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November 18, 2022

Dr. Jose Dotres, Superintendent
Miami-Dade County Public Schools
1450 NE Second Avenue, #912
Miami, Florida 33132

Dear Superintendent Dotres,

This letter is to follow-up from the presentation to the State Board of Education on October 19, 2022, regarding district policies and procedures for student services sent to the Department.

Florida parents have a right to be fully informed of the education and the educational services being provided to their students. The Parents' Bill of Rights, which is now codified in chapter 1014 and section 1002.20, Florida Statutes (F.S.), outlines parents' rights regarding the education of their children. Additionally, section 1001.42(8)(c), F.S., requires a district to notify parents if there is a "change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student." This could, depending on the unique factual circumstances, include matters related to a student's privacy, name and pronoun usage, and restroom and locker room usage. As a reminder, parents have civil and administrative remedies for school district violations of section 1001.42(8)(c), F.S. Also, please be aware of the requirements of the State Board of Education found in Rule 6A-10.086, Florida Administrative Code, addressing parental notification regarding bathrooms, locker rooms, and dressing rooms.

After initial review of the policies and procedures submitted by Miami-Dade County Public Schools, it appears that some of these policies or procedures may have not yet been updated to comply with revised Florida law and State Board of Education rule. This list is not exhaustive, and your district should strive to review all its policies and procedures for other provisions that may not comport with Florida law. Specifically, the "Miami-Dade County Public Schools – 2020-2021 Guidelines for Promoting Safe and Inclusive Schools, Supporting Transgender and Gender Expansive Students, School Operations and Division of Student Services," includes the following:

- "Guidance to Support Transgender and Gender Expansive Students - Names and Pronouns: School staff should address students by their chosen name and pronouns that correspond to their gender identity, regardless of whether there has been a legal name change. Upon request, the chosen name and gender should be included in the district's information management systems, in addition to the student's legal name. District-generated student email addresses should also reflect the student's chosen name, if first names are identifiable in such addresses. These changes inform all staff, including substitute teachers, of the name and pronoun to use when addressing the student, and help avoid inadvertent disclosures." (p. 6).

JACOB OLIVA
SENIOR CHANCELLOR

- “Guidance to Support Transgender and Gender Expansive Students - Privacy and Confidentiality Regarding Disclosures: Transgender and gender expansive students have the right to decide when, with whom, and to what extent to share private information. When contacting the parent/guardian of a transgender or gender expansive student, school staff should use the student’s legal name and the pronoun corresponding to the student’s assigned sex at birth, unless the student or parent/guardian has specified otherwise.” (p. 7).
- “Guidance to Support Transgender and Gender Expansive Students - Restrooms: Students should be allowed to use the restroom in accordance with their gender identity. Alternative and non-stigmatizing options, such as an all-gender or single user restroom (e.g., staff bathroom or nurse’s office), should be made available to students who request them, but not presented as the only option. Any student who has a need or desire for increased privacy, regardless of underlying reasons, has the right to access a single-user restroom.” (p. 7).
- “Guidance to Support Transgender and Gender Expansive Students - Locker Rooms or Changing Facilities: A student should not be required to use a locker room that is incongruent with their gender identity. Locker room usage should be determined on a case-by-case basis, using the guiding principles of safety and honoring the student’s gender identity and expression. Some options include: 1) a change in schedule; 2) use of a private area in the facility (e.g., nearby restroom stall with a door, or an area separated by a curtain, a physical education instructor’s office in the locker room); and 3) use of a nearby private area (e.g., restroom, nurse’s office). Any student who has a need or desire for increased privacy, regardless of the underlying reasons, may request the options listed above.” (p. 7).
- “Guidance to Support Transgender and Gender Expansive Students - Interscholastic Sports – Students should be allowed to participate in interscholastic sports in accordance with their gender identity. Eligibility of transgender students in Florida High School Athletic Association (FLHSAA)-sponsored post-season tournaments is governed by the FLHSAA, subject to state and federal civil rights laws.” (p. 7).

The Department will provide an update on district policies and procedures for student services at the next State Board of Education meeting, which will include a status report of where each district is in the process of reviewing and, if necessary, amending its policies. Therefore, please evaluate your policies and let us know the status of your evaluation by December 9, 2022, so that we can inform the State Board. If you have an updated policy or procedure or clarification on the documents previously submitted, please email to ParentalRights@fldoe.org. Please feel free to contact me directly with questions or requests for assistance.

Sincerely,



Jacob Oliva
Senior Chancellor