose sex assigned at birth was female, and a restroom and changing room designed for exclusive use by people whose sex assigned at birth was male;**
 - **or**
 - **(2) a unisex bathroom and changing room (i.e. single-user space with floor to ceiling walls and a door that locks).**
- School must also establish a disciplinary procedure within its code of conduct for **if a transgender student refuses to leave a bathroom not aligned with their sex assigned at birth after being asked to do so**, but they do not have to submit documentation regarding compliance until **April 1, 2024**, and the Attorney General cannot enforce these requirements against school districts until **July 1, 2024**.

Unpacking HB 1521: Anti-Trans Bathroom Bill

- 553.865 Private spaces.—
- (4) A covered entity that maintains a water closet must, **at a minimum**, have:
 - (a) A restroom designated for exclusive use by females and a restroom designated for exclusive use by males; **or**
 - (b) A unisex restroom.
- (5) A covered entity that maintains a changing facility must, **at a minimum**, have:
 - (a) A changing facility designated for exclusive use by females and a changing facility designated for exclusive use by males; **or**
 - (b) A unisex changing facility.

THE “OR” MATTERS!

It means that schools/districts don’t have to discriminate against transgender students as long as they have unisex bathrooms available (for any student to use, thus furthering the “purpose” of the statute, which is to maintain “safety, decency, decorum, and privacy.”)

HB 1521: In The Weeds

- **553.865 Private spaces.—**

- (a) **"Changing facility"** means a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room.
- (k) **"Restroom"** means a room that includes one or more water closets. **This term does not include a unisex restroom.**
- (m) **"Unisex changing facility"** means a room intended for a single occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed by floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use.
- (n) **"Unisex restroom"** means a room that includes one or more water closets and that is intended for a single occupant or a family, is enclosed by floor-to-ceiling walls, and is accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.
- (o) **"Water closet"** means a toilet or urinal.

HB 1521: In The Weeds

(9) (a) Each educational institution shall, within its code of student conduct, establish disciplinary procedures for any student who willfully enters, for a purpose other than those listed in subsection (6), a restroom or changing facility designated for the opposite sex on the premises of the educational institution and refuses to depart when asked to do so by:

- 1. For a K-12 educational institution or facility, ***any instructional personnel*** as described in s. 1012.01(2), ***administrative personnel*** as described in s. 1012.01(3), ***or a safe-school officer*** as described in s. 1006.12(1)-(4) or, if the institution is a private school, any equivalent of such personnel or officer; or
- 2. For a postsecondary educational institution or facility, any ***administrative personnel, faculty member, security personnel, or law enforcement personnel***.

HB 1521: In The Weeds

(12) A covered entity that is:

(c) A K-12 educational institution or facility, Florida College System institution as defined in s. 1000.21(3), or a school district career center as described in s. 1001.44(3) **shall submit documentation to the State Board of Education regarding compliance** with subsections (4) and (5), as applicable, within 1 year after being established or, if such institution, facility, or center was established before July 1, 2023, no later than **April 1, 2024**.

(13) **Beginning July 1, 2024**, a person may submit a complaint to the Attorney General alleging that a covered entity failed to meet the minimum requirements for restrooms and changing facilities under subsection (4) or subsection (5).

(b) **Beginning July 1, 2024**, the Attorney General may bring a civil action to enforce this section against any covered entity. The Attorney General may seek injunctive relief, and, for any covered entity found to have willfully violated this section, the Attorney General may seek to impose a fine of up to \$10,000.

(16) By **January 1, 2024**, the Department of Corrections, the Department of Juvenile Justice, and **the State Board of Education** shall each **adopt rules establishing procedures**, the Board of Governors shall adopt regulations establishing procedures, and the applicable governing body of a county or municipality in which a detention facility is located shall establish policies, **to carry out this section and to ensure compliance with and enforcement of this section**, including, but not limited to, the **type, format, and method of delivery** of the documentation required under subsection (12).

**Certification of Compliance with Section 553.865, F.S.
Safety in Private Spaces Act**

Each school district and charter school authorizer must certify to the Department compliance with the following:

Assurance 1 (check all that apply):

- Restrooms are designated for exclusive use by males or females, as defined by Section 553.865(1), F.S.
- There is a unisex restroom per Section 553.865(4), F.S.

Assurance 2 (check all that apply):

- Changing facilities are designated for exclusive use by males or females, as defined by Section 553.865(1), F.S.
- There is a unisex changing facility per Section 553.865(5), F.S.

Assurance 3:

- The student code of conduct has been updated according to Section 553.865(9)(a), F.S., and all charter schools authorized by the district have been checked for compliance.

Attach the page(s) of the district student code of conduct that has been updated.

Assurance 4:

- Disciplinary procedures for employees have been established Section 553.865(11)(a), F.S.

Attach the page(s) of the district disciplinary procedure for employees.

_____ Printed Name of Superintendent or Designee

_____ Signature of Superintendent or Designee

_____ Date

_____ School District Name

**The Florida
Department
of
Education's
compliance
document
(Form SPSA
6A-10.086)**

FDOE Related Rulemaking (2023)

- **Proposed Rule 6A-10.086 – Designation of Restrooms and Changing Facilities in K-12 Education Institutions**
 - (2) Compliance. School districts, the Florida School for the Deaf and the Blind, developmental research (laboratory) schools, and charter schools must comply with all applicable requirements of Section 553.865, F.S., pertaining to the use of restrooms and changing facilities by males or females, as determined at birth by biological sex, including the subsections that require the following:
 - (a) That restrooms are designated for exclusive use by males or females, as defined by Section 553.865(1), F.S., OR that there is a unisex restroom.
 - (b) That changing facilities are designated for exclusive use by males or females, as defined by Section 553.865(1), F.S., OR that there is a unisex changing facility.
- **Proposed Rule 6A-10.081 - Professional Conduct for the Education Profession**
 - (2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
 - (a)(13) Shall not violate s. 553.865(9)(b), F.S., which relates to entering restrooms and changing facilities designated for the opposite sex on the premises of an educational institution.

REMINDER: "PARENTS' BILL OF RIGHTS" (HB 241) (2021)

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

(a) The right to direct the education and care of his or her minor child.

**REMEMBER: PARENTS' RIGHTS INCLUDES PARENTS OF
LGBTQ+ YOUTH -
USE THIS LAW TO YOUR ADVANTAGE!**

REMINDER: Mental Health Services

These laws do not impact a family's ability to access mental health services and care. A child's school district should be able to connect them to a school counselor, school psychologist, or school social worker who can work with their child related to supporting their mental health needs.

Part 4:



Know Your Rights: SB 254

SB 254: Gender-Affirming Care Ban

- **Regulates “sex-reassignment prescriptions or procedures,”** defined as puberty blockers, hormones or hormone antagonists, and surgery when provided to affirm one’s sex, if different sex assigned at birth
- **Bans gender-affirming care for minors (under 18)**
 - Exception: **grandfathers** in minors currently in care (received blockers or hormones prior to May 17th)
 - Adds **criminal and licensure penalties** to healthcare providers engaging in prohibited care

SB 254: Gender-Affirming Care Ban

- **Restricts access** to gender affirming care for adults
 - **Only physicians**--M.D.s and D.O.s.--can provide care, excluding RNs and APRNs (many trans adults receive care from non-physicians)
 - **Creates** unnecessary, harmful, medically unjustified restrictions to accessing care, and requires mandatory, one-size-fits-all informed consent forms that require medical providers to convey false information to their patients, and more.
- **Bans use of state funding** for gender affirming care (including state and local government entities, colleges and universities, the state employee health plans, and the Florida Medicaid program)
 - Cannot expend state funds on “sex-reassignment prescriptions or procedures”

SB 254: Gender-Affirming Care Ban

- Allows Florida courts to **modify existing custody agreements** from other states if “the child has been subjected to or is threatened with being subjected to” gender affirming care in another state
 - The child must be physically present in the state of Florida, and the custody order must be from an out-of-state court
 - **NOTE: This does NOT authorize independent investigations or removals by state agencies – this is not like what happened in Texas, it does not have anything to do with child welfare/DCF/ foster care, this involves custody orders *only* in the context of dissolution of marriage/divorce, under the UCCJEA.**

The Litigation

Dekker v. Weida, Case No. 4:22-cv-00325-RH-MAF (N.D. Fla. 2022) [\(Click here to learn more\)](#)

- Lawsuit challenging the state's discriminatory rule banning Medicaid coverage for gender-affirming care for all transgender adults and minors.
- On June 21, 2023, after a two-week trial in federal court, the judge struck down the ban, deeming it unconstitutional!
- This includes both the Medicaid Ban promulgated by rule by AHCA and the provision in Section (3) of SB 254 prohibiting state funding, including Medicaid funds, being used for gender-affirming care.

Doe v. Ladapo, Case No. 4:23-cv-00114-RH-MAF (N.D. Fla. 2023) [\(Click here to learn more\)](#)

- Lawsuit challenging Boards of Medicine rules banning medical providers from providing gender-affirming care to trans minors and SB 254
- On June 6, 2023, Judge Hinkle granted our motion for preliminary injunction and blocked enforcement of the BoM bans and the provisions of SB 254 that ban care for transgender minors.

SUCCESS!

Part 5:



Action Steps:

**What to do if you receive push-back
from the school/district**

Action Items

ACTION ITEM 1: Ask your child's school if they will ensure the consistent use of your child's affirmed name and pronouns, access to a bathroom that feels safe and affirming, and anything else your child needs to be able to meaningfully access the school environment.

Action Items

ACTION ITEM 2: If they do not agree to requests made in Step 1, then submit a letter to your child's school officially requesting the consistent use of your child's affirmed name and pronouns in all aspects of their education, asserting your rights under FERPA and the Florida Parents' Bill of Rights (sample letter can be found [here](#)).

ADVOCACY TOOL: FERPA / Parents' Bill of Rights Letter

Dear [Sample School District],

I am the parent of [Jane Doe], a [3rd grade] student at [Sample School]. Please consider this letter my official written request that the school/district update the Student Information System and all non-official records and outward facing communications to reflect my child's affirmed name, [Jane Doe], and gender marker/pronouns [female, she/her].

This request is being made pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education, including [Sample School District County] Public Schools.

FERPA gives parents certain rights with respect to their child's education records. These rights include, pursuant to 20 U.S.C. 1232g(a)(2), the right "to challenge the content of such student's education records, in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein."

My child's name is [Jane Doe] and she is a girl - as such, she uses "she/her" pronouns. When records reflect, or teachers/staff refer to her using her dead name (i.e. birth name – [John Doe]) or incorrect pronouns ("he/him"), it is inaccurate, misleading, and in violation of her rights to privacy. The disclosure of her sex assigned at birth and name given at birth "outs" her as transgender to anyone who hears this name used or sees her records, compromises her privacy and her safety (national studies demonstrate that trans youth experience disproportionately high rates of harassment and bullying), and discloses legally protected personally identifiable information without the student or her parents' consent.

Further, the Florida Parent's Bill of Rights, § 1014.02-1014.06, Fla. Stat. (2021), provides that parents have the fundamental right to direct the upbringing, education, and care of their minor children. As the parent of [Jane Doe] I have the right to "direct the education and care of my minor child" free from the "obstruction or interference" of the school or school district. *Id.* at 1014.04(1)(a). Pursuant to my fundamental rights under the Florida Parent's Bill of Rights, I request that all non-official records reflect my child's affirmed name and pronouns so that my child has access to a safe and affirming environment in which she can learn. Under Florida law, a student's legal name is only required to be used on official transcripts, standardized tests, and special education plans (IEPs and 504's). All other places where my child's name appears should reflect her affirmed name, including but not limited to, in the student information system, student ID badge, rolls/rosters, substitute rosters, lunch cards or sheets, yearbook, diplomas, and more.

Thank you so much for your time and attention to this matter. I look forward to hearing back from you.

Sincerely,

(Parent's signature)

(Date)

Action Items

ACTION ITEM 3: If they do not comply with the requests made in the official letter in Step 2, you can file a complaint with your school district's Title IX Coordinator.

Every school/district must have: a Title IX Coordinator listed on their website (responsible for investigating complaints of sex discrimination); a grievance procedure for students to file complaints (and most have a formal complaint form accessible on their website).

District Title IX Process

Example: Brevard County Website (Title IX Materials)

Title IX Process

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Incident	Initial Assessment (Following a formal complaint)	Formal Investigation	Determination	Appeal
-Report- from anyone/anytime	-Jurisdiction?	-Notice to parties (NOIA)	-Exchange of written relevant questions and answers with Decision-Maker (10 days)	-5 days to appeal to District TIX Coordinator after receiving written determination from Decision-Maker
-Notification to the school Title IX Coordinator, and District Title IX Coordinator	-Policy violation implicated?	-Interview Scheduling (Complainant, Witnesses, Respondent)	-Determination	-3 grounds for appeal (procedural error, new evidence, conflict of interest)
-Discuss/offer supportive measures	-Mandatory or Permissive Dismissal?	-Evidence Collection (Video surveillance, photos, text messages, etc.)	-Sanctions/discipline	
-Explain process for filing a formal complaint (student/parent reporting form)	-Emergency Removal	-Share Directly Related Evidence with involved parties (10 days)	-Written determination from Decision-Maker	
-Report incident to LEO or DCF?	-Informal or formal resolution	-Complete Investigative Report		

District Title IX Process

Example: Lee County Website (Title IX Resources)

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Elementary Schools	Principal	Equity Coordinator	Email	Phone
Allen Park Elementary	Melissa Booth	Jennifer Browning	jenniferbrown@leeschools.net	239-936-1459
Bayshore Elementary	Ben Ausman	Alexandra Hunt	AlexandraJH@leeschools.net	239-543-3663
Bonita Springs Elementary	Rob Cooper	Grace Rivera	Gracecr@leeschools.net	239-992-0801
Caloosa Elementary	Ashley La Mar	Robin Marrero	RobinRM@LeeSchools.Net	239-574-3113
Cape Elementary	Nicole Osterholm	Shelly Boeck	ShellyAB@LeeSchools.net	239-542-3551
Colonial Elementary	Eric Washington	Miriam Santiago	MiriamCS@leeschools.net	239-939-2242
Diplomat Elementary	Chuck Vilardi	Michael Boddy	MichaelPB@leeschools.net	239-458-0033
Early Childhood	Mary Romo	Carol Woelke	CarolAW@leeschools.net	239-332-2512
Edgewood Academy	Angela Nader	Kendra Butler	KendraRB@LeeSchools.net	239-334-6205
Edison Park Elementary	Sherri Wipf	Maryellen Cedeno	MaryellenMC@leeschools.net	239-334-6232
Fort Myers Beach Elementary	Dr. Traci Kohler	Michele Batista	Micheleb@leeschools.net	239-463-6356
Franklin Park Elementary	Michelle Freeman	Katie Agnello	KatieMA@leeschools.net	239-332-1969
G Weaver Hipps Elementary	Dr. Deborah Nauss	Kim Conrad	KimiC@LeeSchools.Net	239-368-7042
Gateway Elementary	Cherry Gibson	Linda Rapp	LindaVR@leeschools.net	239-768-3737
Gulf Elementary	Kim Verblaauw	Jennifer Myers	JenniferAMy@LeeSchools.Net	239-549-2726
Hancock Creek Elementary	Dr. Denise Phillips-Luster	Kristen Zimmermann	KristenTZ@LeeSchools.net	239-995-3600
Harns Marsh Elementary	Cynthia Hernandez	Lindsay Dunnigan	LindsayD@leeschools.net	239-690-1249
Hector A. Cafferata, Jr. Elem	Dr. Jason Kurtz	Sabrina Messineo	SabrinaMM@LeeSchools.net	239-458-7391
Heights Elementary	Doug Palow	Bryanna Van Helden	BryannaNV@leeschools.net	239-481-1761
J. Colin English Elementary	Joe Williams, III	Teresa Boots	TeresaMBo@leeschools.net	239-995-2258
James Stephens Academy	Jaclyn Fantasia (AP)	Karie Rathbun	KarieR@leeschools.net	239-337-1333
Lee Virtual Elementary	Jennifer McMillan Barnes	Lori Ramsey	LoriAR@leeschools.net	239-337-8178
Lehigh Elementary	Jackson Morgan	Katerine Trepasso	KatherineET@leeschools.net	239-369-2477
Lehigh Elementary	Jackson Morgan	Jannelle Sparrow	JannelleLS@LeeSchools.Net	239-369-2477
Lehigh Elementary	Jackson Morgan	Caren Sneddon	CarenAS@leeschools.net	239-369-2477
Manatee Elementary	Diane Sherman	Ashley Sheplak	AshleyQS@leeschools.net	239-694-2097
Mirror Lakes Elementary	Amy Bobak	Allison Ventura	AllisonRV@LeeSchools.net	239-369-2200
North Ft. Myers Academy of the Arts	Andrea Gunns	Dr. Jessica Ribas	JessicaLR@leeschools.net	239-997-2131
Orange River Elementary	Cayce Staruk	Laura Tooker	LauraJT@leeschools.net	239-694-1258
Orangewood Elementary	Jami Browder	Donna Torrent	DonnaMT@leeschools.net	239-936-2950
Patriot Elementary	Liz Feliciano	Kate Zink	KatherineZ@leeschools.net	239-242-1023
Pelican Elementary	Clinton Garlick	AnneMarie Nicol	AnneMN@LeeSchools.Net	239-549-4966
Pine Island Elementary	Dr. Thomas Millins	Amy Williamson	AmyW@LeeSchools.net	239-283-0505

District Title IX Process

Example: Orange County Website (Title IX Resources)

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Orange County Public Schools Responsibilities and Obligations

Orange County Public Schools takes its obligation to comply with Title IX very seriously. As such, [School Board Policy JB](#) has been revised to reflect these legislative changes.

Inquiries concerning the application of Title IX and the Grievance Procedure may be referred to the District's Title IX Coordinator:

Keshara Cowans, Esq.
Staff Attorney II
Office of Legal Services
Ronald Blocker Educational Leadership Center
445 W. Amelia St. Orlando, FL 32801
Telephone: (407) 317-3411
Email: titleix@ocps.net

Title IX Investigation Checklist

Complainant: _____ Date Reported: _____
 Respondent: _____ Incident Date: _____
 Investigator: _____

PRE-INVESTIGATION

- Parent of Complainant notified
 - o Provide parents with District Policy 5.81 and explain the Grievance Process- Formal vs. Informal
 - o Parent to make decision to pursue Formal or Informal Grievance Process
- Supportive and safety measures implemented
 - o Counseling
 - o Schedule changes (non-disciplinary, non-punitive)
 - o Stay Away Agreement
 - o Safety Plan
 - o Increased Monitoring
 - o Check in/out
 - o BHP or Outside Agency Referral
 - o DCF Notified
 - o School Police Notified

FORMAL GRIEVANCE

- Intake of Complaint Form 1615- in writing signed by Complainant or Title IX Lead Contact
- Notice of Allegation Form 2663 provided to Respondent (Include sufficient details & time to prepare a response *2 days)
- Complete PBS Form 2508 - Student Bullying, Harassment, Sexual Harassment, and Teen Dating Violence and Abuse Report
- Interview Respondent on date/time provided
- Interview witnesses (advise witnesses and their parents their names will be included to Complainant and Respondent in Investigation Report)
- Draft Investigation Report (include questions asked and responses for each party interviewed)
- Complete PBS Form 2509- 2509- Student Investigation Summary (Do not select anything under Section IV. Indicate your Findings)
- Evidence and draft Investigation Report is shared with parties (delivered simultaneously)
- Complete PBS Form 2597- Student Investigation Summary (attach any evidence relating to the incident)
- Parties (Complainant and Respondent) have 10 days to review report, during which they can:
 - o Introduce additional information that would aid in the investigation



THE SCHOOL DISTRICT OF LEE COUNTY

EQUITY COMPLAINT FORM

Complaints in regard to violations of the Non-Discrimination Policy (1.27) should be submitted on this form to the School Equity Coordinator.

1. Name of person filing complaint: _____
 Email: _____
 Street Address: _____
 City: _____ Zip Code: _____ Phone: _____

2. What do you believe was the reason for the discriminatory or harassing treatment?
Check one or more
 Race or Color Religion Disability Sex/Gender/Orientation National Origin
 Age Other: _____

3. Check one and provide information:
 Student Where: _____ Grade: _____
School
 Employee Where: _____ Position: _____
School or Department

4. Have you filed this complaint with any other agency? Yes No
 If yes, agency and date filed _____

5. Were there any witnesses? Yes No

6. Explain the discriminatory or harassing act that occurred. If the complaint involves a policy, explain how and why it discriminates. A short statement in your own words is sufficient, however, you may attach more information and documents if necessary.

With my signature, I swear or affirm that the above and/or attached complaint is true to the best of my knowledge and belief.

Action Items

ACTION ITEM 4: If the district does not resolve the issue, you can file a Title IX Complaint with the United States Department of Education's Office of Civil Rights (accessible [here](#)) and/or a FERPA Complaint with the United States Department of Education's Student Privacy Policy Office (accessible [here](#)).

The Dep't of Education Office of Civil Rights (OCR) – TITLE IX OCR COMPLAINT PROCESS

OCR has the authority to investigate complaints claiming a covered entity discriminated based on:

- race, color, national origin, ethnicity, or ancestry; disability; and age, as well as
- **sex or gender**
 - Including pregnancy or parental status; **sex stereotypes** (such as treating persons differently because they do not conform to sex-role expectations or because they are attracted to or are in relationships with persons of the same sex); and **gender identity or transgender status**.

OCR also has the authority to investigate complaints claiming a covered entity:

- **retaliated** for the purpose of interfering with any right or privilege protected by the laws enforced by OCR; and
- retaliated because someone made a **complaint, testified, assisted, or participated in** any manner in an OCR matter

Covered entities include all public and private programs that receive Federal funds from the U.S. Department of Education. These include **all public schools** and most public and private colleges, as well as some other entities, such as vocational rehabilitation agencies and libraries.

File an OCR Complaint. If you believe you have been discriminated or retaliated against on any of these bases by a covered entity, you may file a complaint using either the electronic complaint form or the fillable PDF complaint form.

Filing a Title IX OCR Complaint

ED.gov Office for Civil Rights
Complaint Assessment System

Start Over [OCR Complaint Consent Form](#) (76K) Select State... [Find a local OCR office](#)

Warning

You are accessing a U.S. Federal Government computer system intended to be solely accessed by individual users expressly authorized to access the system by the U.S. Department of Education. Usage may be monitored, recorded, and/or subject to audit. For security purposes and in order to ensure that the system remains available to all expressly authorized users, the U.S. Department of Education monitors the system to identify unauthorized users. Anyone accessing the system without express authorization by the U.S. Department of Education may be subject to criminal prosecution under 18 U.S.C § 1030, and other applicable laws. Any access by an employee or agent of a commercial entity, or other third party, who is not the individual user, for purposes of commercial advantage or private financial gain (regardless of whether the commercial entity or third party is providing a service to an authorized user of the system); and Any access in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or any State. If system monitoring reveals information indicating possible criminal activity, such evidence may be provided to law enforcement personnel.

Visit: <https://ocrcas.ed.gov> to begin the online complaint

Welcome to the OCR Complaint Assessment System

This section of the OCR website is designed to help you determine if the Office for Civil Rights may be able to assist you by investigating a complaint of discrimination against a school, school district, college, university, library, or other educational entity that is covered by a law OCR enforces. If an OCR complaint does not appear to be the appropriate route, the website will suggest links to other resources that may better assist you in addressing your concerns.

Please answer the following questions to the best of your ability to ensure the most accurate assessment.

Select Your Language:

English Begin Assessment

Resources on Filing a Complaint

How To File a Complaint Resources Available in Other Languages

- መጽልዎን የተመለከተ ቅሬታን ማመልከት የሚቻልበት መንገድ (Amaharic) **PDF** (248K)
- كيفية تقديم شكوى (Arabic) **PDF** (2M)
- 如何向美國教育部民權事務辦公室 提出歧視投訴 (Trad. Chinese) **PDF** (402K)
- شکایت طرح روش (Farsi) **PDF** (206K)
- Comment déposer une plainte pour discrimination (French) **PDF** (243K)
- Fason pou Pote Plent pou Diskriminasyon (Haitian Creole) **PDF** (160K)
- एक भेदभाव शिकायत दर्ज करने के लिए कैसे (Hindi) **PDF** (1.55M)

The Dep't of Education's Student Privacy Office (SPPO) – FERPA COMPLAINT PROCESS

- The United States Department of Education's (Department) Student Privacy Policy Office (SPPO) **reviews, investigates, and processes complaints of alleged violations of the Family Educational Rights and Privacy Act (FERPA)**; 20 U.S.C. 1232(g), (h) and 34 CFR part 99.
- SPPO investigates written complaints alleging a violation of FERPA by an educational agency or institution, a state educational agency (SEA) (if alleging denial to inspect and review education records maintained by the SEA), or a third party, if the complaint:
 - 1) is filed by a **parent or eligible student** with FERPA rights over the education records which are the subject of the complaint, or his or her attorney or advocate;
 - 2) is **submitted to SPPO within 180 days of the date of the alleged violation** or of the date that the complainant knew or reasonably should have known of the alleged violation; and,
 - 3) contains **specific allegations** of fact giving reasonable cause to believe that a violation of FERPA has occurred.

Filing a FERPA Complaint

Visit: <https://studentprivacy.ed.gov/file-a-complaint> to start a FERPA Complaint



UNITED STATES DEPARTMENT OF EDUCATION Family Educational Rights and Privacy Act

Instructions: Complete the fields below for Sections 1-6. Periodically save the form to avoid losing information. If you make an error, click the Reset Form button at the bottom of the page to reset form fields. Click the submit button at the bottom of the page to submit your form to the Student Privacy Policy Office (SPPO) as previously described in the instructions section on Page 1.

SECTION 1: STUDENT INFORMATION

First Name

Last Name

Date of Birth

SECTION 2: COMPLAINANT INFORMATION

Your relationship to the student whose education records are the subject of this complaint. (If an attorney or advocate, please note that SPPO will not discuss the complaint with you without the prior consent of the parent or eligible student who maintains the rights under FERPA.)

Parent or Legal Guardian Self Other (*ex. Attorney/advocate on behalf of the parent or eligible student*)

First Name

Last Name

Resources

Visit: <https://www.southernlegal.org/resources#students>



LGBTQ+ STUDENT AND SCHOOL RESOURCES

SLC's LGBTQ+ school advocacy project focuses on ensuring schools are protecting and affirming LGBTQ+ youth and upholding their constitutional and statutory rights. This includes advocating for the school to use the students' affirmed names and pronouns, ensuring the student has access to bathrooms, facilities, and gender-specific activities in accordance with their gender identity, assisting students in need of supports and accommodations through the special education process, and providing training and resources to school and district staff and administration statewide.

Learn More

Click "Learn More"

Resources

A LEGAL NOTES SERIES FOR AFFIRMING SCHOOL ENVIRONMENTS

SLC strives to ensure all LGBTQ+ students have access to safe and affirming learning environments where they can thrive and succeed. Unfortunately, the majority of transgender or gender non-conforming students (77%) and gay, lesbian, and bisexual students (64%) experience mistreatment at school, 75% of trans youth report feeling unsafe or uncomfortable at school, and 17% of trans youth experience such severe mistreatment that they leave school as a result. SLC's LGBTQ+ school advocacy project focuses on ensuring schools are protecting and affirming LGBTQ+ youth and upholding their constitutional and statutory rights. This includes advocating for the school to use the students' affirmed names and pronouns, ensuring the student has access to bathrooms, facilities, and gender-specific activities in accordance with their gender identity, assisting students in need of supports and accommodations through the special education process, and providing training and resources to school and district staff and administration statewide.

In partnership with Equality Florida, the state's largest statewide LGBTQ advocacy organization, Southern Legal Counsel has engaged with all 67 Florida school districts to educate their leadership, personnel, students and parents on how to affirm, support, and protect LGBTQ students and their rights. Highlights from this project include:

- Publishing a series of LGBTQ+ Legal Notes, each of which contain a topic-specific legal analysis, an overview of the districts' legal duties, and self-empowering "Know Your Rights" tips for students and parents. These two-page explainers (links to each below) are distributed monthly to school district attorneys, social workers, staff, leadership, and LGBTQ+ liaisons within every school district in Florida.
- Training more than 600 school district staff, principals, social workers, teachers, and others involved in Florida's public school system through a comprehensive program on how to create an affirming, inclusive learning environment for transgender students. As a result of the training, school districts are making changes to their registration forms and student information systems and are moving towards more inclusive policies and practices that promote the academic success and overall well being of LGBTQ+ youth.

VIEW THE DOWNLOADABLE SERIES BELOW

Legal Notes Series



LGBTQ LEGAL NOTES 1

Use of Affirmed Name and Pronoun



LGBTQ LEGAL NOTES 2

Access to Restrooms and Sex-Segregated Facilities/Activities



LGBTQ LEGAL NOTES 3

Participation in Athletics and Extracurricular Activities



LGBTQ LEGAL NOTES 4

Bullying, Harassment and SESIR Reporting



LGBTQ LEGAL NOTES 5

Dress Code, Attire, and Freedom of Expression



LGBTQ LEGAL NOTES 8

Utilizing Special Education Plans to Support LGBTQ+ Youth



LGBTQ LEGAL NOTES 7

Students' Rights to Informational Privacy



Resources

RESOURCES FOR LGBTQ+ FAMILIES

- [Guide to Updating FOCUS to Add Student's Affirmed Name](#)
- [Guide to Updating Skyward to Add Student's Affirmed Name](#)
- [Sample FERPA and Parents' Rights letter for parents of transgender youth](#)
- [Title IX OCR Complaint Process](#)
- [FERPA Complaint Process](#)
- [Know Your Rights 2023 Handout for Parents of LGBTQ+ Students](#)
- [U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students \(June 2023\)](#)

QUESTIONS & ANSWERS





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SLC is a Florida statewide not-for-profit legal and policy advocacy organization that is committed to the ideal of equal justice for all and the attainment of basic human and civil rights.

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