

The School Board of Marion County, Florida
P.O. Box 670
Ocala, FL 34478

RESOLUTION NO. 16-001

A RESOLUTION OF THE SCHOOL BOARD OF MARION COUNTY, FLORIDA TO RESTRICT ACCESS TO MCPS SINGLE-SEX FACILITIES BASED ON BIRTH SEX IDENTITY

WHEREAS, Marion County Public Schools acknowledges and supports the right of all students to attend schools that are safe, protective, free from violence and harassment, appropriate, and that ensure their right to privacy; and

WHEREAS, the term sex is defined as a person's biological sex, either female or male, as determined at birth; and

WHEREAS, there is a longstanding history in this nation and Florida public schools of restricting access to single-sex restrooms, locker rooms, and other single-sex facilities on the basis of biological sex; and

WHEREAS, students have a reasonable expectation of privacy in MCPS schools and all MCPS single-sex facilities, based on the federal and state constitutions, and other laws; and

WHEREAS, MCPS students are minors, in the majority, who are entitled to education and care in a safe and protective environment; and

WHEREAS, male and female users of MCPS single-sex facilities reasonably expect not to be exposed to persons of the opposite sex while using those facilities; and

WHEREAS, persons who are transgender, gender nonconforming, gender fluid, and/or gender independent are not a protected class under federal or state law or MCPS policies; and

WHEREAS, neither federal nor state law prohibit MCPS from restricting single-sex facilities to use by persons of a designated sex; and

WHEREAS, some students may question their gender identities and assert they are transgender, gender nonconforming, gender fluid, and/or gender independent; and

TRANSGENDER RESOLUTION NO. 1

WHEREAS, MCPS encourages all students with gender identity issues to seek support, advice, and guidance from their parents, staff, professionals, and other trusted adults; and

WHEREAS, The School Board of Marion County, Florida now desires to provide current guidance on this important, complex, and legally unsettled issue to the Superintendent of Schools, school principals, staff, students and parents, particularly regarding the interpretation of applicable School Board Policies;

NOW BE IT THEREFORE RESOLVED that,

Single-sex MCPS facilities designated for girls and women, including but not limited to restrooms and locker rooms, shall be restricted to persons who are biological females; and

Single-sex MCPS facilities designated for boys and men, including but not limited to restrooms and locker rooms, shall be restricted to persons who are biological males; and

Students wishing to use alternative MCPS facilities shall always be offered comparable facilities, as required by law; and

Students dissatisfied or having other concerns with the School District's offer of comparable facilities may avail themselves of the grievance procedures specifically established in current MCPS policies.

THIS RESOLUTION ADOPTED this _____ day of _____, 2016 at a regular meeting of The School Board of Marion County, Florida.

THE SCHOOL BOARD OF MARION COUNTY, FLORIDA

By: _____

Bobby L. James, Board Chair

Attest: _____

George D. Tomy, Superintendent
Secretary to The Marion County School Board