

April 22, 2022

The Impact of Anti-LGBTQIA+ Legislation on Youth

Joint Talking BITs and Time with IX

Who We Are

TNG is the risk management touchstone for thousands of schools, colleges, universities, and workplaces across the country.

Together with our member organizations **ATIXA** and **NABITA**, the leading organizations for Title IX administrators and school professionals dedicated to improving the safety of their campuses, **we are dedicated to creating safer and healthier communities through empowering solutions.**





Association of
Title IX Administrators

A professional association focused on the **implementation of federal Title IX** anti-discrimination regulation.

Serving **over 8,000 members** at institutions including:

- Four-year colleges and universities
- K-12 schools and districts
- Junior colleges
- Community colleges
- Technical schools



National Association
for Behavioral Intervention
and Threat Assessment

A professional association working to **create safer schools, colleges, and universities** by offering association membership and training on an institutional and individual basis.

Serving 3,800 members from a variety of institutions, including K-12 schools, colleges, and employers.

We help clients **develop and operate Behavioral Intervention Teams**, which conduct **Threat Assessment and Case Management**.

Agenda



1

Review of the Legislation

2

Impact on Free Speech

3

Impact on Employment

4

Impact on Mental Health



Review of the Legislation

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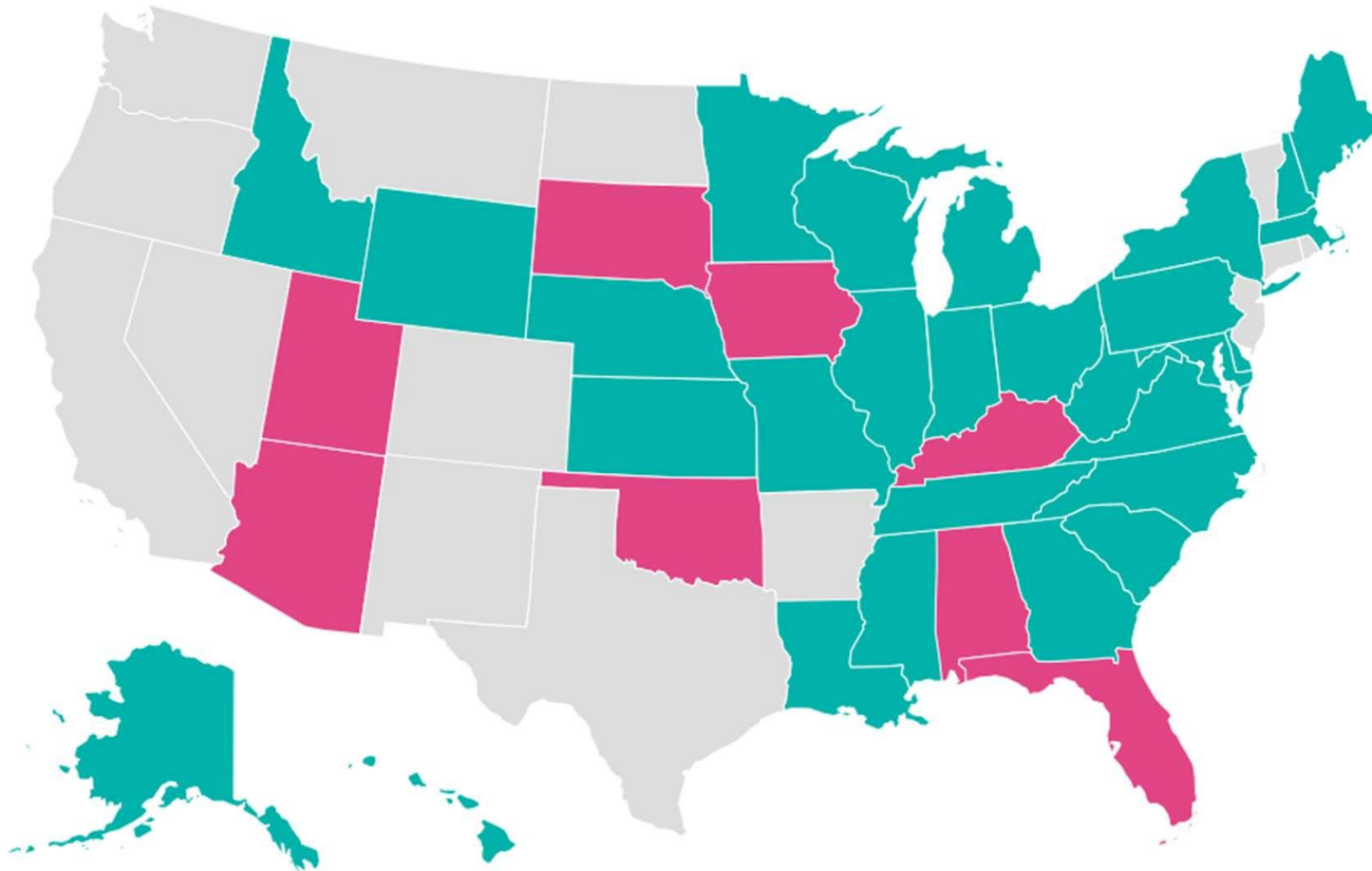
Florida's “Parental Rights in Education” Bill

- Prohibits classroom instruction about sexual orientation or gender identity for students in kindergarten through third grades "or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.”
- Provides parents with the option to sue a school district for “relief, damages, and reasonable attorney fees and court costs” if they believe the policy is violated.
- Requires schools provide a copy of and obtain parental permission to administer a student well-being questionnaire or health screening form.
- Requires parental notification and involvement in “critical decisions affecting a student's mental, emotional, or physical well-being.”

H.B. 1557, 2022 Legislature, Reg. Sess. (Florida 2022). <https://www.flsenate.gov/Session/Bill/2022/1557/BillText/er/PDF>.

Lavietes, M. (n.d.). *Here's what Florida's 'don't say gay' bill would do, and what it wouldn't do*. NBCNews.com. Retrieved April 20, 2022, from <https://www.nbcnews.com/nbc-out/out-politics-and-policy/floridas-dont-say-gay-bill-actually-says-rcna19929>.

ANTI-LGBTQ+ BILLS IN 2022



Updated Friday, April 15, 2022

- States with no anti-LGBTQ+ bills introduced/not in legislative session (14 States & DC):** Arkansas, California, Colorado, Connecticut, Montana, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Rhode Island, Texas, Vermont, Washington, Washington, DC
- States that have introduced anti-LGBTQ+ bills (28 States):** Alaska, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Wyoming
- States that have signed anti-LGBTQ+ bills into law (8 States):** Alabama, Arizona, Florida, Iowa, Kentucky, Oklahoma, South Dakota, Utah

Brief Summary of States Considering New Legislation

- **Alabama:** Prohibits early classroom instruction on sexual and gender identity.
- **Arizona:** Aims to change the state's sex-ed curriculum to focus on biological sex and "not gender identities."
- **Georgia:** Prohibits classroom instruction relating to sexual orientation or gender identity for young students, but it applies to private schools specifically. The bill failed to get any traction this year.
- **Iowa:** Requires parents to consent in writing to any instruction "relating to gender identity" for grades one through six. Prohibits "instruction related to gender identity" for kindergarten programs.
- **Louisiana:** Limits discussion of sexual orientation or gender identity in some grades and prohibit it all together in others.

Brief Summary of States Considering New Legislation (Cont.)

- **South Carolina:** Prohibits “subjecting minors under the age of eighteen” to “controversial and age-inappropriate topics.”
- **Missouri:** Bans "gender or sexual diversity training" in public schools.
- **Indiana:** Similar to the Missouri bill.
- **Kentucky:** Similar to the Missouri and Indiana bills.
- **Oklahoma:** Forbids books from school libraries that focus on "the study of sex, sexual lifestyles, or sexual activity."
- **Tennessee:** Bans books and instructional materials "that promote, normalize, support, or address lesbian, gay, bi-sexual, or transgender issues or lifestyle."
- **Ohio:** Contains similar language used in the Florida bill.



Impact on Free Speech and Employees

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The First Amendment to the Constitution of the United States

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

1791

Tinker v. Des Moines Indep. Com. Sch. Dist.

393 U.S. 503 (1969)

- Free speech rights in public schools
- In order to discipline, the conduct must:
 - **“Materially and substantially interfere with the requirements of appropriate discipline in the operation of the school”**
 - Actual interference, not based on fear of a potential interference
 - “More than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint”
 - Substantial interference with the school’s work
 - **Intrude upon the rights of other students**

Potential Impact on Free Speech and Employees

- Teachers discussing their family, including a same-sex partner
- Teachers or students sharing their preferred pronouns
- Teachers responding to students disclosing/discussing aspects of their identities or family life
- Students asking and teachers answer questions about historical events involving LGBTQ people/events (including the “Parental Rights in Education” bill)
- Administrators/teachers addressing LGBTQ issues that arise in student-on-student bullying
- Academic Freedom and K-12



Impact on Mental Health

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Challenges and Experiences of Trans and Non-Binary Students

The majority of respondents who were out or perceived as transgender while in school (K–12) experienced some form of mistreatment, including:

54%

Verbally Harassed

24%

Physically Attacked

13%

Sexually Assaulted

Transgender students are disproportionately subjected to harassment and discrimination.

Challenges and Experiences of Trans and Non-Binary Students



2-4X

Trans and non-binary students are 2-4x more likely to have at least one mental health condition



40%

Of trans and non-binary individuals have attempted suicide



75%

Of incoming trans and non-binary students say they are likely to seek counseling resources compared to 46% of their cisgendered peers

Lipson, S.K., Raifman, J., Abelson, S., Reisner, S. (2019). Gender minority mental health in the U.S: Results of a national survey on college campuses. *AJPM*, 57, (3). P.293-301

Stolzenber, E., & Hughes, B. (2017). The experiences of incoming transgender college students: New data on gender identity. Published by AACU

Challenges and Experiences of Gay, Lesbian, and Bisexual Students



16%

16% of gay/lesbian youth, and 11% of bisexual youth, have been threatened or injured with a weapon on school property



31%

13% of bisexual youth, and 29% of gay/lesbian youth, have been bullied on school property



22%

22% of bisexual youth, and 21% of gay/lesbian youth, have attempted suicide

Impact of Bill on Mental Health and Safety

- Worsening of already higher rates of mental health distress, suicidality, etc.
- Silencing of LGBTQIA+ individuals
- Potential to lead to more bullying and other discriminatory behaviors
- Reticence to come forward, seek services, etc. for fear of being outed
- Dangers in the home environment for states that include disclosure requirements
- Ripple effect on school climate for LGBTQIA+ students and staff
- Long term societal impact from lack of education around inclusion



Options to Mitigate Effects

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Options to Mitigate Effects

- Anti-bullying/harassment and pro-acceptance/diversity education
- Increase training on recognizing indicators of distress and referring to the BIT
- Suicide awareness and prevention training
- Training/professional development to counselors and other support resources on culturally competent services, particularly for LGBTQIA+ students
- Training on LGBTQIA+ specific issues to school staff and teachers
- Inclusive policies around pronoun usage, bathrooms, locker rooms, etc.
- Contact your legislators (State and Federal Representatives)



Questions?

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