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November 18, 2022

Dr. Vickie Cartwright, Superintendent
Broward County Public Schools
600 SE Third Avenue
Ft. Lauderdale, Florida 33301

Dear Superintendent Cartwright,

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, as well as s. 1006.205, F.S., Fairness in Women's Sports Act.

After initial review of the policies and procedures submitted by Broward County 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 "Broward County Public Schools: Lesbian, Gay, Bisexual, Transgender, Questioning + Critical Support Guide," includes the following:

- "IV. Creating a Safe Space for LGBTQ+ Students – C. 'Coming Out' – 2. Talking to parents/Guardians...it is never appropriate to divulge the sexual orientation of a student to a parent without the student's consent." (p. 26).
- "IV. Creating a Safe Space for LGBTQ+ Students – E. Gay-Straight Alliances – Answer parents' questions as honestly as possible, but be exceedingly careful not to accidentally "out" a student. Remember a student could be out at school, but NOT out at home. Furthermore, students have a legal right to privacy and confidentiality when it comes to their sexual orientation." (p. 28).

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- “V. Transgender and Nonbinary Student Guidelines and Procedures – A. Names and Pronouns – Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity as expressed by the individual student.” (p. 35).
- “V. Transgender and Nonbinary Student Guidelines and Procedures – G. Day and Overnight Field Trips – If students are to be separated based on gender, the transgender student should be allowed to room with peers that match their gender identity.... Schools have an obligation to maintain the student’s privacy and shall not disclose the student’s transgender status to other students or parents if the student is not already out and/or did not give permission.” (p. 42).
- “I. Background & Principles- A. Executive Summary – Transgender and Nonbinary Student Guidelines and Procedures- Transgender students must be permitted to play on the sports team corresponding to their consistently asserted gender identity.” (p.4)

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