

Tom Grady, *Chair*  
Ben Gibson, *Vice Chair*  
*Members*  
Monesia Brown  
Esther Byrd  
Grazie Pozo Christie  
Ryan Petty  
Joe York

November 18, 2022

Dr. Mark Mullins, Superintendent  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, FL 32940

Dear Superintendent Mullins,

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 Brevard 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 "Brevard County Schools: LGBTQ+ District Guidance," includes the following:

- "Action 2: Names/Pronouns – All students are to be referred to by the gender pronoun and name consistent with their gender identity in verbal and written communication, i.e., in class, at assemblies, on school ID badges, and all other unofficial documents, such as honor roll certificates, and yearbook. Only 'official' documents must use a student's legal name. Official documents include registration, report cards, diploma, standardized tests, student files, ISP/s/S504 Plans, before and after school registration documents."
- "Action 3: Restrooms and Locker Rooms – All students are allowed to access locker rooms and restrooms that are consistent with their gender identity or be provided appropriate accommodations."

JACOB OLIVA  
SENIOR CHANCELLOR

Superintendent Mullins

November 18, 2022

Page 2

If accommodations are desired, decisions should be student driven and with district support on a case-by-case basis.”

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](mailto:ParentalRights@fldoe.org). Please feel free to contact me directly with questions or requests for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob Oliva', with a stylized flourish at the end.

Jacob Oliva  
Senior Chancellor