

FAQ: Florida's "Don't Say Gay or Trans" Bill

What LGBTQ+ People Should Know

September 2022

On March 28, Florida Governor Ron DeSantis signed a controversial bill into law known as the "Don't Say Gay or Trans" bill. The law, which is broad and vague, prohibits instruction about sexual orientation or gender identity in grades K-3 and bans instruction about sexual orientation or gender identity in grades 4-12 if it is deemed "not age-appropriate or developmentally appropriate for students." Because primary school instruction is generally discussion-based, some schools have interpreted the law to restrict anything that might elicit discussion about LGBTQ+ people or issues. The law has also imposed new notification requirements on teachers and schools, causing fear that schools will be forced to "out" students and subject them to harm. The result is that the law has silenced LGBTQ+ people and families and left students, teachers, and families guessing about what it means to comply with the law.

Given the law's ambiguity, there may be confusion about what it does and means for LGBTQ+ youth and their families. Here are some frequently asked questions:

What is this law, and why is it called the "Don't Say Gay or Trans" bill?

The law was dubbed the "Don't Say Gay or Trans" law because it censors classroom discussion about sexual orientation and gender identity. Although proponents of the law note that the law does not say LGBTQ+, the law uses the terms "sexual orientation" and "gender identity" to target LGBTQ+ people and issues. Predictably, all of the actions that have been taken to implement the law so far—including the removal of books and anti-bullying guidance—have been limited to LGBTQ+ materials. While the name coined for this bill and other similar bills references being gay, lesbian or trans people, they also impact discussions related to bisexuality, gender nonconformity, and being nonbinary.

Although the bill's language is most drastic regarding discussions in Kindergarten to 3rd grade, it can still be applied to older students if the teachings are not deemed "age-appropriate or developmentally appropriate." Without limiting guidance, this restriction could ban studies that center on LGBTQ+ historical figures such as Harvey Milk, Audre Lorde, and Sylvia Rivera, along with books with queer characters and any mention or celebration of Pride Month or any current LGBTQ+ accomplishments. In addition, LGBTQ+ faculty have questioned whether they can discuss their partners with the class or allow students to talk about their families if they are LGBTQ+.

What else does the law include?

The law imposes requirements on schools and teachers to notify parents when schools change services or monitoring related to a student's "mental, emotional, or physical health or well-being." It also requires teachers and other school district personnel to "encourage" students to discuss their "well-being" with their parents and prohibits them from doing anything that "has the effect of encouraging" a student to withhold information from parents or that "discourages" parental notification of a student's well-being. However, none of these terms are defined. From the

history of the law, schools and teachers know these notification requirements are thinly-veiled references to students coming out as LGBTQ+. Therefore, the law has caused teachers and students to fear that schools will be required to "out" LGBTQ+ young people to their parents or guardians, potentially putting them at risk of harm.

It also invites parents to sue schools if they violate the law, making it even harder to anticipate how aggressively the law might be wielded to silence and control speech about LGBTQ+ people and issues.

How does this law impact LGBTQ+ children and teens?

Schools should be places where all children feel safe, but school is especially important for LGBTQ+ students if their homes are not safe places to be open about their sexual orientation and gender identity. No student should live in fear of being outed for seeking help. It is cruel and demoralizing to deny queer students the right to be seen, heard, and respected.

We also know that schools and curriculums that are inclusive of all young people and their families can save lives. LGBTQ+ teens are at high risk of self-harm and attempting suicide. Still, that [risk falls by 23%](#) when they learn about sexual orientation and gender identity at school because they learn that they are not alone and that what they are experiencing is normal, and their peers learn to respect them. The bill that Governor DeSantis signed into law and similar laws several other states are considering does the exact opposite by further isolating and stigmatizing LGBTQ+ people.

Most importantly, erasure is censorship, and it sends the dangerous message that LGBTQ+ youth do not matter and should not exist, which couldn't be further from the truth.

Is giving teachers the options to ban teaching LGBTQ+ history and barring students from discussing their queer identity and/or families legal or constitutional?

These laws deny students' rights. It is illegal to discriminate against LGBTQ+ students and censor them from talking about their identity, especially when their heterosexual and cisgender counterparts do not have to follow the same rules.

The U.S. Constitution requires equal protection under the law, which means that public schools can't single out LGBTQ+ students for adverse treatment just because school officials disapprove of who they are or feel uncomfortable around people whose gender identity or expression is different from theirs. Students also have well-established free speech rights. The First Amendment allows students to express their support for LGBTQ equality in school without censorship. In addition, Title IX is a federal law that bans discrimination based on sex and protects students at schools that receive federal funds.

What is Lambda Legal doing about this law? What should I do if I or someone I know is impacted?

[Lambda Legal is challenging this law in court.](#) If you are a student in Florida who could be impacted by the passage of the "Don't Say Gay or Trans" law, please contact our Help Desk by visiting <https://www.lambdalegal.org/helpdesk> or by calling our Southern Regional Office at 404-897-1880.

I don't live in Florida, but can this type of legislation affect my children or me?

Most definitely. The Florida law has sparked a flurry of states to create copy-cat bills. In the past year alone, [19 other states have introduced similar legislation censoring LGBTQ-related curricula, materials, student groups, and more.](#) We expect legislatures across the country to continue pushing this type of legislation in the coming years.

What can I do to support LGBTQ+ youth in Florida and beyond?

Knowledge is power. The first step is learning where your state stands and how you can get involved. Check with your state equality group and sign up for updates and action alerts or consult the Equality Federation website here: <https://www.equalityfederation.org/tracker/education>.